

Lower Thames Crossing

4.1 Statement of Reasons

APFP Regulation 5(2)(h)

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- 7.1.9 It should be noted, that all of the interests held by the Crown Estate and Duchy of Lancaster are in relation to Bona Vacantia interests (dissolved companies). Approaches have been made to the Crown Estate (via their solicitors) with regard to these interests that cover the 17 listed plots which are split over three companies. Of the 17 plots confirmation has been received that 2 have been disclaimed and that they have no vested interest in the 9 Plots. The Duchy of Lancaster have been approached with regard to one interest. The Applicant is working towards resolution by the end of the Examination.

Table 7.1 Number of Crown land plots resulting from Category 1 and Category 2 interests

Crown land body	No. of plots in which a Category 1 interest is held	No. of plots in which a Category 2 interest is held
The Secretary of State for Transport	106	118
The Secretary of State for Environment	52	22
The Secretary of State for Health and Social Care	0	28
The Crown Estate	0	17
The Duchy of Lancaster	0	5

7.2 Special category land forming part of a common, open space, fuel or field garden allotment

- 7.2.1 Section 131 of Planning Act 2008 applies to the compulsory acquisition of any land forming part of a common, open space or fuel or field garden allotment. Section 132 of Planning Act 2008 applies to the compulsory acquisition of any rights over land forming part of a common, open space or fuel or field garden allotment. They make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of or rights over such land. These sections make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of land or of rights over such land unless the exemptions in those sections apply. These exemptions and the special category land to which they apply can be found in Table 7.2 and Table 7.6 of this document.
- 7.2.2 For the purposes of sections 131 and 132 of the Planning Act 2008, open space, common land and fuel or field garden allotment are defined as having the same meaning as in section 19 of the Land Acquisition Act 1981.
- 7.2.3 The Acquisition of Land Act 1981 in turn defines these terms as follows:
- 'common' includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green
 - 'fuel or field garden allotment' means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act
 - 'open space' means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

- 7.2.4 Replacement land is defined for the purposes of section 131 as follows:
“replacement land” means land which is not less in area than the Order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.’
- 7.2.5 Section 132 relates to the acquisition of rights over open space, common land, fuel or field garden allotment and broadly follows the same approach as Section 131. Subsection (4) equally applies to the Project in that replacement land is to be offered in exchange and this replacement land will be vested with the same rights, trust and incidents as applies to the Order land. In addition, for some sites, exemptions to replacement land apply under the Sections 131 and 132.
- 7.2.6 Replacement land is defined for the purposes of section 132 as follows:
“replacement land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right
- a. the persons in whom the Order land is vested,
 - b. the persons, if any, entitled to rights of common or other rights over the Order land, and
 - c. the public.’
- 7.2.7 This section of this Statement sets out the application of sections 131 and 132 of the 2008 Act in relation to the proposed compulsory acquisition powers relating to special category land. It should be read alongside ES Chapter 13: Population and Human Health (Application Document 6.1) and Appendix D of the Planning Statement (Application Document 7.2). It is noted that paragraph 5.181 of the NPSNN (DfT, 2014) sets out that ‘where Sections 131 and 132 of the Planning Act 2008 apply, any replacement land provided under those sections will need to conform to the requirements of those sections’. Appendix D to the Planning Statement, in particular, sets out conformity with paragraph 5.181 and so the information contained therein is directly relevant.
- 7.2.8 The sections below should also be read alongside article 40 of the draft DCO (Application Document 3.1). Article 40 provides that where replacement land is provided under section 131 or 132 of the 2008 Act, that replacement land will be subject to the same rights, trusts and incidents in accordance with the requirements of those sections. Further explanation of this article is provided in the Explanatory Memorandum (Application Document 3.2).

Overall position

- 7.2.9 As shown in Part 5 of the Book of Reference (Application Document 4.2) and the Special Category Land Plans (Application Document 2.4), the Application seeks powers of compulsory acquisition over land to which sections 131 and 132 of the 2008 Act apply.
- 7.2.10 The open space land that is impacted by the Project comprises:
- a. 21.63 hectares of land to be permanently acquired
 - b. 35.58 hectares of land required for temporary possession and the permanent acquisition of rights

- 7.2.11 The common land that is impacted by the Project comprises:
- 53.56 hectares of land to be permanently acquired
 - 1.53 hectares of land required for temporary possession and the permanent acquisition of rights

7.2.12 The open space and common land required for the Project is shown on Special Category Land Plans (Application Document 2.4). The sections below provide further details on the application of sections 131 and 132. It should be noted that in some cases sites are subject to both permanent acquisition and subject to the acquisition of rights. Accordingly, in some cases, the replacement land is provided in respect of both sections 131 and 132 of the 2008 Act.

