

# The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

Additional Land Application  
(Submitted for Deadline 2)



The Planning Act 2008  
The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009 - Regulation 5(2)(q)

## Drax Power Limited

### Drax Repower Project

Applicant: DRAX POWER LIMITED  
Date: November 2018  
Document Ref: 8.5.7  
PINS Ref: EN010091

## Document History

Document Ref	8.5.7
Revision	001
Author	Alexis Coleman
Signed	Date 08/11/2018
Approved By	Richard Griffiths
Signed	Date 08/11/2018
Document Owner	Pinsent Masons LLP

## Glossary

Term	Definition
Above Ground Installation (AGI)	<p>The Minimum Offtake Connection (MOC) which will be operated by National Grid Gas and the PIG Trap Launching station (PTF-L) which will be operated by Drax.</p> <p>The AGI is described as Work No. 6 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).</p>
Application	The DCO Application.
The Applicant	Drax Power Ltd.
Effect	The consequence of an impact on the environment.
Environmental Statement	A statement that includes the information that is reasonably required to assess the environmental effects of a development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but that includes at least the information required in the EIA Regulations 2017 and which is prepared in accordance with the latest Scoping Opinion adopted by the Secretary of State (where relevant).
Examining Authority (ExA)	A panel or single person appointed from the Planning Inspectorate to be responsible for conducting the examination of, and recommendation to the SoS as to a decision on, the DCO Application.
Gas Pipeline	<p>The approximately 3 km underground pipeline which connects the Gas Receiving Facility to the National Transmission System.</p> <p>The Gas Pipeline is described as Work No. 7 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).</p>
Gas Receiving Facility (GRF)	This is required to receive the natural gas from the Gas Pipeline. The GRF is described as Work No. 5 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).
Land use	What land is used for, based on broad categories of functional land cover, such as urban and infrastructure use and the different types of agricultural and forestry.
Landscape	An area, as perceived by people, the character of which is a result of the action and interaction of natural and/or human factors.
Mitigation Measures	Actions proposed to avoid, reduce and where possible offset likely significant adverse effects arising from the whole or specific elements of a development.
Proposed Scheme	Drax Power Limited is proposing to repower up to two existing coal-powered generating units (Units 5 and 6) at the Existing Drax Power Station Complex with new gas turbines that can operate in both combined cycle and open cycle modes. The term "repower" is used as existing infrastructure, such as the steam turbine and cooling towers, that are

Term	Definition
	<p>currently used for the coal fired units would be reutilised for the new gas fired generating units/stations.</p> <p>The repowered units (which each constitute a new gas fired generating station) would have a new combined capacity of up to 3,600 MW in combined cycle mode (1,800 MW each), replacing existing units with a combined capacity to generate up to 1,320 MW (660 MW each). This is explained further below:</p> <p>Each gas generating station would have up to two gas turbines, with each gas turbine powering a dedicated generator of up to 600 MW in capacity. The gas turbines in each generating station (or unit), therefore, would have a combined capacity of up to 1,200 MW. The gas turbines in each generating station (or unit), in combined cycle mode, would provide steam to the existing steam turbine (through Heat Recovery Steam Generators (HRSGs)) which would generate up to 600 MW per unit. Each unit would have up to two HRSGs. This results in a capacity for each generating station of up to 1,800 MW and, should both units be repowered, a combined capacity of up to 3,600 MW. The new gas turbine generating units have been designated the terms "Unit X" and "Unit Y". In OCGT mode, the combined capacity would be up to 2,400MW (as in OCGT mode, there would be no HRSG capacity).</p> <p>Each unit would have (subject to technology and commercial considerations) a battery energy storage facility with a capacity. The battery units may be stored within a single structure.</p> <p>The total combined capacity of the two gas fired generating stations and two battery storage facilities (i.e. the total combined capacity of the Proposed Scheme) is therefore 3,800 MW.</p> <p>Drax is seeking consent for the flexibility to either:</p> <ul style="list-style-type: none"> <li>○ Repower one unit (either Unit 5 or 6) and construct Unit X as a gas fired generating station; or</li> <li>○ Repower both Units 5 and 6 and construct Unit X and Unit Y as two gas fired generating stations.</li> </ul> <p>In the single unit scenario, up to two gas turbines and up to two HRSGs and (subject to technology and commercial considerations) a battery energy storage facility would be constructed. The maximum size of the battery storage cells and any structure built to protect them would not change, as the battery storage cells for one Unit could be one larger battery which would allow the output associated with one Unit to be sustained for a longer duration. However, the fuel gas station and gas insulated switchgear would be smaller.</p> <p>In the event that two units are repowered and two new generating stations are constructed, then construction works would be undertaken consecutively rather than concurrently.</p> <p>In order to repower to gas, a new Gas Pipeline would be constructed from the Existing Drax Power Station Complex to the National Transmission</p>



