



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Response to the Examining Authority's Second Written  
Question 2.14.1.10 (e&f): Additional Supporting Material

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Approved by:	Date:
<b>Sarah Chandler, Equinor</b>	May 2023

## 1 Introduction

1. In its response to the Examining Authority's Second Written Question 2.14.1.10 (e & f) (see **The Applicant's Responses to the Examining Authority's Second Written Questions** [REP3-101]) the Applicant confirmed that it had commissioned a written legal opinion from a specialist KC to explain the availability of compulsory powers under the Electricity Act 1989, if required, to deliver compensatory measures at Gateshead and Loch Ryan. This document includes a copy of the KC's opinion on this matter, together with a copy of the Instructions issued to Senior Counsel.

## COMPULSORY PURCHASE & ELECTRICITY ACT 1989

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### OPINION

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1. I am asked to advise on behalf of Equinor New Energy Limited in respect of the scope of compulsory purchase under the Electricity Act 1989 (“the 1989 Act”) against the background of two applications for off-shore windfarm extensions in England – the Sheringham Shoal Offshore Wind Farm Extension Project (“SEP”) and the Dudgeon Offshore Wind Farm Extension Project (“DEP”). SEP and DEP are both Nationally Significant Infrastructure Projects for the purposes of the Planning Act 2008 (“the 2008 Act”). A Development Consent Order (“DCO”) is being sought in respect of both and an examination is in process.
2. The background is helpfully and succinctly set out in my Instructions and need not be repeated. Suffice to note that, in the context of a Habitats Regulation Assessment, in respect of both projects it is not possible to rule out an adverse effect on the integrity of a relevant European site and derogations are needed. The case for derogation includes proposed compensation measures, which encompass proposals at Loch Ryan in Scotland and near Gateshead in England.
3. Whilst negotiations are under way in respect of both Loch Ryan and Gateshead, I am asked whether, as a matter of principle, it would be possible to invoke the compulsory purchase powers under the 1989 Act should it not be possible to secure land by agreement. Both projects are the subject of generation licences (issued to the particular companies carrying out each project).
4. Section 10 of the 1989 Act deals with powers provided to licence holders, which include compulsory purchase powers. Section 10, as relevant, states as follows:

***“10 Powers etc. of licence holders.***

*(1) Subject to subsection (2) below, Schedule 3 to this Act (which provides for the compulsory acquisition of land) and Schedule 4 to this Act (which confers other powers and makes other provision) shall have effect—*

*...*

*(b) to the extent that his licence so provides, in relation to ... any other licence holder; and references in those Schedules to a licence holder shall be construed accordingly.*

*(2) Where any provision of either of the Schedules mentioned in subsection (1) above is applied to a licence holder by his licence, it shall have effect subject to such restrictions, exceptions and conditions as may be included in the licence for the purpose of qualifying that provision as so applied or any power or right conferred by or under it.”*

5. On analysis, two issues arise – first can Schedule 3 be relied upon in the circumstances set out above and, secondly, is Schedule 3 restricted in any relevant aspect by the terms of the particular licences?

6. As to the first issue, paragraph 1 of Schedule 3 provides (emphasis added):

*(1) Subject to paragraph 2 below, the Secretary of State may authorise a licence holder to purchase compulsorily **any land required for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on.***

*(2) In this paragraph and paragraph 2 below “land” includes any right over land (other than, in Scotland, a right to abstract, divert and use water); and the power of the Secretary of State under this paragraph includes power to authorise the acquisition of rights over land by creating new rights as well as acquiring existing ones.*

7. The question, therefore, is whether the acquisition of land for the compensatory purposes described above can come within the phrase highlighted within Schedule 3, paragraph 1(1)?