Application of section 131 of the 2008 Act

- 7.2.13 Table 7.2 below sets out the special category land plots within the Order Limits and which of the subparagraphs (e.g., sections 131(4) to (5)) under section 131 apply. The application should not be subject to SPP as at least one or more of the subparagraphs, as set out above, applies in respect of the land which is proposed to be permanently acquired and falls within the definition of land caught by section 131.
- 7.2.14 A description of the current uses of each site listed in Table 7.2 is contained within Appendix D of the Planning Statement (Application Document 7.2). This information has not been repeated here to avoid duplication of information.

Table 7.2 Overview of applicability of sections 131(4), (4A), (4B) and (5)

Application of sections 131	Site name and plot number(s)
Replacement land will be given in exchange for the land to be compulsorily acquired with the same rights, trusts and incidents (section 131(4))	<ul style="list-style-type: none"> • Claylane Wood (plots 06-133, 06-143, 06-157, 06-159 and 06-163) • Folkes Lane Woodland (plot 46-18) • Orsett Fen (plots 35-14, 35-39, 37-01 and 38-58) • Ron Evans Memorial Field (plots 29-02, 29-09 and 33-18) • Shorne Woods Country Park (plots 04-88, 04-144, 04-250, 04-264 and 04-265) • Thames Chase Forest Centre (plots 43-08, 43-22, 43-23, 43-24, 43-25, 43-31, 43-33, 43-39, 44-12 and 44-51) • Tilbury Green (plots 20-63 and 23-106)
For open space land only, replacement land in exchange is not available or would only be available at a prohibitive cost (section 131(4A))	None
For open space land only, the land is only being compulsorily acquired for a temporary (although possibly long-lived) purpose (section 131(4B))	None

Application of sections 131	Site name and plot number(s)
Land to be acquired does not exceed 200 metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary (section 131(5))	<ul style="list-style-type: none"> Roman Road Open Space (plot 06-15)

7.2.15 Table 7.3 below sets out the further information about the open space and common land sites that must be considered under section 131 of the 2008 Act. In particular, the table sets out whether the site is designated as open space by a local (or, where relevant, national) authority or whether the land is registered as common land, total area of the existing site, the relevant plot references, the area proposed to be subject to permanent acquisition, and the relevant work(s) proposed on the site.

Table 7.3 Further information on sites caught by section 131 of the 2008 Act

Site name	Designated as open space or registered as common land	Total area	Plots in Land Plans	Area of land in Order Limits proposed to be permanently acquired	Works planned
Claylane Wood	No – not designated as open space by Gravesham Borough Council	12.95 hectares	06-133, 06-143, 06-157, 06-159 and 06-163	2.70 hectares	Work No. 2B, 2H, 2I, 2Q and 2S
Folkes Lane Woodland	Yes – designated as open space by London Borough of Havering	45.47 hectares	46-18	0.30 hectares	Work Nos. 9E
Orsett Fen	Yes – registered as common land (Reference: CL33)	95.08 hectares	35-14, 35-39, 37-01 and 38-58	52.31 hectares	Work Nos. 8A, 8B, 8G, 8J, 8K, 8T, E35, E36, FCA2 and FCA3
Roman Road Open Space	No – not designated as open space by Gravesham Borough Council.	20.37 hectares	06-15	0.52 hectares	Work No. 2M
Ron Evans Memorial Field	Yes – designated as open space by Thurrock Council	22.14 hectares	29-02, 29-09 and 33-18	7.52 hectares	Work Nos. 7E, 7F, 7Z, E30,

Site name	Designated as open space or registered as common land	Total area	Plots in Land Plans	Area of land in Order Limits proposed to be permanently acquired	Works planned
Shorne Woods Country Park	Yes – designated as open space by Gravesham Borough Council.	119.80 hectares	04-88, 04-144, 04-250, 04-264 and 04-265	0.44 hectares	Work Nos. 1C, 1M, 1H,
Thames Chase Forest Centre	Yes – designated as open space by London borough of Havering	55.74 hectares	43-08, 43-22, 43-23, 43-24, 43-25, 43-31, 43-33, 43-39, 44-12 and 44-51	10.14 hectares	Work Nos. 9A, 9C, 9D, 9E, 9O, 9R,
Tilbury Green	Yes – registered as common land (Reference: CL411)	1.59 hectares	20-63 and 23-106	1.25 hectares	Work Nos. 5B, 5E, 5F, 5I, 5U, E14, CA5 and TFGP1

7.2.16 Table 7.4 below sets out the proposed replacement land for open space and common land sites listed above pursuant to section 131(4) of the 2008 Act. The Applicant considers these replacement areas satisfy the definition of 'replacement land' under section 131 of the 2008 Act. For ease of reference, replacement land under section 131 must be no less in area than the Order land (i.e., the land proposed to be acquired), and must be 'no less advantageous' to persons, if any entitled to rights of common, or other rights, and to the public.

