

Lower Thames Crossing

9.223 Letter of Confirmation – SoS Environment, Food and Rural Affairs (Crown Land)

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1 Introduction

- 1.1.1 This document sets out National Highways response to the requirement under s135(1)(b) of the Planning Act 2008 that “An order granting development consent may include provision authorising the compulsory acquisition of an interest in Crown land . . . only if the appropriate Crown Authority consents to the acquisition.”

2 Section 135 Consent from the Secretary of State for the Environment, Food and Rural Affairs

- 2.1.1 National Highways can confirm that the Secretary of State for Environment, Food and Rural Affairs has granted the Crown’s consent under section 135 of the Planning Act 2008. A copy of the letter of consent is attached below.

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13 December 2023

By email

Dear [REDACTED]

**Lower Thames Crossing: Application for Development Consent Order (PINS Ref TR010032)
Application for Crown Consent under s135 Planning Act 2008 (the Application)**

Introduction

We write in response to your request for the consent of the Secretary of State of Environment, Food and Rural Affairs (the **Secretary of State**) in connection with the Application by National Highways. Legal title to the Land (as further defined below) is held by the Secretary of State.

The Forestry Commissioners (the **Commissioners**) exercise the functions of the Forestry Commission (**FC**), which is a Non-Ministerial Department. Forestry England (**FE**) is an executive agency of the FC and a Crown body, which manages and controls the public forest estate.

The Land is put at the disposal of the Commissioners pursuant to s39(1) of the 1967 Act, and managed by FE pursuant to s3(1) of the 1967 Act.

We write on behalf of the Commissioners, the Secretary of State, and on our own behalf, to confirm the basis upon which Crown Consent under s135(1) Planning Act 2008 is given to the Application, having completed the approval process under paragraph 9.2 of the Forestry Commission framework document May 2020.

Unless otherwise stated, in this letter references to "we" and "our", mean the Secretary of State, FC, and FE.



Background

National Highways has applied for a Development Consent Order (**DCO**) under the Planning Act 2008 (the **Act**) for the Lower Thames Crossing, which is being examined by the Planning Inspectorate under reference TR010032 (the **Scheme**). The Scheme provides for the compulsory acquisition of land in which the Secretary of State has rights. We have considered the application documents and the book of reference, and the affected land is detailed by reference to the plot references (as contained in the Book of Reference relating to the Scheme) set out in the Annex to this letter and in the table that follows (the **Land**):

Crown Authority	Land requirement	Crown land plot(s)
The Secretary of State for Environment Food and Rural Affairs	Acquisition of land and rights	03-147, 06-53, 06-56, 43-07, 43-08, 43-09, 43-18, 43-19, 43-22, 43-23, 43-24, 43-25, 43-26, 43-29, 43-31, 43-32, 43-33, 43-34, 43-35, 43-39, 43-104, 43-105, 43-106, 43-107, 43-108, 43-109, 43-110, 43-111, 44-01, 44-05, 44-08, 44-12, 44-25, 44-27, 44-39, 44-48, 44-51, 44-59, 46-04, 46-06, 46-08, 46-09, 46-11, 46-12, 46-18, 46-21, 46-25, 46-26, 46-55, 47-01, 47-10, 47-26, 48-03, 48-04, 48-05 and 48-06
The Secretary of State for Environment Food and Rural Affairs	Temporary possession	05-01, 05-02, 05-03, 05-05, 05-06, 06-75, 06-116, 06-153, 43-10, 43-27, 43-28, 44-64 and 44-73

The Annex also contains details of the proposed use of the Land (the **Uses**), as per the following:

- Acquisition Type 'CA' refers to permanent land acquisitions and is highlighted pink
- Acquisition Type 'CAR' refers to permanent acquisition of rights and is highlighted blue
- Acquisition Type 'TP' refers to temporary possession and is highlighted green
- The land to be transferred to the Secretary of State is described as 'Replacement Land' under the 'Summary of Interest' column

The Scheme further provides for land to be transferred at nil cost to the Secretary of State and put at the disposal of the Commissioners pursuant to s39(1) of the 1967 Act, and



managed by FE pursuant to s3(1) of the 1967 Act as set out below and in the Annex (the Replacement Land).

