

# White Rose Carbon Capture and Storage (CCS) Project

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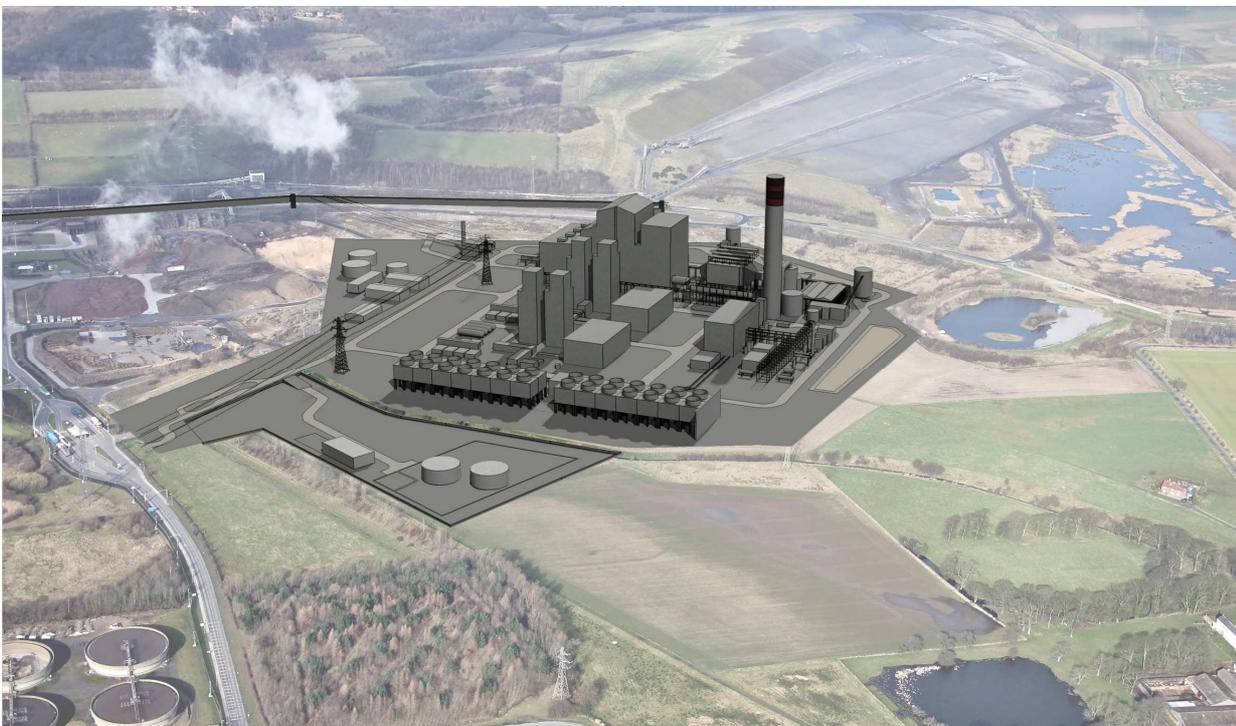
## The White Rose CCS (Generating Station) Order

Land within and adjacent to the Drax Power Station Site, Drax, near Selby, North Yorkshire

## Statement of Reasons (Changes from Submission - Track Change Version)

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(h) and 5(2)(n)



Applicant: Capture Power Limited  
Date: April 2015

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<b>Glossary of Abbreviations and Definitions</b>	
2008 Act	The Planning Act 2008 setting out legislation in relation to applications for NSIPs, including pre-application consultation and publicity, the examination of applications and decision making by the Secretary of State.
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Sets out detailed procedures that must be followed for submitting and publicising applications for Nationally Significant Infrastructure Projects.
Applicant	Capture Power Limited or CPL.
Application	The Application for a Development Consent Order made to the Secretary of State under Section 37 of the Planning Act 2008 in respect of the Project, required pursuant to Section 31 of the Planning Act 2008 because the Project is a Nationally Significant Infrastructure Project under Section 14(1)(a) and Section 15 of the Planning Act 2008 by virtue of being an onshore generating station in England or Wales of 50 Megawatts electrical capacity or more.
Associated Development	Defined in the Planning Act 2008 as development which is associated with the principal development. There must be a direct relationship between the associated development and the principal development. Associated development should either support the construction or operation of the principal development, or help address its impacts. It should not be an aim in itself but should be subordinate to the principal development.
Book of Reference	A reference document providing details of all landownership interests and other affected persons within the Order limits and which is linked to the Land Plan.
CA Guidance	A document titled 'Guidance related to procedures for the compulsory acquisition of land' dated September 2013 and issued by the Department for Communities and Local Government.
Capture Power Limited or CPL	The Applicant. A joint venture comprised of Drax CCS Limited, ALSTOM UK Holdings Limited and The BOC Group Limited.
CCS	Carbon Capture and Storage.
CO <sub>2</sub>	Carbon Dioxide.
Consents and Licences required	A document setting out the other consents and licences that are required for the construction and operation of the Project and that are not included within the draft Order.
Consultation Report	The report prepared by the Applicant documenting the consultation it has carried out including that required by the Planning Act 2008, and how responses to the consultation have been taken into account.
DCLG	Department for Communities and Local Government.
DCO	Development Consent Order made by the Secretary of State pursuant to the Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a variety of consents which would otherwise be required for a development. A DCO can also include rights of compulsory acquisition.
DECC	Department for Energy and Climate Change.
EIA	Environmental Impact Assessment. The assessment of the likely significant environmental effects of a development undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 setting out how the EIA of Nationally Significant Infrastructure Projects must be carried out and the procedures that must be followed.
EN-1	Overarching National Policy Statement for Energy.

EN-2	National Policy Statement for Fossil Fuel Electricity Generating Infrastructure.
EN-5	National Policy Statement for Electricity Networks Infrastructure.
EP	Environmental Permit.
ES	Environmental Statement.
Existing Power Station site	All of the land comprised within the existing Drax Power Station site.
Explanatory Memorandum	A document that explains the intended purpose and affect of a DCO and the authorisations and powers it seeks.
Funding Statement	A statement setting out how the applicant intends to fund any compulsory acquisition of land required or any compensation claims made by parties that may be affected by the Project.
ha	Hectares.
km	Kilometres.
kV	Kilovolts.
Land Plan	A plan showing all of the land that is required for the Project, and which is sought for freehold acquisition, for new rights or for temporary purposes as part of the Order.
Local development plan	A statutory document or a set of documents prepared and adopted by a planning authority which set out the local policies governing development within its administrative area. The local development plan document can be made up of a number of DPDs.
Limits of deviation	The lateral limits shown on the Works Plan(s) and the vertical limits within which the Project may occur.
MW	Megawatts.
MWe	Megawatts electrical. A measurement of power.
NGET	National Grid Electricity Transmission plc.
NPPF	National Planning Policy Framework.
NPS	National Policy Statements produced in accordance with the Planning Act 2008 that set out policy in relation to the preparation of applications for Nationally Significant Infrastructure Projects and the assessment and determination of these.
NSIP	A Nationally Significant Infrastructure Project that must be authorised by the grant of a DCO under the Planning Act 2008.
NYCC	North Yorkshire County Council.
Order	The White Rose CCS (Generating Station) Order, being the DCO that would be made by the Secretary of State authorising the Project, a draft of which is submitted with the Application.
Order Land	The land to which the Order relates and comprising of all the land within the Order limits that is required for the Project.
Order limits	The limits of the land to which the Application relates and shown on the Works Plans within which the Project must be carried out.
PINS	The Planning Inspectorate. A Government agency responsible for receiving and administering the acceptance and examination of applications for NSIPs.
Project	The development to which the Application relates and which requires a DCO, the formal description of which is at Schedule 1 to the Order.
Project site	The site which is the subject of the Application, known as the Order limits in the Order.
PROW	Public right of way.
Requirements	The 'requirements' at Schedule 2 to the Order that, amongst other matters, are intended to control the final details of the Project as to be constructed and also to place limitations

	upon it in terms of its operation (e.g. control of noise levels and delivery hours) to ensure that it accords with the environmental impact assessment and does not result in unacceptable impacts.
Selby DC	Selby District Council.
SoS	The Secretary of State. The decision maker for DCO applications and head of Government department.
Statement of Reasons	This document, a statement setting out the reasons and justification for the compulsory acquisition of land or rights in land within the Order limits.
TCPA	The Town and Country Planning Act 1990
Works Plan	Plans showing the numbered works referred to at Schedule 1 to the Order and submitted with the Application.

