



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Response to National Trust's
Deadline 3 Submission

Revision A

Deadline 4

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1 The Applicant's Response to National Trust Deadline 3 Submission

1. This document provides the Applicant's response to the National Trust's Deadline 3 submission. The Applicant's comments on the National Trust's responses to second written questions are provided in **The Applicant's Comments on Responses to the Examining Authority's Second Written Questions** [document reference 18.2].

Table 1-1 The Applicant's Response to National Trust Deadline 3 Submission

ID	Stakeholder Comment	Applicant Response
Procedural Deadline 3 Submission: Updates from the National Trust		
1	This written update is made on behalf of The National Trust for Places of Historic Interest or Natural Beauty ("the Trust"). It updates the National Trust's position on matters of interest to us, which were set out in our Written Representation REP1-134.	Noted, no comment required.
Onshore Archaeology		
2	As set out in our Statement of Common Ground with Equinor, the National Trust is satisfied that archaeological trial trenching is not required to inform the assessment of impacts pre-application and that evaluation will be completed post consent.	Noted, no comment required.
3	The Applicant has advised that it will consult with the Archaeological Advisor to Norfolk County Council and the National Trust's Archaeologist at the post-consent stage to agree the details of the archaeological strategy across land under the ownership of the National Trust.	Noted, no comment required.
4	The National Trust notes that the Outline Written Scheme of Investigation (Onshore) (Revision B) [REP1-029] has been updated to include the National Trust as a named consultee for works affecting Trust owned land and that a suitable and appropriate methodology for the archaeological work on the Sheringham Estate will be secured through the discharge of the relevant DCO requirement.	Noted, no comment required.
5	The National Trust does not have any outstanding concerns relating to onshore archaeology.	Noted, no comment required.
Impact on Sandwich terns at Blakeney Point		
6	As set out in our Written Representation, the National Trust does not consider that the compensation proposals put forward by the Applicant for the Farne Islands represent additionality to our existing management proposals and those set out in the draft NNR management plan for the Farne Islands, a copy of which was submitted to the Planning Inspectorate at Deadline 2.	Noted, see responses below.

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7	The National Trust submitted a Written Response in lieu of attendance for Issue Specific Hearing 5 (Offshore Matters). The Trust has listened to the recording of the hearing and wishes to make the following comments.	Noted.
8	On the issue of the Energy Security Bill, we note that the Planning Inspector asked the Applicant whether the Farne Islands Management Plan would become a Government document. The Applicant indicated that it would be. We note that Natural England has not advised whether or not this would be the case. In their submission in lieu of attendance to ISH5 (AS-041) dated 23rd March 2023, their response to question 5i is N/A (although we acknowledge that this question is directed at the Applicant). PINS should seek clarity on this issue from Natural England.	<p>The Applicant notes that the term 'Government document' is not used in the draft Energy Bill or in the associated Policy Statement. The relevant article of the draft Bill (article 241) refers to measures taken or secured by a 'public authority', which is defined as any person with functions of a public nature.</p> <p>The Applicant assumes that the NNR Plan would fall within that scope because it sets out the plan for management of a National Site Network site which, whilst situated on land owned by National Trust, is a site for which Government is responsible for approving the management measures proposed and setting the conservation status and requirements for these to be maintained and restored.</p>
9	At the ISH5, the Applicant interpreted Natural England's written response to mean that if the Farnes were ruled out, that habitat creation at Loch Ryan alone would deliver adequate compensation. However, Natural England's written submission in lieu of attendance states at 5iv <i>"Natural England advocates development of compensation packages comprising multiple measures to provide resilience should an individual measure fail or underperform. If habitat creation at Loch Ryan was the sole measure brought forward this would inevitably raise the level of risk regarding whether sufficient compensation would be provided, also noting that the Loch Ryan scheme is at present some way from being secured"</i> .	<p>The Applicant considers that its Loch Ryan proposals are capable of fully delivering on SEP and DEP's compensation requirements however the measures proposed at the Farne Islands are intended to provide an immediate improvement in Sandwich tern breeding success which would offset any mortality debt which accrued whilst the Loch Ryan proposals were being developed and colonised. Additionally, restoring breeding status to a geographical region from which the species has been extirpated (which the Loch Ryan measure would provide) represents a major qualitative conservation gain which is recognised by Natural England in Appendix C of their Relevant Representation [RR-063]. The Applicant is also committed to adaptive management and monitoring (as secured through Schedule 17 of the Draft DCO (Revision G) [document reference 3.1]) to ensure that the measures are delivering the necessary scale of compensation and, if not, to ensure alternatives are taken forward.</p> <p>It should be noted that the Applicant has proposed (see the Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-091]) that, if required, any accrued mortality debt could be accounted for by extending the duration over which active</p>

