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21 October 2020

Dear Sirs

**Subject M54 to M6 DCO ('the DCO') – Deadline C (3 November 2020)**

We are Solicitors for and act on behalf of Allow Limited ("Allow"). Allow were represented at the Preliminary Hearing by Mrs Christine Baggott of Bagshaws.

On behalf of Allow we request:

1. a separate Compulsory Acquisition Hearing (CAH) to hear Allow's oral objections to the compulsory acquisition of its land interests; and
2. attendance at the following Issue Specific Hearings (ISH) in order that Allow's oral representations can be heard by the Examining Authority:
  - (a) the Biodiversity, Ecology and Natural Environment; and
  - (b) Cultural Heritage Session.

**Compulsory Acquisition Hearing**

The DCO contains a number of applications for compulsory acquisition powers to acquire Allow's property interests and a separate hearing is requested in order for the Examining Authority to hear Allow's oral representations. Allow will be represented by Counsel and the nature and complexity of the issues that relate to Allow's land interest warrants a separate hearing. There remain serious issues relating to the extent of the land take by the Applicant and the reasons for choosing Allow's land as the area for mitigation in respect of the entire Scheme.

## **Issue Specific Hearing – Biodiversity, Ecology and Natural Environment and Cultural Heritage**

Allow wish to make oral representations in respect of the justification for land acquired for biodiversity mitigation. Allow have appointed its own ecology consultants, Aspect, who have raised significant issues and concerns with the scale and location of the mitigation provision put forward by the Applicant. Given that the Applicant is seeking compulsory purchase powers to acquire Allow's land interests mainly for ecological mitigation Allow should be able to put its case forward to the Examining Authority.

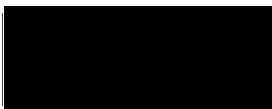
Allow also wish to make representations in respect of the consideration by the Applicant of both the identification of the significance of heritage assets and the assessment of impacts and effects. Allow wish to address the flawed approach by the Application in relation to the identification of heritage assets by the Applicant. Issues in relation to cultural heritage should not be limited to the impact on heritage assets and Allow must have an opportunity to put forward its oral representation following the assessment of heritage assets by its historic landscape consultants, RPS. No trial trenching has been undertaken within plots 5/2 and 4/20c (or indeed anywhere at all within the Scheme boundary), the presence or absence of archaeological sites or features remains uncertain. Without hearing Allow's oral representations, the Examining Authority cannot assess the particular significance of archaeological sites or features on Allow's land interests.

It should also be noted by the Examining Authority that RPS have not be able to visit the National Archives (Kew) or any other archives during their assessment due to the COVID-19 pandemic) and as such their assessment has been limited to available source material.

### **Draft Timetable**

Allow have instructed Counsel to represent its interests at the CAH and ISH. Allow ask that the Examining Authority confirm dates for the CAH and ISH as soon as possible so that dates can be fixed in Counsel's diary. Non-availability of Counsel will be prejudicial to Allow's case and expose them to additional legal costs. Accordingly, we ask that the Examining Authority to confirm the date for the CAH and ISH as soon as possible.

Yours faithfully



**Fieldfisher**