

PLANNING ACT 2008
INFRASTRUCTURE PLANNING
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS
2009 REGULATION 5 (2) (q)

PROPOSED PORT TERMINAL AT
FORMER TILBURY POWER STATION

TILBURY2

TRO3000

3 VOLUME 5

CONSULTATION REPORT: APPENDIX 7

DOCUMENT REF: 5.2 APPENDIX 7



PORT OF TILBURY LONDON LIMITED

SUMMARY OF INVESTIGATIONS UNDERTAKEN TO ESTABLISH OWNERSHIP OF COMMON LAND AND COMMON RIGHTS

PART A – COMMON LAND OWNERSHIP

No.	Investigation	Undertaken by	Date	Comments
1	SIM Search: HM Land Registry	WM	09.06.2016	Disclosed titles downloaded and reviewed – no relevant historic conveyances
2	Network Rail Search	Atkins	16.12.2016	Discloses extent of Network Rail ownership but needs to be verified by Network Rail.
3	CON290 search enquiry 22 (Common Land and TGV)	WM	12.08.2016	Confirms extent of common land but does not address underlying ownership. Emails to Thurrock Council (dated 2.3.2017) querying whether there have been any updates to the commons register – substantive response not received.
4	Meeting with Diana Cole at Orsett	POTLL	20.01.2017	Diana Cole claims to be the owner of the common land, together with her brother James Cole, as ultimate beneficiaries of the estate of Charles Henry Cole.
5	Meeting with Alexander Creed (agent to the Cole family) ('AC')	POTLL	01.02.2017	
6	Illustrative Map Search	WM	13.02.2017	All disclosed titles downloaded
7	Notices displayed on the land in question	POTLL	09.02.17 – 17.04.17	

No.	Investigation	Undertaken by	Date	Comments
8	Notices advertised in local press	POTLL	09.02.17 – 17.04.17	
9	Liaison with Roythornes - solicitors to the Cole family: undertaking for costs provided to allow Roythornes to prove the title of the Cole family to the common land and to make voluntary application for first registration.	POTLL/WM	21.03.17 - ongoing	<ul style="list-style-type: none"> • 21.03.17 – Email – WM to Roythornes requesting confirmation of instructions and deduction of title. • 3.4.17 – Email Roythornes to WM confirming instructions and requesting costs undertaking and plans of land required. • 4.4.17 – Email – WM to Roythornes confirming WM will secure instructions from POTLL to provide undertaking and plans and copies of WM search results. • 24.04.17 – Email - Roythornes to WM requesting costs undertaking. • 24.04.17 – Email – Roythornes to WM confirming required costs level. • 25.04.17 – Email – WM to Roythornes requesting confirmation of amount of proposed costs: noting undertaking conditional upon satisfactory deduction of title.

No.	Investigation	Undertaken by	Date	Comments
				<ul style="list-style-type: none"> • 19.05.17 – Email – WM to Roythornes producing costs undertaking (with clearance and funds to support from POTLL). • 14.07.17 – Email – WM to Roythornes requesting update on title deduction. • 17.07.17 – Email – WM to Roythornes requesting update on title deduction. • 18.07.17 – Email – Roythornes to WM advising title deduction is the Decision on the Common Register dated 6 July 1979. Roythornes offered to provide title deduction from 1979 to current day (wills/probate) • 20.07.17 – Email – WM to Roythornes requesting call back to discuss. • 19.07.17 and 21.07.17 – Calls – 2 calls WM to Roythornes (going to voicemail) to discuss title. Implication is that Diana and James are beneficial owners only. Legal

No.	Investigation	Undertaken by	Date	Comments
				<p>title remains with the executors of Charles Henry Coles' Estate.</p> <ul style="list-style-type: none"> • 24.07.17 – Call Roythornes to WM to discuss title. (POTLL/WM reviewing title options on this basis). • 17.08.2017 – Emails between WM and Roythornes referring to and subsequently attaching completed Hattens statutory declaration and draft statutory declaration for Diana Cole prepared in support of title deduction. • 24.08.2017 – Emails between WM and Roythornes querying extent of instruction (regarding requirement to make voluntary application to Land Registry and relevant persons with legal title to the land). • 29.08.2017 – Email from WM to Roythornes providing further background and information regarding the exercise being undertaken and DCO application, asking for a fee estimate to make a voluntary application for registration at Land Registry and

No.	Investigation	Undertaken by	Date	Comments
				<p>suggesting an all parties call to further explain and discuss.</p> <ul style="list-style-type: none"> • 30.08.2017 – Email from Roythornes regarding costs estimate for voluntary application and arranging all parties call. Response from WM to confirm call and provide offer documents. • 05.09.2017 - All parties call with Alexander Creed, Roythornes, WM and POTLL regarding progression of deal with Coles and agreement to make a voluntary application for registration ahead of dealing and ahead of DCO application. • 07.09.2017 – Email from WM to follow up from call and provide comments on the statutory declarations and first registration application process. • 19.09.2017 – WM issued draft documents to Roythornes regarding the acquisition of the common land. • Negotiations ongoing.

