

The Secretary of State for Transport
c/o Robert Ranger
National Infrastructure Planning
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Rob Booth
General Counsel and Company Secretary
The Crown Estate
Tel: (0) 20 7851 5287
E-mail: rob.booth@thecrownestate.co.uk

AND BY EMAIL: Robert.Ranger@pins.gsi.gov.uk

17 January 2019

Dear Sirs,

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Port of Tilbury London Limited ("the Applicant") for a proposed port terminal
at the former Tilbury Power Station**

I write further to the above.

In this letter:

"the book of reference" shall have the meaning given to it in the Draft DCO;

"the Commissioners" shall mean the Crown Estate Commissioners;

"the Draft DCO" shall mean the Applicant's draft development consent order (Document reference: PoTLL/T2/EX/234); and

"the Order" shall mean The Port of Tilbury (Expansion) Order if and 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, 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 articles 23, 24, 25, 26, 27, 28, 30, 31, 38, 39 and 40 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 DCO containing powers for the compulsory acquisition

of any third party interests in Plots 06/01 and 06/02 as shown in the book of reference, 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 "Crown rights" article in the Order which the Company agrees to propose to the Secretary of State as a modification of article 56 of the Draft DCO:

"56.—(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 Company to take, use, enter on 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)—

(a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to Her 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

(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

2) 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.

(3) 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) or section 135(2) of the Act.

Subject to:

(i) The inclusion of article 56 in the Order as referred to above and its continuing application; and

(ii) 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;

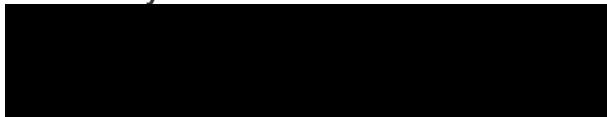
the Commissioners confirm their consent to:

- Article 6 (Development consent granted by the Order)

- Article 7 (Limits of deviation)
- Article 18 (Discharge of water)
- Article 20 (Authority to survey and investigate land)
- Article 22 (Works in the river Thames: conditions)
- Article 32 (Temporary use of land for carrying out the authorised development)
- Article 33 (Temporary use of land for maintaining the authorised development)
- Article 38 (Disregard of certain interests and improvements)
- Article 39 (Set-off for enhancement in value of retained land)
- Article 40 (No double recovery)
- Article 41 (Maintenance of the authorised development and operation of the Company's harbour undertaking)
- Article 42 (Power to appropriate)
- Article 43 (Powers to dredge)
- Article 45 (Byelaws relating to the extended port limits)
- Article 47 (Planning legislation)
- Article 48 (Application of landlord and tenant law)
- Article 49 (Defence to proceedings in respect of statutory nuisance)
- Article 50 (Benefit of Order)
- Article 51 (Consent to transfer benefit of Order)
- Article 53 (Deemed marine licence)
- Article 56 (Crown rights);

of the Draft DCO, to the extent that they are included in the Order, applying in relation to Plots 06/01 and 06/02 for the purpose of section 135(2) of the Act.

Yours faithfully

A large black rectangular redaction box covering the signature of Rob Booth.

Rob Booth
General Counsel and Company Secretary
For and on behalf of the Crown Estate Commissioners