8. In summary, I consider it can.

9. The phrase “for any purpose connected with the carrying on of the activities ...” is very widely drawn indeed.
- (a) The provision of compensatory measures is, in my view as a matter of plain English and logic, directly connected with the carrying on the authorised activity. Without those measures the activity could not be carried out. The connection is therefore not tenuous.
  - (b) That the land which is being contemplated is remote from the projects does not affect the principle of application of the provision. The answer would be no different if it were immediately adjacent. The required connection is not physical but functional.
  - (c) To my mind in these circumstances there is no difference between the acquisition of land for, say, road widening necessary to enable the facility to be built or for, say, land to screen an aspect of the development and the proposed compensation measures.
  - (d) The words “any purpose” are clearly purposively broad. I note the corresponding provision in the 2008 Act require, inter alia, that the land is required to facilitate or is incidental to the development and/or is replacement land as well as being required for the development itself (section 122). It would appear that, in principle, the compulsory purchase of the land is required to facilitate the development. Whilst the Acts are clearly quite separate, it would seem odd if the 1998 Act did not extend to authorise the acquisition of land which is required to facilitate the development (or the authorised activities).
10. I have not been able to find any relevant authority on the point raised by my Instructions.
11. Whilst Schedule 3 of the 1989 Act has been considered in several Scottish cases, they did not raise this point. That said, in the context of compulsory acquisition of rights (albeit wayleaves) under the 1989 Act, at paragraph [29] of *William Tracey Ltd v Scottish Ministers* [2016] CSOH 131 the Outer House Judge, Lord Glennie, noted that the Act sets out a statutory regime regulating the respective rights and interests of landowners, occupiers and licence holders all in the general interest of the public, whose interests are served by the provision of an uninterrupted supply of electricity. That is a broad aim, consistent with the broad words of Schedule 3 paragraph 1 and supports the broad approach I have taken.
12. I have considered, amongst others, authorities on section 111 of the Local Government Act 1972 (e.g. *McCarthy & Stone Developments Ltd v Richmond Upon Thames LBC* [1992] 2 A.C. 48 and others). Though they are concerned with different wording, they do emphasise the need

for a proper connection and not, in the wording of that case “to be incidental to the incidental”. In my view there is a direct not an indirect connection in this case.

13. The matter is, perforce, one of application of first principles. One of those principles is that compulsory purchase can only be authorised by clear wording, and I bear that in mind in my consideration.

14. It might be argued that the provision of compensatory measures is too far removed from the carrying on of the actual *activities* of generation to be connected to them, particularly bearing in mind the principle just stated. There will be no generation on the land to be acquired. The purchase is arguably not for the activity but something incidental to it. However, as noted above, the provision of such measures is vital to permission being granted to carry on such activities and the words of the schedule appear to wide enough to include such an acquisition.

15. In conclusion, although the matter is open to argument, and there is no authority, I consider that the stronger arguments favour the conclusions I have reached.

16. I turn then to the second issue, and the terms of the particular licences, which requires consideration of standard condition 14, paragraph 2, which as relevant states:

*The powers and rights conferred by or under the provisions of Schedule 3 to the Act (Compulsory Acquisition of Land etc. by Licence Holders) shall have effect in relation to the licensee to enable the licensee to carry on the activities authorised by this licence and which relate to:*

*(a) the construction or extension of a generating station;*

*(b) ...*

17. I do not consider that this restricts the width of the statutory provisions in any relevant manner. Indeed, the compensation measures appear clearly required to “enable the licensee to carry on the activities ...” being the construction of the generating station.

18. I turn to the specific questions asked of me.

(a) Yes.

(b) Yes.

(c) Yes.

(d) My advice is limited the principle of using the powers concerned, it is not concerned with the merits, including the particular merits of acquiring land in Scotland to offset the effects of a development in England.

19. If I can be of further help, I would be glad to be of assistance.

James Findlay KC (Scotland and England & Wales)

Terra Firma Chambers

Edinburgh

16<sup>th</sup> May 2023



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**INSTRUCTIONS TO SENIOR COUNSEL  
TO PROVIDE A WRITTEN OPINION**

**James Findlay KC**

**20 April 2023**

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## ENCLOSED PAPERS

The following papers accompany these instructions:

	<b>Document</b>	<b>Examination library reference</b>
1.	Draft Development Consent Order (Revision D)	REP2-008
2.	Report to Inform the Appropriate Assessment	APP-059
3.	Habitats Regulations Derogation – Provision Evidence	APP-063
4.	Appendix 2: Sandwich Tern Compensation Document	APP-069
5.	Annex 2A: Sandwich Tern Outline Compensation, Implementation and Monitoring Plan	APP-070
6.	Annex 2B: Sandwich Tern Nesting Habitat Improvements Site Selection	APP-071
7.	Appendix 3: Kittiwake Compensation Document	APP-072
8.	Annex 3A: Kittiwake Outline Compensation Implementation and Monitoring Plan	APP-073
9.	Habitats Regulations Assessment Derogation and Compensatory Measures Update	REP1-061
10.	Electricity Generation Licence: Standard Conditions	N/A
11.	Scira Extension Limited - electricity generation licence	N/A
12.	Dudgeon Extension Limited - electricity generation licence	N/A

