

WRITTEN REPRESENTATIONS: DEADLINE 4

Your reference number: 001-EN010098

Interested Parties: Paul and Joanne Dransfield

Our reference number: DRA198/3

The Property: [REDACTED]

These are the written representations given on behalf of Paul and Joanne Dransfield before deadline 4. They are made in response to the Applicant's comments on our clients' Written Representations made on 22 April 2022.

The responses received on 22 April 2022 are cursory at best. In our clients' written representations dated 29 March 2022 our clients set out, point by point, why the responses received from the Applicant were not sufficient, with reference to authority, raising their significant concerns about the lawfulness of the application and the potential for judicial review of the DCO if the failures in consultation were not addressed. The Applicant's response to this is to say that it "considers that it has adequately responded" already. This is simply not the case and reinforces our clients' concerns about the Applicant's approach to this DCO.

Our clients have instructed us to request in the strongest possible terms that their written representations dated 29 March 2022 are considered in detail by the panel, so that the failure to carry out the pre-requisite consultation can be properly addressed before any order is made that would be subject to judicial challenge.

We would also emphasise the importance of the case law referred to in the written representations dated 29 March 2022 regarding service of notices. These submissions have not been answered. Although there is no duty to use a particular type of delivery service for the section 42 consultation, there is clearly a legal duty on the applicant to ensure notices are received by consultees, as set out in the cases referred to in the written representations dated 29 March 2022.

In conclusion, our clients' representations have not been addressed by the Applicant. Our clients are extremely concerned as to the lawfulness of the DCO application especially in terms of the Applicant's failure to undertake the pre-requisite statutory consultation and we trust that the panel will give this very full and detailed consideration so as to avoid future legal challenge. It may be appropriate for the panel to seek independent legal advice. Our clients would suggest that an independent opinion is sought from a QC at Falcon or Maitland Chambers to verify that our clients' written representations are correct and that the DCO application is unlawful due to the Applicant's failure to consult.

Gordons LLP
On behalf of Paul and Joanne Dransfield
10.05.2022