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## 1.0 SUMMARY

- 1.1 This Statement of Reasons has been prepared in support of Capture Power Limited's (the 'Applicant') application (the 'Application') for a Development Consent Order (a 'DCO') that has been made to the Planning Inspectorate ('PINS') under Section 37 of The Planning Act 2008 (the 2008 Act).
- 1.2 The Application seeks a DCO (the 'Order') for the construction, operation and maintenance of a new thermal generating station (an ultra-supercritical oxy-fuel coal-fired power plant of up to 448 megawatts (MWe) gross with the ability to co-fire biomass) that will be fitted with carbon capture and storage ('CCS') technology and associated development (together the 'Project') on land within and adjacent to the existing Drax Power Station site, Drax, near Selby, North Yorkshire, YO8 8PH, within the administrative areas of Selby District Council and North Yorkshire County Council.
- 1.3 The entire site for the Project (the 'Project site') covers an area of approximately 116 hectares ('ha') and is located on land within and adjacent to the existing Drax Power Station site, Drax, near Selby, North Yorkshire. The operational area for the Project would be approximately 29 hectares.
- 1.4 A DCO is required as the Project falls within the 2008 Act definition of a 'Nationally Significant Infrastructure Project' (a 'NSIP'). Before a NSIP can proceed an application must be submitted to PINS for examination, and ultimately, approval by the relevant Secretary of State (the SoS); in this case the SoS for the Department of Energy and Climate Change ('DECC').
- 1.5 The DCO, if made, would be known as the 'White Rose CCS (Generating Station) Order' (the 'Order').
- 1.6 The Project is one of two that is being supported by the UK Government's £1 billion CCS Commercialisation Programme and will demonstrate the viability of new coal-fired plant incorporating CCS technology on a commercial scale.

### THIS STATEMENT

- 1.7 This Statement of Reasons should be read alongside the draft Order (Document Ref 2.1), the Explanatory Memorandum (Document Ref 2.2), the Book of Reference (Document Ref 3.1), the Funding Statement (Document Ref 3.3) and the Land Plans (Document Ref 4.2).
- 1.8 This Statement explains why it is necessary, proportionate and justifiable for the Application to contain compulsory acquisition powers, and why there is a compelling case in the public interest for the Applicant to be granted these powers. This section summarises the remainder of this Statement.

### COMPULSORY ACQUISITION POWERS

- 1.9 Section 120 of the 2008 Act provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the Act lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 1.10 Section 122 of the 2008 Act provides that a DCO may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that Project site is required for the development to which the DCO relates or the land is required to facilitate or is incidental to that development. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order.

### THE PROJECT AND LAND / RIGHTS SOUGHT

- 1.11 The main elements of the Project for which consent is sought in the Order are summarised as follows (the references to 'Work No.' are to the numbered works listed at Schedule 1 to the draft Order (Document Ref. 2.1). This list also indicates the nature of compulsory acquisition power or rights to access land which is sought

- Work No. 1A - the generating station (the 'coal-fired power plant') located in the northern part of the Project site, to the north of the existing Power Station site, including a boiler house, steam turbine, cooling water towers, flue gas treatment systems, a flue gas emissions stack and CO<sub>2</sub> capture, processing and compression facilities. The Order seeks powers to compulsory acquire the land required for Work No. 1A;
- Work No. 1B - laydown and construction areas for construction and maintenance. The Order seeks powers to use the Work No. 1B land temporarily for construction and maintenance;
- Work No. 2 - fuel intake, limestone and gypsum and fuel ash handling and transportation infrastructure, including connections with the existing Power Station site. The Order seeks powers to compulsory acquire rights to carry out and maintain Work No. 2;
- Work No. 3 - fuel ash storage on part of the existing Barlow Mound forming the north-western part of the Project site and located to the north-west of the existing Power Station site. The Order seeks powers to compulsory acquire rights to store ash as part of Work No. 3;
- Work No. 4 - a connection to the electricity grid which ~~will comprise one of three options. The first two are cable (132kV or 400kV) comprises a 400kV cable~~ running along the eastern side of the Project site to ~~one of the existing substations~~ 400kV substation located in the south-eastern part of the existing Power Station site. ~~The third option is a 132kV cable and associated infrastructure which links to an existing overhead cable in the northern~~ part of the existing Power Station site. The Order seeks powers to compulsory acquire rights to carry out and maintain Work No. 4;
- Work No. 5 - connections for cooling water, potable water and sewerage and related facilities between the Project site and the northern part of the existing Power Station site. The Order seeks powers to compulsory acquire rights to carry out and maintain Work No. 5;
- Work No. 6 - vegetation clearance and the creation of a new hardstanding area immediately adjacent to the existing jetty on the River Ouse, located to the east of the main Project site and the existing Power Station site, for the unloading and storage of equipment and materials delivered by barge and parking and circulation space for vehicles transporting items from the jetty to the Project site. The Order seeks powers to use the Work No. 6 land temporarily for construction and maintenance;
- Work No. 7 - the underground diversion of an existing 11kV overhead electrical cable on the north-eastern edge of the Project site. The Order seeks powers to compulsory acquire rights to carry out and maintain Work No. 7; and
- Work No. 8 - works to ~~one of the two~~ the existing ~~substations~~ 400kV substation located in the south-eastern part of the existing Power Station site to facilitate the grid connection. The Order seeks powers to compulsory acquire rights to carry out and maintain Work No. 8.

1.12 The areas over which these different categories of compulsory acquisition or powers are shown on the Land Plans (Document Ref. 4.2) as follows:

- land over which compulsory acquisition powers are sought is shaded pink;
- land over which the compulsory acquisition of rights is shaded blue; and
- land sought for temporary use is shaded yellow.

1.13 The Applicant has included only land within the Order which is required for the Project, including its construction, operation and maintenance. Schedule 1 to this Statement sets out what each plot of land (on the Land Plans (Document Ref. 4.2) is to be used for.

### NEED FOR POWERS OF COMPULSORY ACQUISITION

1.14 The Applicant is in negotiations with Drax Power Limited (which owns the majority of the Project site) seeking the necessary land and rights for the Project, but at present the Applicant does not own any of the Project site nor have any interest in it. The Applicant does have an indirect corporate link with Drax Power Limited, but this does not provide it with any certainty that the land will be available. In addition, there are a number of other owners, tenants and occupiers of the Project site (either directly

or who have rights over it), as well as a number of rights, restrictions and other title matters which could affect the implementation or operation of the Project.

- 1.15 In order to ensure that the Project can be delivered, it is therefore appropriate for the Applicant to seek powers of compulsory acquisition, at the same time as it is seeking to negotiate with the relevant parties to acquire the necessary land and rights by agreement.

### JUSTIFICATION FOR COMPULSORY ACQUISITION POWERS

- 1.16 The urgent need for electricity generation is provided in Overarching Energy National Policy Statement (NPS) ('EN-1') and confirmed in Fossil Fuel Electricity Generating Infrastructure NPS ('EN-2'). The Project would contribute significantly to meeting this need.

- 1.17 The Project is in line with these relevant NPSs, and the 2008 Act states that applications for DCOs are to be determined in accordance with relevant NPSs unless certain conditions are met. The Applicant does not consider that any of those conditions are met, and in particular the Applicant considers that the benefits of the Project strongly outweigh any impacts it may have:

- EN-1 and EN-2 confirm that there is an urgent need for new electricity generating capacity in the UK, particularly low carbon and renewable forms of energy, including generating stations fitted with CCS to enhance security and diversity of supply, support the transition to a low carbon economy and enable the Government to meet its climate change commitments. The Project responds to this need in a timely manner, delivering up to 448 MWe gross of low carbon electricity generating capacity;
- The Project will support the Government's CCS Commercialisation Programme, by demonstrating clean coal/CCS technology on a commercial scale. It will also support the NGCL CO<sub>2</sub> pipeline project;
- As the UK moves toward a low carbon economy in line with Government policy and becomes less reliant on fossil fuels, a greater proportion of energy supply will be from renewable sources, much of which is intermittent in nature. It will therefore be important to have a range of generating capacity in order to meet demand during periods when the contribution made from intermittent sources of renewable energy is less. The Project would provide reliable low carbon generation, adding further resilience to UK energy supplies;
- The use of CCS in the generation of electricity will deliver very substantial carbon savings, making a positive contribution toward the Government's ambitious and legally binding climate change commitment of a reducing greenhouse gas emissions by 80% (compared to 1990 levels) by 2050;
- The Project has been designed to be 'CHP Ready', meaning that should a viable heat demand be identified in the future for excess heat and steam the space will be available to accommodate the necessary CHP facilities to satisfy that demand. A CHP facility at the Project site would deliver further carbon savings;
- It is intended that fuel deliveries will be made by rail, supporting Government policy on transport and according with policy set out in EN-1 and EN-2;
- The Project will have substantial benefits in terms of employment during both construction and operation, and expenditure in the local and wider economy; and
- The Project accords with, and would assist in delivering the development plan strategy for Selby, helping to achieve targets for low carbon energy generation and employment.

- 1.18 The Applicant has considered whether the Project site is the most appropriate - the location adjacent to the existing Power Station is ideal as (for example) it provides ready access to the national grid to export power and the Project can capitalise on shared infrastructure with the existing Power Station, including good road access, delivery of fuel and other raw materials by rail and shared water supplies and effluent control systems. A standalone project elsewhere would have a notably larger footprint while being less economically viable to develop.

- 1.19 The Funding Statement (Document Ref. 3.3) sets out the funding available or which will be available to the Applicant to carry out the Project, including paying any compensation due under the Order.

