



**National  
Trust**

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13th June 2023

Online submission: Planning Inspectorate

Your Ref: EN010109

Our Ref: 20033322

Dear Sir/Madam

**Application by Equinor for an Order Granting Development Consent for the  
Sheringham and Dudgeon Extension Project (EN010109)**

**Procedural Deadline 5 Submission: Responses to Third Written Questions (WQ3)**

Please find below responses from the National Trust to the Examiners Third Written Questions.

Yours faithfully

*Nina Crabb*

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WQ3		Question to:	Question:
<b>Q3.8.3 Special Land</b>			
Q3.8.3.2	Applicant National Trust	<b>National Trust Land</b> Provide an update on progress with negotiations and highlight any particular issues which may be an impediment to reaching a voluntary agreement before the close of the Examination.	
	<b>Response from National Trust</b>	The National Trust's position remains unchanged since Deadline 3. 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, this issue currently remains unresolved.	
<b>Q3.14. Habitats Regulation Assessment</b>			
Q3.14.1.4	Natural England	<b>The Farne Islands Management Plan</b>	
	National Trust	<p>NT submitted the draft Farne Islands Management Plan to the Examination, noting that it needs signoff from NE [AS-042]. NT expressed that the management plan may not become a Government document, as alleged by the Applicant, and look to NE to advise [REP3-140]. NT also consider the Applicant's proposals do not represent additionality and the SoCG with the NT [REP2-046] suggests that there need not be any further discussion on the Farne Islands compensation measures with the most recent SoCG [REP4-024] stating resources should be deployed elsewhere.</p> <ul style="list-style-type: none"> <li>a) When will the draft Farne Islands Management Plan document be endorsed by NE?</li> <li>b) When adopted, will this constitute a Government document?</li> <li>c) If yes to b) above, is the Applicant justified in relying on that document and what is said in the Energy Security Bill with respect to the arguments of providing compensation on the</li> </ul>	

		<p>Farne Islands (the 'additionality' point) [REP3-111]?</p> <p>d) Given the lack of certainty about the status and efficacy/ additionality of the management plan, should the proposals at the Farne Islands be discounted from the Applicant's package of compensatory measures for sandwich terns? Explain with reasons.</p> <p>e) In light of the SoCG [REP2-046] is NT, as the owners and managers of the Farne Islands, stating that the Farne Islands are not available to the Applicant?</p>
	<p><b>Response from National Trust</b></p>	<p>a) This is a matter for Natural England and the National Trust defers to their response.</p> <p>b) Natural England are best placed to respond to this question. We would ask that Natural England clarify this and make the National Trust aware of any implications should the Farne Islands Management Plan be considered a Government document.</p> <p>The National Trust's understanding is that the Management Plan will not become a Government document. It is a local site management plan which acts as the consenting tool for management of a National Nature Reserve. Once approved by Natural England, the Management Plan is used to assess applications for activities which require SSSI consent.</p> <p>c) This is a matter for Natural England and the National Trust defers to their response.</p> <p>d) The National Trust considers that the proposals at the Farne Islands should be discounted from the Applicant's package of compensation measures for sandwich terns. As set out in the Trust's Written Representation (REP1-134), responses to WQ2 (REP3-141) and draft SoCG Rev.B [REP4-024], the National Trust does not consider the proposals demonstrate additionality to existing management proposals. Furthermore, the area used for</p>

		<p>shelters is very fragile due to puffin burrows and available and suitable space for interventions is limited as most of the area is keenly contested by seabirds. The National Trust does not consider the proposals are appropriate or deliverable.</p> <p>e) Yes, for the reasons set out above and, in our representations, the National Trust, as the owners and managers of the Farne Islands advises that the Farne Islands are not available for the for the compensation measures proposed by the Applicant.</p>
Q3.14.1.5	<p>Applicant</p> <p>National Trust</p>	<p><b>Route to acquire Farne Islands</b></p> <p>It has been previously mentioned that the Applicant would seek negotiated positions with landowners to implement compensatory measures, but there remains the ability under the Electricity Act 1989 to pursue compulsory acquisition if required [REP3-101, Q2.14.1.10]. The SoCG with the NT [REP2-046] states the NT does not wish to engage with the developers any further with regards to opportunities on the Farne Islands, although the Applicant maintains that the compensatory measures are viable and deliverable [REP3- 101].</p> <p>If the Applicant wished to proceed, in light of the apparent objection from the NT with regards to land the Trust holds inalienably, where would that leave the Proposed Development with regards to special parliamentary procedure (either through this Examination or through any subsequent pursuance of compulsory acquisition powers under the Electricity Act 1989)?</p>
	<p><b>Response from National Trust</b></p>	<p>Where a developer proposes to compulsorily acquire land or rights over land that the National Trust has declared inalienable and the Trustees of the National Trust object to that acquisition and maintain that objection until the Development Consent Order is confirmed, the matter is referred to Special Parliamentary Procedure (“SPP”). Only the Trustees of the National Trust can decide not to object or to withdraw an objection to a compulsory acquisition proposal affecting NT inalienable land, as set out in the Planning Act 2008.</p>

		<p>This process only applies to an objection to the acquisition of NT inalienable land (or rights over NT inalienable land), as opposed to other objections NT might raise as part of a DCO examination process. It is a safeguarding provision to help the National Trust preserve the land in its care, that is of such quality, it has taken the decision to protect this land for the benefit of the nation, in perpetuity.</p> <p>Currently, we understand that the only proposed compulsory acquisition of rights over Trust inalienable land by the Applicant relates to the commercial forestry at Sheringham. Should the Applicant amend its application to include other National Trust inalienable land as part of this Examination process, and the National Trust object to that acquisition, the same provisions relating to Special Parliamentary Procedure would apply.</p> <p>Similar provisions relating to National Trust inalienable land and Special Parliamentary Procedure are set out at clause 18 of the Acquisition of Land Act 1981, which is incorporated into the Electricity Act 1989 at Schedule 3, paragraph 5. In this way, the same process would apply should the Applicant seek to exercise the compulsory acquisition powers of a Licence Holder under the Electricity Act 1989.</p>
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