Term	Definition
	<p>System (NTS) operated by National Grid. Pipeline infrastructure would be the same for both one and two unit scenarios.</p> <p>A gas receiving facility (GRF) comprising Pipeline Inspection Gauge (PIG) Trap Facility (PTF), Pressure Reduction and Metering Station (PRMS) and compressor station is proposed south of woodland to the east of New Road.</p> <p>At the connection to the NTS there will be an AGI comprising - a Pig Trap Launching station (PTF-L) which will be operated by Drax, and a Minimum Offtake Connection (MOC), which will be operated by National Grid.</p> <p>The Proposed Scheme also includes the electrical connection.</p> <p>Drax's Proposed Scheme is described in more detail in Chapter 3 (Site and Project Description) of the ES Volume 1 (Examination Library Reference APP-071).</p> <p>Schedule 1 of the Order (Examination Library Reference AS-012) lists out the elements comprised within the Proposed Scheme.</p>
Repower	Decommissioning of existing coal-fired units and replacement with newly constructed gas-fired units utilising some of the existing infrastructure.
Site	The Site refers to the Power Station Site, the Carbon capture readiness reserve space (which is also the location of temporary construction laydown described as Work No. 9B in Schedule 1 to the draft DCO submitted with the DCO Application) and the Pipeline Area.
Site Reconfiguration Works/Stage 0	<p>The Site Reconfiguration Works or Stage 0 refers to the works described below that are required to prepare the Power Station Site for the construction of the generating station equipment and the electrical connection. The works comprise:</p> <ol style="list-style-type: none"> <li>1. Demolition of the private squash court (no replacement), Learning Centre (consolidated into existing facilities); and</li> <li>2. Demolition of and reconstruction of car parking, turbine outage stores, contractor's compounds and welfare facilities.</li> <li>3. Construction of a cooling water spray screen between relocated facilities and the southern cooling towers.</li> </ol> <p>The Site Reconfiguration Works were the subject of a separate planning application under the Town and Country Planning Act 1990 (planning reference 2018/0154/FULM) which was approved by Selby District Council on 24 May 2018. The Applicant has started to carry out the Site Reconfiguration Works by implementing planning permission 2018/0154/FULM. At the time of submitting this document, the Applicant has submitted a non-material amendment application to the Examining Authority to remove these works from the Proposed Scheme being authorised under the DCO. The DCO Application makes it clear that these works may be carried out under either:</p>

Term	Definition
	<ol style="list-style-type: none"> <li>1. Any TCPA planning permission that may be granted; or</li> <li>2. The DCO.</li> </ol>
Stage 1	<p>This stage assumes that the Site Reconfiguration Works have been completed (under a separate planning application under the Town and Country Planning Act 1990 (planning reference 2018/0154/FULM) which was approved by Selby District Council on 24 May 2018). This stage refers to the construction of Unit X, along with the construction of the Gas Pipeline, the GRF, the AGI, the battery storage facility for Unit X, and any structure that is built to protect the battery storage (for both Units X and Y).</p> <p>During this stage one coal unit (either 5 or 6) continues to operate while Unit X is being constructed.</p>
Unit X	<p>The construction of a gas fired generating station capable of operating in CCGT and OCGT modes and which would have a generating capacity of up to 1,800 MW. Unit X would be connected to a battery storage facility. Unit X is described in Work No. 1 of Schedule 1 to the draft DCO (Examination Library Reference AS-012).</p>
Unit Y	<p>The construction of a gas fired generating station capable of operating in CCGT and OCGT modes and which would have a generating capacity of up to 1,800 MW. Unit Y would be connected to a battery storage facility. Unit Y is described in Work No. 2 of Schedule 1 to the draft DCO (Examination Library Reference AS-012).</p>

## Abbreviations

Abbreviation	Term in full
DCO	Development Consent Order
m	Metres
m <sup>2</sup>	Metres squared
MW	Megawatts

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## EXECUTIVE SUMMARY

This submission relates to an application by Drax Power Limited ("Drax") for development consent to repower up to two existing coal-fired units (known as Unit 5 and Unit 6) with gas (the "Application"). This means the existing coal-fired units would be decommissioned and replaced with newly constructed gas-fired units utilising some of the existing infrastructure. In addition, each new generating unit would (subject to technology and commercial considerations) be connected to its own battery energy storage facility.

