

Lake Lothing Third Crossing

Planning Inspectorate Reference: TR010023

Written Representation by Carter Jonas LLP on behalf of Cara
Robinson

Unique Reference Number: 20013123

1. Carter Jonas LLP

- 1.1. Carter Jonas LLP act on behalf of Ms Robinson and write to provide Written Representation regarding the Lake Lothing Third Crossing Development Consent Order application (the 'Application').
- 1.2. We refer and expand on the Relevant Representation submitted by Ms Robinson dated 21st September 2018.
- 1.3. The issues raised in the Representation remain relevant with the exception that it should be noted that no part of Ms Robinson's home [REDACTED] has been included in the Application for compulsory purchase; this was an error in the Representation.

2. Bellablue Beauty Salon

- 2.1. Ms Robinson is the owner of the freehold interest in Bellablue Beauty Salon, Waveney Drive, Lowestoft, NR33 OTN (Bellablue), which is identified in the Application for compulsory acquisition (Plot 5-22).
- 2.2. Ms Robinson has operated her business, Bellablue Nails and Beauty Limited, from the Property since 2009.
- 2.3. If the Applicant is granted compulsory purchase powers to acquire Bellablue, Ms Robinson will need to find a suitable replacement for the continuation of her business in the south of Lowestoft close to her existing client base.

3. Ms Robinson's family home – [REDACTED]

- 3.1. Ms Robinson is the owner of the freehold interest in [REDACTED] her family residence, located approximately 25 metres from Bellablue Beauty Salon.
- 3.2. Living adjacent to her work place has enabled Ms Robinson a balance between earning her livelihood on flexible working hours and being present and available to support her family.
- 3.3. As referred to in the Representation, due to the particular sensitivities of Ms Robinson's family circumstances it is crucial she is able to live adjacent to her work place and enjoy the financial security and flexibility provided by existing arrangements. Change to these arrangements unless mitigated will cause significant harm to family life.

4. Engagement with the Applicant

- 4.1. The particular risk raised by the prospect of the compulsory purchase of Bellablue has been recognised by the Applicant who has in principle offered to also purchase Ms Robinson's dwelling, with the intent that funds from the purchase of both properties could be used to purchase a replacement property (or properties) replicating as far as possible current arrangements.

- 4.2. The difficulty however of finding such a replacement property has also however been acknowledged by the Applicant.
- 4.3. The Applicant proposed draft option terms for the purchase of both the Bellablue business premises and [REDACTED] dated 16th May 2018.
- 4.4. The draft option terms however granted the Applicant the right to acquire both properties (in advance of being granted compulsory purchase powers) but also the ability to cancel the options at short notice.
- 4.5. The draft terms therefore afforded the Applicant every flexibility whilst providing Ms Robinson no certainty due to the cancellation clause.
- 4.6. Progress was ostensibly made in discussions at a meeting between Carter Jonas and the Applicant's agent on 12th July 2018. However no response has been received to Carter Jonas's letter of 31st August 2018 following up on the relevant issues, nor chasing emails of 17th October 2018. Therefore we have had no substantive correspondence with the Applicant for six months.
- 4.7. Despite her vulnerability to the effects of the Scheme Ms Robinson does not have the financial resources to find a comprehensive representation to protect her position. She should not be disadvantaged by this and relies on the Applicant to seriously and urgently cooperate and engage to protect her position, and the Examining Authority to ensure this happens.
- 4.8. Ms Robinson has cooperated with the Applicant to allow access at short notice for surveys in the interests of speed and fostering good will.

5. **Implications of insufficient engagement**

- 5.1. In the preparation and making of a Compulsory Purchase Order an Applicant, as advised in the Guidance on Compulsory purchase process and The Crichel Down Rules published in October 2015, should be open and willing to treat and try to address the concerns and issues of affected interests. The use of Compulsory Purchase Powers should be used as a last resort.
- 5.2. The Applicant has not considered offering to alleviate concerns about future compensation entitlement by entering into agreements about at least the minimum level of compensation which would be payable if the acquisition goes ahead.
- 5.3. The Applicant's agents have not taken up the invitation to inspect the properties to base discussions for the disposal of affected property in a timely way to enable an orderly relocation. Invitation to inspect was made to the Applicant's representatives on 17th October 2018.
- 5.4. The Applicant has not considered offering advice and assistance to Ms Robinson in respect of her relocation in terms of timings and potentially appropriate relocation properties.
- 5.5. The Applicant has not provided a 'not before' date, confirming that acquisition will not take place before a certain time.

5.6. The lack of dialogue means there is a significantly increased risk of Cara Robinson not finding a solution to the compulsory purchase of her property, which will cause hardship.

6. Grounds of objection to the Lake Lothing DCO

6.1. An Applicant for compulsory purchase powers under the Planning Act 2008 is required to seek to acquire property by agreement before applying for powers.

6.2. No offer for Bellablue or [REDACTED] has been received to date and the Applicant's agent has not inspected the properties.

6.3. Finding suitable replacement premises to the south of Lowestoft, away from competition in the town centre and servicing Ms Robinson's clients will be very challenging, and even more so as a suitably close dwelling will also be required.

6.4. The continuing delay increases the risk of hardship and harm to Ms Robinson's livelihood and family life.

6.5. Ms Robinson submits that the Applicant has not satisfied this requirement and should not be granted powers of compulsory acquisition until a suitable and affordable replacement property has been identified and secured.

6.6. Significant further progress is needed to confirm a solution which secures Ms Robinson and her family's future in the face of the risks posed by the Scheme.

6.7. Until such time she therefore objects to the Application.