## 1 INTRODUCTION

- 1.1 Equinor New Energy Limited (“Equinor”) has submitted an application for development consent to construct and operate two offshore wind farm generating stations, known as Sheringham Shoal Offshore Wind Farm Extension Project (“SEP”) and Dudgeon Offshore Wind Farm Extension Project (“DEP”), both located off the coast of Norfolk (together “the Projects”).
- 1.2 SEP is the proposed extension to the operational Sheringham Shoal Offshore Wind Farm and will comprise up to 23 wind turbine generators, together with the associated onshore and offshore infrastructure.
- 1.3 DEP is the proposed extension to the operational Dudgeon Offshore Wind Farm and will comprise up to 30 wind turbine generators, together with the associated onshore and offshore infrastructure.
- 1.4 SEP and DEP each have an overall capacity greater than 100 megawatts and are therefore both Nationally Significant Infrastructure Projects (“NSIP”) for the purposes of

the Planning Act 2008, requiring development consent. Equinor submitted an application for development consent on 2 September 2022 on behalf of Scira Extension Limited (“SEL”) and Dudgeon Extension Limited (“DEL”). SEL and DEL will be the relevant undertakers if the development consent order (“DCO”) is granted for SEP and DEP.

- 1.5 As set out in more detail below, the application was accompanied by a Report to Inform Appropriate Assessment (“RIAA”) prepared by Equinor to inform an assessment by the Secretary of State under the Habitats Regulations.<sup>1</sup> The RIAA concluded *inter alia* that an adverse effect on integrity (“AEol”) could not be ruled in respect of certain ornithological features of protected sites. As such, Equinor has proposed compensatory measures as part of its application to compensate for these predicted effects.
- 1.6 Counsel’s Opinion is sought in relation to the whether or not SEL and DEL could make use of compulsory acquisition powers available to electricity licence holders under the Electricity Act 1989 to acquire land necessary to undertake compensatory measures. Section 4 of this letter details questions on which Counsel’s Opinion is sought.

## **2 BACKGROUND**

### Application for development consent

- 2.1 Equinor is seeking a DCO for SEP and DEP which are extensions to the existing Sheringham Shoal Offshore Wind Farm and Dudgeon Offshore Wind Farm, located in the southern North Sea off the north Norfolk Coast, with the closest point to the coast being 15.8km from SEP and 26.5km from DEP. The undertaker of SEP will be SEL, which is registered in England and is a wholly owned subsidiary of the Equinor. The undertaker of DEP will be DEL, which is registered in England and is jointly owned by Equinor, Masdar Offshore Wind UK Limited and CR Power (UK) Limited.
- 2.2 With a view minimising the potential impacts from the Projects on local communities and to maximise benefits for the area, Equinor has sought to take a coordinated approach to development of the Projects. Both are proposed to be consented within the same DCO, with the potential for the Projects to develop shared transmission assets to connect to the UK Electricity Grid.
- 2.3 Both projects are NSIPs pursuant to sections 14(1)(a) and 15(3) of the Planning Act 2008 and therefore require development consent to be constructed and operated. Equinor applied to the Planning Inspectorate in September 2022 for development consent. A copy of the latest draft DCO is enclosed (document 1).
- 2.4 The Application documents include a RIAA (document 2) as required by regulation 5(2)(g) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. This identifies all relevant European sites and provides sufficient information for the Secretary of State, as competent authority under the Habitats Regulations, to determine whether the Projects are likely to have an adverse effect on the integrity of any European site.
- 2.5 The RIAA concluded *inter alia* that:
  - (a) In respect of the Sandwich tern feature of the North Norfolk Coast SPA and the Greater Wash SPA, AEol cannot be ruled out as a result of predicted mortality due to collision risk and combined displacement and collision risk, when considered in-combination with other offshore wind farms.

