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Date: 3 January 2020
Enquiries to: Michael Wilks
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Your ref: TR010023
Our ref: SCC/LLTC/POST-EX/Crown Land

Dear Mr Dunn,

Lake Lothing Third Crossing ('LLTC') – DCO Application – Reference TR010023

Response to the Secretary of State's consultation letter dated 10 December 2019 requesting comments from the Applicant in relation to a request for Crown authority consent in connection with the LLTC

This letter constitutes the formal response of Suffolk County Council ('**the Applicant**') to the Secretary of State's '[consultation letter](#)' dated 10 December 2019, published on the Planning Inspectorate's website and received by the Applicant on 11 December 2019.

The Applicant notes that the Secretary of State has not yet received a response to its consultation letter dated 7 October 2019 addressed to DfT Estates, requesting an update on the position of that party, as the appropriate Crown authority in relation to the Applicant's request for Crown authority consent made in respect of land proposed to be acquired and used for the purposes of the LLTC.

Applicant's request for Crown authority consent

As the Secretary of State may be aware, the Applicant originally requested Crown authority consent in connection with the LLTC on 25 June 2018, in advance of submitting its application for development consent for the LLTC to the Planning Inspectorate on 13 July 2018.

Since that time, the Applicant has made repeated attempts to engage with DfT Estates (including providing/re-providing a full package of supporting documentation on at least three separate occasions, with numerous follow-up communications) with the aim of securing the necessary Crown authority consent. Details of such engagement are set out in **Appendix A** to this letter.

To date, the Applicant has received nothing more from DfT Estates than an occasional holding response (see Appendix A).

The Applicant notes that in addition to omitting to respond to the Secretary of State's above-mentioned consultation letter of 7 October 2019, DfT Estates also neglected to reply to the Written Question addressed to it by the Examining Authority during the Examination of the LLTC DCO application (Further Written Questions, Reference ExQ2 1.7; PINS Document Reference PD-012).

The Applicant is frustrated by the failure of DfT Estates to respond in substantive terms to its requests, or to the requests of the Examining Authority and Secretary of State, for information about the progress (or otherwise) of its position on the Applicant's Crown authority consent request. The Applicant is aware that in relation to other nationally significant infrastructure projects, other Government departments, in their respective capacities as the appropriate Crown authority, have engaged and responded in timely and definitive manner to requests from other applicants for Crown authority consent.

Identification of the Crown land

For convenience of reference, the Crown land identified in connection with the LLTC is shown in Figure 1 below, where it comprises four plots, numbered 2-08, 2-10, 2-12 and 2-25, shaded pink and hatched with white diagonal lines, overlaid on an aerial photograph.



Figure 1 also shows:

- the existing fence line – represented by a brown line – marking the northern boundary of operational railway land currently used by Network Rail Infrastructure Limited ('**Network Rail**') in connection with the East Suffolk Line (NB: this includes Crown land plot 2-12);

- operational land owned by Network Rail – shaded blue and green – lying to the south of Crown land plot 2-12;
- land already acquired or used by the Applicant for the purposes of the LLTC – i.e. land lying to the north and west of the fence line (NB: this includes Crown land plots 2-08, 2-10 and 2-25; and
- the LLTC scheme – represented by dark pink lines and grey lines (for more information on this please refer to Figure 4 below).
- NB: the pink, blue and green shading in Figure 1 (and Figure 4) reflects the colours used on the DCO Land Plans (Key Plan and Sheets 1-5: PINS References: APP-016, APP-017, APP-018, REP10-016, REP10-017 and REP10-018) to denote: land proposed to be acquired (pink); land over which new rights are proposed to be acquired (blue); and land which is proposed to be subject to powers of temporary possession (green).

Current use of the Crown land

As noted above, the Crown land consists of four plots, the boundaries of which have been drawn by reference both to information held by HM Land Registry and by reference to Ordnance Survey data, the latter of which reflects the situation on the ground today.

It is not uncommon for the details of HM Land Registry's records of boundaries to differ from boundary features located on the ground, and in the case of the LLTC, the reality is that a fence line bisects the Crown land, with plots 2-08, 2-10 and 2-25 being occupied by Suffolk County Council, and plot 2-12 being occupied (and used) by Network Rail.

