

National Infrastructure Planning
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Dear Sirs

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Vattenfall Wind Power Limited ("the Applicant") for an Order Granting Development Consent for the Thanet Extension Offshore Wind Farm

We write further to the above and the Examining Authority's second written questions and requests for information (ExQ2) issued on 10 April 2019.

In this letter:

"the Commissioners" shall mean the Crown Estate Commissioners; and

"Order" shall mean The Thanet Extension Offshore Wind Farm Order once made by the Secretary of State.

In relation to ExQ2 2.1.4, we note your reference to the Burbo Bank Recommendation Report and the need for the consent of the Crown Estate under section 135(2) of the Planning Act 2008 ("the Act") as set out in that Report. Accordingly, the Commissioners confirm their consent for the purpose of section 135(2) of the Act to the inclusion of the following "Crown rights" wording in the Order at Article 40:

"40. — (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee –

(2) to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary) –

(a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land;

(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department;
or

(d) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(3) Consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and will be deemed to have been given in writing where it is sent electronically.”