**Table 7.4 Application of section 131(4) of the 2008 Act
(Provision of replacement land)**

Site name	Plots of replacement land	'No less in area'?	Reasons replacement land is no less advantageous than existing site ('the Order land') as per section 131(4) & (12)
Claylane Wood (plots 06-133, 06-143, 06-157, 06-159 and 06-163)	06-167, 11-08, 11-09, 11-11 and 11-12	The replacement land is not less in area because the proposed replacement land is 8.00 hectares (which is in excess of the 2.70 hectares proposed to be permanently acquired as per section 131 and the 4.78 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132)	The replacement land is being included in the draft DCO (Application Document 3.1) on a precautionary basis, for further details see the Planning Statement (Application Document 7.2). The replacement land would be larger in quantity and equally or more accessible, useful and attractive, and its overall quality would be comparable. Additional replacement land would be provided to compensate for the time gap between the existing Claylane Wood being impacted by the Project and the replacement land being laid out for use. See the Appendix D of the Planning Statement (Application Document 7.2) for further details. Accordingly, the replacement land is no less advantageous to the public. There are no persons entitled to rights of common or other rights.
Folkes Lane Woodland (plot 46-18)	46-19, 47-29, 47-32 and 47-33	The replacement land is not less in area because the proposed replacement land is 2.92 hectares (which is in excess of the 0.3 hectares proposed to be permanently acquired as per section 131 and the 1.48 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132)	The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, its time gap is offset by the larger area of replacement land being provided. See the Appendix D of the Planning Statement (Application Document 7.2) for further details. Accordingly, the replacement land is no less advantageous to the public. There are no persons entitled to rights of common or other rights.

Site name	Plots of replacement land	'No less in area'?	Reasons replacement land is no less advantageous than existing site ('the Order land') as per section 131(4) & (12)
Orsett Fen (plots 35-14, 35-39, 37-01 and 38-58)	33-04, 34-14, 34-16, 34-18, 35-04, 37-04 and 38-62	The replacement land is not less in area because the proposed replacement land is 61.97 hectares (which is in excess of the 52.31 hectares proposed to be permanently acquired as per section 131)	<p>The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, its time gap is offset by the larger area of replacement land being provided. See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p> <p>Accordingly, the replacement land is no less advantageous to the public and the Orsett Fen Rights Holders.</p> <p>There are no other persons entitled to rights of common or other rights.</p>
Ron Evans Memorial Field (plots 29-02, 29-09 and 33-18)	29-01, 29-12, 29-16, 29-18, 29-19 and 33-13	The replacement land is not less in area because the proposed replacement land is 9.21 hectares (which is in excess of the 7.52 hectares proposed to be permanently acquired as per section 131 and the 0.75 hectares over which rights are proposed to be permanently acquired and replaced land provided as per section 132)	<p>The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be better, the time gap between impacting the existing land and the provision of replacement land is offset by the larger area of replacement land being provided. See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p> <p>Accordingly, the replacement land is no less advantageous to the public.</p> <p>There are no persons entitled to rights of common or other rights.</p>
Shorne Woods Country Park (plots 04-88, 04-144, 04-250, 04-264 and 04-265)	03-43, 03-54 and 03-85	The replacement land is not less in area because the proposed replacement land is 1.91 hectares (which is in excess of the 0.44 hectares proposed to be permanently acquired as per section 131 and the 1.06 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132)	<p>The replacement land would be larger in quantity and equally or more accessible, useful and attractive, and its overall quality would be comparable, the time gap between impacting the existing land and the provision of replacement land is offset by the larger area of replacement land being provided. See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p> <p>Accordingly, the replacement land is no less advantageous to the public.</p> <p>There are no persons entitled to rights of common or other rights.</p>

Site name	Plots of replacement land	'No less in area'?	Reasons replacement land is no less advantageous than existing site ('the Order land') as per section 131(4) & (12)
Thames Chase Forest Centre (plots 43-08, 43-22, 43-23, 43-24, 43-25, 43-31, 43-33, 43-39, 44-12 and 44-51)	42-19, 42-26, 42-33, 43-04 and 44-19	The replacement land is not less in area because the proposed replacement land is 15.61 hectares (which is in excess of the 10.14 hectares proposed to be permanently acquired as per section 131 and the 3.02 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132)	The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, the time gap between impacting the existing land and the provision of replacement land is offset by the larger area of replacement land being provided. See the Appendix D of the Planning Statement (Application Document 7.2) for further details. Accordingly, the replacement land is no less advantageous to the public There are no persons entitled to rights of common or other rights.
Tilbury Green (plots 20-63 and 23-106)	20-70, 20-78, 20-79 and 23-117	The replacement land is not less in area because the proposed replacement land is 1.28 hectares (which is in excess of the 1.25 hectares proposed to be permanently acquired as per section 131)	The replacement land would be larger in quantity and equally or more accessible, useful and attractive, and its overall quality would be comparable, the time gap between impacting the existing land and the provision of replacement land is offset by the larger area of replacement land being provided. See the Appendix D of the Planning Statement (Application Document 7.2) for further details. Accordingly, the replacement land is no less advantageous to the public There are no persons entitled to rights of common or other rights.