Reason for Crown land status

As a result of its diligent inquiry, carried out in connection with preparation of the LLTC DCO application, the Applicant ascertained that, notwithstanding the apparent intention of a 'Demarcation Agreement' entered into in 1996 between the British Railways Board (Residuary) Limited ('**BRBR**') and Railtrack Limited, the land identified as plots 2-08, 2-10, 2-12 and 2-25 in Figure 1 above ('**the BRBR land**') was not included in the onward transfer from BRBR to Dhalia Properties in 2007. In the absence of any evidence to the contrary, it would appear that notwithstanding the transfers in 1996 (to Railtrack Limited) and 2007 (to Dhalia Properties), the BRBR land was never transferred out of BRBR's ownership.

On the abolition of BRBR in 2013, land owned by BRBR passed to the Highways Agency Historical Railways Estate ('**HAHRE**'), which was part of the Department for Transport.

Until 2015, the Highways Agency was an executive agency of the Department for Transport. When the Highways Agency became a strategic highway company known as Highways England, the majority of the land owned by the Secretary of State for Transport was

transferred to Highways England under a Transfer Scheme dated 30 March 2015 and made under section 15 of the Infrastructure Act 2015.

However, land which, on the abolition of BRBR in 2013, had been passed from BRBR to the Secretary of State for Transport (c/o HAHRE), was not included in the Transfer Scheme. Accordingly, the BRBR land remains in the ownership of the Secretary of State for Transport and is managed by the Highways England Historical Railways Estate ('**HEHRE**') on behalf of the Secretary of State for Transport.

The definition of Crown land in section 227(3)(b) of the Planning Act 2008 (where it is defined for the purposes of section 135 of the Planning Act 2008) includes land owned by a government department. Therefore, by virtue of the relationship between HEHRE and the Department for Transport, the BRBR land comes within the definition of Crown land.

As such, the land in plots 2-08, 2-10, 2-12 and 2-25 ('**the Crown land**') would appear to have achieved Crown land status simply by default. As far as the Applicant is aware, during the time which has elapsed since that land was omitted from the transfer by BRBR to Dhalia Properties in 2007, the BRBR land has not been actively used or managed by the Department for Transport. To the extent that the BRBR land is currently used and occupied, this is as shown in Figure 1 (and related commentary) above and as explained in relation to Network Rail (below).

Implications of Crown land status

The Applicant understands that if Crown authority consent is not provided for the compulsory acquisition of non-Crown interests in the Crown land (plots 2-08, 2-10, 2-12 and 2-25), compulsory acquisition powers for the non-Crown interests in those plots cannot be granted.

The Applicant also understands that Crown authority consent is required for both:

- the compulsory acquisition of non-Crown interests in Crown land; and
- any other provisions in the LLTC DCO relating to the Crown land (e.g. for the use of the Crown land to accommodate the elements of the LLTC scheme).

Applicant's response to the questions in the Secretary of State's consultation letter

The Applicant notes that the Secretary of State wishes to understand what the impact on the project would be if compulsory acquisition powers were not granted for the Crown land.

The Applicant trusts that the responses it has provided to the Secretary of State's three questions (which are reproduced below) are sufficient to explain the nature and extent of that impact.

Secretary of State's Question 1

1. For each plot of Crown Land, the Applicant is asked to advise:
 - a. why compulsory acquisition has been sought for the non-crown interests in that plot; and
 - b. whether not obtaining compulsory acquisition powers would create an impediment to the construction or operation of the project.

Applicant's Response to Question 1:

Non-Crown interests: Following diligent inquiry, the Applicant is aware that (in addition to its own interest in the Crown land) the following non-Crown parties also have an interest in the Crown land:

- Network Rail;
- Eastern Power Networks plc (formerly UKPN); and
- Anglian Water.

Protective Provisions: Each of the three parties above has the benefit of Protective Provisions in the (draft) DCO. The terms of the Protective Provisions have been agreed between the Applicant and the respective benefitting parties. In each case, the Protective Provisions require the Applicant to deal with the benefitting parties' interests in land collaboratively and by agreement, rather than through the exercise of compulsory acquisition powers. This requirement applies to the benefitting parties' interests in all land within the Order limits identified in the DCO application, including the Crown land. Accordingly, the Applicant is currently actively engaged in discussions with each of these three parties in order to achieve that objective.

Network Rail: As noted above, in relation to Figure 1, Network Rail currently occupies and uses, for operational purposes, the Crown land in plot 2-12. The LLTC scheme would also affect other land owned and used by Network Rail, as shown shaded blue and green in Figure 1 above (and pink – see box shape – in Figure 3 below). The Applicant has been in discussions with Network Rail for many months and the draft DCO includes Protective Provisions which protect Network Rail's interests in land (affected by the LLTC scheme) from compulsory acquisition. Accordingly, discussions are well advanced in relation to arrangements for dealing by agreement with Network Rail's land and property (where it is affected by the LLTC).

