

The Planning Inspectorate

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Date: 21 March 2017

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Dear Sir or Madam

Application by Transport for London (TfL) for an Order Granting Development Consent for the proposed Silvertown Tunnel: Representation by GLAP relating to compulsory acquisition and DCO drafting

GLA Land and Properties Limited ("GLAP") owns land ("GLAP Land") which is proposed to be acquired or used by TfL for the purpose of the proposed Silvertown tunnel ("Scheme").

The GLAP Land comprises the parcels of land shown on sheets 5, 6 and 7 of the land plans which are stated in the book of reference to be owned by GLAP or subject to an interest held by GLAP.

Proposed powers of compulsory acquisition and temporary possession

The draft DCO includes provision for TfL to compulsorily acquire and temporarily use the GLAP Land and to impose restrictive covenants over it.

In recognition of the permanent and temporary impact of the Scheme on the GLAP Land, the Landowners are currently negotiating an agreement with TfL ("Land & Works Agreement"), which seeks to manage and mitigate the impact of the land acquisition and construction activities required to be carried out by TfL to deliver the Scheme. Negotiations are progressing well, and provided that an agreement substantially in the form currently under negotiation is completed prior to the making of the DCO, GLAP has no objection to the making of a DCO which includes powers of compulsory acquisition and temporary possession in the form currently proposed.

s333ZC of the Greater London Authority Act 1999

The draft Land and Works Agreement provides for TfL to carry out certain works which would facilitate the future redevelopment of the GLAP Land at the same time as TfL carries out the works authorised by the DCO which are necessary to deliver the Scheme. The draft agreement also provides for the permanent and temporary acquisition of the

GLAP Land by TfL and the grant of rights and covenants where necessary to ensure that the Scheme and GLAP's redevelopment aspirations can be delivered side-by-side without prejudicing either project. The draft agreement sets out the compensation payable by TfL to GLAP for land taken, recognising and offsetting the value of the works to be delivered by TfL, under the terms of the agreement, to facilitate future redevelopment of the GLAP Land.

Under s333ZC of the Greater London Authority Act 1999, GLAP may not dispose of land held by it for the purposes of housing or regeneration for "less than the best consideration which can reasonably be obtained" unless the Secretary of State consents. Such consent may be 'general' or 'specific'. The Secretary of State has provided a general consent covering disposal by GLAP, in the form set out in Annex 2.

The terms of the Land & Works Agreement have yet to be agreed. While GLAP is seeking to ensure that market value is paid by TfL for the GLAP Land, through a combination of cash and works, it is possible that the Land & Works Agreement as eventually completed will not be a disposal at "best consideration" within the meaning of s333ZC, and will fall outside the scope of the general consent set out in Annex 2.

In such circumstances GLAP would, ordinarily, complete the Land & Works Agreement on a conditional basis – the agreement only being effective on obtaining Secretary of State consent subsequently under s333ZC.

However, in this case, it is imperative for TfL's programme that there is no delay in the coming into force of the Land and Works Agreement following its completion. For this reason, TfL has requested that a provision be inserted into the DCO which dis-applies the operation of s333ZC in relation to the Land & Works Agreement currently under negotiation. GLAP is willing to agree to this. TfL and GLAP have therefore agreed to:

- Put forward DCO drafting to the Examining Authority which would dis-apply s333ZC; and
- Ensure that a clause is provided for in the Land & Works Agreement which makes the relevant provisions of the agreement effective only upon either:
 - the disapplication of s333ZC (through provision in the DCO); or
 - if the DCO drafting requested is not included in the DCO as made, obtaining Secretary of State specific consent under s333ZC.

Proposed DCO drafting dis-applying s333ZC

The drafting which TfL and GLAP propose should be inserted into the DCO in order to dis-apply s333ZC is set out below:

Dis-application of s333ZC of the 1999 Act

(1) The following are not to be regarded as a disposal by the GLA for the purposes of section 333ZC of the 1999 Act:

(a) the making of any agreement between TfL and the GLA before this Order comes into force in anticipation of the exercise of the powers of this Order by TfL;

*(b) the implementation of any such agreement; and
(c) the exercise of the powers of this Order by TfL in accordance with that agreement.*

(2) In this article the GLA includes a company or body through which the GLA exercises functions in relation to housing or regeneration.

(3) Paragraph (1)(a) does not apply to a subsequent variation of any agreement made between TfL and the GLA before this Order comes into force.

The effect of this draft article is that the following will not count as a 'disposal' for the purpose of s333ZC and therefore will not require Secretary of State specific consent:

- entry into a Land and Works Agreement of the sort currently under negotiation, provided that that agreement is entered into prior to the date on which the DCO comes into force. Sub-paragraph (3) of the draft article means that any variation to the Land & Works Agreement would, however, require s333ZC consent if that variation occurs after the coming into force of the DCO;
- implementing, under the terms of the Land & Works Agreement, of the acquisition of land or the grant of rights and covenants where necessary to ensure that the Scheme and GLAP's redevelopment can be carried out most effectively; and
- the exercise of compulsory purchase powers by TfL to the extent agreed by GLAP under the terms of the Land & Works Agreement.

GLAP therefore respectfully requests that the proposed drafting is included in the DCO as made by the Secretary of State.

Yours faithfully



Simon Powell
Assistant Director, Strategic Projects and Property
Housing & Land Directorate

Annex 1

Section 333ZC Greater London Authority Act 1999

333ZC Disposal etc of land held for housing and regeneration purposes

(1) The Authority may not dispose of land held by it for the purposes of housing or regeneration for less than the best consideration which can reasonably be obtained unless the Secretary of State consents.

(2) Consent under subsection (1)—

(a) may be general or specific;

(b) may be given unconditionally or subject to conditions.

(3) Subsection (1) does not apply to a disposal by way of a short tenancy if the disposal consists of—

(a) the grant of a term of not more than 7 years, or

(b) the assignment of a term which, at the date of assignment, has not more than 7 years to run.

(4) A disposal of land by the Authority is not invalid merely because any consent required by subsection (1) has not been given.

(5) A person dealing with—

(a) the Authority, or

(b) a person claiming under the Authority,

in relation to any land need not be concerned as to whether any consent required by subsection (1) has been given.

Annex 2
General Consent
