

NORTH LINCOLNSHIRE GREEN ENERGY PARK EXAMINATION OF DEVELOPMENT CONSENT ORDER EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS (EXQ1) WRITTEN RESPONSE ON BEHALF OF AB AGRICULTURAL LIMITED

Planning Inspectorate Ref: EN010116
Interested Party Ref: 20032351

This note has been prepared on behalf of AB Agri Limited in respect of the ExQ1 relative to temporary possession as an Affected Person with regard to Plot No. 5-54 on the Land Plan Sheet No.5.

Q7.0.6 Are any APs aware of any inaccuracies in the BoR [APP-010], Statement of Reasons (SoR) [APP-011] or Land Plans [APP-014]? If so, please set out what these are and provide the correct details.

AB Agri's response: We are satisfied that the documents accurately reflect the compulsory purchase proposals.

Q7.0.7 Do any APs have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?

AB Agri's response: The proposed compulsory acquisition of AB Agri's land is for the temporary possession of Plot 5-54 for the purposes of temporary laydown areas as part of the construction of Work Nos. 10 and 11. According to the Applicant's land agent, possession will be needed for 3 years and is specifically required to provide a working area during construction of the flood defence bund. It has since been clarified by the Applicant that Plot 5-54 is required on a temporary basis for carrying out Work No 13 (construction of flood defences) as shown on Works Plan A11 (AS-009) rather than as part of the construction of Work Nos 10 and 11.

Plot 5-54 comprises an approximately 6-metre deep strip of land along the entire 100-metre southern boundary of AB Agri's site and for 60 metres along the western boundary, with the northern-most possession abutting the main entrance to the processing plant.

Possession for three years of approximately one third of the perimeter of the site and one half of its road frontage will significantly compromise AB Agri's enjoyment of its land. Construction works and activities within AB Agri's site in extremely close proximity to the raw material intake of the animal feed production plant will significantly increase the biosecurity risk of the site even with usual construction environmental management plan. Furthermore, the possession will pose a contamination risk from potential airborne contaminants from the construction works and activity, as well as potential ground contamination that could in turn put the viability of the business at risk.

It is understood from the Applicant that the temporary possession is sought on a worst-case basis in the event that the necessary flood defence cannot be constructed from the area outside AB Agri's land. The Applicant has not demonstrated an alternative which avoids the temporary possession of AB Agri's land, such as the construction method or justification why a flood defence would need to be constructed from AB Agri's land. Following the meeting on 9 December 2022, AB Agri is awaiting further information from the Applicant on the proposed temporary possession.

The Order provides for compensation for 'loss and damage' (clause 31(5)). In the worst-case scenario airborne and ground contamination could result in a business extinguishment claim incurring a cost disproportionate to the purposes of the possession and which may have a significant impact on the viability of the project. Our concerns about the proposed compulsory acquisitions are therefore not addressed by the compensation provision in the Order. The Applicant has not demonstrated a compelling case to take temporary possession in light of the potential damage that it may cause AB Agri's business.