Eastern Power Networks plc: Figure 2 below shows Eastern Power Network plc's asset where it passes through the easternmost extent of the Crown land (circled red). Given the location of the asset, the Applicant considers it is not likely to be affected by the Scheme and therefore the Applicant anticipates that matters will be readily dealt with in accordance with the Protective Provisions. Therefore, notwithstanding the Protective Provisions, the Applicant foresees no requirement for compulsory acquisition powers in respect of this non-Crown interest.

Figure 2 – Eastern Power Networks plc: location of asset (circled in red) in relation to Crown land and LLTC northern landing point



Anglian Water: Figure 3 below shows Anglian Water’s asset where it passes through the westernmost extent of the Crown land (see the brown lines). The asset will be affected by the LLTC scheme, but matters are agreed between Anglian Water and the Applicant. Therefore, notwithstanding the Protective Provisions, the Applicant foresees no requirement for compulsory acquisition powers in respect of this non-Crown interest.

Figure 3 – Anglian Water: location of asset (brown lines) in relation to Crown land and LLTC northern landing point



Unknown owner(s): Both the Book of Reference (submitted in support of the DCO application) and Table 1 below include reference to ‘unknown owner(s)’ in respect of each of the four Crown land plots. This approach was adopted, notwithstanding the Applicant’s diligent inquiry, because the Crown land is unregistered. The Applicant therefore wanted to ensure that, as a contingency measure, powers of compulsory acquisition would be available to it in the event that any new or unknown owners or occupiers were to come to light following the extensive consultation on and publicity relating to the LLTC. To date, however, no such non-Crown interests have come forward and the Applicant now considers that the likelihood that they will do so is subminimal.

In light of the above, the Applicant does not consider that a failure to obtain compulsory acquisition powers in relation to any of the non-Crown interests in any of the Crown land plots would create an impediment to the construction or operation of the LLTC.

Table 1 – plot by plot response to the Secretary of State’s Question 1

| Crown land plots | Description of the land in the plot | <u>Non-Crown interests in the Crown land plot</u> | Qu. 1(a) Why have compulsory acquisition powers been sought for the non-crown interests in the plot? | Qu. 1(b) Would not obtaining compulsory acquisition powers create an impediment to the construction or operation of the project? |
|------------------|--|---|--|--|
| 2-08 | Approximately 4 square metres of land comprising shrubbery (adjacent to operational railway, East Suffolk Line, Lowestoft) | <p>Suffolk County Council (owner and occupier)</p> <p>Network Rail Infrastructure Limited (in respect of rights granted by a demarcation agreement dated 1 May 1996)</p> <p>Anglian Water Services Limited (in respect of apparatus)</p> <p>Unknown owner(s) (potentially, given that the land is unregistered)</p> | CA powers were initially sought prior to development of the detailed design of the project, and also as a contingency measure in respect of unregistered land. | <p>No - Evolving detailed design work indicates that the project can be constructed, operated and maintained without the use or acquisition of plot 2-08.</p> <p>However, the exclusion of plot 2-08 would mean that the current anomaly of Suffolk County Council occupying, but not owning, this plot would be unresolved, thus the Applicant’s preference is to retain this plot within the Order limits and to resolve this issue.</p> |

| Crown land plots | Description of the land in the plot | <u>Non-Crown interests</u> in the Crown land plot | Qu. 1(a) Why have compulsory acquisition powers been sought for the non-crown interests in the plot? | Qu. 1(b) Would not obtaining compulsory acquisition powers create an impediment to the construction or operation of the project? |
|------------------|---|---|--|--|
| 2-10 | Approximately 151 square metres of land comprising grassed area (adjacent to operational railway, East Suffolk Line, Lowestoft) | <p>Suffolk County Council (owner and occupier)</p> <p>Network Rail Infrastructure Limited (in respect of rights granted by a demarcation agreement dated 1 May 1996)</p> <p>Anglian Water Services Limited (in respect of apparatus)</p> <p>Unknown owner(s) (potentially, given that the land is unregistered)</p> | CA powers were sought to ensure the deliverability of the project, in the event that acquisition by agreement was unachievable within a reasonable timescale or at all, and also as a contingency measure in respect of unregistered land. | <p>No, because the only known 'third party' non-Crown interests in this plot are those of Network Rail and Anglian Water, both of which have the benefit of Protective Provisions in the draft DCO.</p> <p>The Protective Provisions require the Applicant (undertaker) to deal with Network Rail's and Anglian Water's assets, apparatus and interests by agreement in any event.</p> |
| 2-12 | Approximately 864 square metres of land comprising shrubbery and grassed area (adjacent to operational railway, East | <p>Suffolk County Council (in respect of rights granted by a demarcation agreement dated 1 May 1996)</p> <p>Network Rail Infrastructure Limited</p> | CA powers were sought to ensure the deliverability of the project, in the event that acquisition by agreement was unachievable within a reasonable | No, because the only known 'third party' non-Crown interests in this plot are those of Network Rail, Anglian Water and Eastern Power Networks, all of which have the |