Replacement Land			
Location	Name/Description	Land adjoining Broadfields and Hole Farm	
	Parish	Upminster	
	County	Greater London	
	1:50,000 OS Sheet	177	
	Grid Reference	TQ5811 8543	
Area Summary		Area (ha)	Area (ac)
	Woodlands		
	Land for planting		
	Agricultural	18.527	
	Other		
	TOTAL	18.527	

Plan	The Plan referred to comprises Sheets 42, 43, 44, 46 & 47 of the Special Category Land Plans Regulation 5(2)(i)(iv) contained in DCO Application Document Number TR010032/APP/2.4 – Plots 42-19, 42-26, 42-33, 43-04, 44-19, 46-19, 47-29, 47-32 & 47-33
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Section 135(1) of the Act provides that an order granting development consent may include provision authorising the compulsory acquisition of an interest in Crown land only if it is an interest which is for the time being held otherwise than by or on behalf of the Crown and the appropriate Crown authority consents to the acquisition.

Section 135(2) states that an order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision.

Consent under both section 135(1) and (2) is required for the Scheme.

Powers of the Secretary of State

In relation to any disposal of land, the Secretary of State must consider its balancing duties under section 1(2) of the 1967 Act, to achieve a reasonable balance between "the development of afforestation, the management of forests and the production and supply of timber" (section 3A(a) 1967 Act) and the conservation and enhancement of natural beauty



and the conservation of flora, fauna and geological or physiographical features of special interest" (section 3A(b) 1967 Act).

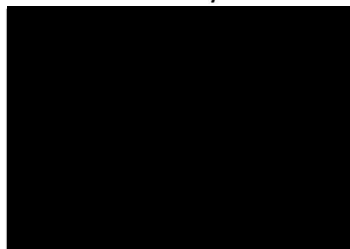
Under s.39(1) of the 1967 Act, the Secretary of State can acquire land suitable for afforestation or forestry-related purposes through purchase, lease, or exchange. Section 39(2) of the 1967 Act authorises the Secretary of State to dispose of land.

Consent

We have considered our respective obligations, including those outlined above, and in consideration of the transfer of the Replacement Land, in return for the disposal of the Land for the Uses, hereby give consent to the Application for the Scheme pursuant to s135(1) and (2) of the Act.

Upon the basis outlined in this letter, we hereby agree the drafting of Article 43 of the draft DCO.

Yours sincerely



Forestry England



Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
05-01	TP	Category 1	Land owned by SoS for Environment	7080.603503	0.70806035
05-03	TP	Category 1	Land owned by SoS for Environment	246.9805984	0.02469806
05-05	TP	Category 1	Land owned by SoS for Environment	24.86331107	0.002486331
05-06	TP	Category 1	Land owned by SoS for Environment	3.956281403	0.000395628
06-56	CAR	Category 1	Land owned by SoS for Environment	46916.83358	4.691683358
06-75	TP	Category 1	Land owned by SoS for Environment	1052.745217	0.105274522
06-116	TP	Category 1	Land owned by SoS for Environment	653.1627146	0.065316271
06-153	TP	Category 1	Land owned by SoS for Environment	3938.862679	0.393886268
43-07	CAR	Category 1	Land owned by SoS for Environment	17962.12735	1.796212735
43-08	CA	Category 1	Land owned by SoS for Environment	46923.92633	4.692392633
43-09	CAR	Category 1	Land owned by SoS for Environment	424.9357571	0.042493576
43-10	TP	Category 1	Land owned by SoS for Environment	8904.872947	0.890487295
43-19	CAR	Category 1	Land owned by SoS for Environment	12151.78314	1.215178314
43-23	CA	Category 1	Land owned by SoS for Environment	23809.7739	2.38097739
43-24	CA	Category 1	Land owned by SoS for Environment	12.06317345	0.001206317
43-25	CA	Category 1	Land owned by SoS for Environment	19697.82693	1.969782693
43-27	TP	Category 1	Land owned by SoS for Environment	2473.437342	0.247343734
43-28	TP	Category 1	Land owned by SoS for Environment	5036.159349	0.503615935
43-31	CA	Category 1	Land owned by SoS for Environment	18.6453545	0.001864535
43-33	CA	Category 1	Land owned by SoS for Environment	124.5360082	0.012453601
43-35	CAR	Category 1	Land owned by SoS for Environment	10362.28296	1.036228296
43-39	CA	Category 1	Land owned by SoS for Environment	569.507914	0.056950791
43-104	CAR	Category 1	Land owned by SoS for Environment	4459.699226	0.445969923
43-105	CAR	Category 1	Land owned by SoS for Environment	1019.178015	0.101917801
43-106	CAR	Category 1	Land owned by SoS for Environment	987.4725861	0.098747259
43-107	CAR	Category 1	Land owned by SoS for Environment	921.3809213	0.092138092
43-108	CAR	Category 1	Land owned by SoS for Environment	3139.361797	0.31393618

