

Applicant non-response to LCJMF voluntary settlement offer (11.11.25) — relevance to Compulsory Acquisition  
On 11 November 2025, LCJ Mountain Farms Ltd (“LCJMF”), via its agent Brown & Co, issued a Without Prejudice / Subject to Contract voluntary settlement proposal intended to resolve land rights efficiently and avoid reliance on disputed compulsory acquisition powers.

That offer was not an unparticularised complaint: it proposed a clear commercial structure (including a preferred single blended per-metre approach) and invited a prompt meeting to confirm the structure and instruct solicitors. As of 29 December 2025 (Deadline 5), 48 days have elapsed with no substantive response from the Applicant: no counterproposal, no reasons, and no negotiation meeting to narrow issues. The only update received is Ardent’s email of 19 December 2025 confirming: “no, we haven’t issued a response... [we] provided a recommendation to the client who is considering whether or not to make a counter offer... When we have instructions we will... be in touch.” LCJMF’s agent’s latest position is simply that there is “not a lot to report really!” — i.e., no movement from the Applicant despite the passage of time and the impending end of Examination. (LCJMF can provide the full email chain if requested.)

This matters directly to the Examination because Government’s Planning Act 2008 compulsory acquisition guidance is explicit that applicants should seek to acquire land by negotiation wherever practicable, and that as a rule authority to acquire land compulsorily should only be sought in a DCO if attempts to acquire by agreement fail. The wider compulsory purchase guidance similarly states that a CPO should only be made where there is a compelling case in the public interest and reasonable efforts have been made to negotiate by agreement.

Against that framework, the Applicant’s prolonged non-response to a quantified and structured voluntary offer is inconsistent with the guidance expectation of active negotiation, and it undermines any suggestion that compulsory acquisition powers are being used as a true backstop rather than as the default mechanism for securing rights.

Relief sought / request to the ExA

LCJMF respectfully requests that the ExA:

1. records that, as at Deadline 5, the Applicant has not substantively engaged with LCJMF’s 11.11.25 offer despite 48 days elapsing; and
2. requires the Applicant (by a specified date / Deadline 6 if appropriate) to provide either:
  - (i) a reasoned written response to the 11.11.25 offer, or
  - (ii) a counter-offer with an explained commercial structure; and
3. in considering the CA case (including whether land/rights are no more than reasonably required), takes account of the above negotiation record when assessing whether the Applicant has demonstrated the requisite compelling case for CA in the public interest.