| Crown land plots | Description of the land in the plot | <u>Non-Crown interests</u> in the Crown land plot | Qu. 1(a) Why have compulsory acquisition powers been sought for the non-crown interests in the plot? | Qu. 1(b) Would not obtaining compulsory acquisition powers create an impediment to the construction or operation of the project? |
|------------------|---|--|--|---|
| | Suffolk Line, Lowestoft) | <p>(owner and occupier – in respect of operational railway)</p> <p>Anglian Water Services Limited (in respect of apparatus)</p> <p>Eastern Power Networks plc (in respect of apparatus)</p> <p>Unknown owner(s) (potentially, given that the land is unregistered)</p> | timescale or at all, and also as a contingency measure in respect of unregistered land. | <p>benefit of Protective Provisions in the (draft) DCO.</p> <p>The Protective Provisions require the Applicant (undertaker) to deal with these parties' assets, apparatus and interests by agreement in any event.</p> |
| 2-25 | Approximately 2 square metres of land comprising shrubbery and grassed area (adjacent to operational railway, East Suffolk Line, Lowestoft) | <p>Suffolk County Council (owner and occupier)</p> <p>Network Rail Infrastructure Limited (in respect of rights granted by a demarcation agreement dated 1 May 1996)</p> | CA powers were initially sought prior to development of the detailed design of the project, and also as a contingency measure in respect of unregistered land. | <p>No - Evolving detailed design work indicates that the project can be constructed, operated and maintained without the use or acquisition of plot 2-25.</p> <p>However, the exclusion of plot 2-25 would mean that the current anomaly of Suffolk</p> |

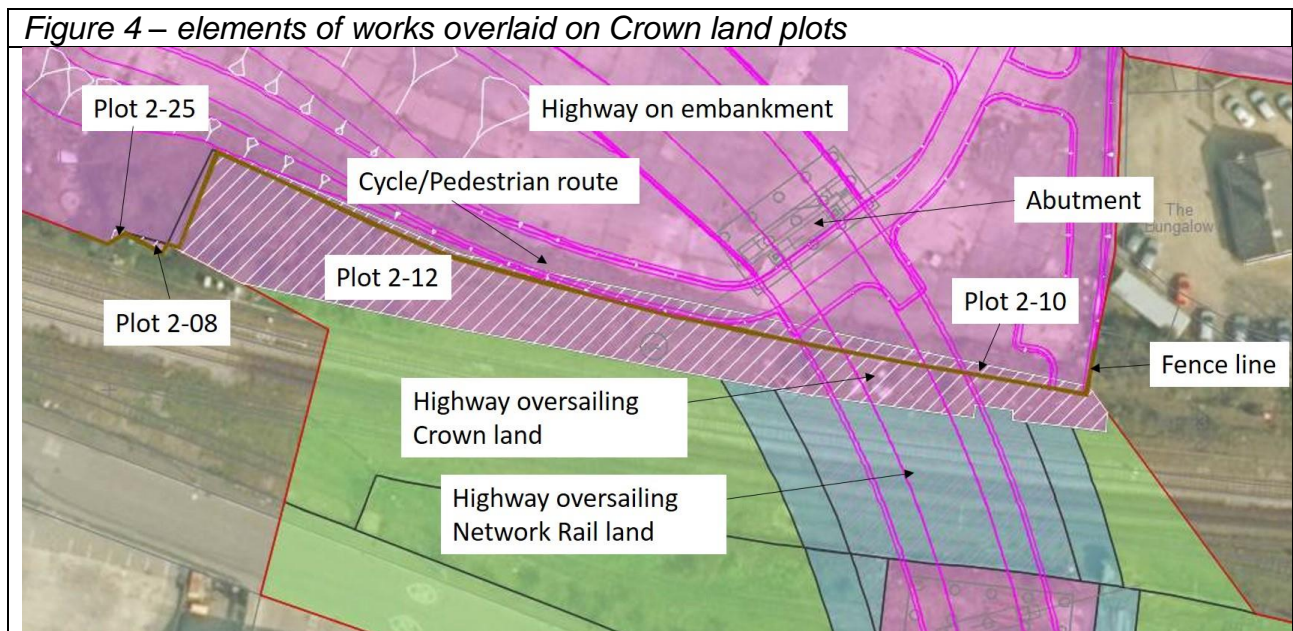
| Crown land plots | Description of the land in the plot | <u>Non-Crown interests</u> in the Crown land plot | Qu. 1(a) Why have compulsory acquisition powers been sought for the non-crown interests in the plot? | Qu. 1(b) Would not obtaining compulsory acquisition powers create an impediment to the construction or operation of the project? |
|------------------|-------------------------------------|---|---|--|
| | | | | County Council occupying, but not owning, this plot would be unresolved, thus the Applicant's preference is to retain this plot within the Order limits and to resolve this issue. |

