

The National Trust (the Trust) acknowledges that the applicant is proposing to deliver compensatory measures for Lesser Black Backed Gulls on third party land at Orford Ness (land that is not owned by the National Trust).

However, the Trust notes that the Book of Reference dated January 2025, submitted at Deadline 5 includes references to compulsory acquire National Trust land or rights over National Trust land. National Trust land is also included in the submitted Land Plans.

As set out in our Relevant Representation, the National Trust's land at Orford Ness has been designated as 'inalienable' pursuant to section 21 of the National Trust Act 1907. This means that the freehold title to the land is to be held in perpetuity for the benefit of the nation and therefore cannot be sold or mortgaged in the conventional sense. Once the land has been designated 'inalienable' this status cannot be undone.

The National Trust wishes to confirm that it objects to the DCO application to the extent that it includes compulsory purchase of Trust inalienable land or rights over Trust inalienable land in the Book of Reference.

The Trust cannot remove this objection until commercial terms have been agreed between the developer and the Trust (and been approved by the National Trust's Board of Trustees) or all references to National Trust inalienable land have been removed from the Book of Reference and Land Plans. If this objection is not removed before the Secretary of State confirms the Development Consent Order, the Order would automatically become subject to 'special parliamentary procedure' (SPP).

It is understood that the applicant intends to exclude the National Trust's interests from the Book of Reference and Land Plans and confirm this through the submission of an updated Book of Reference at Deadline 7 (3rd March 2025). The National Trust will review this and update our position in a submission to the Examining Authority at Deadline 8 (10th March).

It is unclear at this stage whether the applicant will be seeking an easement or licence for access over Trust land through a voluntary agreement outside of the Development Consent Order process. However, our view is that rights over National Trust land are not required to deliver the compensation measures proposed for Lesser Black Backed Gulls on Orford Ness.