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
43-109	CAR	Category 1	Land owned by SoS for Environment	884.1518448	0.088415184
43-110	CAR	Category 1	Land owned by SoS for Environment	10066.06113	1.006606113
43-111	CAR	Category 1	Land owned by SoS for Environment	2781.65328	0.278165328
44-01	CAR	Category 1	riparian interest adjoining benefiting title owned by SoS for Environment EGL454641	278.8253963	0.02788254
44-05	CAR	Category 1	riparian interest adjoining benefiting title owned by SoS for Environment EGL454641	407.5670245	0.040756702
44-08	CAR	Category 1	Land owned by SoS for Environment	4462.39736	0.446239736
44-12	CA	Category 1	Land owned by SoS for Environment	6432.662891	0.643266289
44-27	CA	Category 1	riparian interest adjoining benefiting title owned by SoS for Environment EGL454641	59.98195964	0.005998196
44-39	CA	Category 1	Land owned by SoS for Environment	45.74778358	0.004574778
44-51	CA	Category 1	Land owned by SoS for Environment	3676.996298	0.36769963
44-59	CA	Category 1	riparian interest adjoining benefiting title owned by SoS for Environment EGL437393	35.0965967	0.00350966
44-64	TP	Category 1	Land owned by SoS for Environment	329.5985878	0.032959859
44-73	TP	Category 1	riparian interest adjoining benefiting title owned by SoS for Environment EGL437393	11.13251164	0.001113251
46-04	CAR	Category 1	Land owned by SoS for Environment	10756.89581	1.075689581
46-06	CAR	Category 1	half width adjoining benefiting title owned by SoS for Environment EGL429696	550.1677469	0.055016775
46-08	CAR	Category 1	half width adjoining benefiting title owned by SoS for Environment EGL429696	99.40554858	0.009940555
46-09	CAR	Category 1	half width adjoining benefiting title owned by SoS for Environment EGL429696	508.057943	0.050805794
46-11	CAR	Category 1	half width adjoining benefiting title owned by SoS for Environment EGL429696	95.20664339	0.009520664

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
46-12	CAR	Category 1	Land owned by SoS for Environment	9098.968071	0.909896807
46-18	CA	Category 1	Land owned by SoS for Environment	2999.65232	0.299965232
46-25	CAR	Category 1	half width adjoining benefiting title owned by SoS for Environment EGL429696	73.93401645	0.007393402
46-26	CAR	Category 1	Land owned by SoS for Environment	3708.892317	0.370889232
46-55	CAR	Category 1	Land owned by SoS for Environment	4500.799362	0.450079936
47-10	CA	Category 1	half width adjoining benefiting title owned by SoS for Environment EGL437392	1681.85826	0.168185826
47-26	CAR	Category 1	Land owned by SoS for Environment	10582.96813	1.058296813
03-147	CA	Category 2	Restriction imposed over land title K229205 which makes up plot 03-147 to benefit SoS for Environment. N4o disposition restriction over land in respect of rights granted 31 August 1995	101.0790059	0.010107901
05-02	TP	Category 2	SoS for Environment benefits from legal interests in rights held over land. Rights granted by a transfer dated 1 April 2005 benefiting SoS for Environment allow SoS for Environment land to connect to service media associated with land in plot 05-02 to benefit other land in title K909948 which is owned by SoS for Environment	143.7634993	0.01437635
06-53	CA	Category 2	SoS for Environment benefits from legal interests in rights held over land. Rights granted by a transfer dated 1 April 2005 benefiting SoS for Environment allow SoS for Environment land to connect to service media associated with land in plot 06-53 to benefit other land in title K909948 which is owned by SoS for Environment	1666.10173	0.166610173