The Application followed consultation with various parties, with Drax carrying out statutory and non-statutory consultation pursuant to Part 5 of the Planning Act 2008.

In accordance with good practice as well as the requirements of compulsory acquisition guidance, Drax has continued to engage with interested parties, including affected landowners.

The changes sought are as a consequence of one of the following reasons, and the affected plots are identified for each:

1. A discrepancy between land shown as being needed for the gas receiving facility (Work Number 5) on the works plans, and the land to be permanently acquired for that purpose on the land plans. Following a further feasibility study, it was confirmed that a larger area of land for Work Number 5, shown on the works plans, was required, and as a result, the area of land to be acquired for the gas receiving facility is sought to be increased. This affects plots 9 and 12.
2. Refinement of the alignment of the Gas Pipeline (Work Number 7) and to ensure consistency with the work plans. This affects plots 26, 27, 32 and 33.
3. A discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area over which rights are sought is required for planting mitigation than shown on land plans. This affects plots 55, 58, 60, 61, 66 and 67.
4. The need to ensure retention of existing trees which serve to provide screening mitigation of the gas receiving facility (Work Number 5). This affects plots 11, 12, 25 and 26.
5. Equipment installation in connection with the above ground installation (Work Number 6). The equipment to be installed is an oil separator and attenuation tank (to be installed below ground). The area above the oil separator and attenuation tank cannot be farmed or used in any meaningful way by the current owner and is therefore to be permanently acquired. This affects plots 62 and 65.

The changes only affect land already included within the Order land, and do not result in any newly affected persons.

# 1 INTRODUCTION

- 1.1.1 On 29 May 2018, Drax Power Limited ("Drax") submitted to the Secretary of State its application for development consent to repower up to two existing coal-fired units (known as Unit 5 and Unit 6) with gas (the "Application"). This means the existing coal-fired units would be decommissioned and replaced with newly constructed gas-fired units utilising some of the existing infrastructure. In addition, each new generating unit would (subject to technology and commercial considerations) be connected to its own battery energy storage facility. Drax is seeking consent for the flexibility to either repower one unit (i.e. construct a single generating station) (with an up to 1,800 MW generating capacity and battery storage capacity) or to repower two units (two generating stations each with an up to 1,800 MW generating capacity and each with its own battery storage capacity). The Application followed statutory and non-statutory consultation pursuant to Part 5 of the Planning Act 2008.
- 1.1.2 In accordance with good practice as well as the requirements of the Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (the "Guidance"), Drax has continued to engage with interested parties, including affected landowners.
- 1.1.3 Since submission of the Application, Drax has identified that additional land is required as a consequence of: additional freehold land being required for the gas receiving facility; refinement of the Gas Pipeline alignment; additional are of land over which rights are required for planting and retention of existing trees; and freehold land being required for installation of equipment associated with the above ground installation. Therefore, Drax is requesting that the Examining Authority, on behalf of the Secretary of State, accepts a proposal for acquiring the additional land. This requires an amendment to the Order land over which powers of compulsory acquisition is sought. As there is "additional land" within the meaning of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the "CA Regulations"), this submission is Drax's written request to the Examining Authority to consider changes to its Application, including powers of compulsory acquisition, in respect of the "additional land" as defined in Regulation 2(1) of the CA Regulations (the "Submission").
- 1.1.4 In the context of the CA Regulations, this Submission is a compulsory acquisition request to the Secretary of State in respect of additional land, and, as such, is a 'proposed provision' (as defined at Regulation 2(1)) and is made under Regulation 5 of the CA Regulations.
- 1.1.5 This Submission includes suggested amendments to the Order land (as defined in the draft Development Consent Order (Examining Library Reference [AS-012](#), a revised version of which is submitted at Deadline 2, Applicant's document ref 3.1, Rev 2) (the "DCO")) to which powers of compulsory acquisition relate.

