

From: [REDACTED]
To: [Able Marine Energy Park](#)
Subject: TR030001- Application for a non- material change to the Able Marine Energy Park Development Consent Order 2014
Date: 08 December 2020 13:52:03
Attachments: [Letter of Objection \(corrected\).docx](#)

Ref: TR030001- Application for a non- material change to the Able Marine Energy Park Development Consent Order 2014

Dear Sir/Madam

I sent you two emails yesterday evening regarding the above matter, subsequently I realised that I had inadvertently copied and pasted in a couple of dates that were incorrect. Please find enclosed a corrected version.

Kind Regards
Graham Milner

National Infrastructure
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN



07/12/2020

Ref: TR030001

Dear Sir/Madam

With reference to:

The Able Marine Energy Park Development Consent Order 2014-S.I. 2014 No 2935

Having been afforded a second opportunity to comment on Able UK's **Application for a non-material change to the Able Marine Energy Park Development Consent Order 2014**, I have decided to take it up. I will not repeat my earlier objections, rather, I would like to put on record a number of my own observations and thoughts regarding the whole process of DCOs, CPOs and Able UK's general behavior and the effect it is having on the local community, both wildlife and human. I hope that this will give some understanding to the Secretary of State for Transport, of how Able UK have treated us, the local residents most affected by their activities and how the application for the "non material Change to the DCO" is already adversely affecting me.

I do not know if the information I supply here is pertinent to the decision to be made, this will need to be weighed by the secretary of State. However, I think it will be useful for him/her to have some insight into the practices of Able UK and how they are responding to our, obviously unwanted presence here.

First, I need to make clear that I don't believe that this application is for a non material change to the DCO, in fact it is for a material change and I am already reaping the consequences of it.

Background: My mother and I reside in [REDACTED], next door to each other in detached properties. Our properties are across the road from the proposed "Car Storage Facility" which Able Marine proposes to build, when they have achieved the non material change to the DCO.

My Father was born in [REDACTED] in 1938. My mother and he met when she moved to [REDACTED] at the age of seven. They lived here when they first married and my 2 elder sisters were also born here. After moving to Immingham, they eventually came back to [REDACTED] to live at Hazel Dene with all their children in 1979.

For the first 30 years since 1979, I have never known our garden to flood. My first experience with flooding was in 2007, but this was a one off event caused by 4 days of constant rain. However for the last 4-5 years our gardens have routinely flooded every winter, usually being under two to three inches of water for a couple of days. Last year though we were flooded by five to six inches from October 2019 to March 2020, six months. Maybe this was due to global warming, or maybe it was

due to all the hard standing that has been created at the Able Marine Energy Park, I do not know, but it is an interesting event. Before any more green fields are concreted over it might be a good idea to investigate the cause of these flood events.

For the past two to three years we have also noticed more wild animals entering our garden. Visits to our garden by deer are a weekly occurrence. This has never happened before, we used to only catch glimpses of them from our top windows, fields away. It was a rather sad morning when we found a dead deer on my mother's patio. We are not sure what the cause of death was, but it was young and perhaps couldn't find enough food. The deer are also venturing onto [REDACTED] itself. We and some of our visitors have had some close calls when they have crossed unexpectedly in front of our cars at night. Squirrels are now a constant feature, as are pheasants. This was not the case a few years ago, I have even seen some type of polecat on several occasions, the first time I have seen one in my life. Last summer the fields around us were host to hundreds of Greylag Geese, again I have never witnessed this before. The only conclusion I can come to is that they are being displaced from their usual habits due to the works that are occurring at The Able Marine Energy Park. So even before the removal of mitigation area A, wildlife is struggling to cope with the changes. It is obvious really, if hundreds of acres of green fields are covered over, then wildlife will be affected. The really strange thing though, is that last year I didn't see any rabbits at all. Usually every summer there are lots of baby rabbits hopping all over the garden, unfortunately they eventually become stricken with myxomatosis in autumn, but this year there haven't been any at all.

