

M54 to M6 DCO - Deadline 3 - 24 November 2020

Allow Limited – Comments on Applicant's first draft revised DCO

Ref TR01005

Allow Limited's comments on the Applicant's first draft revised DCO are shown below. Where Allow Limited rights, interest or land are the subject to the powers of the DCO Allow Limited requires adequate provision to ensure that Allow Limited retained land can continue to operate. Allow Limited will also require all necessary positive covenants to ensure the retained land can continue to operate and where application the Applicant will need to covenant to adequately fence and secure the boundaries to the retained land.

1. Part 5 – Powers of Acquisition and Possession

- 1.1 Para 23 (1) Compulsory acquisition of rights and imposition of restrictive covenants
 - 1.1.1 If in the consequence of any acquisition of rights over the Order Land the access to Allow Limited's retained land is materially obstructed, the undertaker must provide such alternative rights and means of access as will enable Allow Limited to maintain or use its retained land no less effectively than was possible before such obstruction.
 - 1.1.2 Not to allow to pass into the service media serving the retained land any noxious or deleterious effluent or other substance or material which may obstruct or damage the retained land.
 - 1.1.3 The undertaker shall not impose any restrictive covenant that will affect the operation or the use of the retained land by Allow Limited in any way whatsoever.
 - 1.1.4 If in the exercise of the powers conferred by the Order the undertaker acquires any interest in land where any service media is in place which Allow Limited has the right to use and connect to, the undertaker shall notify Allow Limited.
 - 1.1.5 The undertaker shall at its own cost prior to starting the execution of any works in, on or under any such land provide and lay alternative service media together with the right for Allow Limited to use such service media together with the right for Allow Limited to enter onto any land acquired by the undertaker to maintain and connect onto at the cost of the undertaker. The undertaker shall at all time maintain the service media so as not to cause any disruption to Allow Limited
 - 1.1.6 If in the consequence of any acquisition of rights over the Order Land any rights granted to or by Allow Limited and referred to in the registers of title of Allow Limited's land are interfered with, the undertaker must provide such alternative rights as will enable Allow Limited or those it grants rights to exercise such rights no less effectively than was possible before such obstruction.
- 1.2 Para 29 – Temporary use of land for carrying out the authorised development
- 1.3 If the undertaker in consequence of carrying out the authorised development is required whether on a permanent or temporary basis to remove any buildings and vegetation from that land in Allow Limited's ownership it shall replace any building removed and restore the land on which any permanent or temporary works have been constructed.
 - 1.3.1 Any dispute arising between the undertaker and Allow Limited must, unless agreed in writing between the undertaker and Allow Limited be determined in arbitration.
 - 1.3.2 Any notice served on Allow Limited in accordance with the above must be sent to [*details and method to be confirmed*].

1.4 General

1.4.1 The undertaker is required to covenant not to do, permit or authorise anything that would prohibit the on-going use of the Allow Limited's retained land including any occupiers, tenants or licensees of Allow Limited' retained land.

1.4.2 The undertaker shall not obstruct any access ways to the retained land or in any other way interfere or disturb of the rights of the access way or similar rights owned by any other person authorised by Allow Limited.

1.4.3 Where applicable suitable and appropriate maintenance provisions will be required from the undertaker to Allow Limited.

2. Part 6 – Private Means of Access to be Stopped Up and for which a substitute is required.

2.1 Where Allow's land or private means of access are stopped up adequate provisions as set out at paragraph 1 will be required.