## 2 PROPOSED CHANGES TO THE ORDER LAND

- 2.1.1 The changes are more fully described in Table 1 below, and are shown on the Plans identifying the additional land submitted in support of this application (Applicant's document ref Application document reference 8.5.6, Rev 01). Revised land plans submitted at Deadline 2 also reflect the proposed changes.
- 2.1.2 The changes described are as a consequence of one of the following:
- 2.1.2.1 A discrepancy between land shown as being needed for the gas receiving facility (Work Number 5) on the works plans, and the land to be permanently acquired for that purpose on the land plans. Following a further feasibility study, it was confirmed that a larger area of land for Work Number 5, shown on the works plans, was required, and as a result, the area of land to be acquired for the gas receiving facility is sought to be increased.
  - 2.1.2.2 Refinement of the alignment of the Gas Pipeline (Work Number 7) and to ensure consistency with the work plans.
  - 2.1.2.3 A discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area over which rights are sought is required for planting mitigation than shown on land plans.
  - 2.1.2.4 The need to ensure retention of existing trees which serve to provide screening mitigation of the gas receiving facility (Work Number 5).
  - 2.1.2.5 Equipment installation in connection with the above ground installation (Work Number 6). The equipment to be installed is an oil separator and attenuation tank (to be installed below ground). The area above the oil separator and attenuation tank cannot be farmed or used in any meaningful way by the current owner and is therefore to be permanently acquired.

Table 1 - Description of changes to the Application

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
1.	9	Increase in plot size, so that part of what was previously plot 12 becomes plot 9. Compulsory acquisition of	Kate Elizabeth Bingley (freehold owner)  Paul and Gwendoline Cooper	There was a discrepancy between the work plans (work number 5) (Examination Library ref APP-009) and the land plans	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		the freehold of the land being added to plot 9 is sought. This is a change in the rights sought in relation to the additional land added to plot 9. Previously new rights were sought over the additional land (i.e. it was coloured blue on the land plans), and now the freehold of that land is sought to be acquired (i.e. it is now coloured pink on the land plans).	(leasehold owner)	(plots 9 and 12, on sheet 3, Examination Library ref AS-010), meaning that the area shown for acquisition (being plot 9) did not align with the area shown as being required for work number 5. It is proposed that the area of plot 9 be increased to fully align with the area shown by work number 5, so that the full extent of the area required will be available for the gas receiving facility at this location.	being agreed.
2.	11	Decrease in plot area.	Kate Elizabeth Bingley (freehold owner)  Paul and Gwendoline Cooper	The increase in area of plot 12 (see item 3 of this table) to the south has led to a decrease of plot 11	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
			(leasehold owner)		being agreed.
3.	12	<p>Decrease in plot area to the west due to increase in plot 9 (see item 1 in this table), and increase in plot area to the south due to decrease in plot 11 (see item 2 in this table).</p> <p>With respect to the increase in plot size, this means that whereas previously temporary possession was sought with respect to the additional land now being included in plot 12 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).</p>	<p>Kate Elizabeth Bingley (freehold owner)</p> <p>Paul and Gwendoline Cooper (leasehold owner)</p>	<p>The increase in area of plot 9 (see item 1 in this table) has led to the decrease of plot 12.</p> <p>The decrease in plot 11 has led to the increase of plot 12. The increase is to ensure Drax has the necessary powers to enhance the existing trees that are situated on what was previously the border between plots 11 and 12. In addition, as Drax relies on these trees it is necessary to impose a restrictive covenant to ensure their retention. The effect of the change is that the trees would be entirely within plot 12, and</p>	<p>Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.</p>

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				there would be new rights created over that land in order that the Applicant can ensure the retention of the trees, which are needed for mitigation purposes, namely the screening of the gas receiving facility.	
4.	25	Increase in plot area due to decrease in plot 26 (see item 5 in this table). With respect to the increase in plot size, this means that whereas previously temporary possession was sought with respect to the additional land now being included in plot 25 (i.e. it was coloured yellow on the land plans), the Applicant now seeks	Kate Elizabeth Bingley (freehold owner)  Paul and Gwendoline Cooper (leasehold owner)	The increase is to ensure the retention of trees which are situated on what was previously plot 26. The increase is to ensure Drax has the necessary powers to enhance the existing trees that are situated on what was previously plot 26. In addition, as Drax relies on these trees it is necessary to impose a restrictive	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.



Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		new rights over that additional land (i.e. it is now coloured blue on the land plans).		covenant to ensure their retention. The effect of the change is that the trees would be entirely within plot 25, and there would be new rights created over that land in order that the Applicant can ensure the retention of the trees, which are needed for mitigation purposes, namely the screening of the gas receiving facility.	
5.	26	Decrease in plot area	Kate Elizabeth Bingley (freehold owner)  Paul and Gwendoline Cooper (leasehold owner)	The increase in area of plot 27 (see item 6 in this table) and of plot 25 (see item 4) has led to the decrease of plot 26. The alignment and area of the plot has been changed to match the current pipeline	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				alignment and ensure consistency with work plans.	
6.	27	Increase in plot area so that land that was previously part of plot 26 is now part of plot 27. This means that whereas previously temporary possession was sought with respect to the additional land now being included in plot 27 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).	Kate Elizabeth Bingley (freehold owner)  Paul and Gwendoline Cooper (leasehold owner)	The alignment and area of the plot has been changed to match the current pipeline alignment and ensure consistency with work plans.	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
7.	32	Increase in plot area so that land that was previously part of plot 33 (see item 8 in this table) is now part of	John Neville Stones (freehold owner)  Paul and Gwendoline	The alignment and area of the plot has been changed to match the current pipeline alignment and	Yes. The Affected Landowners are aware of this change. The change affects valuation

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		<p>plot 32. This means that whereas previously new rights were sought with respect to the additional land now being included in plot 32 (i.e. it was coloured blue on the land plans), the Applicant now only seeks temporary possession of this land (i.e. is it now coloured yellow on the land plans).</p> <p>The Applicant would note that as this change takes out an area of land from compulsory acquisition, it does not fall within the definition of "additional land." However, for completeness, the Applicant has included this land.</p>	Cooper (leasehold owner)	ensure consistency with work plans.	which is in the process of being agreed.

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
8.	33	Decrease in plot area	John Neville Stones (freehold owner)  Paul and Gwendoline Cooper (leasehold owner)	The increase in area of plot 32 (see item 7 of this table) has led to the decrease of plot 33. The alignment and area of the plot changed to match the current pipeline alignment and ensure consistency with Work Plans.	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
9.	55	Decrease in plot area	Paul and Gwendoline Cooper	The increase in area of plot 58 (see item 10 of this table) and plot 66 (see item 14 of this table) has led to the decrease in plot 55. In both cases there was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage the planting in future.	
10.	58	Increase in plot area so that land that was previously part of plot 55 (see item 9) is now part of plot 58. This means that whereas previously temporary possession was sought with respect to the additional land now being included in plot 58 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that	Paul and Gwendoline Cooper	There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		additional land (i.e. it is now coloured blue on the land plans).		and manage the planting in future.	
11.	60	Decrease in plot area	Paul and Gwendoline Cooper	The increase in area of plot 61 (see item 12 of this table) and plot 67 (see item 16 of this table) has led to the decrease in plot 60. There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.



Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				the planting in future.	
12.	61	Increase in plot area so that land that was previously part of plot 60 (see item 11 of this table) is now part of plot 61. This means that whereas previously temporary possession was sought with respect to the additional land now being included in plot 61 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).	Paul and Gwendoline Cooper	There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage the planting in future.	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
13.	62	Increase in the plot area so that land that was previously part of plot 65 (see item 14 of this table) is now part of	Paul and Gwendoline Cooper	This additional land is required for equipment installation in connection with the above ground	Yes. The Affected Landowners are aware of this change. The change affects valuation

