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**BY EMAIL ONLY**

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Your ref: TR010044  
Our ref: IMX001.004/pa  
16 December 2021

Dear Sirs

**APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR A428  
BLACK CAT TO CAXTON GIBBET IMPROVEMENTS**

**DAVISON & COMPANY (GREAT BARFORD) LTD - INTERESTED PARTY: 20028217**

**1. Introduction**

- 1.1 We are instructed by Davison & Company (Great Barford) Limited.
- 1.2 We refer to the written and oral representations made in the dDCO Examination process by our client as regards the alleged compelling case in the public interest justification put forward by National Highways ('Applicant') for the proposed compulsory acquisition of land belonging to Davison & Co in the dDCO in respect of Plot 14/16a.
- 1.3 We wish to draw a specific matter to the attention of the Examining Authority and respectfully request that they accept, in their discretion, this additional written submission on behalf of our client which should be read together with and alongside the oral and written representations made on its behalf by its surveyors Carter Jonas.

**2. Consideration**

- 2.1 In summary, the Applicant has sought to justify the compulsory acquisition of a significant part of Plot 14/16a for the purposes of borrow pits to extract sub-soil for use in construction of the proposed DCO scheme.
- 2.2 We note, however, that in the Applicant's Statement of Reasons, which is required to set out the Applicant's justification in the public interest for the proposed compulsory acquisition, that no mention is made whatsoever of the purposes of the proposed compulsory purchase of plot 14/16a being for the purposes of borrow pits and/or, any proposed extraction of materials from the land.
- 2.3 Indeed, on the contrary, in relation to 'Work no.111' (which we understand corresponds to the area of land identified by the Applicant for the proposed borrow pits) is misleadingly and inaccurately referred to in the Statement of Works as simply a proposed 'Site Compound Area'.

Partners: Elizabeth Christie, Mary Cook, Duncan Field, Clare Fielding, Michael Gallimore, Raj Gupta,  
Meeta Kaur, Simon Ricketts, Patrick Robinson, Louise Samuel

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## **Examining Authority**

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2.4 The Applicant has clearly not demonstrated, whether in the dDCO and/or in the Statement of Reasons, that compulsory acquisition of Plot 14/16a is necessary in the public interest for the specific borrow pits purposes. In addition, the Applicant has failed to specify over which specific part of Plot 14/16a the borrow pits are proposed to be situated which makes considering the likely significant implications of the proposed compulsory acquisition of this land extremely difficult if not impossible for our client to assess. Moreover, there is no attempt by the Applicant to provide any explanation as to why it is not possible to use the more proportionate and less draconian temporary possession powers over Plot 14/16a for the purposes of the proposed borrow pits. In this regard, it matters not, contrary to the assertions of the Applicant, that the land may be materially changed by the proposed borrow pits, when other land in the dDCO is proposed to be materially changed by permanent works following temporary possession and this is no barrier in these cases to pursuing temporary possession powers. The same considerations should apply to our client.

### **3. Conclusion**

3.1 Accordingly, for the reasons summarised above and particularised in more detail in our client's written representations and oral representations at CAH 1 and CAH 2, we consider that the Applicant has not satisfied the preconditions of section 122 of the Planning Act 2008 for compulsory purchase powers in respect of Plot 14/16a to be authorised

3.2 We would ask that this letter please be placed before the Examining Authority at its earliest possible convenience.

3.3 We are happy to supplement and add to this letter as necessary and as may required by the Examining Authority

3.4 A copy of this proposed additional submission has been shared with the Applicant.

**Yours faithfully**

**Town Legal LLP**