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T: [Redacted]

National Infrastructure Planning
The Planning Inspectorate
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BS1 6PN

AND BY EMAIL: [A12chelmsfordA120@planninginspectorate.gov.uk]

5 July

2023

Dear Sirs

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways Limited (“the Applicant”) for an Order Granting Development Consent for the A12 Chelmsford to A120 Widening Scheme

I write further to the above.

In this letter:

“the book of reference” shall have the meaning given to it in the Order;

“the Commissioners” shall mean the Crown Estate Commissioners;

“Draft DCO” shall mean the Applicant’s draft development consent order (PINS reference TR10060/APP/3.1, revision 3.1 and dated June 2023); and

“Order” shall mean the A12 Chelmsford to A120 widening scheme Development Consent Order 202[] once made by the Secretary of State.

As you are aware, the Commissioners disagree with any view that section 135(1) of the Planning Act 2008 (“the Act”) provides that any provision authorising the acquisition of third party interests in Crown land may only be included in a development consent order if the unconditional consent of the appropriate Crown body to the acquisition is obtained before the development consent order is made.

However, and without prejudice to the Commissioners’ position set out in the preceding paragraph, the Commissioners have reached a separate agreement with the Applicant which provides the Commissioners with sufficient assurance as to the way in which compulsory acquisition powers (as contained in Part 5 of the Draft DCO) may be exercised in respect of third party interests in Crown land forming part of the Crown Estate. As such, and subject to the below, the Commissioners confirm their consent to the compulsory acquisition of the third party interests in the plots referred to in Schedule 1 below (the Plots) for the purpose of section 135(1) of the Act.

The Commissioners’ consent is granted subject to:

1. the inclusion and continuing application of the following amended “Crown rights” wording in the Order at Article 53:

“53.— (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the *undertaker or any lessee or licensee*

(a) *to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)*

(i) *belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;*

(ii) *belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or*

(iii) *belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department*

(b) *Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.*

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.”

and;

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act.

Section 135(2) consent is required for an order granting development consent to include provision(s) to apply to Crown land or rights benefiting the Crown (other than provision(s) authorising the compulsory acquisition of third party interests in Crown land).


Without prejudice to the Commissioners' position, subject to:

1. the inclusion of Article 53 in the Order as referred to above and its continuing application; and

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act

the Commissioners confirm their consent to Articles 4-12, 20, 24, 26, 46, 47 and 49 – 52 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Crown land forming part of The Crown Estate within the Order limits including the Plots for the purpose of section 135(2) of the Act.

Yours sincerely

DocuSigned by:

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For and on behalf of the Crown Estate Commissioners

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London SW1Y 4AH



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Schedule 1 – the Plots

Plot	Area (m ²)	Crown Estate Interest
14/5a	Approximately 1536 square metres	Freehold Part of EX520358
14/5b	Approximately 993 square metres	Freehold Part of EX520358
14/5c	Approximately 1483 square metres	Freehold Part of EX520358
14/5d	Approximately 34139 square metres	Freehold Part of EX520358
14/5e	Approximately 874 square metres	Freehold Part of EX520358
14/5f	Approximately 786 square metres	Freehold Part of EX520358
14/6a	Approximately 202 square metres	Presumed highway subsoil (part) and presumed riparian interest in Domsey Brook (part) Unregistered
14/7a	Approximately 366 square metres	Presumed riparian interest in Domsey Brook Unregistered
14/12a	Approximately 20 square metres	Benefit of restrictive covenants contained in a transfer dated 2 October 2019 on title AA4587
14/17b	Approximately 499 square metres	Presumed riparian interest in Domsey Brook Unregistered
15/7a	Approximately 15 square metres	Benefit of restrictive covenants contained in a transfer dated 2 October 2019 on title AA4587

15/8a	Approximately 3662 square metres	Freehold Part of EX520358
15/8b	Approximately 4369 square metres of agricultural fields	Freehold Part of EX520358
15/8c	Approximately 1051 square metres	Freehold Freehold Part of EX520358
15/8d	Approximately 53143 square metres	Freehold Part of EX520358
15/8e	Approximately 1545 square metres	Freehold Part of EX520358
15/8f	Approximately 119 square metres	Freehold Part of EX520358
15/8g	Approximately 5174 square metres	Freehold Part of EX814474
15/8h	Approximately 5880 square metres	Freehold Part of EX814474
15/8i	Approximately 224 square metres	Freehold Part of EX814474
15/8j	Approximately 373 square metres	Freehold Part of EX814474