7.2.17 Table 7.5 below sets out open space sites where permanent acquisition is proposed in accordance with section 131(5)

Table 7.5 Application of section 131(5) of the 2008 Act (No replacement land)

Site name	Land to be acquired does not exceed 200 square metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary
Roman Road Open Space (plot 06-15)	Permanent acquisition of land is required for the widening or drainage of an existing highway, or partly for the widening and partly for the drainage of such a highway. Replacement land is therefore not required and the overall function of the Roman Road open space would remain unaffected, and the Project would provide a whole new recreational site nearby, i.e. Chalk Park. As such, the Project complies with the Section 131(5).

Application of section 132 of the Planning Act 2008

Table 7.6 Overview of applicability of sections 132(3), (4), (4A), (4B) and (5)

Application of sections 132	Site name and plot number(s)
Land over which rights are to be acquired will be no less advantageous than it was before (section 132(3))	<ul style="list-style-type: none"> • Cyclopark (plots 07-02, 07-04, 07-05, 08-13, 08-14 and 08-15) • Folkes Lane Woodland (plots 46-04, 46-26 and 47-26) • Jeskyns Community Woodland (plot 06-56) • Orsett Fen (plots 35-13 and 38-55) • Roman Road Open Space (plots 06-03, 07-01, 07-15, 07-17, 07-20, 07-22, 07-23, 07-27, 07-28, 07-41, 08-07 and 08-12) • Ron Evans Memorial Field (plots 29-03 and 29-04) • Shorne Woods Country Park (plot 04-145) • Thames Chase Forest Centre (plots 43-18, 43-19, 43-35, 43-104, 43-105, 43-107, 43-108, 43-111 and 44-08) • Tilbury Green (plots 20-75, 20-76 and 23-120) • Walton Common and Parsonage Common (plots 21-25 and 23-170)
Replacement land will be given in exchange for the land over which rights are to be acquired and subject to the same rights, trusts and incidents (section 132(4))	<ul style="list-style-type: none"> • Claylane Wood (plots 06-144, 06-151, 06-152 and 06-158) • Folkes Lane Woodland (plots 46-06, 46-08, 46-09, 46-11, 46-12, 46-13 and 46-55) • Ron Evans Memorial Field (plots 29-282, 29-283 and 33-35) • Shorne Woods Country Park (plots 03-14 and 04-274) • Thames Chase Forest Centre (plots 43-07, 43-09, 43-106, 43-109 and 43-110)
For open space land only, replacement land in exchange is not available or would only be available at a prohibitive cost (section 132(4A))	None
For open space land only, the Order rights are to be acquired for a temporary (although possibly long-lived) purpose (section 132(4B))	None
Land over which rights are to be acquired does not exceed 200 metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary (section 132(5))	None

- 7.2.18 Table 7.7 below sets out the areas of open space and common land that must be considered under section 132 of the 2008 Act which are subject to the permanent acquisition of rights over that land. The table sets out information on the designation (or registration) of the site, the total area of the site, the relevant plots within the Order Limits, and the area of the land proposed to be subject to permanent acquisition of rights.
- 7.2.19 A description of the existing uses of the sites mentioned in Table 7.7 is contained in Appendix D of the Planning Statement (Application Document 7.2). This information is not repeated here to avoid duplication.
- 7.2.20 It should be noted that the tables below refer to the Walton Common. This site is registered as common land under the reference CL228 (the registration covers an area much larger than the area in the Order Limits and is formally designated by Thurrock Council as ‘The Green, Hall Hill, Fort Road, Parsonage, Walton and Tilbury Fort Commons’). An application made under section 16 of the Commons Act 2006 to deregister land at Walton Common (as well as Tilbury Fort Common) and provide exchange land registered as common land north of the Tilbury Loop railway line was approved by the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs on 12 May 2022. Following this approval the Applicant can confirm that only the registered common is treated as such in the draft DCO (Application Document 3.1) and the de-registered part is no longer relevant to special category land tests.