Secretary of State's Question 2

2. For each plot of Crown Land, the Applicant is requested to set out:
 - a. what elements of the works would be constructed or what activities would be carried out on each Crown Land plot, and
 - b. whether it is possible that the project can be delivered without use of that plot.

Applicant's Response to Question 2:

Figure 4 below shows what elements of the works would be constructed or what activities would be carried out on (and in the vicinity of) each Crown Land plot.



As noted above (in relation to Figure 1), the Crown land is shown shaded pink and hatched white, and the LLTC scheme is shown with dark pink lines.

The new highway would need to oversail the Crown land (it would also oversail Network Rail's East Suffolk Line, as shown in Figure 4 above, where the blue shading is overlaid on the railway lines).

The abutment, being the point from which the oversailing element would begin, is shown in grey in Figure 4 and is labelled 'abutment'. The abutment would be located within land which adjoins the Crown land, and which is owned by the Applicant; it would comprise the southernmost point of the embankment supporting the new highway within the northern landing point site (owned by the Applicant).

For context, Figure 5 below is based on an excerpt from the Applicant's General Arrangement Drawings and shows the proposed layout of the northern landing element of

the LLTC scheme. The position of Crown land plots 2-10 and 2-12 has been overlaid in yellow highlight within Figure 5.

The General Arrangement Drawings are based on the Applicant's preliminary design, presented in the DCO application and examined by the Planning Inspectorate. However, the pink scheme overlay featured in Figures 1 and 4 is based on the Applicant's detailed scheme design and therefore provides the most up-to-date and precise information regarding the Applicant's proposed use of the Crown land for the purposes of the LLTC.

Figure 5 – excerpt from the General Arrangement Drawings (Sheet 1 of 2) submitted in support of the DCO application [REP10-014] – with area of Crown land plots 2-10 and 2-12 overlaid in yellow highlight

