

From: [REDACTED]
To: [M5 Junction 10 Highways Improvements Scheme](#)
Cc: [REDACTED]
Subject: M5 Junction 10 - Secretary of State Consultation Letter 1 - dated 21 March 2025
Date: 01 April 2025 08:41:08
Attachments: [Final DfT Consultation Letter 01 -M5 J10 .pdf](#)

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Dear Sir/Madam

Please find below Defra's position on the **Defra DCO Crown consent (Junction 10 of the M5)** item in response to your email dated 21st March 2025 which contained the following request.

The land required by Gloucestershire County Council ('GCC') for the Junction 10 M5 scheme does not include Crown land in which Defra has an interest in it. GCC, therefore would not be able to rely on section 135 Planning Act 2008 to include provisions in its DCO which authorise the compulsory acquisition of an interest in Crown land where that interest is held by a party other than the Crown. As the land is not Crown land, there is no basis upon which Defra could provide a letter of consent authorising the acquisition of such an interest.

A copy of the relevant title of the land which GCC seek to compulsory acquire shows that the Secretary of State has no ownership in the land nor are there any rights or covenants in favour of the Secretary of State.

There is a land charge, as GCC states, over the land in question for the Redemption of Tithe Rent and this was imposed by order of the Ministry of Agriculture and Fisheries ('MAF'), the predecessor of the Secretary of State for Environment Food and Rural Affairs. But this does not amount to a "Crown Interest" for two main reasons:

1. Although the charge was imposed by an order of MAF, MAF was not the beneficiary of the rentcharge, the registered proprietor of the charge is the Church Commissioners For England. It is they who therefore have the interest in the charge, not the Crown.
2. Redemption of Tithe Rentcharges is a historic form of charge which have now been extinguished, and therefore the landowner should be able to make an application to the Land Registry to cancel the charges over the title.

GCC is the registered owner of the land, who are also the party asking the Secretary of State to consent to the DCO. It would therefore seem that it is open to GCC to apply to the Land Registry to remove the charge so that they have a clean title, but it is not for the Secretary of State to give the consent due to this not being Crown land for the purposes of them wanting to include compulsory purchase provisions in the DCO as provided under Planning Act 2008.

The above was confirmed to Cater Jonas / Burges Salmon 11 Mar / 12 Mar 2025 respectively.

Kind Regards

[REDACTED]

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