So it would seem that the local wildlife is being affected by the presence of Able UK and so are the human inhabitants. In September 2016 we had a visit from an agent acting on behalf of Able UK. This particular agent, who shall remain nameless, has visited us on several occasions over the previous 20 years acting for other companies, each time with overtures of wanting to buy our property, and on each of these occasions after much stress and sleepless nights it comes to nothing. This time he was here at the behest of Able UK, with the pretence that Able UK wanted to see if we were alright and stating that Able UK wanted to be 'good neighbours' and hinting that they would be interested in buying our properties if we wished. It was all a bit vague and no firm offer was made. In my opinion it was a 'fishing exercise', my parents were nearing 80 years old at the time and he probably wanted to see how robust they were, at the time my father [REDACTED] [REDACTED] but in every other respect he and my mother were very fit and active.

Four years later, in March 2020 he paid my mother another unsolicited visit, unfortunately I wasn't present on this occasion. My mother wasn't exactly sure what the purpose of his visit was, so I emailed him and asked.

He replied thus;

Yes, it is quite correct that I dropped in to see your Mother on Thursday afternoon. As you may or may not know, I have provided property consultancy advice to Able for several years but my first 'involvement' with your parents and Hazeldene was over 20 years ago, in the late 1990's, when I was providing similar services to an American energy company who at that time we're looking to build a gas-fired power station on land off Station Road and Rosper Road.

I had intended my call on Thursday to only be very 'light touch'. [REDACTED] had been on my 'background' agenda to call for some considerable period of time. The purpose of the visit was not driven by any express recent or urgent instruction from Able, rather an outstanding need for me to simply 'show my face' and to reiterate my role, namely that if ever your Mother

wished to discuss selling, then I remain the point of contact for Able. Insofar as it may be still relevant, your Father had in previous times stated he felt certain your Mother would wish to move 'into Town' whenever anything happened to him.

Of course Able are an obvious and likely buyer but based on previous instruction, any timescales would be driven solely by your Mother. I would therefore confirm that of course Able will always have a serious interest in the property but as matters stand it is simply a case of reiterating that fact.

I replied to this email promptly, requesting that if Able UK wished to purchase our properties then they should make us an offer. I didn't hear anything back for a further four months. Not what I would expect from a professional, in fact the height of bad manners. It indicated to me that Able UK are only interested in their near neighbours, if it is Advantageous for them to be so.

Nevertheless on receiving the agent's eventual reply on the 3rd of July 2020, I acquiesced, in good faith, to his request to obtain 3 valuations of our properties. The three valuations were completed by the 20th August. From the response I received from their agent it would seem that Able UK were obviously not happy with the outcome;

I am sure that both parties will be equally unhappy with the figures but at least there is an objective answer.

I will be grateful if you can both confirm how you wish to proceed from here?

To which I replied

I agree that those values are not acceptable to us, we do of course have our own idea of what our properties are worth. I think that the best way forward at this point would be for Able to make us their best offer, bearing in mind that we would expect the offer to include a substantial element of compensation.

Following this, there were a couple more exchanges between us regarding, in the agent's own words, "the 'buggeration value', to Able"

I pointed out to the agent that losing one's home is quite an important event and would need to be compensated for accordingly. Again, as is his wont, he has gone silent and I have heard nothing from him since August 2020.

I did however hear from the local planning authority on the 10th November 2020, after they received a query regarding the planning status of my home. Of course I don't know who placed this query, but to my knowledge the only entities that have had any interest at all in our properties over the past 18 years have been local businesses with an interest in buying them, so I have a pretty good idea who it might be. The only advantage to Able UK of investigating the planning status of my home is if they intend to use a compulsory purchase order, to obtain it. I believe that Able UK have been the recipient of Government grants worth millions of pounds of public money and yet they are willing to see me and my family homeless in order to save themselves, at the most, £300,000. A small sum of money, to the likes of Able UK, but a life changing amount to me. If Able UK are behind this query, it is a disgusting plot, dreamed up by a deplorable person and any person who assists them in this endeavor is despicable and needs to examine their conscience.