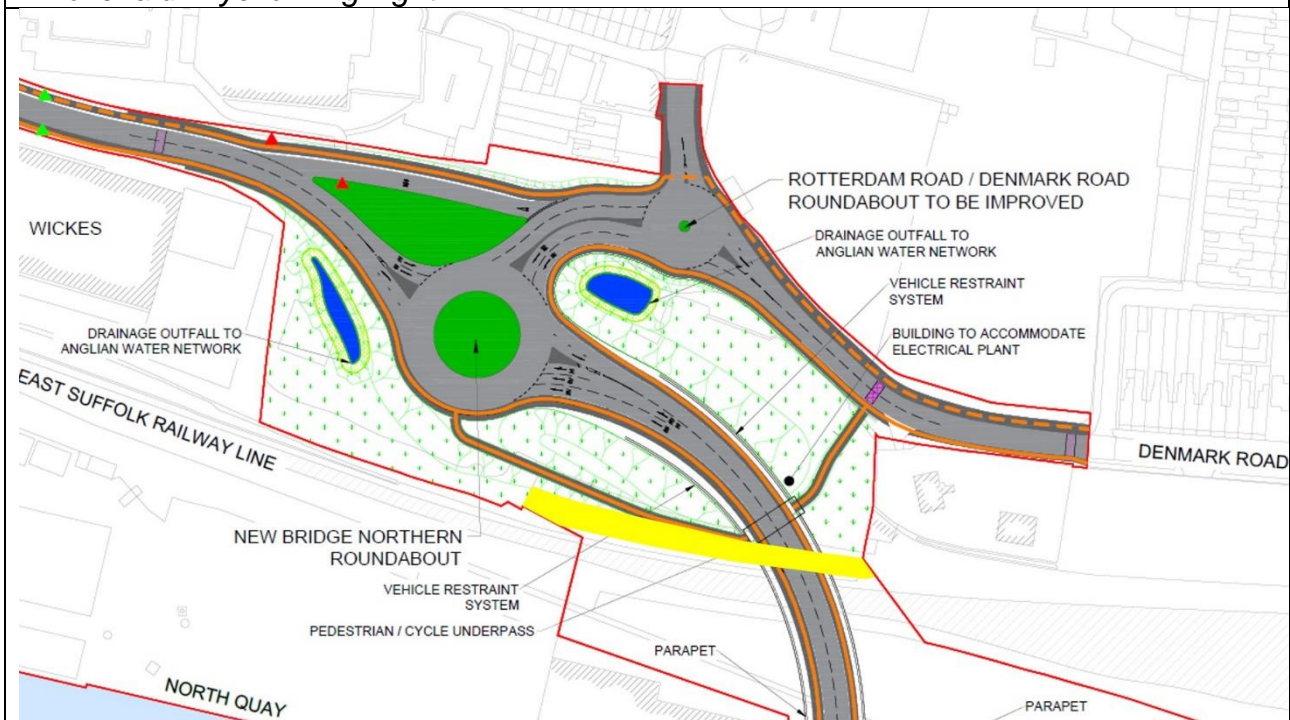


Table 2 below sets out, on a plot by plot basis, what elements of the works would be constructed, or what activities would be carried out on, the Crown land.

Table 2 also confirms whether or not each Crown land plot is still considered to be necessary for the delivery of the LLTC and whether or not the LLTC could be delivered without the use of that plot.

In summary, while the Scheme could be constructed and operated without plots 2-08 and 2-25, the reality is that they are within land already occupied by the Applicant and would fall within the areas proposed to be landscaped (as shown above in Figure 5). If plots 2-08 and 2-25 are not included, then two small pockets of land (totalling 6m²) would be excluded from the landscaping proposals. However, plots 2-10 and 2-12 are vital to the delivery of the LLTC.

Table 2 – plot by plot response to the Secretary of State’s Question 2

| Crown land plots | Qu. 2(a) What elements of the works would be constructed / what activities would be carried out on the plot? | Qu. 2(b) Is it possible that the project can be delivered without use of that plot? |
|------------------|--|--|
| 2-08 | The Applicant considers that Plot 2-08 is not essential to the delivery of the LLTC; however it is currently included in the landscaping proposals for the scheme. | Yes , the project could be delivered without the use of this plot. |
| 2-10 | <p>This plot is required:</p> <ul style="list-style-type: none"> • to deliver (and thereafter operate and maintain) part (i.e. a small sliver – see the image above) of a cycle track / pedestrian route, which would be a new public right of way (‘PRoW’) passing through a new landscaped area accommodating the northern landing site of the new crossing. The PRoW would pass beneath the new crossing within land owned by the Applicant – see the area in Figure 2 above labelled ‘Cycle/Pedestrian Route’; • to be subject to the acquisition of permanent rights enabling the crossing to oversail it – see the area in Figure 4 above labelled ‘Highway oversailing Crown land’ (note: the abutment supporting the northern landing point of the LLTC would be to the north of (and outside of) the Crown land); • to be subject to the acquisition of permanent rights enabling the Applicant to maintain the LLTC; and • temporarily, to facilitate the construction of the LLTC. | No , the project could not be delivered without the use of this plot. |
| 2-12 | <p>This plot is required to be subject to rights enabling the crossing to oversail it.</p> <p>The plot is also required to provide working space, on a temporary basis, to facilitate the construction of the LLTC.</p> | No , the project could not be delivered without the use of this plot. |

| Crown land plots | Qu. 2(a) What elements of the works would be constructed / what activities would be carried out on the plot? | Qu. 2(b) Is it possible that the project can be delivered without use of that plot? |
|------------------|---|--|
| 2-25 | The Applicant considers that Plot 2-25 is not essential for the delivery of the LLTC; however it is currently included in the landscaping proposals for the scheme. | Yes , the project could be delivered without the use of this plot. |

Secretary of State's Question 3

3. It is noted that the consent to compulsory acquisition of non-Crown interests in Crown Land would not provide consent to the use of the Crown Land for the project. The Secretary of State requests:
- a. confirmation whether the Applicant has obtained consent to use such land; and
 - b. where consent has not been obtained, the Applicant is asked to advise how it is proposed to obtain consent and what agreement has been reached or negotiations undertaken to secure such consent.