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2017; The Conservation of Offshore Marine Habitats and Species Regulations 2017

- (b) In respect of the kittiwake feature of the Flamborough and Filey Coast SPA, AEoI cannot be ruled out as a result of predicted mortality due to collision risk, when considered in-combination with other offshore wind farms.
- 2.6 As an AEoI cannot be ruled out, Equinor has applied for a 'derogation' under the Habitats Regulations to allow consent to be granted for the Projects despite the conclusion(s) in the RIAA. This includes proposed compensatory measures<sup>2</sup> submitted as part of application to compensate for the predicted effects from SEP and DEP.
- 2.7 The proposed compensatory measures in respect of Sandwich tern are set out within the following documents submitted with the application:
  - (a) Habitats Regulations Derogation - Provision Evidence (document 3)
  - (b) Appendix 2: Sandwich Tern Compensation Document (document 4)
  - (c) Annex 2A: Sandwich Tern Outline Compensation, Implementation and Monitoring Plan (document 5)
  - (d) Annex 2B: Sandwich Tern Nesting Habitat Improvements Site Selection (document 6)
- 2.8 The proposed compensatory measures in respect of kittiwake are set out within the following documents submitted with the application:
  - (a) Habitats Regulations Derogation - Provision Evidence (document 3)
  - (b) Appendix 3: Kittiwake Compensation Document (document 7)
  - (c) Annex 3a: Kittiwake Outline Compensation Implementation and Monitoring Plan (document 8).
- 2.9 The delivery of these measures is secured through Article 46 and Schedule 17 to the draft DCO. These include a number of provisions that restrict when SEL and DEL will be able to commence construction or operation of the Projects and impose obligations on SEL and DEL for the lifetime of the Projects, including:
  - (a) Paragraphs 2 and 11 prevent construction of the offshore wind farm(s) prior to a steering groups being established to develop the final detail of the compensation measures.
  - (b) Paragraphs 6 and 15 require the approved implementation and monitoring plans to be implemented. The approved plans will include monitoring and maintenance obligations on SEL and DEL that will last for the lifetime of the Projects.
  - (c) Paragraphs 6 and 15 also prevent the operation of any turbine forming part of the Projects until the measures have been implemented and a number of breeding seasons has past.
  - (d) Paragraphs 8 and 17 prevent the decommissioning of the compensation measures without written approval of the Secretary of State.
- 2.10 The DCO application was accepted by the Planning Inspectorate for examination on 3 October 2022 and an Examining Authority ("ExA") appointed. The examination of the application commenced on 17 January 2023.

Measures proposed in Scotland for Sandwich tern

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<sup>2</sup> As required by reg.68 of the Conservation of Habitats and Species Regulations 2017 and reg.36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017

- 2.11 Equinor consulted with a range of parties on the proposed compensatory measures prior to submitting the application, including Natural England as the relevant statutory nature conservation body under the Habitats Regulations. Equinor was encouraged to develop a 'package' of compensatory measures to compensate for the potential effects of the Projects.
- 2.12 One of the measures proposed in relation to the predicted effects on Sandwich tern is to undertake nesting habitat improvements and to restore lost breeding range at Scar Point, Loch Ryan in Scotland. As outlined in section 6.4.2 of Appendix 2: Sandwich Tern Compensation Document (document 4), Equinor identified two potential methods to deliver these measures:
- (a) Anchor a floating structure (pontoon) off the coast a short distance from the original island that Sandwich tern used to nest at; or
  - (b) Create an inland pool a short distance from the original island.
- 2.13 Option (b) has been identified as a preferred option by Equinor, in consultation with Natural England, and is the measure being actively progressed. Counsel's Opinion is sought in relation to this option only.
- 2.14 The final design of the inland pool will be agreed in consultation with statutory nature conservation bodies following the DCO being granted. Equinor anticipate that the pool would be at least 80m diameter containing two or three islands of at least 15m diameter, encompassing a total area (water and islands) of at least 1 hectare (10,000m<sup>2</sup>). The pool would be surrounded by a buffer of land or water to ensure human disturbance was minimised. Predator-proof electric fencing surrounding the entire perimeter (which would be in the order of 600m in length).
- 2.15 Equinor identified an area of search (see section 6.4.4 of Appendix 2: Sandwich Tern Compensation Document (document 4) for the location of the pool, which was an area of agricultural land used for rough grazing. Equinor has identified different options for the inland pool within the wider search area. These options are within land owned by two different individuals and used for agricultural purposes. The inland pool could be delivered wholly within the landholding of each individual.
- 2.16 Equinor are seeking to negotiate an option agreement with each party to acquire the land required to develop the inland pool. At deadline 1 (20 February 2023) of the DCO examination, Equinor submitted an update on the progress of the compensatory measures proposed (see section 4.3.1 Habitats Regulations Assessment Derogation and Compensatory Measures Update (document 9), which confirmed that negotiations with the relevant individuals were ongoing.
- 2.17 Equinor is not seeking consent to develop the compensatory measures are part of the DCO application. Planning permission for the final design of the compensatory measures will be obtained separately under the Town and Country Planning (Scotland) Act 1997 through an application to Dumfries and Galloway Council, as planning authority.
- 2.18 The nature of the proposed compensatory measures at Loch Ryan mean that the scale and location of the measures will not differ in the event that one Project is developed and the other is not. The area of land that Equinor is looking to secure for the development of the compensation measures is therefore a single size, rather than different options for different development scenarios.

