

Immingham Green Energy Terminal DCO Application
Deadline 1 -WRITTEN REPRESENTATION
Holmes and Hills LLP on behalf of The ELVANS FAMILY
Interested party number 20045674

Mrs Elvans is the beneficial owner of [REDACTED] ('The Property'), which lies within the Order limits of the Proposal (APP-008 -Book of reference plot 7/17). If the Immingham Green energy terminal DCO proposal ('The Proposal') is confirmed, then The Property will be compulsorily acquired.

Mrs Elvan's son, [REDACTED], and his partner [REDACTED] occupy The Property as tenants under an AST. [REDACTED] moved into the Property in 1995; [REDACTED] his partner, moved in around 2000; they have [REDACTED] who also live at the Property.

[REDACTED]

It is important for [REDACTED] to remain in his hometown, sufficiently close to his family network and in particular his mother who is taking on the role of [REDACTED] on an increasing basis; [REDACTED] is currently seeking full time employment to support their family which means that [REDACTED] is more reliant on Mrs Elvans than ever before. The stress and worry about losing his family home and having to move further away from his mother and the familiar family support network is having a detrimental effect on [REDACTED] health, which in turn is having an adverse impact on the family as a whole.

[REDACTED]

The Elvans Family consider that [REDACTED] has protected characteristics for the purposes of the Equality Act 2010. The Equality Act 2010 s 149 states that public authorities (which includes the confirming authority) must comply with the public sector equality duty and as such he has the right not to be treated less well or put at a disadvantage for a reason that relates to his protected characteristics. It is contended that being forced to move further away from his family support network will put [REDACTED] at such a disadvantage.

S122 Planning Act 2008 provides that a development consent order may only authorise compulsory acquisition of land if the Secretary of State is satisfied that that the land is both required for the Proposal and that there is a compelling case in the public interest for that compulsory acquisition, namely that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.

Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land states at para 10 that-

The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights [Obligation

to respect human rights] and, in the case of acquisition of a dwelling, Article 8 of the Convention [Right to respect for private and family life].

It is the Elvans Family's position that unless [REDACTED] and his family can be offered the means to secure a replacement home of an equivalent size and standard to his current home within an acceptable proximity to his familiar surroundings and his family support network (and in particular his mother's home) he will put at a severe disadvantage by proposed compulsory acquisition due to his protected characteristics; his human rights and in particular his right to family life will be infringed. As such The Elvans Family contends that there is no compelling case in the public interest to confirm the compulsory purchase powers in the proposed DCO in relation to The Property. The benefits of the Proposal will not outweigh the private loss the Elvans Family will suffer through the compulsory acquisition of their home. As such they object to the Proposal for the reasons set out above.

There has been some engagement by the applicant with the Elvans Family and an offer has been made to purchase the Property ahead of the confirmation of the DCO. Without prejudice to this objection to the Proposal, The Elvans Family is keen to continue with these negotiations. It is however of particular importance to [REDACTED] that he should be able to continue living in Immingham close to his family and in particular close to his mother who plays a key supporting role in his care.