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## SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 1.20 Land and rights belonging to statutory undertakers is present in the Project site, over which the Applicant is seeking powers of compulsory acquisition and/or power to use the land temporarily. The Applicant does not consider that the Project will be detrimental to any of the affected undertakings, and has included protective provisions in the draft Order (Document Ref 2.1) for the protection of statutory undertakers.
- 1.21 Part of land included in Work No. 6 is Crown land (part of the jetty and River Ouse), although no powers of compulsory acquisition are sought over it. The Crown Estate confirmed in response to the statutory consultation on the Project that it had no comments to make.

## OTHER CONSENTS NEEDED

- 1.22 Other consents are or may be required for the Project, such as a generating licence, environmental permit, hazardous substance consent, protected species licence and consents required to transport abnormal indivisible (large) loads to the site. The Applicant considers that there is no impediment to these and other consents required being granted.

## HUMAN RIGHTS

- 1.23 The draft Order has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the draft Order. The Applicant considers that there would be very significant public benefit arising from the making of the draft Order for the Project. That benefit can only be realised if the Order includes compulsory purchase powers.
- 1.24 The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition and that it would therefore be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

## FURTHER INFORMATION

- 1.25 Owners and occupiers of property affected by the draft Order who wish to negotiate a sale or discuss matters of compensation should contact David Davenport of Carter Jonas on 01904 558200.

## 2.0 INTRODUCTION

- 2.1 This Statement of Reasons has been prepared in support of Capture Power Limited's (the 'Applicant's') application (the 'Application') for a Development Consent Order (a 'DCO') that has been made to the Planning Inspectorate ('PINS') under Section 37 of The Planning Act 2008 (the '2008 Act') in respect of the White Rose CCS Project.
- 2.2 The Applicant is seeking a DCO to authorise the construction, operation and maintenance of a thermal generating station (an ultra-supercritical oxy-fuel coal-fired power plant of up to 448 megawatts (MWe) gross with the ability to co-fire biomass) that will be fitted with carbon capture and storage ('CCS') technology and associated development (together the 'Project') on land within and adjacent to the existing Drax Power Station site, Drax, near Selby, North Yorkshire, YO8 8PH, within the administrative areas of Selby District Council and North Yorkshire County Council.
- 2.3 The Project, including a generating station with a nominal gross electrical output capacity of up to 448 megawatts ('MWe') gross, falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the 2008 Act. It is therefore necessary for CPL to apply to the Secretary of State ('SoS') for the Department of Energy and Climate Change ('DECC') for 'Development Consent' for the Project under Section 31 of the 2008 Act.
- 2.4 The DCO, if made, would be known as the 'White Rose CCS (Generating Station) Order' (the 'Order'). A draft of the Order forms part of the Application (Document Ref. 2.1) and sets out the authorisations and powers that the Applicant is seeking in respect of the Project. The purpose and affect of the Order is explained within the Explanatory Memorandum (Document Ref. 2.2).
- 2.5 This Statement of Reasons forms part of the Application, and is required under regulation 5(2)(h) of the APFP Regulations. It also includes information on Crown land (as required by regulation 5(2)(n) APFP Regulations, to be read alongside the Land Plans (Document Ref. 4.2) which show the location of the Crown land. The other documents included within the Application (a number of which this Statement of Reasons refers to) are listed within the 'Application Index' document (Document Ref. 1.3).

## THE BACKGROUND TO THE PROJECT

- 2.6 The White Rose Project is one of two projects being supported by the UK Government's £1 billion CCS Commercialisation Programme, with around £100 million of that funding underpinning the consenting, detailed engineering design and development for the projects. It is anticipated that, subject to the relevant consents being in place, final investment decisions will be taken on the projects around the end of 2015, with the Government then potentially investing the remainder of the £1 billion to support their construction.
- 2.7 The CCS Commercialisation Programme is a key component of the 2012 'UK CCS Roadmap', which sets out the Government's strategy for developing the CCS industry. The Project is intended to demonstrate the viability of new fossil fuel generating plant incorporating CCS technology on a commercial scale. This forms an important part of the Government's objective of enhancing energy security and diversity (recognising that fossil fuels will continue to form a major part of the UK energy mix for the foreseeable future), while allowing new clean fossil fuel plant to be developed as part of a low carbon energy mix, ensuring that the UK meets its CO<sub>2</sub> reduction commitments. Further information on energy and CCS policy and the need for the Project is provided at Section 5.
- 2.8 In addition, the Project will support the development of the CO<sub>2</sub> pipeline currently being promoted by National Grid Carbon Limited ('NGCL') within the Yorkshire and Humber region, to transport CO<sub>2</sub> for permanent storage beneath the North Sea in suitable geological structures. It is understood that the CO<sub>2</sub> pipeline will be used by other power generators and industrial operators in the region. The CO<sub>2</sub> pipeline and associated storage are being advanced separately by NGCL (who submitted their own application for a DCO to the SoS earlier in 2014) and they do not form part of the White Rose CCS Project.

## THE APPLICANT

- 2.9 Since its inception in 2010, the Project has been promoted by a consortium comprising Drax and Alstom, with BOC joining in 2011.
- 2.10 The Applicant, Capture Power Limited ('CPL'), is an English private limited company that was incorporated in December 2011 as a fully own subsidiary of Drax CCS Limited (a company fully owned by Drax Group plc). In December 2013 ALSTOM UK Holdings Limited (an Alstom Group company) and The BOC Group Limited (a Linde Group company) each acquired a one-third interest in CPL. The Applicant (CPL) is therefore currently a joint venture company equally owned by Drax CCS Limited, ALSTOM UK Holdings Limited and The BOC Group Limited.
- 2.11 CPL is able to draw upon the significant experience that exists within the joint venture companies in relation to power generation and transmission, CCS technology and engineering, amongst other capabilities. Further information on the joint venture companies is provided in Figure 1.1. below and can be found on the Project website: [www.whiteroseccs.co.uk](http://www.whiteroseccs.co.uk)

**Figure 1.1: The White Rose Consortium**



- 2.12 The Applicant does not presently have any interest in the Project site, the majority of which is within the ownership of Drax Power Limited. The Application (through the Order (Document 2.1)) seeks the necessary land, rights and powers in order to be able to construct, operate and maintain the Project.

## THE PROJECT SITE

- 2.13 The Project site (known as the 'Order Limits' in the Order (Document Ref. 2.1)) comprises land within, adjacent and close to the operational boundary of the existing Power Station site. It lies entirely within the administrative boundary of Selby District Council ('Selby DC'), which in turn lies within the boundary of North Yorkshire County Council ('NYCC'). The location of the Project site is shown on the Location Plan (Document Ref. 4.1).
- 2.14 Selby District is a relatively small rural district with a population of approximately 82,000. It is the most southerly district in North Yorkshire and covers an area of approximately 6,190 km<sup>2</sup> to the south of York and broadly contained by the A1(M)/A1 to the west and the River Derwent to the east. Neighbouring authorities are York, Leeds, Doncaster, Harrogate, Wakefield and the East Riding of Yorkshire. Much of the District is relatively flat and low-lying and is characterised by open, sparsely

wooded landscapes, including extensive areas of agricultural land. The more sensitive higher quality landscapes are generally confined to the limestone ridge, which runs north-south along the western side of the District.

- 2.15 The River Ouse is located approximately 1.5 km to the north and north-east of the Project site, with Barlow Mound (the area used for the long-term storage of fuel ash from the existing Power Station) being situated immediately to the north and west. The existing Power Station site is located to the south of the Project site, and is characterised by a number of large structures, including the main generating station buildings, a main emissions stack of 259 metres in height, 12 cooling towers each of 114m in height (six to the north and six to the south of the generating station buildings), offices, storage buildings, coal, limestone, gypsum and ash handling facilities, as well as overhead electricity cables and rail infrastructure.
- 2.16 The Project site includes parts of the existing Power Station site and part of Barlow Mound, although the majority of it is located outside and to the north of the operational boundary of the existing Power Station site. The entire Project site extends to around 116 hectares (ha), of which approximately 29 ha would be the permanent generating station site operational area. The temporary laydown and construction areas extend to approximately 39 ha, with the remaining areas (required primarily for various infrastructure connections and for the most part within the existing Power Station site) totalling approximately 48 ha. The extent of the Project site is shown on the Land Plans (Document Ref. 4.2).
- 2.17 The Project site (with the exception of areas within the existing Power Station site and at Barlow Mound) comprises land that has been used in connection with the existing Power Station for the storage, handling and preparation of wood and biomass materials for co-firing within the existing Power Station and for topsoil storage. The remaining parts of the Project site are used for a mix of agricultural purposes. The Project site is crossed by a number of drainage ditches, including Carr Dyke and is relatively flat and low-lying.
- 2.18 A public right of way ('PROW') runs along the western side of the Project site, past Barlow Mound, and then eastwards across the site to New Road/Pear Tree Avenue. This PROW has recently been the subject of an application for a Footpath Diversion Order ('FDO'). The FDO was sealed on 29 October 2014 but has not been confirmed. The FDO will divert the PROW around the Project site.
- 2.19 The area surrounding the Project site is generally flat and low-lying, apart from Barlow Mound, which rises to approximately 30m AOD. With the exception of the existing Power Station site, the area is predominantly agricultural in character, interspersed with a number of small settlements. These include Long Drax and Barlow (the nearest), Drax and Camblesforth. North of the River Ouse are Hemmingbrough and Barmby on the Marsh. The nearest town is Selby, approximately 6 km to the north west, with Goole being around 8 km to the south east.
- 2.20 The area has good road and rail links. There is road access to the existing Power Station site from Junction 36 of the M62 via the A645, which is used as the route for all heavy good vehicle (HGV) traffic entering or leaving the existing Power Station site. Furthermore, a dedicated rail spur enters the existing Power Station site to serve the internal 'merry go round' rail systems used for the delivery of coal. The River Ouse, which is part navigable, links the Port of Goole with the River Humber and North Sea. The existing Power Station site has use of an existing jetty on the western bank of the Ouse that is linked to the existing Power Station by Carr Lane / Redhouse Lane.
- 2.21 A more detailed description of the Project site is provided in the Design and Access Statement (Document Ref. 5.5) and Chapter 5 of the Environmental Statement (Volume 1, Document Ref. 6.2).