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		plot 61. This means that whereas previously new rights were sought in relation to the additional land now being included in plot 62 (i.e. it was coloured blue on the land plans), the Applicant now seeks to acquire the freehold in this land (i.e. it is now coloured pink on the land plans).		installation (Work Number 6). The equipment to be installed in the ground on this land is an oil separator and attenuation tank. The area above the oil separator and attenuation tank cannot be farmed or used in any meaningful way by the current owner. The tanks will require future access and maintenance.	which is in the process of being agreed.
14.	65	Decrease in plot area	Paul and Gwendoline Cooper	The increase in area of plot 62 (see item 13 of this table) has led to the decrease in plot 65. The additional land in plot 62 is required for equipment installation in connection with the above ground installation (Work Number	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				6).	
15.	66	Increase in the plot area so that land that was previously part of plot 55 (see item 9 of this table) is now part of plot 66. This means that whereas previously temporary possession was sought in relation to the additional land now being included in plot 66 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights with respect to this land (i.e. it is now coloured blue on the land plans).	Paul and Gwendoline Cooper	There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage the planting in future.	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
16.	67	Increase in plot area so that land that was previously part of plot 60 (see item 11 of this table) is now part of plot 67. This means that	Paul and Gwendoline Cooper	There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		whereas previously temporary possession was sought with respect to the additional land now being included in plot 67 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).		Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage the planting in future.	being agreed.

2.1.3 In accepting any application to amend the Order land pursuant to the above, the Examining Authority must:

- 2.1.3.1 consider whether the requirements of the CA Regulations have been met; and
- 2.1.3.2 give consideration under wider planning law principles as to whether the amendments constitute a new application for development consent. If the amendments are such that the Examining Authority considers that they constitute a new application for development consent, then those amendments should not be accepted.

### 3 CA REGULATIONS

- 3.1.1 This Submission is made in the context of section 123 of the Planning Act 2008 and Regulation 4 of the CA Regulations, where respectively subsection 123(4) and Regulation 4 require the prescribed procedure in Regulations 5 to 19 of the CA Regulations to apply and where: (a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land; and (b) a person with an interest in the additional land does not consent to the inclusion of such provision in the order.
- 3.1.2 At the present time, Regulation 4(a) and 4(b) do apply in that – subject to the acceptance of the Secretary of State pursuant to Regulation 6 - Drax proposes to include in the draft DCO provisions, which, if the DCO were made, would authorise the compulsory acquisition of additional land, and also because to date, it has not been possible to secure the consent of all relevant landowners to the inclusion in the draft DCO of such a provision. This submission is therefore made in parallel with Drax's on going negotiations with land owners, with the aim of minimising the risk of there being any impediments to the implementation of the Proposed Scheme, should the DCO be made and development consent granted.
- 3.1.3 Regulation 5 of the CA Regulations requires that the applicant, Drax, must send certain information to the Examining Authority as part of its application. These are summarised and included within this application as follows:

*Table 2 – Information required and submitted within this application.*

Document required pursuant to Regulation 5	Document title(s) as part of the application	Document reference(s)	Included as part of the Application?
Supplementary Book of Reference	Book of Reference – Revision 4 Submitted at Deadline 2	4.3	Yes
	Book of Reference – Revision 4 Submitted at Deadline 2 showing changes to Revision 3	4.3	Yes
Updated Land Plans identifying additional land	Updated Land Plans	2.2	Yes
	Plans identifying additional land	8.5.6	Yes
Statement of Reasons explaining why the additional land is required	Supplemental Statement of Reasons in relation to additional land	8.5.8	Yes
Funding Statement update	Updated Funding Statement	4.2	Yes

- 3.1.30 The Book of Reference lists all the land over which Drax is seeking powers to acquire rights over land compulsorily, or to possess and use land temporarily, pursuant to the DCO for the Scheme. It also lists rights over the Order land which may be interfered with, suspended or extinguished. There are no new land owners identified in the Book of Reference (Examination Library Reference [APP-024](#)) as a result of this Submission, however some of the plots and description of land has changed. This is clearly illustrated in the tracked changed document which has also been submitted with this Submission.
- 3.1.31 At Annex 1 is a full schedule of all application documents and this list is annotated to show which documents have been updated.
- 3.1.32 The Schedule of Changes submitted at Deadline 2 (Applicant's document reference 8.2.2) sets out the reasons for changes made to the revised draft DCO also submitted at Deadline 2 (Applicant's document reference 3.1, Rev 2), including identifying which changes are as a result of this Submission.



