

# THE YORK POTASH HARBOUR FACILITIES ORDER 201X

## The Crown Estate Consent Letter



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Our Ref.: ilm/coastal/ PFM/4/3/303/415

15 December 2014

To whom it may concern

**The York Potash Harbour Facilities Order 2014 - PINS reference TR030002**

We refer to the application that is being submitted for the above Order. The proposed Development Consent Order would grant consent for development to be carried out on land which is owned by The Crown Estate and on land over which The Crown Estate has an interest.

Section 135(2) of the Planning Act 2008 states: "an order granting development consent may include any other provision applying in relation to Crown land, or rights benefitting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision."

With reference to the draft Development Consent Order (September 2014) issued by the Applicant for consultation prior to the submission of the DCO application, The Crown Estate hereby confirms (subject to the condition set out below) that for the purposes of the above section it consents to the provisions in the draft Order relating to works which are proposed to be carried out on land which is owned by The Crown Estate (being part of the River Tees, part of Work no.1) and on land over which The Crown Estate have an interest (being a strip of land which forms part of the proposed northern route of the conveyor, part of Work no.2). Those provisions in the draft Order include:

Article 5 (Development consent etc. granted by the Order)  
Article 6 (Limits of deviation)  
Article 18 (Authority to survey and investigate the land)  
Article 24 (Compulsory acquisition of land and rights)  
Article 31 (Deemed marine licence)

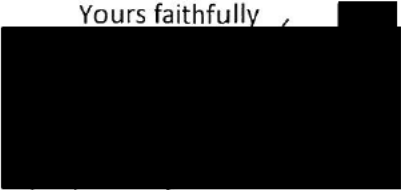
Such consent is however conditional on the inclusion of an article in the draft DCO in the following terms:

**Crown Rights**

- (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 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 Her 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 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
- (iii) 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; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).
- (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.

Yours faithfully ,

  
Iain Mills  
Senior Asset Manager  
For and on behalf of The Crown Estate