Table 7.7 Further information on sites caught by section 132 of the 2008 Act

Site name	Designated	Total area of site	Plots in Land Plans	Area in Order Limits proposed to be subject to acquisition of permanent rights	Works planned
Claylane Wood	No – not designated as open space by Gravesham Borough Council	12.95 hectares	06-144, 06-151, 06-152 and 06-158	4.78 hectares (4.78 hectares to be replaced)	Work Nos. G1b, G2, G3, MU17, OH1, and OHT1
Cyclopark	Yes - designated as open space by Gravesham Borough Council	16.24 hectares	07-02, 07-04, 07-05, 08-13, 08-14 and 08-15	0.15 hectares (0.00 hectares to be replaced)	Work No. MU15

Site name	Designated	Total area of site	Plots in Land Plans	Area in Order Limits proposed to be subject to acquisition of permanent rights	Works planned
Folkes Lane Woodland	Yes - designated as open space by London Borough of Havering	45.47 hectares	46-04, 46-06, 46-08, 46-09, 46-11, 46-12, 46-13, 46-26, 46-55 and 47-26	3.99 hectares (1.49 hectares to be replaced)	Work Nos. E51, G10, MU92 and ULH2
Jeskyns Community Woodland	Yes - designated as open space by Gravesham Borough Council	147.49 hectares	06-56	4.69 hectares (0.00 hectares to be replaced)	Work Nos. 1L, E5 and OH1
Orsett Fen	Yes - registered as common land (Reference CL33)	95.08 hectares	35-13 and 38-55	1.06 hectares (0.00 hectares to be replaced)	Work Nos. E36, FCA3 and OH7
Roman Road Open Space	No – Not designated as open space by Gravesham Borough Council.	20.36 hectares	06-03, 07-01, 07-15, 07-17, 07-20, 07-22, 07-23, 07-27, 07-28, 07-41, 08-07 and 08-12	4.87 hectares (0.00 hectares to be replaced)	Work No. MU15 and MU16
Ron Evans Memorial Field	Yes - designated as open space by Thurrock Council.	22.14 hectares	29-03, 29-04, 29-282, 29-283 and 33-35	7.70 hectares (0.75 hectares to be replaced)	Work Nos. E30, MU54, MU55, MU56, MU57, MUT20, OH6, OH7, OHT6 and CA8A
Shorne Woods Country Park	Yes - designated as open space by Gravesham Borough Council	119.8 hectares	03-14, 04-145 and 04-274	2.33 hectares (1.06 hectares to be replaced)	Work Nos. G1a, MU1 and E4

Site name	Designated	Total area of site	Plots in Land Plans	Area in Order Limits proposed to be subject to acquisition of permanent rights	Works planned
Thames Chase Forest Centre	Yes - designated as open space by London Borough of Havering	55.74 hectares	43-07, 43-09, 43-18, 43-19, 43-35, 43-104, 43-105, 43-106, 43-107, 43-108, 43-109, 43-110, 43-111 and 44-08	7.07 hectares (3.03 hectares to be replaced)	Work Nos. 90, E46, MU72, MU78 and OH8
Tilbury Green	Yes – registered as common land (Reference: CL411)	1.59 hectares	20-75, 20-76 and 23-120	0.34 hectares (0.00 hectares to be replaced)	Work Nos. 5U, MU27 and CA5
Walton Common	Yes - registered as common land (Reference CL228)	40.14 hectares	21-25 and 23-170	0.13 hectares (0.00 hectares to be replaced)	Work Nos. MU27 and MU29

7.2.21 Table 7.8 sets out the sites in respect of which the Applicant considers that the land, when burdened with the Order right, will be no less advantageous under section 132(3) of the 2008 Act.

Table 7.8 Application of section 132(3) of the 2008 Act

Site name Plots in Land Plans	Right to be imposed	Application of the section 132(3)
Cyclopark (plots 07-02, 07-04, 07-05, 08-13, 08-14 and 08-15)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for the underground multi-utilities around the peripheral edges of Cyclopark without encroaching into the main site operational area would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights. A small number of car parking bays may potentially be closed temporarily whilst the works take place once complete the public would be able to freely roam over the underground utilities and continue to use the land as part of Cyclopark (e.g. for car parking purposes). The planting restrictions would be imposed on areas where there is an existing hardstanding (i.e. car park) or grassland, and as such the planting restrictions would not result in the land being less advantageous. As such, the Applicant complies with the Section 132(3) in relation to the underground multi-utilities works at Cyclopark</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>
Folkes Lane Woodland (plots 43-07, 43-09, 43-18, 43-19, 43-35, 43-104, 43-105, 43-106, 43-107, 43-108, 43-109, 43-110, 43-111 and 44-08)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for underground multi-utilities at the southern end of the woodland would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. These are works that seek to make use of the existing area of land that is already subject to easements and planting restrictions. UK Power Networks have already cleared this area to maintain their existing asset and the Project would simply make use of the same area. Moreover, this is not an area where the public uses for recreational purposes. As such, the Applicant complies with the Section 132(3) in relation to the underground multi-utilities work.</p> <p>The Applicant's temporary possession of land with permanent acquisition of rights for translocation of protected species would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. This is because the land would be merely subject to long term environmental mitigation management rights for translocation of protected species without the need for any major works or disruptions as the site is already suitable for receiving the protected species. As such, the Applicant complies with the Section 132(3) in relation to the translocation of protected species.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