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
43-18	CAR	Category 2	SoS for Environment benefits from legal interests in rights held over land title BGL136569 which makes up plot 43-18, by virtue of a transfer dated 14 March 2003 and 12 March 2001. Benefiting rights held include rights to connect to service media to benefiting land held in title EGL454641, as well as rights of entry in respect of service media maintenance, support, and light and air.	1062.441238	0.106244124
43-19	CAR	Category 2	SoS for Environment benefits from rights over land title EGL454641 making up plot 43-19, benefiting land title EGL453564 owned by SoS for Environment. Rights are granted by a lease dated 14 March 2003, including rights of access.	12151.78314	1.215178314
43-22	CA	Category 2	SoS for Environment benefits from legal interests in rights held over land title BGL136569 which makes up plot 43-22, by virtue of a transfer dated 14 March 2003 and 12 March 2001. Benefiting rights held include rights to connect to service media to benefiting land held in title EGL454641, as well as rights of entry in respect of service media maintenance, support, and light and air.	162.5545356	0.016255454
43-23	CA	Category 2	SoS for Environment benefits from rights over land title EGL454641 making up plot 43-23, benefiting land title EGL453564 owned by SoS for Environment. Rights are granted by a lease dated 14 March 2003, including rights of access.	23809.7739	2.38097739
43-26	CA	Category 2	SoS for Environment benefits from rights over land title BGL90437 making up plot 43-26, benefiting land title EGL437393 owned by SoS for Environment. Rights reserved by a transfer 30 April 2012 preventing land from being used to cause nuisance to the benefiting of SoS for Environment.	368.7209018	0.03687209

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
43-29	CA	Category 2	SoS for Environment benefits from rights over land title BGL90437 making up plot 43-29, benefiting land title EGL437393 owned by SoS for Environment. Rights reserved by a transfer 30 April 2012 preventing land from being used to cause nuisance to the benefiting of SoS for Environment.	554.923325	0.055492332
43-32	CA	Category 2	SoS for Environment holds rights over land title BGL90440 making up plot 43-32 to benef land title EGL454641, by virute of rights reserved by a transfer dated 30 April 2012. Rights reserved prevent land from being used in such a way that could cause damage to benefiting land owned by SoS for Environment with rights to light and air also being reserved to SoS for Environment.	1982.267479	0.198226748
43-34	CA	Category 2	SoS for Environment holds rights over land title BGL90437 making up plot 43-34 to benef land title EGL437393, by virute of rights reserved by a transfer dated 30 April 2012. Rights reserved prevent land from being used in such a way that could cause damage to benefiting land owned by SoS for Environment with rights to light and air also being reserved to SoS for Environment.	8280.624872	0.828062487
44-08	CAR	Category 2	SoS for Environment benefits from rights over land title EGL454641 making up plot 44-08, benefiting land title EGL453564 owned by SoS for Environment. Rights are granted by a lease dated 14 March 2003, including rights of access.	4462.39736	0.446239736
44-12	CA	Category 2	SoS for Environment benefits from rights over land title EGL454641 making up plot 44-12, benefiting land title EGL453564 owned by SoS for Environment. Rights are granted by a lease dated 14 March 2003, including rights of access.	6432.662891	0.643266289

