

22 November 2012

Mr Robert Upton
Lead Examining Inspector
Able Marine Energy Park
The Planning Inspectorate
3/18 Eagle Wing Temple Quay House
2 The Square
Bristol BS1 6PN

Bond Pearce LLP
3 Temple Quay
Temple Back East
Bristol BS1 6DZ

Tel: +44 (0)845 415 0000
Fax: +44 (0)845 415 6900
DX 200561 Bristol Temple Meads

john.houghton@bondpearce.com
Direct: +44 (0)845 415 6870

Our ref:
JEH1/CLP1/43090.1773
Your ref:

Dear Mr Upton

Application for Development Consent by Able Humber Ports Ltd for the Proposed Able Marine Energy Park

The Infrastructure Planning (Examination Procedure) Rules 2010 - Rule 17 further information

Thank you for your letter dated 16th November 2012.

Your letter asks whether The Crown Estate consents to provisions authorising the compulsory acquisition of others' interests held in respect of its land (s135(1) Planning Act 2008).

Section 135 effectively enables a DCO to include a provision authorising compulsory acquisition of an interest in Crown Land which is held otherwise than by or on behalf of the Crown, if the appropriate Crown Authority consents to the acquisition. The Crown Estate does not have a general policy as to whether or not it will grant such a consent and will consider each request on its merits.

From recent correspondence between BDB and The Crown Estate it is understood your request may be directed to the question of whether The Crown Estate would grant consent to provisions which authorise Able to compulsorily acquire that portion of ABP's 999 year lease of the foreshore of the Humber where Able's quay will be situated.


We have now been advised by BDB that Article 30(4) in the draft DCO will read as follows

"No interest in the Crown Land may be acquired under this article [compulsory acquisition of land] unless the appropriate Crown Authority consents to the acquisition".

The Crown Estate requests that Article 30(4) should be included in the Order as drafted, thereby enabling The Crown Estate to consider, if appropriate, whether, and if so how, any leasehold interest to Able can be granted on suitable terms.

I trust this is clear, but please contact me if you require any further information.

Yours sincerely



John Houghton
Partner