Site name Plots in Land Plans	Right to be imposed	Application of the section 132(3)
Jeskyns Community Woodland (plot 06-56)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for the translocation of protected species and the restringing of the existing overhead power lines and pylons at the northern end of the site would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights. The translocation of protected species would not disrupt the open space use and would only require the installation of minor items such as dormouse boxes and hibernacula created from log/wood/rubble piles for reptiles. The restringing of the existing overhead power lines and pylons would not introduce any new areas of easements or planting restrictions. As such, the Applicant complies with the Section 132(3) in relation to the translocation of protected species and the restringing of the existing overhead power lines and pylons at the northern end of the site.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>
Orsett Fen (plots 35-13 and 38-55)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights along the Mardyke (for mink control purposes) would allow the order land, when burdened with the order right, to remain no less advantageous to the public as the traps would be placed so as not to conflict with the existing public use and the visits by the Essex Wildlife Trust would not require any closure of the area to the public. Similarly, the order land, when burdened with the order right, would remain no less advantageous to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights because this land already has an existing Public Right of Way (Bridleway 219) which allows public access along the Mardyke. The rights being sought for long term access and maintenance of the mink control devices along the Mardyke would not change the existing situation along the Mardyke which already allows public access. As such, the Applicant complies with the Section 132(3).</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

Site name Plots in Land Plans	Right to be imposed	Application of the section 132(3)
Roman Road Open Space (plots 06-03, 07-01, 07-15, 07-17, 07-20, 07-22, 07-23, 07-27, 07-28, 07-41, 08-07 and 08-12)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for the underground multi-utilities works underneath the existing hardstanding of the walking and cycling route (i.e. Roman Road) would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights. Once complete, the public would be able to freely roam over the underground utilities and continue to use the Roman Road as a walking and cycling route. The planting restrictions would be imposed on areas where there is an existing hardstanding (i.e. the existing path) or grassland, and as such the planting restrictions would not result in the land being less advantageous. As such, the Applicant complies with the Section 132(3) in relation to the underground multi-utilities works at the Roman Road open space.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>
Ron Evans Memorial Field (plots 29-03 and 29-04)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for overhead power lines works would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, as these are works to the existing overhead power lines. The rights being sought for long term access and maintenance of the overhead power lines would not change the existing situation. As such, the Applicant complies with the Section 132(3) and does not need to provide replacement land in relation to the permanent acquisition of rights for overhead power lines.</p> <p>The Applicant's temporary possession of land with permanent acquisition of rights for underground multi-utilities would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights. These are works that are underground using the same land parcels already subject to planting restrictions and easements by the overhead power lines, and the public would still be able to freely roam over the underground utilities. As such, the Applicant complies with the Section 132(3) in relation the underground multi-utilities work.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

Site name Plots in Land Plans	Right to be imposed	Application of the section 132(3)
Shorne Woods Country Park (plot 04-145)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for the translocation of protected species at the southern end of the site would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights. The translocation of protected species would not disrupt the open space use and would only require the installation of minor items such as boxes and hibernacula. As such, the Applicant complies with the Section 132(3) in relation to the translocation of protected at the southern end of the site.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>
Thames Chase Forest Centre (plots 43-18, 43-19, 43-35, 43-104, 43-105, 43-107, 43-108, 43-111 and 44- 08)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for overhead power lines works would mean the order land, when burdened with the order right, would be no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights, as the easements and planting restrictions imposed on the areas of existing grassland where the planting arrangement would be no less advantageous. As such, the Applicant complies with the Section 132(3) in relation to the areas of existing grassland with new easements and planting restrictions where planting arrangements would be no less advantageous.</p> <p>The Applicant's temporary possession of land with permanent acquisition of rights for underground multi-utilities would allow the order land, when burdened with the order right, to remain no less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights. These are works that are underground and there would be a new path laid out over the asset, and the public would be able to freely roam over the underground utilities and use the new path that is in keeping with the other paths in Thames Chase Forest Centre. As such, the Applicant complies with the Section 132(3) in relation to the underground multi-utilities work.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