No.	Investigation	Undertaken by	Date	Comments
10	Various correspondence with Alexander Creed	POTLL/WM	March - present	<ul style="list-style-type: none"> • 02.03.17 – Email – AC to POTLL updating rights holders spreadsheet. • 03.03.17 – Email – AC to POTLL setting out (alleged) ownership and requesting costs. • 06.03.17 – Call – WM and POTLL with AC to discuss common land ownership of Cole family. • 10.03.17 – Letter – WM to AC enclosing WM site investigations in relation to common land ownership. • 14.03.17 – Email – AC to POTLL – chasing up plans and introducing the Conservator and attaching a table setting out ownership of Cole family. • 20.03.17 – Email – AC to WM commenting on the ownership of the Cole family of the common land and confirming that the Cole family have not sold stints. Confirming identity of Cole's solicitors, Roythornes. • 20.03.17 – Email – WM to AC commenting on AC's title land

No.	Investigation	Undertaken by	Date	Comments
				<p>comments and confirming that WM will liaise with Roythornes.</p> <ul style="list-style-type: none"> • 07.04.17 – Call – POTLL with AC chasing up: AC accepted evidence of title required and agreed to speak to solicitors for the Cole family. • 20.04.17 – Letter – AC to POTLL enclosing Cole family's response to common land rights notices. • 23.06.17 – Email – AC to POTLL querying costs undertaking position and POTLL subsequently confirmed position i.e. costs undertaking is conditional upon deduction of title capable of registration and not actual registration itself. • 10.08.2017 – offer letter sent to AC in relation to Option to be entered into with Cole family. • 23.08.2017 – Counter offer received by POTLL from AC on behalf of the Cole Family.

No.	Investigation	Undertaken by	Date	Comments
				<ul style="list-style-type: none"> • 29.08.2017 – POTLL accepted counter offer. • 05.09.2017 - All parties call with Alexander Creed, Roythornes, WM and POTLL regarding progression of deal with Coles and agreement to make a voluntary application for registration ahead of dealing and ahead of DCO application. •
12	Further review of adjoining registered titles	WM	17.07.2017	No relevant historic documents available; did not add to title investigation.

PART B – COMMON RIGHTS OWNERSHIP

No.	Investigation	Undertaken by	Date	Comments
1	Downloading and review of commons register with Thurrock Council	WM	July and August 2016	
2	Land Registry MapSearch carried out in respect of all plans showing ownership of land to which commons rights attach as contained in the commons register	WM	August 2016	
3	All titles disclosed by Land Registry map search referred to at 2 above downloaded and reviewed to ascertain current ownership of land to which common rights attached, to verify current ownership of common rights	WM	August 2016	
4	Electoral Register for Thurrock downloaded and current address for all owners of common rights verified against that disclosed by title entries downloaded at 3 above	WM	March 2017	
5	Record of owners of common rights prepared by WM verified with Strutt & Parker (agent for the Cole family)	WM	March 2017	
6	Grants of probate for relevant members of the Cole family secured to verify succession and correct identity of executor's where an owner of common rights is deceased	WM	February/March 2017	
7	Numerous calls with Diana Cole/Alexander Creed re common rights ownership by Cole family	POTLL	February/March 2017	See Part A paragraph 10.
8	Discussions with Allen Jones - Conservator of the Common Committee managing 500 stints	WM	March/April 2017	See Part A paragraph 11.

No.	Investigation	Undertaken by	Date	Comments
9	Review of Commons Regulation (West Tilbury) Provisional Order Confirmation Act 1893 (and ancillary Bye Laws)	WM	March/April 2017	
10	Notices displayed on the land in question	POTLL	09.02.17 – 17.04.17	
11	Notices advertised in local press	POTLL	09.02.17 – 17.04.17	
12	Letters issued to all potential common rights holders, as identified through investigations set out above	POTLL	14 April 2017	
13	Call/correspondence with the Clerk to the Conservators, Allen Jones	WM/POTLL	March 2017 – ongoing	<ul style="list-style-type: none"> 28.03.17 – Call – WM, POTLL and the Clerk to update on role of Conservator and position of stint holders. 28.03.17 – Email – WM to the Clerk attaching commons register and requesting clarification of position of the stint holders and request that the Clerk check back previous meeting minutes to clarify if they know how AWG dealt with commons land (deregistration / exchange) when they developed their adjoining site. 13.04.2017 – Email from WM to the Clerk seeking contact details for CH Cole & Sons as stint holder.

No.	Investigation	Undertaken by	Date	Comments
				<ul style="list-style-type: none"> • 26.04.17 – Call - POTLL to the Clerk chasing up required information. • 08.04.17 – Call from WM to Clerk to further discuss background to the Conservators, role played, operation of stints and current use and management of the common land. • 19.09.2017 – POTLL (John Speakman) to meet with Conservators. • 25.09.2017 – Meeting between POTLL and the Conservators regarding acceptability of the Replacement Land. <p>04.10.2017 - Call from WM to Clerk asking for update on letter to John Speakman confirming acceptance of Replacement Land and update on correspondence with DEFRA – message left asking for call back.</p>