## 4 CHANGES TO THE APPLICATION

- 4.1.1 Drax is aware of the principles set down by the court in *Bernard Wheatcroft Ltd v Secretary of State for Environment and another* (1982) 43 P. & C.R. 233.
- 4.1.2 These principles were amplified in the letter from Bob Neill MP to Sir Michael Pitt, dated 28 November 2011 (the "DCLG letter").
- 4.1.3 Further, the Planning Inspectorate in March 2018 published an updated version of Advice Note 16 – How to request a change which may be material.
- 4.1.4 All of the above have been considered in this Submission.
- 4.1.5 In the case of the additional land, Drax does not consider that the changes are sufficient to be considered material, let alone sufficient so as to constitute a new application for development consent.
- 4.1.6 The table below sets out the key changes sought. The table identifies where additional land is sought to be included in the Application, the size of that area, and the change in the rights or land sought with respect to that area.

*Table 3 – Key changes sought*

Plot number	Additional area (area in square metres by which the area of the plot is proposed to increase)	Rights / land previously sought	Rights / land now sought
9 (increased plot size resulting in decrease to size of plot 12)	2239sqm	Acquisition of new rights (blue)	Acquisition of land (pink)
12 (increased plot size resulting in decrease to size of plot 11)	-885sqm (there is an overall decrease in the size of this plot due to the increase in plot 9)	Temporary possession (yellow)	Acquisition of new rights (blue)
25 (increased plot size resulting in decrease to size of plot 26)	396sqm	Temporary possession (yellow)	Acquisition of new rights (blue)
27 (increased plot size resulting in decrease to size of	524sqm	Temporary possession	Acquisition of new rights (blue)

Plot number	Additional area (area in square metres by which the area of the plot is proposed to increase)	Rights / land previously sought	Rights / land now sought
plot 26)		(yellow)	
32 (increased plot size resulting in decrease to size of plot 33)	70sqm	Acquisition of new rights (blue)	Temporary possession (yellow)
58 (increased plot size resulting in decrease in size of plot 55)	224sqm	Temporary possession (yellow)	Acquisition of new rights (blue)
61 (increased plot size resulting in decrease in size of plot 60)	200sqm	Temporary possession (yellow)	Acquisition of new rights (blue)
62 (increased plot size resulting in decrease in size of plot 65)	264sqm	Acquisition of new rights (blue)	Acquisition of land (pink)
66 (increased plot size resulting in decrease in size of plot 55)	289sqm	Temporary possession (yellow)	Acquisition of new rights (blue)
67 (increased plot size resulting in decrease in size of plot 60)	302sqm	Temporary possession (yellow)	Acquisition of new rights (blue)

- 4.1.7 In their totality, the proposed changes are considered to be minor amendments to the authorised development which are not material changes to the Proposed Scheme as a whole and are not such as to constitute a new application. Further, given that the changes are being put forward by Drax in part to provide for landscape mitigation and that no new persons with an interest in land have been identified, it is clear that the refinements will not cause prejudice to anyone.

[The requirements of the DCLG letter and Advice Note 16](#)

- 4.1.8 The DCLG letter provides that if the Examining Authority is to consider material changes to an application as part of the Examination they will need to act reasonably and in accordance with the principles of natural justice. Further, anyone affected by the amended proposals must have a fair opportunity to have their views heard and properly taken into account.
- 4.1.9 As explained above, Drax does not consider that the proposed amendments to the Proposed Scheme are material. However, it addresses the issues raised in the DCLG letter and Advice note 16 as follows:
- 4.1.10 Each of the changes proposed in this Submission has been discussed with those parties affected by the changes, in each case with the aim of identifying a solution which seeks to balance the needs of the affected parties with Drax's obligations in connection with delivering the scheme.
- 4.1.11 The application for additional land has been made within 6 weeks of the commencement of the Examination and therefore there is ample opportunity for the Examining Authority to seek the written comments of interested parties pursuant to rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. Further, the additional has been discussed with relevant landowners prior to this submission being made.