## THE PROJECT

- 2.22 As confirmed above, the Project comprises a thermal generating station (an ultra-supercritical oxy-fuel, coal-fired power plant of up to 448 megawatts ('MWe') gross with the ability to co-fire biomass) that will be fitted with carbon capture and storage ('CCS') technology and associated development. The Project will have the capacity to provide sufficient electricity for approximately 630,000 households, while capturing around two million tonnes of CO<sub>2</sub> per annum arising from the combustion process (approximately 90% of emissions).

- 2.23 Schedule 1 to the draft Order (Document Ref. 2.1) provides the formal description of the Project and the components for which development consent is sought, and also identifies the individual 'Works Numbers (Works Nos.)' for these components. A detailed description of the Project is provided at Volume I, Chapter 5 'Project Description and Alternatives' of the Environmental Statement (ES) (Document Ref. 6.2).
- 2.24 The Works Plans (Document Ref. 4.3) identify the location and extent of the components of the Project within the Project site by reference to the Works Nos. set out in Schedule 1 to the draft Order.
- 2.25 The main components of the Project (with reference to the relevant Works Nos.) can be summarised as follows:
- Work No. 1A and 1B - site raising and preparation works to create a development platform for the generating station to an appropriate level to mitigate flood risk, and for the creation of bridges and crossings over the Carr Dyke and for site access works, site raising and hardstandings for the laydown and construction areas;
  - Work No. 1A - a generating station (the 'coal-fired power plant') located in the northern part of the Project site, to the north of the existing Power Station site, primarily fuelled by coal, but with the ability to co-fire biomass, that will be capable of generating up to 448 MW of electricity, including a boiler house, steam turbine, cooling water towers, flue gas treatment systems, a flue gas emissions stack and CO<sub>2</sub> capture, processing and compression facilities;
  - Work No. 1B - laydown and construction areas for construction and maintenance;
  - Work No. 2 - fuel intake, limestone and gypsum and fuel ash handling and transportation infrastructure, including connections with the existing Power Station site (located broadly along the western side of the Project site and existing Power Station site) for the delivery of fuel, limestone and gypsum for the combustion and flue gas desulphurisation processes and the export of fuel ash for storage at the existing Barlow Mound;
  - Work No. 3 - fuel ash storage on part of the existing Barlow Mound forming the north-western part of the Project site and located to the north-west of the existing Power Station site;
  - Work No. 4 - ~~an underground~~ a connection to the electricity grid which ~~will comprise one of three options. The first two are cable (132kV or 400kV) and associated infrastructure comprises a 400kV cable~~ running along the eastern side of the Project site to one of the existing substations 400kV substation located in the south-eastern part of the existing Power Station site. ~~The third option is a 132kV cable and associated infrastructure which links to an existing overhead cable in the northern part of the existing Power Station site~~ Order seeks powers to compulsory acquire rights to carry out and maintain Work No. 4;
  - Work No. 5 - connections for cooling water, potable water and sewerage and related facilities between the Project site and the northern part of the existing Power Station site;
  - Work No. 6 - vegetation clearance and the creation of a new hardstanding area immediately adjacent to the existing jetty on the River Ouse, located to the east of the main Project site and the existing Power Station site, for the unloading and storage of equipment and materials delivered by barge and parking and circulation space for vehicles transporting items from the jetty to the Project site;
  - Work No. 7 - the underground diversion of an existing 11kV overhead electrical cable on the north-eastern edge of the Project site; and
  - Work No. 8 - works to the existing ~~substations~~ 400 kV substation located in the south-eastern part of the existing Power Station site to facilitate the grid connection.
- 2.26 The 'associated development', for the purposes of Section 115 of the 2008 Act comprises the new hardstanding area adjacent to the existing jetty.
- 2.27 As part of and related to the above components, the Project also includes:

- site clearance, vegetation removal, demolition of existing structures and buildings, soil stripping and storage, bunds, embankments and earthworks;
- drainage works, culverts and wing walls;
- temporary de-watering and drainage facilities;
- lighting;
- site fencing, gates, and CCTV;
- landscaping, habitat creation and ecological mitigation;
- site compounds;
- construction-related buildings, structures, laydown, storage, plant, machinery, utilities, welfare facilities and haulage roads;
- electricity, water, wastewater, waste, gas, telecommunications and other services;
- site roads and parking areas, site access works, new site access points, and works required for the strengthening, improvement, maintenance or reconstruction of any street; and
- temporary and permanent footpaths.

- 2.28 It is anticipated that subject to the Order being made by the SoS, construction work on the Project would commence in Q2 2016. The first activity carried out would be the site raising and levelling works to create the development platform for the generating station. The overall construction programme is expected to last approximately 62 months. Commissioning would take place in Q2 2021, with the Project entering operation in Q4 2021.
- 2.29 The site raising works are critical to the timely delivery of the Project, which forms part of the UK Government's CCS Commercialisation Programme. These involve the level of the Project site with the area of Work No. 1A and parts of Work No. 1B being raised to provide a floor level of around 5.13 m AOD in order to mitigate flood risk within the operational area of the site in accordance with Environment Agency advice.
- 2.30 In order to facilitate the early completion of the site raising (and therefore deliver the overall Project within the most expedient timeframe) the Applicant proposes to submit a planning application to the relevant local authority, Selby DC, for these works so that they can commence in advance of Q2 2016. The principle of these works being consented under the Town and Country Planning Act ('TCPA') 1990 has been discussed and agreed with officers at Selby DC, who recognise that the delivery of the Project at the earliest opportunity is in the national interest, being part of the Government's CC Commercialisation Programme and a priority for UK energy policy. It is anticipated that the planning application will be submitted around the end of 2014. The site raising has, however, still been included as part of this Application in the event that the TCPA route is not pursued and to ensure that it can be delivered.
- 2.31 In terms of operation, the Project would produce up to 448 MW gross of low carbon electricity. It would operate on a 24 hour/7 day a week basis with the electricity generated being exported to the electricity grid network via the new grid connection. Shift cycles are still to be determined but it is expected that the total operational workforce would be around 60 people.
- 2.32 It is intended that fuel would be delivered to the Project site by rail, utilising the existing infrastructure at the existing Power Station site. Road access would be used for the delivery of materials, plant and equipment and for the movement of personnel working at the site.
- 2.33 In addition to generating low carbon electricity, the Project will be 'Combined Heat and Power ('CHP') Ready'. This means that heat will potentially be available to export to a local heat network for use by local residents and businesses, subject to a demand for a total heat load that would make investment in such a network commercially viable and also reaching commercial agreements with heat users. The potential for the use of heat has been examined through a CHP Assessment (Document Ref. 5.6) and will be kept under review during the lifetime of the Project and the design of the Project allows for sufficient space to accommodate CHP facilities in the future should the supply of heat become viable.

