

The Crown Estate

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10/01/2024

Dear Sirs

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

Application by Associated British Ports ("the Applicant") for an Order Granting Development Consent for The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order

I write further to the above.

In this letter:

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCO" shall mean the Applicant's draft development consent order (reference [AS-053], revision 6 and submitted with the Applicant's Changes Request on 29 November 2023); and

"Order" shall mean The Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order [•] once made by the Secretary of State.

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).

The Applicant has confirmed that the Order will not include any provision(s) authorising the compulsory acquisition of third party interests in Crown land and, as such, no consent pursuant to section 135(1) has been sought in connection with the Order.

Subject to:

1. the inclusion and continuing application of the following amended "Crown rights" wording in the Order at Article 40:

"40.— (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 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)—

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(a) *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;*

(b) *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*

(c) *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*

(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(2) of the Act; and

3. the Applicant or any beneficiaries of the Order having an agreement for lease or lease from the Commissioners in respect of the Crown land forming part of the Crown Estate to which the Order applies

the Commissioners confirm their consent to Articles 5, 6, 7, 24, 25, 26, 30 and 40 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Plot 14 for the purpose of section 135(2) of the Act.

I trust that the Commissioners will be kept informed as to progress regarding the Order as the Examination progresses.

Yours sincerely

DocuSigned by:


Jonathan Treadaway
Senior Legal Counsel
For and on behalf of the Crown Estate Commissioners