

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Drax Re-power proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28 day due date	Date of decision
	8 November 2018	6 December	6 December
Regulation 6(2)		Planning Inspectorate Comments	
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	Paragraph 1.1.4 of the Additional Land Application (Document reference 8.5.7) states: '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'		
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	Paragraph 3.1.2 of the Additional Land Application (Document reference 8.5.7) states: 'it has not been possible to secure the consent of all relevant landowners to the inclusion in the draft DCO of such a provision.'		
Summary – Regulation 4		The proposed provision is one to which regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply.	
Regulation 5 - Proposed Provision			

The applicant must send to the Secretary of State details of the proposed provision which must—	
(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;	An updated Book of Reference (Document reference 4.3, rev 004) was submitted with the additional land application together with a track changed version of revision 004 of the Book of Reference.
(b) be accompanied by— (i) land plan identifying the land required as additional land, or affected by the proposed provision; and (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.	(i) An updated Land Plans and plans identifying the additional land (Document reference 2.2 and 8.5.6) was submitted with the additional land application. (ii) An updated Funding Statement (Document reference 4.2, rev 002) and an supplemental Statement of Reason (Document reference 5.8.5) was submitted with the additional land application.
Summary – Regulation 5	The Book of Reference is, as permitted by Regulation, supplemental to that already submitted. However, the Land plans, Statement of Reasons and Funding Statement are also provided as supplemental to the DCO application. this is not strictly in accordance with Regulation 5(b), but is sufficient to explain the proposed provision.

Case Leader

Michele Gregory

Michele Gregory

Signed

Date:

7 December 2018

Lead member of the Examining Authority

Richard Allen

Richard Allen

Signed

Date:

7 December 2018
