

The Crown Estate

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National Infrastructure Planning  
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**AND BY EMAIL:** WestBurtonSolarProject@planninginspectorate.gov.uk

09/07/2024 2024

Dear Sirs

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

**Application by West Burton Solar Project Limited ("the Applicant") for an Order Granting Development Consent for The West Burton Project Order ("the Order")**

I write further to the above.

In this letter:

"the book of reference" shall have the meaning given to it in the Order;

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCO" shall mean the Applicant's draft development consent order (reference REP6-004, revision G and dated April 2024); and

"Order" shall mean the West Burton Project Order 202[•] once made by the Secretary of State.

As you are aware, the Commissioners disagree with any view that section 135(1) of the Planning Act 2008 ("the Act") provides that any provision authorising the acquisition of third party interests in Crown land may only be included in a development consent order if the unconditional consent of the appropriate Crown body to the acquisition is obtained before the development consent order is made.

However, and without prejudice to the Commissioners' position set out in the preceding paragraph, the Commissioners have reached a separate agreement with the Applicant which provides the Commissioners with sufficient assurance as to the way in which compulsory acquisition powers (as contained in Articles 20 and 22 of the Draft DCO) may be exercised in respect of third party interests in Crown land forming part of the Crown Estate. As such, and subject to the below, the Commissioners confirm their consent to the compulsory acquisition of the third party interests in Plot 07-117 (to the extent that this Plot forms part of the Crown Estate), Plot 07-119 and Plot 07-119a for the purpose of section 135(1) of the Act.

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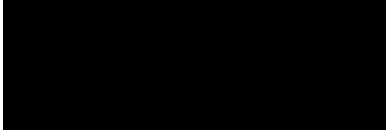
The Commissioners' consent is granted subject to the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act.

Subject to:

1. the inclusion of Article 49 in the Order (in its current form) and its continuing application; and
2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act

the Commissioners confirm their consent to Articles 3, 4, 5, 16, 19, 29, 30, 38, 43, 44 and 49 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Plot 07-117 (to the extent that this Plot forms part of the Crown Estate), Plot 07-119 and Plot 07-119a for the purpose of section 135(2) of the Act.

Yours sincerely



Jonathan Treadaway

**Senior Legal Counsel**

**For and on behalf of the Crown Estate Commissioners**