Applicant's Response to Question 3:

The Applicant assumes that the 'consent to use the land' referred to in the Secretary of State's Question 3 (above) relates to the consent of DfT Estates, on behalf of the Secretary of State, as opposed to the consent of non-Crown interests. The Applicant's responses are provided in Table 3 below on that basis.

In addition, in terms of the non-Crown interests in the Crown land, the Applicant (as explained above) is actively engaging in discussions with Network Rail, Eastern Power Networks and Anglian Water and is of the view that agreement will be reached with each of those parties within a timescale which will ensure that there is no impediment to the construction or operation of the LLTC.

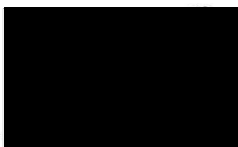
Table 3 – plot by plot response to the Secretary of State's Question 3

| Crown land plots | Qu. 3(a) Has the Applicant obtained consent to use the land? | Qu. 3(b) If no consent has been obtained to date, how does the Applicant propose to obtain consent and what agreement has been reached or negotiations undertaken to secure such consent? |
|------------------|---|--|
| 2-08 | No, the Applicant has not obtained [Crown | As explained above and in Appendix A to this letter, the Applicant has been seeking Crown |
| 2-10 | | |

| Crown land plots | Qu. 3(a) Has the Applicant obtained consent to use the land? | Qu. 3(b) If no consent has been obtained to date, how does the Applicant propose to obtain consent and what agreement has been reached or negotiations undertaken to secure such consent? |
|------------------|---|--|
| 2-12 2-25 | authority] consent to use the land, despite having requested such consent repeatedly since 25 June 2018 (see Appendix A). | <p>authority consent to use the land for the purposes of the LLTC since 25 June 2018.</p> <p>Unfortunately, and frustratingly, the Applicant has found it impossible to engage DfT Estates in any substantive dialogue or negotiations relating to the securing of such consent.</p> <p>However, the Applicant has had constructive written and verbal communications with the Government Legal Department (representing DfT Estates), which has sought to understand the Applicant's request for Crown authority consent.</p> |

If you have any questions on any of the above, or require any further information, please do not hesitate to contact me.

Yours sincerely



Michael Wilks
Consenting Manager, Ipswich and Lowestoft Crossings, Suffolk County Council

Appendix A
Chronology of the Applicant's efforts to secure Crown land consent

| Date | Action |
|------------------------------|--|
| 25 June 2018 at 12:59 | Applicant emails HEHRE with request for Crown authority consent and provides supporting documentation (following precedent relating to previous grants of Crown authority consent from HEHRE in relation to development consent order applications for other road schemes). |
| 25 June 2018 at 13:06 | Applicant resends email to HEHRE with request for Crown authority consent, this time sending supporting documentation via large file share facility. |
| 25 June 2018 at 14:54 | HEHRE forwards Applicant's request for Crown authority consent and accompanying supporting information to DfT Estates , copying in the Applicant; HEHRE explains that HEHRE is not empowered to grant the consent sought and asks DfT Estates to arrange for the matter to be taken forward. |
| 25 June 2018 at 15:07 | Applicant emails HEHRE and DfT Estates confirming request and thanking them for assistance. |
| 23 October 2018 at 20:03 | Applicant emails DfT Estates seeking response to request for Crown authority consent; and offering to re-provide documentation if required. |
| 19 November 2018 at 16:08 | Applicant emails DfT Estates asking for matter to be re-directed if it is not with correct person; Applicant provides update on examination timescales (e.g. examination due to commence on 5 December 2018) and requests indication of when a response to the request for Crown authority consent can be expected to be received (for the purposes of reporting to the DCO examination). |
| 11 February 2019 at 07.01 | Applicant emails DfT Estates referring to previous emails, providing update on progress of DCO examination, drawing attention to agenda for forthcoming compulsory acquisition hearing (13/02/19) which includes an item on Crown land; re-providing all supporting information originally provided in June 2018; and asking for matter to be referred elsewhere if it is not currently with the right person at DfT Estates. |
| 11 February 2019 at 08:54 | DfT Estates emails Applicant requesting information to be resent in an alternative format. |
| 11 February 2019 at 09:03 | Applicant emails DfT Estates confirming documentation will be resent in an alternative format. |
| 13 February 2019 at 01.18 | Applicant emails DfT Estates resending (in alternative format as requested) Crown authority consent request and all supporting documentation. |
| 13 February 2019 at 09:45 | DfT Estates emails Applicant saying, "We are awaiting advice. I have chased up our professional advisers." |
| 13 February 2019 at 14:07 | Applicant emails DfT Estates with thanks for the update, which will be passed on in today's Compulsory Acquisition Hearing; also advising DfT |