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		<p>management was undertaken at the Loch Ryan site (i.e. potentially beyond the Projects' operational period) to ensure that sufficient levels of breeding success are maintained over a sufficient number of years to balance the mortality predicted to have occurred during the Projects' operational periods. However, if throughout the operational phase of the Projects, the scale of compensation being provided increased to a level sufficient to offset any mortality debt accrued in the early years, then extending the duration over which active management was undertaken would not be required.</p>
10	<p>At ISH5, the Applicant maintained that the proposed 400 nest boxes plus 400 shelters plus cameras demonstrated additionality, despite Natural England, the National Trust and the RSPB not agreeing this would be the case. It is not clear to the National Trust where the Applicant proposes to place so many nest boxes and shelters. The Habitats Regulations Derogation: Provision of Evidence Appendix 2 - Sandwich Tern Compensation Document APP-069 states <i>"This work will be carried out at Farne Islands SPA, within the area preferred by Sandwich terns for nesting. Detailed site selection to confirm the exact location/s would be undertaken in consultation with National Trust taking into account local constraints and other ecological and practical considerations"</i>. Available and suitable space for interventions on the Farne Islands is limited, as most of the area is keenly contested by breeding seabirds. The Sandwich tern nesting area is also very fragile due to puffin burrows. Therefore, the significant number of nest boxes and shelters proposed may not be physically possible in the space available.</p>	<p>An update on the Applicant's Farne Islands proposals is provided in Section 4.2.1 of the HRA Derogation and Compensatory Measures Update (Revision B) [REP3-096].</p> <p>In light of the possibility that the Government's position on additionality could change later this year, the Applicant has indicated a desire to re-open discussions with National Trust regarding the implementation of measures at the Farnes. The Applicant notes the National Trust's response that the large number of nest boxes and shelters proposed may not be possible given the space limitations at the existing Sandwich tern colony. The Applicant is willing to discuss this further with National Trust to determine what may or may not be feasible. In addition, the Applicant would be willing, as part of its obligations to deliver compensation for Sandwich tern, to support future efforts for recolonisation by Sandwich tern of the other islands, further studies to investigate the reasons for the decline, and (as stated in paragraph 189 of Appendix 2 – Sandwich Tern Compensation Document [APP-069]) also to provide support to the ongoing monitoring of tern numbers and breeding success.</p> <p>The Applicant considers that it may be useful to explore whether a high quality nesting habitat in an area away from the expanding puffin colony could be created – installing tern terraces onto a gravel substrate in an area cleared of nitrophilous vegetation where vegetation control could be carried out before each breeding season. Attempting to increase tern numbers on top of the puffin colony would not be recommended as puffin burrows affect ground stability, and much of the gull activity is</p>