- 2.34 It has been necessary to retain flexibility in the design of the Project in view of the fact that the technology has not previously been constructed on a commercial scale within the UK and as the 'Front End Engineering Design' ('FEED') studies are still being undertaken. This will also allow the Applicant to respond to changing economic circumstances and technological advances in advance of the Project receiving consent.
- 2.35 In order to ensure a robust assessment of the likely significant environmental effects of the Project, as required by 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009' ('EIA Regulations'), the EIA undertaken by the Applicant has assessed the components of the Project that cannot be fixed at this stage by applying the principles of the 'Rochdale Envelope'. This has involved assessing maximum ('worst case') dimensions and design parameters for the Project as part of the EIA. The approach taken to assessing the environmental effects of the Project while allowing for sufficient design flexibility is explained in more detail at Volume I, Chapter 3 of the ES 'EIA Process and EIA Methodology' (Document Ref. 6.2).
- 2.36 The flexibility sought is secured by article 3 of the draft Order (Document Ref. 2.1) and (by incorporation) the Works Plans (Document Ref. 4.3), and requirement 4 (in Schedule 2 to the Order) secures the vertical limits of deviation and other building dimensions. The lateral limits will provide for flexibility in terms of the location of the main components of the project, including flexibility in terms of the exact location and alignment of the infrastructure connections (such as fuel, electrical cable and water connections). The vertical limits will provide for a degree of flexibility in relation to the heights and finished floor levels of the main buildings and structures, subject to the maximum heights defined for the purposes of the EIA not being exceeded.
- 2.37 The draft Order seeks powers of compulsory acquisition of interests and rights in land (including new rights) within the Order Limits. The provisions relating to compulsory acquisition are set out at articles 20 - 34 of the draft Order. Information on the interests and rights that exist in relation to the land within the Order Limits is provided by the Book of Reference (Document Ref. 3.1). The explanation of the Applicant's ability to fund compensation payable following use of the compulsory acquisition powers is provided in the Funding Statement (Document Ref. 3.3).
- 2.38 The draft Order also contains a number of 'requirements' (similar to planning conditions) at Schedule 2 that, amongst other matters, are intended to control the detailed design of the Project in addition to its construction and operation to ensure that it complies with the EIA carried out and does not result in unacceptable impacts. The requirements have been drafted in such a way as to allow the site raising works to proceed in advance of the submission of the details to discharge a number of the 'pre-commencement' requirements (e.g. the detailed design of buildings - the details of which it would not be necessary to discharge in advance of site raising works). This would allow the site raising works to proceed (in the event that the TCPA route is not pursued) in advance of the other works, which, as already stated above, is critical to the delivery of the Project in a timely manner given its importance to demonstrating CCS technology on a commercial scale. The drafting of the requirements does, however, still require the undertaker to submit details relating to the site raising for approval before those can commence.
- 2.39 The Applicant has consulted extensively on the Project since early 2012. This has included a stage of non-statutory (informal) consultation, followed by two stages of statutory consultation of the local community in accordance with Section 47 of the 2008 Act, in addition to consultation of prescribed persons, relevant local authorities and statutory undertakers and affected and potentially affected landownership interests and persons pursuant to Section 42, as well as wider publicity in accordance with Section 48. The consultation undertaken and how responses received to the consultation have been taken into account is documented within the Consultation Report (Document Ref. 5.1).

## THE PURPOSE AND STRUCTURE OF THIS DOCUMENT

- 2.40 Where compulsory acquisition powers are being sought (as here), the Applicant is required by Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 to submit a Statement of Reasons with its application.
- 2.41 The Statement of Reasons should be read alongside the following documents:

- The Funding Statement (Document 3.3), which confirms the Applicant's ability to fund the construction, operation and maintenance of the Project and the provisions contained within the draft Order;
- The Land Plan (Document 4.2) which shows the land over which powers of compulsory acquisition (for land and rights) are sought and which are required temporarily for construction;
- The Book of Reference (Document 3.1), which schedules all owners, lessees, tenants and occupiers and those with other interests in the land within the Project site and those who may be entitled to make relevant claims;
- The Draft Development Consent Order (Document 2.1) that includes the consents, authorisations and powers that are being sought by the Applicant in respect of the Project; and
- The Explanatory Memorandum (Document 2.2) that explains the purpose and affect of the Draft Development Consent Order.

2.42 The Statement is structured as follows:

- Section 0 provides a summary of the Statement;
- Section 2.0 provides an introduction to the Statement;
- Section 3.0 describes the Project;
- Section 4.0 describes the Order land;
- Section 5.0 summarises supporting policy;
- Section 6.0 summarises the legislative powers of compulsory acquisition;
- Section 7.0 provides the justification for the use of compulsory acquisition powers;
- Section 8.0 refers to any special considerations;
- Section 9.0 considers the Human Rights Act 1998;
- Section 10.0 summarises other powers sought by the draft Order;
- Section 11.0 summarises other consents and licences required;
- Section 12.0 provides the conclusions to the Statement; and
- Section 13.0 provides further information, such as who affected persons should contact.

### 3.0 THE PROJECT

- 3.1 The Project is described above in general terms in section 2 – this section sets out the main components of the Project (also known as the ‘authorised development’ in the draft Order (Document Ref. 3.1)) in accordance with how the Project is set out in the Order.
- 3.2 The order in which these components have been set out follows the description of the Project provided at Schedule 1 to the draft Order. Tables 3.1 and 3.2 below include the corresponding Work Nos. as shown on the Works Plans (Document Ref. 4.3) and also differentiate between the parts of the Project which are part of the NSIP (the generating station) itself (Table 3.1), and the ‘Associated Development’ which is required for the construction of the NSIP but is not part of it (Table 3.2).

**Table 3.1: Those parts of the Project that are part of the NSIP itself**

Work No. 1	
Work No.1A	<p>Work No. 1A includes the buildings and works required for the generating station, including:</p> <ul style="list-style-type: none"> <li>• An oxy-fuel boiler, steam turbine generator and other power block components;</li> <li>• Air separation units;</li> <li>• A flue gas cleaning system within the plant;</li> <li>• A gas processing unit;</li> <li>• A stack;</li> <li>• Connections between the relevant parts of the generating station and the infrastructure corridors (Work Nos. 2, 4 and 5);</li> <li>• Administration, welfare, workshop, visitor centre and other supporting buildings and infrastructure;</li> <li>• Various supporting and ancillary infrastructure and development;</li> <li>• Site raising and earthworks; and</li> <li>• A connection to National Grid Carbon Limited's ('NGCL') CO<sub>2</sub> pipeline.</li> </ul>
Work No. 1B	<p>Work No. 1B comprises the laydown and construction areas which are to be used during the construction and commissioning of the Project for laydown, storage, construction offices and buildings and related activities. The Work No. 1B sites are to be used temporarily.</p>
Work No. 2	<p>Work No. 2 is an infrastructure corridor to the west and south west of Work No. 1A, and comprises development permitting the transport of fuel (coal and biomass), limestone, gypsum and ash to or from the generating station, all of which are required to operate the generating station or which need to be removed from the generating station.</p>
Work No. 3	<p>Work No. 3 is part of an area known as 'Barlow Mound' which is the ash storage area for the existing Power Station. Ash generated from the Project will also be stored at Barlow Mound, and as per the existing arrangements, may also be sold into the construction market.</p>
Work No. 4	<p>Work No. 4 is the infrastructure corridor for the electrical connection, to allow the export of electricity generated to the National Transmission System. The connection route will be primarily underground cable, with potential overground sections where required for operational or safety reasons. <del>There are three options for the The grid connection: firstly to an existing overhead 132kV line in the area to the south of Work No. 1A, secondly an underground will be a connection to the 400kV sub-station located to the east of the existing Power Station site (adjacent to New Road) or thirdly an underground connection to the 132kV sub-station located to the south-east of the existing Power Station site (again adjacent to New Road). The first part of the grid connection route is the same for</del></p>

Work No. 1	
	<del>either sub-station option, with a longer route required (along New Road) if the connection is to be made to the 132kv sub-station, which is further south. As set out in the Grid Connection Statement (Document 5.2) the Order provides for flexibility as to whether the generating station is connected to the National Transmission System via these three options.</del>
Work No. 5	Work No. 5 is an infrastructure corridor comprising the development to enable cooling water, potable water and sewerage connections between the Project and current infrastructure at the existing Drax power station.
Work No. 7	Work No. 7 comprises the underground diversion of an existing 11kV electric line which currently runs through the laydown area (Work No. 1B) which is to the east of New Road and south of Pear Tree Avenue.
Work No. 8	Work No. 8 comprises development within the <del>areas of the two existing (400kV and 132kV) sub-stations (only one of which may be needed)</del> , <u>400kV sub-station</u> to allow for the connection of Work No. 4 to the National Transmission System.

- 3.3 ~~In relation to the grid connection options, the Applicant has considered DCLG's 'Guidance on the pre-application process' (January 2013), which includes a section considering the inclusion of options in a draft order (paragraph 83 onwards). The draft Order (Document Ref. 2.1) includes provisions allowing the grid connection (Work No. 4) to be one of the three options, all of which are local to the Project site and all of which involve land within or adjacent to the existing Power Station site and the sub-stations alongside it. The implementation of the different options would not mean that the Project became a 'different project', and post-construction there will be very little if any discernible difference to those viewing the Project site, particularly as the cable for the electrical connection will be underground for the majority of its route and wherever possible. The connection options all terminate at significant existing infrastructure.~~
- 3.4 ~~The environmental impacts of the three options have been considered within the Environmental Statement (Document Ref. 6.1 – 6.4), and the land required (or rights over it) for all three options are included in the Land Plans (Document Ref. 4.2) and Book of Reference (Document Ref. 3.1).~~
- 3.5 ~~The table in the Schedule to this Statement (which sets out what each plot of land is needed for) indicates which grid connection option is relevant to which plots. These match the extent of Work No. 4 on the Work Plans (Document Ref. 4.3), and the two sub-stations are both included within Work No. 8.~~
- 3.6 ~~As the Applicant has not yet received its grid connection offer (although has discussed it and has submitted the application), it is appropriate for the draft Order to allow for the three options noted above. A grid connection offer is expected in December 2014, following which the Applicant will provide an update to the Secretary of State.~~
- 3.7 The Associated Development that is connected to and necessary to support the Project comprises of the following:

**Table 3.2: The Associated Development**

Work No. 1	
Work No. 6	Work No. 6 is at the site of the existing jetty on the River Ouse, to the east of the generating station site. The development proposed is hardstanding areas adjacent to the existing jetty, which can be used for unloading and storage of equipment or materials required for the construction of the Project. Work No. 6 is a temporary development site only.