| | |
|----------------------------|--|
| | Estates of requirement for post-hearing written submissions on 22 February 2019 and asking for a substantive update by that date, or failing that, by examination deadline on 22 April, or by way of a longstop, during the last round of hearings which are scheduled to be held in w/c 13 May 2019. |
| 11 March 2019 at 13:32 | Applicant emails DfT Estates to check they have been able to access the documentation sent via large file send facility on 13/02/19 (in absence of any receipt of access notification). Applicant advising DfT Estates that files will only be capable of being downloaded until 14/03/19. Applicant informing DfT Estates of compulsory acquisition hearing held on 08/03/19, during which the Examining Authority requested a further update on the position in relation to Crown land consent. Applicant was unable to report any progress. Request for a response reiterated. |
| 25 March 2019 at 21:36 | Applicant emails DfT Estates noting receipt of automatic notification that the large file transfer sent previously had been accessed by DfT Estates (on 11/03/19); Applicant advising that update on Crown authority consent had been requested by the Examining Authority at each of the compulsory acquisition hearings held to date, and again, in Second Written Questions (Applicant also forwarding copy of SWQ addressed to DfT (and to HEHRE) and advising of deadline for responses). |
| 9 May 2019 at 19:41 | Applicant emails DfT Estates requesting response to Crown authority consent request and advising of forthcoming issue specific hearing and compulsory acquisition hearing (scheduled for 14/05/19) and noting that the subject of Crown land consent features on the agendas for both of those hearings. |
| 29 May 2019 at 08:47 | DfT Estates emails Applicant saying, "To advise that I have requested valuation advice from our professional advisers; this is expected to be received at the end of July." |
| 18 July 2019 at 01:17 | Applicant emails DfT Estates following up on and reiterating request for Crown authority consent. |
| 8 August 2019 at 10:38 | Applicant emails DfT Estates following up on and reiterating request for Crown authority consent. |
| 8 August 2019 at 10:41 | DfT Estates emails Applicant saying, "I have chased up the valuation advice and been advised that this should be available within the next week." |
| 30 September 2019 at 11:48 | Applicant emails DfT Estates following up on and reiterating request for Crown authority consent. |
| 02 October 2019 at 16:58 | Government Legal Department emails (and calls) Applicant to ascertain what Applicant is requesting and to discuss how matter can be moved forward. |
| 14 October 2019 at 12:50 | Applicant emails (and calls) Government Legal Department: Applicant provides comprehensive overview of context and documentation sent previously, and undertakes to refresh and re-provide documentation. |

| | |
|-------------------------------------|--|
| 15 October 2019 at 23:58 | Applicant emails Government Legal Department: Applicant resends Crown authority consent documentation and updates the request for Crown authority consent (originally addressed to HEHRE). Noting DfT's request for an update on the Crown authority consent, in the form of the consultation letter dated 7 October 2019 to DfT Estates as published on the Planning Inspectorate's website on 10 October 2019 (response required by 16 October 2019). |
| 15 October 2019 at 23:59 | Applicant emails DfT Estates providing copies of updated Crown land information (as provided to DfT Legal) and noting it would be helpful if DfT Estates could reply by 16 October 2019 to the Secretary of State's consultation letter dated 7 October 2019, as requested. |
| 24 October 2019 at 13:40 | Applicant emails Government Legal Department and requests update, noting no response on PINS website to DfT's letter of 7 October 2019. |
| 28 October 2019 at 13:16 | Government Legal Department emails Applicant advising no new information to report. |
| 28 October 2019 at 14:32 | Applicant emails Government Legal Department to acknowledge response. |
| 13 November 2019 – 17 December 2019 | Voicemails and attempted calls, and telecon, between the Applicant and DfT Legal team regarding need for Crown authority consent and the DfT's 'consultation letter' addressed to the Applicant and dated 10 December 2019. |