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		intercepting puffins carrying fish into burrows, so probably not an ideal location to encourage nesting of tern species which are also susceptible to gull predation.
11	The National Trust has had no further correspondence or discussions about Sandwich tern compensation measures with Equinor since ISH5.	<p>The Applicant has sought to re-open discussions with National Trust regarding its proposals at the Farne Islands, with a request sent by email on 26 April 2023. The Applicant notes the National Trust's response to this email that they remain of the view that the measures proposed at the Farnes do not represent additionality / are not appropriate.</p> <p>The Applicant considers that, in light of possible upcoming changes to policy and best practice guidance with respect to additionality and the long-term decline in the Sandwich tern population at the Farne Islands SPA, it is justified that the measures remain within the Applicant's proposed package of compensatory measures since:</p> <ul style="list-style-type: none"> • The proposed measures are additional or greater in extent to those proposed in the draft Site Management Plan [AS-042]. • Sufficient evidence is outlined in Appendix 2 – Sandwich Tern Compensation Document [APP-069] and the Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) [REP3-091], to demonstrate that, if delivered at an appropriate scale, the measures proposed could provide substantial benefits to breeding numbers of Sandwich tern at the Farnes as well as address any accrued mortality debt associated with the Applicant's proposed measure at Loch Ryan. • The situation at the Farne Islands is severe (Sandwich tern breeding numbers at the Farne Islands SPA have decline considerably over 40 years, despite ongoing conservation and management efforts (see Annex 2B - Sandwich Tern Nesting Habitat Improvements Site Selection [APP-071])) and the proposed measures would make a meaningful difference.

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		<ul style="list-style-type: none"> Even if the measures were not considered to be additional, anticipated changes to Government policy mean that it is foreseeable that they could be counted as providing compensation in the near future.
12	<p>The National Trust remains of the view that without a satisfactory derogation case and alternative compensation measures which are also considered acceptable by Natural England, the proposal would give rise to an adverse effect on the integrity of the Sandwich tern feature of the North Norfolk Coast SPA.</p>	<p>Noted. See the Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) [REP3-096] for an update on the Applicant's progress regarding delivery of compensation for Sandwich tern.</p>
<p>Landscape, Visual & Ecological Impacts</p>		
13	<p>Weybourne Woods was declared inalienable in order to protect views from Sheringham Park and prevent inappropriate development. Construction impacts on Weybourne Woods and the AONB have been identified as moderate significance and adverse impact in the submitted Landscape and Visual Impact Assessment (Examination Document Ref: APP-112). Furthermore, it is proposed to remove an area of forestry at the HDD launch and reception pit.</p>	<p>Noted, no comment required.</p>
14	<p>In our Relevant Representation the National Trust indicated that it is not clear from the application documents what landscape, arboricultural and ecological mitigation and enhancements are proposed.</p>	<p>Noted, no comment required.</p>
15	<p>Since submitting our Relevant Representation, the National Trust has met with the Applicant to discuss this issue. It is understood that replacement trees will not be proposed along the cable route or in the location of the reception pit. It is understood that at this stage only baseline habitat surveys have been undertaken. The Applicant has advised the Trust that pre-construction surveys would be carried out and these would inform the proposed landscape, arboricultural and ecological mitigation and enhancements.</p>	<p>Noted, no comment required.</p>
16	<p>The National Trust has reviewed the Outline Landscape Management Plan (APP-303), the Outline Ecological Management Plan (APP-304) and the 'The Applicant's Comments to Relevant Representations' (REP1-033). The Trust acknowledges that the outline management plans provide a framework from which to agree the detailed plans post consent through the discharge of the</p>	<p>Noted, no comment required.</p>

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	relevant DCO requirement. The Trust acknowledges and is pleased that the Outline Landscape Management Plan (Revision B) and the Outline Ecological Management Plan (Revision B) have been updated to include the National Trust as a named consultee for works effecting Trust owned land.	
17	The National Trust does not have any outstanding concerns relating to landscape, visual and ecological impacts.	Noted, no comment required.
Acquisition of Land and Rights over inalienable land at Weybourne Woods		
18	The Trust has been working with Equinor to agree terms for access that will cause minimal impact and disruption, with a view to securing a signed Option Agreement and Deed of Easement for the requisite cables and access over and under Trust land. Whilst the majority of terms have now been agreed, there is still disagreement over the need for the easement to be in perpetuity, and we await suitable reasoning to be presented by the developer. Therefore, the Trust's concerns about this application as expressed here remain partially unaddressed.	<p>As requested during the CAH1, the Applicant provided justification for seeking an easement in perpetuity to National Trust and their respective agent on Friday 28th April and is awaiting a response.</p> <p>The Applicant intends to continue discussions with the National Trust and hopes to be able to reach agreement prior to the close of Examination.</p>