

**Presentation.**  
**Tim Sumner**  
**Reg ID No: 20055241**

I'm Tim Sumner, a resident in the Northern Sector of BWSF and affected by the proposal.

I reference the Developers 'Schedule of Changes to the draft DCO' published January of this year in which they state under 'Deletion of the definition of Crown Land plans':

" The Order land does not include Crown Land. The Applicant had recognised (various plots of land ) as 'Crown Land' on a precautionary basis for the purposes of the DCO submission on the basis that Defra is a Government Department. The Applicant continued to liaise with Defra post-submission to seek a consent under section 135 of the Planning Act 2008 (PA 2008) on that precautionary basis. However, Defra has confirmed since submission that consent under section 135 is not required in respect of the restriction. After discussions with Defra, Thames Water (as the freeholder of that title) and the Environment Agency, the Applicant's view is that the land does not constitute 'Crown Land' under section 156 of the Water Industry Act 1991."

Section 156 of the Water Industry Act 1991 is not the basis on which to identify Crown Land.

Blenheim Estate land is owned by The Crown and has been leased to The Duke of Marlborough and his Heirs since the Queen Anne Act of 1705. And under current DCO's Compulsory acquisition of interests held by the Crown it states "*Interests in land held by the Crown cannot be acquired compulsorily.*"

If BWSF goes ahead on Blenheim Estate land this will see the compulsorily acquisition of Blenheim Estate land be it temporary or permanent, leased or purchased. The land is being acquired and "*Interests in land held by the Crown cannot be acquired compulsorily.*"

Furthermore, there is a 1,000 year Mortgage on the Blenheim Estate. The mortgage was granted by Parliament against The Blenheim Estate under the 1856 Blenheim Estate Act.

I am unable to find any reference by the developers to this mortgage or approaches made by them to Parliament to allow them to break the mortgage terms and allow third party access to share the mortgaged land – a highly unusual situation for any mortgage provider to allow.

I submit the Blenheim Estate Trustees are not in a position to dispose of Blenheim Estate land.

So, I call on the Inspector to halt proceedings until :

- 1) The Crown Estate makes clear its position on allowing acquisition of its land

- 2) Parliament has made clear its position on breaking the terms of a 1,000 year mortgage granted by Parliament against The Blenheim Estate in 1856 under the 1856 Blenheim Estate Act.

To explain further:

The entire Blenheim Estate has many layers of protection - Crown ownership, Acts of Parliament, a 1,000 year Parliamentary Mortgage, UNESCO World Heritage status and being in 'The National Interest.' Which ironically, defines it as an NSIP in its own right.

The Crown's involvement is at the heart of The Blenheim Estate because, in 1705, Queen Anne leased Crown Land to form the basis of the Blenheim Estate for the first Duke and his Heirs.

This land included various Manors and villages some distance from the future Blenheim Palace (such as Wootton, Stonesfield, Bladon, Handborough (sic), Old Woodstock etc ) areas now affected by the proposed development and land acquisition.

It is vital to understand the lease covered all of the Estate – not just the immediate parkland bounded by a wall.

The lease is active to this day - indeed, a token rent of one flag is paid to The Crown each year.

Crucially, The 1705 Queen Anne Act states:

"The premisses so to be granted to the said John Duke of Marlborough, his heires and Assignes for ever to **THE ONLY USE** and behoof, or in Trust, for the said Duke , heirs and Assignes for ever and **TO NO OTHER USE, INTENT or PURPOSE WHATSOEVER.**"

Since Queen Anne was leasing the land to the first Duke and Heirs, the Act placed much emphasis on keeping control away from any third party. The original intention was to prevent the land being inherited outside the Duke's family and indeed being lost to the Royal family (made possible by bestowing the gift of a German Principality on the first Duke – how ironic)

Blenheim's land ownership was re-iterated by The Masters Report of 1825 and The Blenheim Estate Act of 1856. The latter enacted to recover land that the then Duke had given to settle debts.

Parliament stepped in to pay off the Duke's debts on a 1,000 year Mortgage (the term 'mortgage' is used in the Act) because the land could not be given to a third party.

Thus, the intention and duty to preserve the Blenheim Estate intact and protected from any other parties, to be enjoyed solely by the Duke and his Heirs was legally established and specifically excluded third party use of the land that would provide a service to parties other than "the said Duke, heirs and Assignes".

Current legal experts comment – ‘There seems to have been much more concern with the preservation of the estates than with the titles.

So, I put it to the Inspector that proceedings must be halted or, the developers withdraw their application whilst The Crown Estate and Parliament exercise their rights over the protection of The Blenheim Estate.

To that end I have written to King Charles to appraise him and The Crown Estate of this situation.

Account must be taken of The Crowns’ ownership and the terms of the mortgage held by Parliament.