Site name Plots in Land Plans	Right to be imposed	Application of the section 132(3)
Tilbury Green (plots 20-75, 20-76 and 23- 120)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights along the northernmost section of Tilbury Green for managing the reinstated habitats to ensure they establish successfully to meet the Low Street Pit Local Wildlife Sites criteria for designation would allow the order land, when burdened with the order right, to remain no less advantageous to the public. Public access would not be restricted following the completion of works. Moreover, the order land, when burdened with the order right, would remain no less advantageous to the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights because Public Footpath (FP200) already overlaps the common land in this location, allowing public access along this stretch of the existing Tilbury Green. The rights being sought for access to, and management of the reinstated habitats would not therefore change the existing situation at Tilbury Green in this location. As such, the Applicant complies with the Section 132(3).</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>
Walton Common and Parsonage Common (plots 21-25 and 23- 170)	Permanent acquisition of rights	<p>The Applicant's temporary possession of land with permanent acquisition of rights for the installation of utilities and easements imposed over them for the operation and maintenance of the asset would allow the order land, when burdened with the order right, to remain no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public. The proposed works are temporary in nature and the permanent rights to be acquired are compatible with the existing use of the common land. The proposed design has sought to reduce any potential for disturbance to the common as a result of the operation and maintenance requirements for the asset by incorporating underground ducts that the cables can be pulled through without ground disturbance. As such, the Applicant complies with the Section 132(3).</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

7.2.22 Table 7.9 below sets out the proposed replacement land for open space and common land pursuant to section 132(4) of the 2008 Act. The Applicant considers that these replacements satisfy the requirements under the Act such that the Secretary of State is able to certify accordingly that the replacement land is no less advantageous (under section 132(2)(b)).

**Table 7.9 Application of section 132(4) of the 2008 Act
(provision of replacement land)**

Site name	Plots of replacement land	No less in area?	Application of sections 132(4) & (12)
Claylane Wood (plots 06-144, 06-151, 06-152 and 06-158)	06-167, 11-08, 11-09, 11-11 and 11-12	The replacement land is not less in area because the proposed replacement land is 8.00 hectares (which is in excess of the 4.78 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132 and the 2.70 hectares proposed to be permanently acquired as per section 131)	<p>The Applicant's temporary possession of land with permanent acquisition of rights for the diversion and modification of utility works (overhead power lines, gas pipelines and multi-utilities) would result in the order land, when burdened with the order right, being less advantageous to the public as well as those in whom it is vested and other persons, if any, entitled to other rights. Vegetation clearance would be required for the works. The quality and nature of the site would change for a period until the vegetation has regrown. Moreover, most of land over which permanent rights are sought would have easements imposed for the operation and maintenance of utilities. Although there are already easements at Claylane Wood for utilities, the Project would result in additional easements of a greater size. Planting restrictions would apply, and statutory undertakers would need access to the site for works associated with the new and diverted utilities. For these reasons, land over which permanent rights are to be acquired would be replaced. The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable. Additional replacement land is provided to compensate for the time gap between the existing Claylane Wood being impacted by the Project and the replacement land being laid out for use. Therefore, it would be no less advantageous. As such, the Applicant complies with the Section 132(4).</p> <p>This replacement land is being included in the draft DCO (Application Document 3.1) on a precautionary basis, for further details see the Appendix D of the Planning Statement (Application Document 7.2).</p>

Site name	Plots of replacement land	No less in area?	Application of sections 132(4) & (12)
Folkes Lane Woodland (plots 46-06, 46-08, 46-09, 46-11, 46-12, 46-13 and 46-55)	46-19, 47-29, 47-32 and 47-33	The replacement land is not less in area because the proposed replacement land is 2.92 hectares (which is in excess of the 1.49 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132 and the 0.30 hectares proposed to be permanently acquired as per section 131)	<p>The Applicant's temporary possession of land with permanent acquisition of rights for diversion and modification of the underground gas utilities in the middle of the woodland would mean the order land, when burdened with the order right, would be less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights, as there would be new easements and planting restrictions imposed on the new (diverted) location. Any works carried out in the future under the acquired rights would also likely to cause disruptions to the public due to its location being right in the middle of the woodland. As such, replacement land is duly provided to compensate the area with new easements and planting restrictions. The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, its time gap is offset by the larger area of replacement land being provided, and therefore it would be no less advantageous. As such, the Applicant complies with the Section 132(4) in relation to the provision of replacement land to compensate the area with new easements and planting restrictions.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

