

Palmer & Klein's Written Representations ('WR') set-out their efforts since January 2024 to engage with the Applicant to agree measures to mitigate the scheme's impact on the oil recycling business. It noted there was no engagement by anyone in a decision making role from the project and the need for P&K to write 17 times before the Applicant agreed to the first on-site meeting in November 2025.

At Compulsory Acquisition Hearing 3 (CAH 3), I set out the main mitigation requests:

1. Need for an advance compensation mechanism to advance fund any unavoidable costs of exporting waste-water from site (and avoid critical cash-flow risk if left to the compensation code)
2. Mitigation – agree re-alignment of haul road to the edge of order limits to avoid the waste water spreading area
3. Agree to move cable pulling to other locations

The Applicant had told P&K these issues were being progressed through their 'Commitments' process.

Following CAH 3 we met with the Applicant on-site in early May 2026 where they agreed to set out their position on Commitments for the above by the end of May.

To date we have no response on these Commitments. P&K are therefore in the same position as in January 2024, with no certainty or commitment that there will be any measures to mitigate the significant and avoidable impact of the Scheme.

Relevant government guidance says:

"The confirming authority will expect the acquiring authority to have considered what mitigation measures will be in place against any identified impacts of the exercise of the compulsory purchase powers included in the compulsory purchase order and the acquisition of a person's interest in the land . This may be through mitigation already built into the existing compulsory purchase order process and compensation regimes, or through specific mitigations put in place for the compulsory purchase order to deal with identified issues."

Palmer and Klein's requirements are reasonable and proportionate. They are open to constructive discussions, and await the Applicant acting on the previous assurances they have made, including that the issues will be progressed through the Commitments process. Until then the Applicant has not made reasonable efforts to acquire rights and land by agreement, has therefore not justified a compelling case in the public interest as required for S.122 of the Planning Act 2008.