## 4.0 THE ORDER LAND AND OWNERSHIP

4.1 This Section provides a brief description of the Order land, including its location and the surrounding context. A more detailed description of the Order land is provided within the Environmental Statement (Chapter 5, Volume 1, Document Ref. 6.2).

### SITE LOCATION

4.2 The Project site i.e. the land that lies within the Order Limits (and also known as the 'Order land'), comprises land within, adjacent and close to the boundary of the existing Drax Power Station, located near Selby, North Yorkshire. All parts of the Project site are within the administrative areas of Selby District Council and North Yorkshire County Council.

### THE PROJECT SITE (THE ORDER LAND)

4.3 The Project site extends to around 116 Ha, comprising approximately:

- 29 ha for Work No 1A (the generating station site);
- 48 ha for other areas of permanent development (Work Nos. 2, 3, 4, 5, 7 and 8); and
- 39 ha for temporary use during construction (Work Nos. 1B and 6).

4.4 The extent of the Project site is shown on the Works Plans (Document Ref. 4.3), which shows the area within which each Work may be constructed. The area over which powers of compulsory acquisition and powers to use areas temporarily for construction or maintenance are sought (considered further below), are shown on the Land Plans (Document Ref. 4.2).

4.5 Further information on the Project site can be found in Chapter 4 of the Environmental Statement (Document Ref. 6.2).

### THE OWNERSHIP OF THE ORDER LAND

4.6 The Book of Reference (Document Ref. 3.1) identifies those persons with an interest in the Order land or who may be affected by the Project. As required by the APFP Regulations, the Book of Reference is split into five parts:

- Part 1 - Persons within Category 1 and 2 - a person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant or occupier of the land. A person is within Category 2 if the Applicant, after making diligent inquiry, knows that the person has an interest in the land, has the power to sell and convey the land, or to release the land;
- Part 2 - Persons within Category 3 - a person is within Category 3 if the applicant thinks that, if the Order were to be made and fully implemented, the person would or might be entitled to make a "relevant claim" as a result of (a) the implementation of the Order; (b) the Order having been implemented; or (c) use of the land once the Order has been implemented. A "relevant claim" means a claim under section 10 of the Compulsory Purchase Act 1965, part 1 of the Land Compensation Act 1973 or section 152(3) of the 2008 Act;
- Part 3 - Existing Rights – the names of all those entitled to enjoy easements or other private rights over land which it is proposed shall be extinguished, suspended or interfered with;
- Part 4 – Crown Land – specifies the owner of any Crown interest in the land which is proposed to be used for the purposes of the order for which the application is being made;
- Part 5 - special category land - specifies land the acquisition of which is –
  - subject to special parliamentary procedure;
  - special category land (forming part of a common or open space, National Trust land or fuel or field garden allotment); or
  - replacement land.

- 4.7 Part 5 of the Book of Reference does not contain any entries since there are no parcels of land within the Order Land which are within the categories in Part 5.
- 4.8 The majority of the land required for the Project and included within the Order Limits is within the control of Drax Power Limited, the owner and operator of the existing Drax Power Station. Drax Power Limited is part of Drax Group Plc, which also owns Drax CCS Limited, one of the three shareholders of Capture Power Limited (the Applicant).
- 4.9 The freehold of the Order Land which is owned by Drax Power Limited is not therefore within the control of the Applicant, but there is an indirect commercial relationship between the freehold owner and the Applicant.
- 4.10 In order to allow the Project to be constructed and operated, the Applicant intends to enter into an agreement with Drax Power Limited under which the latter commits to grant a lease to the Applicant, which will encompass all stages of the Project (construction, operation maintenance and decommissioning) and which will also provide all the land and rights required for the Project (such as is within Drax Power Limited's control).
- 4.11 The agreement to secure the grant of the lease between Drax Power Limited and the Applicant has not yet been entered into and in order to ensure that the Project can be delivered the Order and Book of Reference therefore provide for the compulsory acquisition of the land and rights required for the Project.
- 4.12 The freehold land that is outside Drax Power Limited's control within the Order Land encompasses:
- Work Nos. 1B and 4 - areas of highway that are included within the Order Land to allow works to be carried out. Drax Power Limited may be the owner of parts of the highway subsoil (as owner of adjoining land), but the subsoil is unregistered and Drax Power Limited is not the adjoining owner in all cases, and therefore parts of this land (subsoil) are or may be outside Drax Power Limited's ownership;
  - Work No. 6 - Drax Power Limited owns part of the existing jetty on the River Ouse and all of the adjoining land area which is included within the Order Limits. The part of the jetty and Order Limits which are below the mean high water mark are owned by the Crown; and
  - Work No. 8 - National Grid Electricity Transmission plc owns the 400kV ~~and 132kV sub-stations~~sub-station.
- 4.13 There are also tenants, lessees or occupiers on areas of the Order Land, including agricultural occupiers, industrial occupiers whose activities are generally linked to the existing Power Station, statutory undertakers and an Internal Drainage Board.
- 4.14 In addition, rights, restrictions, easements and other matters existing in the Order Land or recorded against the title are required to be extinguished or (in the case of land required temporarily for the Project) suspended. These matters are listed in Parts 2 and 3 of the Book of Reference (Document Ref. 3.1), along with information on who has the benefit of them. There are a number of such matters affecting the Order Land which, if not acquired by the Applicant by agreement or extinguished / suspended by the Order, could affect the implementation, construction, maintenance or operation of the Project. The types of rights which exist in the Order Land include:
- Rights of way;
  - Rights to lay pipes, services, apparatus etc, and to access parts of the Order Land to do so or for maintenance; and
  - Restrictions on activities which are noxious or offensive.
- 4.15 Due to the nature of the title documentation, many of these rights and restrictions are recorded as subsisting against very large parts of the Drax Power Limited's freehold title. There are therefore very few plots (as shown on the Land Plans, Document Ref. 4.2) in which no such rights or restrictions exist.

## 5.0 POLICY SUPPORT FOR THE PROJECT

5.1 This Section sets out the planning policy support that exists for the Project at national and local level. A detailed review of relevant planning policy and guidance is provided within the Planning Statement (Document Ref. 5.4), which includes an assessment of how the Project accords with relevant policy. The main policy and guidance in support of the Project is summarised below.

### LEGISLATIVE CONTEXT

5.2 The 2008 Act introduced a new system for examining and determining applications for NSIPs, which are those projects set out at Section 14 of the 2008 Act and which meet or exceed set thresholds or criteria set out in Sections 15 to 30.

5.3 The Project falls under the definition of a 'generating station' within Section 14(1)(a) of the 2008 Act, and as it is onshore, in England and will have a generating capacity of above 50 MW (the relevant threshold set out at Section 15(2)), it is a NSIP.

5.4 Before a NSIP can proceed, an application for a DCO must be submitted to the Secretary of State ('SoS'). The Planning Inspectorate ('PINS') is responsible for examining the application and making a recommendation to the relevant SoS who then makes the decision as to whether a DCO should be made authorising the construction and operation of the NSIP. The DCO removes the need to apply for a number of consents (e.g. planning permission) and can also include a range of other consents and licences subject to the prior agreement of the relevant consenting body.

5.5 The policy framework for examining and determining DCO applications is provided by National Policy Statements ('NPS'). Section 5 of the 2008 Act allows the SoS to designate NPSs setting out national policy in relation to the types of NSIPs listed at Section 14 of the Act.

5.6 Section 104 of the 2008 Act requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs unless this would:

- Lead to the UK being in breach of its international obligations;
- Be in breach of any statutory duty that applies to the SoS;
- Be unlawful;
- Result in the adverse impacts of the development outweighing the benefits; or
- Be contrary to regulations about how decisions are to be taken.

5.7 In making decisions on NSIPs, Section 105 of the 2008 Act also states that the SoS must have regard to any local impact report submitted by a relevant local authority, any relevant matters prescribed in regulations and any other matters that the SoS thinks are both 'important and relevant'.

5.8 In July 2011 the SoS for Energy and Climate Change designated a number of NPSs relating to nationally significant energy infrastructure. These include an overarching energy NPS, which sets out the Government's policy for the delivery of nationally significant major energy infrastructure and five technology-specific NPSs.

5.9 The NPSs that are considered to be of most relevance to the Project are as follows:

- Overarching National Policy Statement for Energy (EN-1); and
- The NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2).

5.10 The NPS for Electricity Networks Infrastructure (EN-5) is also potentially relevant, as the Project includes a new connection to the National Transmission System.