My mother and I do not want to move from [REDACTED] as we are perfectly happy here, but neither do we wish to find ourselves living across the road from an unsightly, noisy, 24 hour car storage facility. So we are definitely amenable to moving, but we would need to receive a fair price for our properties to enable us to do so. If Able UK were the good neighbours that they purport to be they would treat us with some decency, and they would not be playing this ridiculous cat and mouse game, because at the present time we do not know where we stand with them, which presumably is their intention.

I am not the only one to suffer from Able UK's lack of concern for their neighbours. [REDACTED] [REDACTED] who lives at the end of Station Road, not far from me, has a CPO on his property. Able of course are trying to get it from him for as little as possible. Over a year ago I saw that Station Road had been dug up and removed and replaced with a track composed of some type of hardcore material. At the time I wondered why they would dig up a road and replace it with a track, especially as the road continued to be in constant use. It is conjecture of course, but I imagine that digging up the road to [REDACTED] house would certainly send a message that Able UK had carte blanche to do as they pleased. I recall explaining to a bemused delivery driver that there actually was a dwelling down the track that used to be Station Road and that that was where he needed to deliver his package. [REDACTED] also told me that he now has no direct electricity supply and is supplied by a generator, again this could be a genuine mistake by Able UK and perhaps his supply will be reinstated in the near future, but it does cause one to wonder, [REDACTED] certainly believes that it was no accident. He also tells me that for the last year he has been without a phone line on more occasions than he has been with one. Again perhaps unfortunate accidents on the part of Able UK, we shall probably never know.

Another peculiarity with [REDACTED] case is that, Able UK want to compulsory purchase his property, so presumably it is an integral part of their plans, but they are willing to rent it back to him once they have taken ownership. This would seem to defy the whole reason for the CPO in the first place.

The regulations regarding CPOs seem to me to be a complete travesty. Even the terminology is designed to obfuscate what is actually taking place. The use of the term 'compensation' in the parlance of CPOs is an example, what is actually meant by 'compensation' is the purchase price. Calling it compensation is a neat way of not actually paying any extra money in compensation. The phrase 'willing seller' is equally nonsensical. If the seller was willing, there would be no need to compulsory purchase.

The term 'market value' is a misnomer in regard to CPOs. The worth of an asset is determined by what someone is willing to pay for it. In a free democratic society an individual should be able to ask any price he chooses, when selling his home, after all there is no compulsion for the prospective buyer to make a purchase. The willingness of the seller to sell should balance naturally with the willingness of the buyer to buy, resulting in a sum that is acceptable to both. With the exception of our home this holds for every other asset we may have, but this natural law of commerce is circumvented with a CPO and an artificial 'Market Value' is forced on the seller, giving an advantage to the buyer. It stands to reason that a property, which is needed by a profit seeking organization in order to generate more profit, would be worth more than a similar property that is not required by an organization seeking to generate a profit. An enterprising individual should be able to use this circumstance to his own advantage, but CPO regulations prevent him from doing so. An English man's home is his castle, unless a multi millionaire wants it, and then it is not worth much at all. There is very little in the CPO rules that, to my mind, make it a suitable instrument to be used by private organizations and individuals.

If CPOs were exclusively used by the Government in order to build large infrastructure projects for the benefit of the populace at large where no profits to an individual or organization would be generated, this would be all well and good. It cannot be morally right for any organization other than Government to utilize CPO powers, supposedly, CPOs were not intended to be used and abused by private individuals, but unfortunately this does seem to be the case.

It should be that DCOs, and especially those that include the powers of CPO are only granted to organisations that possess the utmost integrity and moral certitude. Unfortunately Able UK seem to have neither of these attributes. I was not surprised that Able UK are about to sign a deal with a

Korean Company, I was only surprised that [REDACTED]

It isn't just the local wildlife that is endangered by Able UK's plans, the local human inhabitants are equally threatened, unfortunately, Able UK, are doing their utmost to avoid paying for an alternative mitigation area for us humans.