Site name	Plots of replacement land	No less in area?	Application of sections 132(4) & (12)
Ron Evans Memorial Field (plots 29-282, 29-283 and 33-35)	29-01, 29-12, 29-16, 29-18, 29-19 and 33-13	The replacement land is not less in area because the proposed replacement land is 9.21 hectares (which is in excess of the 0.75 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132 and the 7.52 hectares proposed to be permanently acquired as per section 131)	The Applicant's temporary possession of land with permanent acquisition of rights for underground multi-utilities would take place at the north-western corner of Ron Evans Memorial Field where there would be ground level access infrastructure associated with the underground multi-utilities to facilitate long term access and maintenance. The presence of these ground level access infrastructure would mean that this section of the land would be less advantageous and replacement land is duly provided. The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be better, its time gap between the impact on the land and the establishment of the replacement open space is offset by the larger area of replacement land being provided, and therefore it would be no less advantageous. As such, the Applicant complies with the Section 132(4) in relation to the underground multi-utilities work. See the Appendix D of the Planning Statement (Application Document 7.2) for further details.
Shorne Woods Country Park (plots 03-14 and 04-274)	03-43, 03-54 and 03-85	The replacement land is not less in area because the proposed replacement land is 1.91 hectares (which is in excess of the 1.06 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132 and the 0.44 hectares proposed to be permanently acquired as per section 131)	The Applicant's temporary possession of land with permanent acquisition of rights for the diversion of a medium pressure gas pipeline and the installation and diversion of underground utilities (UK Power Networks and Openreach) would result in the order land, when burdened with the order right, being less advantageous to the public as well as those in whom it is vested and other persons, if any, entitled to other rights. Some vegetation clearance would be required to deliver the works. A 12-meter-wide easement would be imposed over the diverted gas pipeline to enable access for the operation and maintenance of the asset. The easement would be subject to planting restrictions in accordance with SGN's guidance (Dig safely – Measures to avoid injury and damage to gas pipes) which stipulates no dense tree planting within the easement. Given the land affected is woodland, this would result in the order land, when

Site name	Plots of replacement land	No less in area?	Application of sections 132(4) & (12)
			<p>burdened with the order right, being less advantageous to the public as well as those in whom it is vested and other persons, if any, entitled to other rights. As such, the Project would provide replacement land. The replacement land would be larger in quantity and equally or more accessible, useful and attractive, and its overall quality would be comparable. Additional replacement land would be provided to compensate for the time gap between the existing Shorne Wood Country Park being impacted by the Project and the replacement land being laid out for use. Therefore, the replacement land would be no less advantageous. The Applicant complies with the Section 132(4) in relation to the underground multi-utilities work. See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>
<p>Thames Chase Forest Centre (plots 43-07, 43-09, 43-106, 43-109 and 43-110)</p>	<p>42-19, 42-26, 42-33, 43-04 and 44-19</p>	<p>The replacement land is not less in area because the proposed replacement land is 15.61 hectares (which is in excess of the 3.03 hectares over which rights are proposed to be permanently acquired and replacement land provided as per section 132 and the 10.14 hectares proposed to be permanently acquired as per section 131)</p>	<p>The Applicant's temporary possession of land with permanent acquisition of rights for overhead power lines works would mean the order land, when burdened with the order right, would be less advantageous to the public and to the persons in whom it is vested and other persons, if any, entitled to other rights, as there would be new easements and planting restrictions imposed on the new (diverted) location. As such, replacement land is duly provided to compensate the area with new easements and planting restrictions. The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, its time gap between the impact on the land and the establishment of the replacement open space is offset by the larger area of replacement land being provided, and therefore it would be no less advantageous. As such, the Applicant complies with the Section 132(4) in relation to the provision of replacement land to compensate the area with new easements and planting restrictions.</p> <p>The Applicant's temporary possession of land with permanent acquisition of rights</p>

Site name	Plots of replacement land	No less in area?	Application of sections 132(4) & (12)
			<p>for the underground multi-utilities would impose new easements and planting restrictions, which would mean that the land would be less advantageous and replacement land is duly provided. The replacement land would be larger in quantity, equally or more accessible, useful and attractive, and its overall quality would be comparable, its time gap between the impact on the land and the establishment of the replacement open space is offset by the larger area of replacement land being provided, and therefore it would be no less advantageous. As such, the Applicant complies with the Section 132(4) in relation to the underground multi-utilities work.</p> <p>See the Appendix D of the Planning Statement (Application Document 7.2) for further details.</p>

Linford Allotment

- 7.2.23 The Applicant has identified one area of land where allotments are located, known as Linford Allotment (plot 21-108). It comprises 2.16 hectares of land within the Order Limits and is required for temporary possession and the permanent acquisition of rights in relation to an existing overhead electricity cable. The Applicant does not consider this site falls within the definition of a ‘fuel or field garden allotment’ under section 132 of the Planning Act 2008. This is because, having undertaken a proportionate search of Inclosure Acts, it has not been established that the site was set out as an allotment under any Inclosure Act. Sections 131 and 132 of the 2008 Act are therefore not engaged as the land does not form part of a common, open space or allotment

7.3 National Trust ‘inalienable’ land

- 7.3.1 None of the land to be acquired for the Project is National Trust ‘inalienable’ land for the purposes of section 130 of the Planning Act 2008

7.4 Statutory undertaker land

- 7.4.1 The draft DCO (Application Document 3.1) will authorise the permanent compulsory acquisition of land and rights of statutory undertakers and asset owners comprising multiple plots as described in the Book of Reference (Application Document 4.2) and shown on the Land Plans (Application Document 2.2). This land is held by various statutory undertakers for the purposes of carrying out their statutory undertakings.
- 7.4.2 A list of these statutory undertakers and the relevant land plots can be found in Appendix 1 of this Statement of Reasons.