

River Humber Team
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Your Ref.: ilm/ PFM/4/3/304/43902
Our Ref.:

2 March 2016

Dear Sirs

Planning Act 2008

Application by National Grid Gas plc for an Order Granting Development Consent for the River Humber Gas Pipeline Replacement Project

We refer to the request for The Crown Estate to respond to the Rule17(4) question issued on 1 February 2016:

- "Under the Planning Act 2008 section 135 (1) Crown Estate consent is required to enable a DCO to contain a provision authorising compulsory acquisition of an interest in Crown Land. Are you able to provide that consent under s135(1) and (2)?"

We note that there is provision in the draft Development Consent Order (DCO), which protects Crown interests as follows:

42. – (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 –

(a) to take, use, enter upon or in any matter 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) –

(i) 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;

(ii) 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; or

(iii) 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

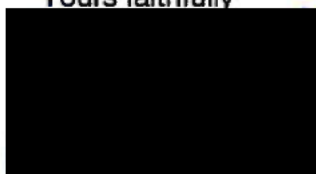
(b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without consent in writing of the appropriate Crown authority (as defined in the 2009 Act).

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and must be deemed to have been given in writing where it is sent electronically.

The Crown Estate Commissioners are currently not in a position to provide consent under subsection (1)(b) of Article 42. However, inclusion of this Article within the final DCO will give the Crown Estate Commissioners the ability to confirm consent in accordance with s135 of the Planning Act 2008 at the appropriate time.

For the avoidance of doubt, The Crown Estate is in negotiations with the Applicant regarding the acquisition of rights over the Crown Land.

Yours faithfully



Vain Mills

For and on behalf
The Crown Estate