I am almost certain that I have wasted three hours of my life writing this missive, but I have done it anyway, on the off chance that someone with a conscience and some moral fibre, may read it and see that this cannot be right and that something needs to be done to protect small people from greedy money grabbing individuals and corporations who don't care about anything or anyone, other than chasing the almighty dollar. As Oscar Wilde so brilliantly put it, these people, "know the price of everything and the value of nothing"

Dr Graham Milner

Addendum to my prior email.

Before sending my previous email I had not read Able UK's response to the Secretary of State's letter of 28th October 2020. Having now had a quick look at it, I feel that my prior response is still valid. I suspect that once Able UK have achieved the non material change to the Development consent order they will resubmit their application for the car storage facility.

In their own words;

"it is for future applications to assess the impact of development of Mitigation Area A"

"Future development [of mitigation area A] would then be considered on its merits at the time when any such proposals were submitted. "

So their whole response to the secretary of state's letter is disingenuous, but unfortunately for them, they have been hoisted on their own petard. They tried to circumvent procedure by going direct to the local planning committee instead of to the Secretary of State, and also gave away their true intention for the non material change to the DCO, which was to enable them to build a car storage facility on mitigation area A.

As far as I can see absolutely nothing has changed, the non material change will lead to a material change, and this cannot be denied. It is only now in their response to the secretary of State's letter of 28th October that they state; "[the intent of the NMC] always was merely to remove the obligation on the Applicant to develop wet grassland at Mitigation Area A". I wonder how long it took them to come up with that.

If this 'non material change' is allowed to go ahead then it makes a mockery of DCOs in general. I bet they wished they had kept the car storage facility to themselves, because as I said in my first response, if I hadn't known about it I would have taken Able UK at their word and believed that it actually was a non material change. I am learning though, I wouldn't place much store on Able UK's words in the future.

Dr Graham Milner

From: [REDACTED]
To: [Able Marine Energy Park](#)
Subject: TR030001-The Able Marine Energy Park Development Consent Order 2014-S.I. 2014 No 2935
Date: 07 December 2020 21:08:59

National Infrastructure

The Planning Inspectorate

Temple Quay House
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11/10/2018

Ref: TR030001

Dear Sir/Madam

With reference to:

The Able Marine Energy Park Development Consent Order 2014-S.I. 2014 No 2935

Addendum to my prior email.

Before sending my previous email I had not read Able UK's response to the Secretary of State's letter of 20th October 2020. Having now had a quick look at it, I feel that my prior response is still valid. I suspect that once Able UK have achieved the non material change to the Development consent order they will resubmit their application for the car storage facility.

In their own words;

"it is for future applications to assess the impact of development of Mitigation Area A"

"Future development [of mitigation area A] would then be considered on its merits at the time when any such proposals were submitted. "

So their whole response to the secretary of state's letter is disingenuous, but unfortunately for them, they have been hoisted on their own petard. They tried to circumvent procedure by going direct to the local planning committee instead of to the Secretary of State, and also gave away their true intention for the non material change to the DCO, which was to enable them to build a car storage facility on mitigation area A.

As far as I can see absolutely nothing has changed, the non material change will lead to a material change, and this cannot be denied. It is only now in their response to the secretary of State's letter of 20th October that they state; "[the intent of the NMC] always was merely to remove the obligation on the Applicant to develop wet grassland at Mitigation Area A". I wonder how long it took them to come up with that.

If this 'non material change' is allowed to go ahead then it makes a mockery of DCOs in general. I bet they wished they had kept the car storage facility to themselves, because as I said in my first response, if I hadn't known about it I would have taken Able UK at their word and believed that it actually was a non material change. I am learning though, I wouldn't place much store on Able UK's words in the future.

Dr graham Milner