#### Measures proposed at Gateshead for kittiwake

- 2.19 The package of measures proposed for kittiwake includes nest site improvements to enhance breeding success. One of the options proposed by Equinor is to modify an existing kittiwake nesting tower at Gateshead. Gateshead Council owns the existing artificial nesting tower and the land on which it is located. The Council is also responsible for the management of the tower.

- 2.20 Equinor is not seeking consent to develop tower as part of the DCO application. Planning permission will be obtained separately under the Town and Country Planning Act 1990 through an application to Gateshead Council, as planning authority.
- 2.21 Equinor is in discussions with Gateshead Council in relation to acquiring the rights in land necessary to carry out the necessary modifications to the tower. Appendix B to the Habitats Regulations Assessment Derogation and Compensatory Measures Update (document 9) included a letter of support from Gateshead Council. Negotiations regarding the acquisition of the necessary land rights are ongoing.
- 2.22 As with the compensation proposals at Loch Ryan for Sandwich tern, the nature of the proposed compensatory measures at Gateshead mean that the scale and location will not differ in the event that one Project is developed and the other is not.

#### Current status of the examination

- 2.23 The ExA is under a duty to complete the examination of the application by 17 July 2023. On 12 April they ExA issued its second written questions seeking further information from Equinor and other interested parties. Question 2.14.1.10 sought an update from Equinor on the proposed compensatory measures, including the following:

*“e) would, or could, the Applicant exercise its [compulsory acquisition] powers if the necessary site is not secured prior to the close of the Examination;*

*f) would, or could, the Applicant exercise its [compulsory acquisition] powers if necessary in respect of Sandwich tern compensation at Loch Ryan”*

- 2.24 Counsel’s Opinion is sought to inform Equinor’s response to these questions.
- 2.25 Section 3 below details what the Instructing Solicitors consider to be the relevant legislative provisions. The Instructing Solicitors note that SEL and DEL hold a generation licences under section 6 of the Electricity Act 1989, which were issued by Ofgem on 10 June 2021 (documents 11 and 12).

### **3 RELEVANT LAW**

#### The need for compensation measures

- 3.1 The legal requirement to provide compensation measures is set out in reg.68 of the Conservation of Habitats and Species Regulations 2017 and reg.36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. Both are in the same terms and state:

*“Where...a plan or project is agreed to, notwithstanding a negative assessment of the implications for a European site or a European offshore marine site...the appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of [the National Site Network] is protected.”*

- 3.2 The Secretary of State therefore cannot grant the DCO allowing construction and operation of the generating station(s) proposed unless he is satisfied that the necessary compensatory measures will be secured and delivered.
- 3.3 As outlined in paragraph 2.9, the draft DCO provides the legal mechanism to secure delivery of the measures.

#### Planning Act 2008

- 3.4 The Planning Act 2008 (sections 122 – 134) allows a DCO to include provisions authorising compulsory acquisition of land. Those powers can allow an undertaker to acquire land (or rights in land) required for the development to which the development

consent relates, or that is required to facilitate or is incidental to that development.<sup>3</sup> Those powers do not extend to Scotland in respect of the Projects.<sup>4</sup> Equinor has not included within the draft DCO powers of compulsory acquisition relating to the proposed compensatory measures. It is therefore not proposed to use powers available under the Planning Act 2008 to obtain the necessary land rights.

