

From: [REDACTED]
To: [SADEP](#)
Subject: Further Representations submitted on behalf of Mr Clive Hay-Smith, Mr Paul Middleton and Priory Holdings Limited (refs: 20033312, 20032995 and 20033311)
Date: 22 May 2023 16:51:19
Attachments: [image002.png](#)

Dear Examining Authority

On further review of the Applicant's response to the Examining Authority's (ExA's) Second Written Questions, we have noted additional matters which we believe justify further consideration in the Examination. We would be grateful for the ExA to accept these additional representations at their discretion.

In Q2.6.2.2 the ExA raised questions relating to the 'Potential for Greater Impacts with an Extended Construction Period'. The ExA's questions speak to our concerns about the scenario flexibility sought by the Applicant, and the associated risk of an extended construction programme having adverse impacts on businesses and landowners (as set out in the IP's Relevant and Written Representations). We are considering the Applicant's responses to questions a, b, c and e, and may request to make additional representations on these in due course.

in respect of Q2.6.2.2. d) in our view the Applicant's response needs further clarification and consideration in the Examination.

Q2.6.2.2 d): Could such long delays lead to blight for affected landowners? Explain with reasons.

Contrary to the Applicant's response, Article 19 of the dDCO does not restrict the exercise of compulsory purchase powers to 7 years (normally 5 years for a DCO). 7 years is rather the deadline for service of a Notice to Treat or execution of a GVD. Notices to Treat have a duration of up to a further 3 years, after which they expire. Therefore, the timeframe for exercise of compulsory powers (or not) and period of associated landowner / business uncertainty and blight is potentially up to 10 years.

Also, while the draft DCO would require the Applicant to take temporary possession of land within 7 years, once possession is taken, those powers of temporary possession can continue indefinitely until 1 year after the relevant part of the consented development is complete. In the 'sequential' construction scenarios, we understand that the Applicant may be granted consent to complete one project, re-instate land subject to temporary possession, and then return, potentially years later, to complete the second project. By any practical definition landowners and business would be blighted by the associated uncertainty in such a scenario.

Given the long construction period and associated compulsory acquisition powers sought, we consider holding a further Compulsory Acquisition Hearing to consider these and any other relevant matters is appropriate, and request for a further Hearing to be included in the Examination. If the ExA would prefer to deal with this point in the context of a further Issue Specific Hearing (under Onshore Environmental Matters, on the effect of the proposed construction on affected landowners) then we request that a hearing of that nature is arranged.

Yours sincerely

Mark Warnett



Mark Warnett MRICS FAAV

Director

Ardent



[@ardent-management.com](mailto:mark.warnett@ardent-management.com)



Follow Ardent on LinkedIn