5.11 As stated above, in addition to the relevant NPSs, the SoS must have regard to any other matters that the SoS thinks are both 'important and relevant'. The National Planning Policy Framework ('NPPF'), which sets out the Government's general planning policies for England (paragraph 3 of the NPPF), states that while it does not contain specific policies for NSIPs, such 'important and relevant matters' may include the NPPF itself.

5.12 It is considered that such matters can also include local development plan documents.

## NATIONAL PLANNING POLICY

### Overarching National Policy Statement for Energy (EN-1)

- 5.13 Part 3 of EN-1 'The need for new nationally significant energy infrastructure' defines and sets out the 'need' that exists for nationally significant energy infrastructure.
- 5.14 Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by the NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. Paragraph 3.1.2 goes on to state that it is for industry to propose new energy infrastructure and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.
- 5.15 Notably, paragraph 3.1.3 stresses that the SoS should assess applications for DCOs for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them. Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that development would make toward satisfying this need when considering applications under the 2008 Act.
- 5.16 Section 3.3 specifically deals with the need for new nationally significant electricity infrastructure such as the Project. It sets a number of key reasons why the Government believes that there is an urgent need for new electricity generating infrastructure, including:
- meeting energy security and carbon reduction objectives - the need to ensure sufficient electricity generating capacity to meet maximum peak demand with a safety margin of spare capacity to accommodate unexpectedly high demand and mitigate risks such as unexpected plant closures and extreme weather events;
  - a diverse mix of all types of power generation - to reduce reliance on any one type of generation or one source of fuel or power enhancing energy security;
  - the need to replace closing electricity generating capacity - at least 22GW of existing electricity generating capacity will need to be replaced in the coming years, particularly to 2020, as a result of tightening environmental regulation and aging power stations; in addition to this about 10GW of nuclear generating capacity is expected to close over the next 20 years;
  - the need for more electricity capacity to support increased supply from renewables - decarbonisation of electricity generation is reliant on a dramatic increase in the amount of renewables, however, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have, the more generation capacity we will require overall to provide back up at times when the availability of intermittent renewable sources is low; and
  - future increases in electricity demand - even with major improvements in overall energy efficiency, it is expected that demand for electricity is likely to increase, as significant sectors of energy demand (such as industry, heating and transport) switch from being powered by fossil fuels to using electricity. As a result of this, total electricity consumption could double by 2050 and, depending upon the choice of how electricity is supplied; total capacity may need to be more than doubled to be robust to all weather conditions.
- 5.17 The Project will make an important contribution toward all of the above and the urgent need that exists for new electricity infrastructure.
- 5.18 Following on from paragraph 3.1.3, paragraphs 3.3.15 - 3.3.24 deal with the urgency of the need for new electricity generating capacity. Paragraph 3.3.15 states that in order to secure energy supplies that enable the UK to meet its carbon reduction obligations to 2050, there is an urgent need for new (and particularly low carbon) energy infrastructure to be brought forward as soon as possible, and certainly in the next 10-15 years, given the crucial role of electricity as the UK decarbonises its energy sector.
- 5.19 Section 3.6 of Part 3 'The role of fossil fuel electricity generation' confirms that fossil fuels will continue to play an important role in the UK's energy mix during the transition to a low carbon

economy, and they must be constructed and operated in line with increasingly demanding climate change goals.

- 5.20 Paragraph 3.6.2 identifies the role that fossil fuel generating stations have in contributing to security of energy supply by using fuel from a variety of suppliers and operating flexibly. It goes on to highlight that coal is available from numerous sources, including the UK's own reserves, and that most operators will already have alternative suppliers depending on prevailing market conditions, helping to give stability to the UK's generating capacity.
- 5.21 Paragraph 3.6.3 states that some of the new conventional generating capacity needed is likely to come from new fossil fuel generating capacity in order to maintain security of supply, and to provide flexible back-up for intermittent renewable energy from wind. Paragraph 3.6.4 recognises that it is necessary to reduce carbon emissions, particularly from coal-fired generating stations and identifies Carbon Capture and Storage (CCS) as a means of achieving a reduction in carbon emissions whilst maintaining security of supply.
- 5.22 Paragraph 3.6.5 confirms the Government's support for developing CCS, including supporting commercial scale demonstration projects at UK power stations. The Project is one of two that is being supported by the Government that will demonstrate CCS technology on a commercial scale. These 'demonstration projects' are identified as a priority for UK energy policy, therefore the SoS should take account of the importance the Government places on demonstrating CCS and the potential deployment of the technology beyond the demonstration stage, in considering applications for consent of CCS projects and associated infrastructure.
- 5.23 Paragraph 3.6.6 places conditions on the consenting of new fossil fuelled power stations, requiring all commercial scale (at or over 300MW) combustion power stations to be constructed 'Carbon Capture Ready' ('CCR') and new coal-fired power stations to demonstrate CCS on at least 300MW of the proposed generating capacity. The Project will generate up to 448MW gross of electricity and includes CCS technology. The CO<sub>2</sub> captured from the combustion process will be transported via the National Grid Carbon Limited (NGCL) pipeline for permanent storage under the North Sea. The Project will therefore not only demonstrate CCS on a commercial scale but also support the NGCL project, which is itself important for the region.
- 5.24 As such, the clear need that exists for new fossil fuel generating capacity, such as that proposed by the Applicant, is not open to debate or interpretation in planning policy terms.

### National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)

- 5.25 The 'National Policy Statement for Fossil Fuel Electricity Generating Infrastructure' (EN-2) is one of the suite of technology specific NPSs that sit under EN-1, and deals specifically with nationally significant fossil fuel electricity generating stations, including coal-fired power stations such as that proposed.
- 5.26 EN-2 reiterates the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to secure, diverse and affordable energy supplies and supporting the Government's policies on sustainable development, in particular by mitigating and adapting to climate change through a reduction in CO<sub>2</sub> emissions from energy production.
- 5.27 Part 2 of EN-2 provides a list of factors that will influence site selection by developers of fossil fuel generating stations, such as land use, transport infrastructure, water resources and grid connection. Factors from EN-2 that have been taken into account in selecting the Site for the Project and which therefore provide strong support for the location, include:
- Paragraph 2.2.2 notes that fossil fuel generating stations require large land footprints and that developers will require suitably sized sites. In this respect, a company with whom the Applicant has a commercial relationship controls the majority of the land required for the Project, and the Applicant has included appropriate provisions within the draft Order to acquire the necessary interests and rights in land. The Project site includes land within and adjacent to the existing Drax Power Station;
  - Paragraph 2.2.5 states new fossil fuel generating stations need to be accessible for the delivery and removal of construction materials, fuel, waste and equipment and for employees, while

paragraph 2.2.6 notes that the Government supports the multi-modal transportation of materials by water or rail where possible. The Project site will benefit from excellent existing road and rail links associated with the existing Power Station site and it is intended that fuel deliveries will take place by rail. There is also the potential to make use of water transport during the construction phase for the delivery of construction materials and large items of plant;

- Paragraphs 2.2.7 - 2.2.9 note that generating stations, in particular coal-fired stations, have very high water demands, which means that preferred site locations are likely to be coastal or alongside large rivers to extract sufficient water. In this respect, the Project site is located close to the River Ouse, a source of cooling water for the existing Power Station, and will be able to utilise both the existing Power Station infrastructure and its water abstraction licence; and
- Paragraph 2.2.11 notes that applicants will have usually assured themselves that a viable connection to the grid exists in selection of the site. With regard to this, the Application is accompanied by a Grid Connection Statement (Document 5.2), which includes information on how the Project will be connected to the electricity grid and the status of discussions with the grid operator, National Grid Electricity Transmission plc.

5.28 Section 2.3 of EN-2 sets Government policy criteria for fossil fuel generating stations, including in relation to Combined Heat and Power ('CHP'), CCR, CCS, climate change adaptation and consideration of 'good design' for energy infrastructure.

5.29 The Application is accompanied by a CHP Assessment (Document Ref. 5.6) and a CCR/CCS Assessment (Document Ref. 5.7) that demonstrate that the Project will be 'CHP Ready' and that it will also satisfy relevant CCR/CCS criteria. The Project has been developed to both mitigate and adapt to the effects of climate change, and the Design and Access Statement (Document Ref. 5.5) sets out how the Project has had regard to 'good design'.

### The National Planning Policy Framework (NPPF)

5.30 The National Planning Policy Framework (NPPF) was adopted in March 2012. It sets out the Government's planning policies for England and can be considered both 'important and relevant' to decisions on NSIPs.

5.31 Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 14. For decision taking, this means approving applications that accord with the development plan without delay.

5.32 Paragraph 17 sets out a number of core land-use planning principles that should underpin decision-taking. Those of particular relevance to the Project include:

- to practically drive and support sustainable economic development to deliver the infrastructure that the country needs; and
- supporting the transition to a low carbon future in a changing climate.

5.33 The Project accords with the above principles, as it would provide much needed energy infrastructure essential to the security and diversity of energy supply in the UK; and, through the generation of low carbon electricity it would support the transition to a low carbon future.