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
44-25	CA	Category 2	SoS for Environment holds rights over land title BGL90440 making up plot 44-25 to benef land title EGL454641, by virute of rights reserved by a transfer dated 30 April 2012. Rights reserved prevent land from being used in such a way that could cause damage to benefiting land owned by SoS for Environment with rights to light and air also being reserved to SoS for Environment.	780.4206531	0.078042065
44-39	CA	Category 2	SoS for Environment benefits from rights over land title EGL454641 making up plot 44-39, benefiting land title EGL453564 owned by SoS for Environment. Rights are granted by a lease dated 14 March 2003, including rights of access.	45.74778358	0.004574778
44-48	CA	Category 2	SoS for Environment holds rights over land title BGL90437 making up plot 44-48 to benef land title EGL437393, by virute of rights reserved by a transfer dated 30 April 2012. Rights reserved prevent land from being used in such a way that could cause damage to benefiting land owned by SoS for Environment with rights to light and air also being reserved to SoS for Environment.	1430.407334	0.143040733
46-21	CA	Category 2	SoS for Environment holds rights over land title EGL574934 making up plot 46-21 to benefit land titles EGL15920 and EGL437392, both owned by SoS for Environment. Rights reserved by a conveyance dated 29 September 1971, to benefit title EGL15920, provides rights associated with service media, as do rights reserved by a transfer dated 20 March 2002 to benefit title EGL437392. Rights granted by a transfer dated 7 July 2010, to benefit land title EGL437392, prevent land making up plot 46-21 from being used for anything other than M25 embankment, and not being used that would cause nuisance to the benefiting retained land owned by the SoS for Environment.	9377.125983	0.937712598

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
47-01	CA	Category 2	SoS for Environment holds rights over land title EX957900 making up plot 47-01, benefiting land title EGL437392 owned by the SoS for Environment. Rights are granted by a transfer dated 20 March 2002 and include rights to connect to service media to benefiting land owned by SoS for Environment (EGL437392) with rights of access included so to maintain service media as required.	818.5358221	0.081853582
48-03	CA	Category 2	SoS for Environment holds rights over land title EX957900 making up plot 48-03, benefiting land title EGL437392 owned by the SoS for Environment. Rights are granted by a transfer dated 20 March 2002 and include rights to connect to service media to benefiting land owned by SoS for Environment (EGL437392) with rights of access included so to maintain service media as required.	37097.76423	3.709776423
48-04	CA	Category 2	SoS for Environment holds rights over land title EX957900 making up plot 48-04, benefiting land title EGL437392 owned by the SoS for Environment. Rights are granted by a transfer dated 20 March 2002 and include rights to connect to service media to benefiting land owned by SoS for Environment (EGL437392) with rights of access included so to maintain service media as required.	3415.381285	0.341538129
48-05	CA	Category 2	SoS for Environment holds rights over land title EX957900 making up plot 48-05, benefiting land title EGL437392 owned by the SoS for Environment. Rights are granted by a transfer dated 20 March 2002 and include rights to connect to service media to benefiting land owned by SoS for Environment (EGL437392) with rights of access included so to maintain service media as required.	171.313849	0.017131385

Plot ID clean	Acquisition Type	BoR location	Summary of interest	Area sqm	Area hectare
48-06	CA	Category 2	SoS for Environment holds rights over land title EX957900 making up plot 48-06, benefiting land title EGL437392 owned by the SoS for Environment. Rights are granted by a transfer dated 20 March 2002 and include rights to connect to service media to benefiting land owned by SoS for Environment (EGL437392) with rights of access included so to maintain service media as required.	10208.73705	1.020873705
42-19	CA	n/a	Replacement land	8962.753548	0.896275355
43-04	CA	n/a	Replacement land	109835.6031	10.98356031
47-29	CA	n/a	Replacement land	29042.35707	2.904235707
42-26	CA	n/a	Replacement land	69.08990617	0.006908991
42-33	CA	n/a	Replacement land	1.998409351	0.000199841
44-19	CA	n/a	Replacement land	37216.3652	3.72163652
46-19	CA	n/a	Replacement land	3.349837917	0.000334984
47-32	CA	n/a	Replacement land	115.7005973	0.01157006
47-33	CA	n/a	Replacement land	18.07256546	0.001807257

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