#### Electricity Act 1989

- 3.5 A licence holder under section 6 of the Electricity Act 1989 can be granted powers of compulsory acquisition as part of their licence. Section 10 of the Electricity Act 1989 states *inter alia*:

***“10 Powers etc. of licence holders.***

*(1) Subject to subsection (2) below, Schedule 3 to this Act (which provides for the compulsory acquisition of land) and Schedule 4 to this Act (which confers other powers and makes other provision) shall have effect—*

*...*

*(b) to the extent that his licence so provides, in relation to ... any other licence holder;*

*and references in those Schedules to a licence holder shall be construed accordingly.*

*(2) Where any provision of either of the Schedules mentioned in subsection (1) above is applied to a licence holder by his licence, it shall have effect subject to such restrictions, exceptions and conditions as may be included in the licence for the purpose of qualifying that provision as so applied or any power or right conferred by or under it.”*

- 3.6 Paragraph 1, Schedule 3 states:

*(1) Subject to paragraph 2 below, the Secretary of State may authorise a licence holder to purchase compulsorily **any land required for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on.***

*(2) In this paragraph and paragraph 2 below “land” includes any right over land (other than, in Scotland, a right to abstract, divert and use water); and the power of the Secretary of State under this paragraph includes power to authorise the acquisition of rights over land by creating new rights as well as acquiring existing ones.*

[emphasis added]

- 3.7 Ofgem has issued standard conditions for inclusion within an electricity generation licence (document 10). Condition 14, paragraph 2 states:

*“The powers and rights conferred by or under the provisions of Schedule 3 to the Act (Compulsory Acquisition of Land etc. by Licence Holders) shall have effect in relation to the licensee to enable the licensee to carry on the activities authorised by this licence and which relate to:*

*(a) the construction or extension of a generating station;*

*(b) the operation of a generating station; and/or*

<sup>3</sup> Section 122(2) of the Planning Act 2008

<sup>4</sup> Section 240 of the Planning Act 2008

*(c) the installation, inspection, maintenance, adjustment, repair, alteration, replacement or removal of electric lines, and electrical plant associated with them, and any structures for housing or coverings such lines or plant, connecting a generating station with:*

*(i) the national electricity transmission system; or*

*(ii) a distribution system-,*

*including, for the avoidance of doubt, whether these activities in sub-paragraph (c) are to be carried out by the licensee or another licence holder.”*

3.8 The generation licences held by SEL and DEL both give effect to standard condition 14.

#### **4 QUESTION FOR COUNSEL’S OPINION**

4.1 Counsel’s Opinion is requested on the following questions:

- (a) Does Counsel consider that the compulsory acquisition powers afforded to generation licence holders under the Electricity Act 1989 could be used to acquire land (or rights in land) necessary to undertake compensatory measures that are required to be offset adverse impacts from the development of a generating station?
- (b) If the answer to (a) is yes, does Counsel consider that SEL and DEL could use such powers to seek to acquire land at Gateshead to undertake compensatory measures related to kittiwake?
- (c) If the answer to (a) is yes, does Counsel consider that SEL and DEL could use such powers to seek to acquire land at Loch Ryan to undertake compensatory measures related to Sandwich tern?
- (d) Does Counsel have anything to add?

4.2 For the avoidance of doubt, Counsel’s Opinion is not sought at this stage on the merits of SEL and DEL having a compulsory purchase order confirmed by either the Secretary of State<sup>5</sup> or the Scottish Ministers<sup>6</sup> in due course.

4.3 Counsel is asked to write his Opinion in a form which could be submitted to the Examination as a public document.

If Counsel wishes to discuss these Instructions he should contact Patrick Munro on [REDACTED] ([REDACTED]).

**20 April 2023**  
**Burges Salmon LLP**

<sup>5</sup> In respect of a compulsory purchase order promoted in England. Paragraph 5 of Schedule 3 of the Electricity Act 1989 applies the procedure set out in the Acquisition of Land Act 1981.

<sup>6</sup> In respect of a compulsory purchase order promoted in Scotland. Paragraph 11 of Schedule 3 of the Electricity Act 1989 applies the procedure set out in the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.