## 5 CONSULTATION

- 5.1.1 Drax aims to acquire land for the Proposed Scheme by agreement wherever possible. Without resort to the exercise of powers of compulsory acquisition. Accordingly, negotiations with the affected parties identified in the Supplementary Book of Reference will be continued in parallel with steps in compliance with the procedural requirements of Regulations 5 to 19 of the CA Regulations. Drax considers that the incorporation of those procedural requirements into the on-going examination timetable would provide further opportunities for consultation and consideration of the proposed amendments by affected parties.
- 5.1.2 The application for additional land does not involve any new persons who have an interest in the land. Therefore all persons affected by the proposed amendments were notified of the acceptance of the Application pursuant to section 56 of the Planning Act 2008 and therefore were provided with an opportunity to become an interested party. Therefore, there is unlikely to be a need for the Examining Authority to exercise its discretion to allow persons who are not interested persons an opportunity to submit representations on the additional land to be acquired.
- 5.1.3 Drax is aware of the requirements of paragraph 3.3 of Advice Note 16, which recommends consultation prior to any application to make a change to an application for development consent. This recommendation does not apply when changes to the application are not material. Therefore, given Drax's view that the proposed amendments are not material; it is not considered that the consultation requirements apply. In any event, Drax has been in discussions with the affected persons regarding the rights now sought in respect of their interests.
- 5.1.4 If, in the alternative, the Examining Authority concludes that the changes are material, Drax considers that the consultation referred to above is sufficient and complies with the Wheatcroft principle.

## Annex 1

### Schedule of Application Documents

Document Reference	Document title	Does this document require updating for the purposes of the changes application?	Document reference for revised documents
APP-001	Application cover letter	This document has not been updated	None
APP-002	Application Guide	Yes, to reflect revised or further documents submitted as part of the application	Document Reference 1.2, Rev 006
APP-003	Application Form	This document has not been updated	None
APP-004	Section 55 Checklist	This document has not been updated	None
APP-005	Electronic Application Index	This document has not been updated	None
APP-006	Glossary	This document has not been updated	None
APP-007	Site Location Plan	This document has not been updated	None
APP-008	Land Plans	This has been updated. The amended version reference is Version 4.	Document Reference 2.2, Rev 03
APP-009	Works Plans	This document has not been updated	None
APP-010/APP-011/ APP-013 - APP-017	Indicative Plans	This document has not been updated	None
APP-012	Access and Rights of Way Plans	This document has not been updated	None
APP-018	Site Reconfiguration Work Plans	This document has not been updated	None
APP-019	Pedestrian Bridge Plan	This document has not been updated	None

APP-020	Draft DCO	<p>This document has been updated at Deadline 2. Changes include those made for the purposes of this application, as set out in the Schedule of Changes submitted at Deadline 2 (Applicant's Document Reference 8.2.2)</p> <p>The most up to date version of the DCO is therefore given Document Reference 3.1, version 1 (July 2018).</p>	Document Reference 3.1, Rev 2
APP-021	Explanatory Memorandum	This document has not been updated	None
APP-022	Statement of Reasons	This document has not been updated – it is intended to update this document to reflect the additional land changes, following acceptance of the application by the Secretary of State.	None
APP-023	Funding Statement	This document has been amended. The amended version reference is Version 2.	Document Reference 4.2, Rev 002
APP-024	Book of Reference	This has been amended. The amended version reference is Version 4.	Document Reference 4.3A, Rev 004
APP-025	Compulsory Acquisition Schedule	This document has not been updated – it is intended to update this document to reflect the additional land changes, following acceptance of the application by the Secretary of State.	None
APP-026 – APP-061	Consultation Report and Appendices	This document has not been updated	None
APP-062	Planning Statement	This document has not been updated	None
APP-063	Statutory Nuisance Statement	This document has not been updated	None
APP-064	Grid Connection	This document has not been	None



	Statement	updated	
APP-065	Gas Connection Statement	This document has not been updated	None
APP-066	Combined Heat and Power Statement	This document has not been updated	None
APP-067	Carbon Capture Readiness Statement	This document has not been updated	None
APP-068	Other Consents and Licences	This document has not been updated	None
APP-069 - APP-132	Environmental Statement and Appendices	This document has not been updated	None
APP-133	Outline Construction Environmental Management Plan	This document has not been updated	None
APP-134	Habitats Regulations Assessment Report	This document has not been updated	None
APP-135	Outline Landscape and Biodiversity Strategy	This document has not been updated	None
APP-136	Flood risk Assessment	This document has not been updated	None
APP-137	Preliminary Environmental Information Report Non-technical summary	This document has not been updated	None
APP-138	Proposed Heads of Terms for a Development Consent Obligation	This document has not been updated	None