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Reference: EN070001

Dear Sirs

Planning Act 2008 (as amended) and Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17
Application by National Grid Carbon Limited for an Order Granting Development Consent for the Yorkshire and Humber CCS Cross Country Pipeline
Request for Further Information relating to the Applicant's draft Development Consent Order (DCO)

We refer to your letter of 18 March 2015 to which we are now responding on behalf of The Crown Estate.

Paragraph 4(f) seeks confirmation from The Crown Estate "that they consent to the inclusion of Article 23 (4), (5) & (6) and Article 24 (6) in the DCO and that they are satisfied that the wording of these articles adequately protects their interest? Can TCE also provide any other consent as is required in accordance with section 135(1)?"

Articles 23(4) and (6) and 24(6)

As drafted, these in effect repeat the provisions of section 135(1) of the Planning Act 2008.

In place of Articles 23 (4) and (6) and 24 (6) The Crown Estate requests the inclusion in the draft DCO of the standard article which The Crown Estate seek in draft DCOs for the protection of Crown Rights in the following terms:

Crown Rights

- (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act) and in particular, nothing in this Order authorises the undertaker –
 - (a) 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) –
 - (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 any 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)
- (2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Article 23(5)

As drafted this Article in effect repeats the provisions of section 135(2) of the Planning Act 2008. Since no request has been received from the Applicant to The Crown Estate to consent to the draft Order being applicable to Crown land, and Article 23(5) provides that "this Order applies to Crown land only to the extent that the appropriate Crown authority consents to such application", it is understood that the draft Order is not intended to apply to any land forming part of The Crown Estate unless the Applicant chooses to make such a request.

Consent under Section 135(1)

It would not appear that, for the purposes of making the draft Order, the Applicant is seeking any other consent under section 135(1), since Articles 23(4) and (6) and Article 24(6) expressly provide for the consent of the appropriate Crown authority to consent to any acquisition of Crown land (Article 23 (4)) or acquisition of an existing right in Crown land or acquisition and/or creation of new rights (Article 24(6)). In any event The Crown Estate do not normally consent to any provision authorising compulsory acquisition of an "interest which is for the time being held otherwise than by or on behalf of the Crown" (see section 135(1)(a)) in order to enable the negotiation of suitable commercial terms between the relevant parties.

We trust that this letter provides a complete response to the Rule 17 request but if any further information is required please let us know.

Yours faithfully



Bond Dickinson LLP