5.34 Part 10 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change' focuses upon adapting to and mitigating the effects of climate change. Paragraph 93 highlights the important role that planning plays in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy. This is seen as central to the economic, social and environmental dimensions of sustainable development.

5.35 As confirmed above, the Project will make an important contribution toward meeting the challenge of climate change by generating and increasing the use and supply of low carbon electricity.

### LOCAL PLANNING POLICY

5.36 In addition to the national planning policy support that exists for the Project, there is also local policy support.

- 5.37 The Selby District Core Strategy (October 2013), at paragraph 7.22, recognises the contribution that the existing fossil fuel power stations in the District have in providing energy as part of a diverse and secure energy mix, in addition to their economic role supporting jobs and services. As such, the Core Strategy acknowledges that a key issue for Selby will be the Government's aim to reduce carbon emissions through the promotion of 'clean coal technologies'. The Project, part of the Government's CCS Commercialisation Programme, would further the promotion of clean coal electricity generating capacity in the District.
- 5.38 Paragraph 7.23 states that clean coal technologies/CCS will be generally supported in line with national policy, where appropriate, alongside other lower carbon schemes and environmental improvement schemes at the District's power stations.
- 5.39 Policy SP17 'Low-Carbon and Renewable Energy' states that schemes for energy development may use the full range of available technology, including clean coal energy generation and CCS technologies and improvements at existing fossil fuel energy generating plants to reduce carbon emissions, within the national energy strategy for a balanced mix of energy sources to meet demands.
- 5.40 Section 6 'Promoting Economic Prosperity' of the Selby District Core Strategy considers in its strategy for rural areas that the energy sector will continue to be important to the economy of the District. Paragraph 6.32 identifies Drax Power Station as a major employer, which contributes to national energy infrastructure as well as the local economy. It also identifies the potential for future development of renewable and local carbon energy at the site, acknowledging the advantage of an existing direct connection to the National Transmission System. The Core Strategy recognises that "there is a need for further investment in energy infrastructure in line with national policy as a prominent contributor to economic policy", and that supporting the energy sector will assist in reinvigorating, expanding, and modernising the District's economy.
- 5.41 Paragraph 6.33 identifies the employment and economic opportunities associated with a shift to a low carbon economy, noting that local businesses are increasingly becoming associated with the low carbon sector, including both renewable energy production as well as training and skills. Given the high employment dependency on manufacturing and energy sector jobs, the District potentially has an appropriately skilled workforce in these sectors. The Core Strategy sets out that there is "therefore an opportunity to promote further growth of the low carbon sector".
- 5.42 The Project would therefore clearly support the local development plan strategy, not only by contributing the development of the energy sector and low carbon energy generation technologies in the District, but also in terms of employment and investment in the area.

## PLANNING BENEFITS

- 5.43 The Project will deliver a number of very clear planning benefits that can be summarised as follows:
- EN-1 and EN-2 confirm that there is an urgent need for new electricity generating capacity in the UK, particularly low carbon and renewable forms of energy, including generating stations fitted with CCS to enhance security and diversity of supply, support the transition to a low carbon economy and enable the Government to meet its climate change commitments. The Project responds to this need in a timely manner, delivering up to 448 MWe gross of low carbon electricity generating capacity;
  - The Project will support the Government's CCS Commercialisation Programme, by demonstrating clean coal/CCS technology on a commercial scale. It will also support the NGCL CO<sub>2</sub> pipeline project;
  - As the UK moves toward a low carbon economy in line with Government policy and becomes less reliant on fossil fuels, a greater proportion of energy supply will be from renewable sources. Much of this renewable energy will be from onshore and offshore wind, which is intermittent in nature. It will therefore be important to have a range of generating capacity in order to meet demand during periods when the contribution made from intermittent sources of renewable energy is less. The Project would provide reliable low carbon generation, adding further resilience to UK energy supplies, helping to ensure that businesses and homes continue to benefit from reliable energy supplies;

- The use of CCS in the generation of electricity will deliver very substantial carbon savings, making a positive contribution toward the Government's ambitious and legally binding climate change commitment of a reducing greenhouse gas emissions by 80% (compared to 1990 levels) by 2050. The substantial savings that will result are outlined in the Greenhouse Gas Assessment (Environmental Statement Volume 3, Section M, Document Ref. 6.4.6);
- The Project has been designed to be 'CHP Ready', meaning that should a viable heat demand be identified in the future for excess heat and steam the main process area for the generating station will be able to accommodate the necessary CHP facilities to satisfy that demand. A CHP facility at the Project site would deliver further carbon savings thereby contributing to climate change objectives;
- It is intended that fuel deliveries will be made by rail, supporting Government policy on transport and according with policy set out in EN-1 and EN-2, which encourage transportation of materials by water or rail;
- The Project will have substantial benefits in terms of both employment during construction and operation, and expenditure in the local and wider economy. During the construction phase of approximately 67 months (including commissioning), it is predicted that up to 3,000 workplace opportunities could be created. The construction phase is expected to generate substantial additional business for the local economy. Once operational, it is anticipated that up to 60 full time jobs will be created; and
- The Project accords with, and would assist in delivering the development plan strategy for Selby, helping to achieve targets for low carbon energy generation and employment.

## 6.0 COMPULSORY ACQUISITION POWERS AND GUIDANCE

### SECTION 120

6.1 Section 120 of the 2008 Act prescribes those matters which may be provided for in an order granting development consent. Sections 120(3) and 120(4) state that an order may make provision relating to, or to matters ancillary to, the development for which consent is granted. The matters in respect of which provision may be made include (but are expressly not limited to) the matters listed in Schedule 5 to the 2008 Act, for example:

- The acquisition of land and rights over land, compulsorily or by agreement;
- The creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement; and
- The payment of compensation.

### SECTION 122

6.2 Section 122 of the 2008 Act provides that an order granting development consent may include provision authorising compulsory acquisition of land, only if the decision maker in respect of the application is satisfied that:

- The land is required for the development;
- The land is required to facilitate or is incidental to the development; or
- The land is replacement land for commons, open spaces, etc (Section 122(2)).

6.3 Section 122(3) states it is also necessary for the decision-maker to be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the order.

### SECTION 123

6.4 Section 123(1) of the 2008 Act provides that an order granting development consent may only include provision authorising compulsory acquisition of land if one of the conditions in sections 123(2) to 123(4) are met.

6.5 The condition in section 123(2) is that the "application for the order included a request for compulsory acquisition of the land to be authorised". The Application includes such a request – the draft Order (Document 2.1) includes powers of compulsory acquisition, and the requisite documents are included with the Application (the Land Plan (Document 4.2), the Book of Reference (Document 3.1), the Funding Statement (Document 3.3) and this Statement of Reasons).

6.6 Section 123(1) is therefore satisfied.

### GUIDANCE

6.7 The Department for Communities and Local Government (DCLG) issued a document called 'Guidance related to procedures for the compulsory acquisition of land' (September 2013), which considers compulsory acquisition in the context of NSIPs ('the CA Guidance').

6.8 The CA Guidance states (see paragraph 11):

- In the case of land required for a project to which the development consent relates, the promoter must be able to demonstrate that the land is needed and the decision maker must be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development; and
- In the case of land required to facilitate or land incidental to the proposed development, the land to be taken should be no more than is reasonably necessary for the facilitating or incidental purpose and must be proportionate.

6.9 The CA Guidance indicates that for the Section 122(3) condition the decision maker must be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily.

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The public benefits derived from the compulsory acquisition must outweigh the private loss that would be suffered by those whose land is proposed to be acquired.

6.10 Paragraphs 8 to 10 of the CA Guidance provide a number of general considerations that the promoter must demonstrate to the satisfaction of the decision maker:

- All reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;
- The proposed interference with the rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate;
- The promoter has a clear idea of how they intend to use the land which it is proposed to acquire;
- There is a reasonable prospect of the requisite funds for acquisition becoming available;
- The compulsory purchase of land meets the two conditions in Section 122;
- The purposes for which an order authorises the compulsory acquisition of land are legitimate and sufficient to justify interfering with the human rights of those with an interest in the land affected.

6.11 The Applicant considers that all of these points are satisfied in relation to the Project – they are considered in the following sections of this Statement of Reasons.

## 7.0 JUSTIFICATION FOR THE USE OF POWERS OF COMPULSORY ACQUISITION

- 7.1 This Section sets out the factors that the Applicant relies on to demonstrate that the conditions in Section 122 of the 2008 Act and the CA Guidance are satisfied.
- 7.2 Throughout this Section, and building on the comments in the preceding Sections, the Applicant can demonstrate a compelling case in the public interest for the expropriation powers being sought in the Order.

### REQUIREMENT FOR THE ORDER LAND (SECTION 122(2) AND (3))

- 7.3 All of the Order Land, shown on the Land Plan (Document Ref 4.2), is required either for the purposes of the Project, or to facilitate it or for purposes incidental thereto. In order to deliver the Project, the Applicant is seeking powers to acquire a combination of freehold ownership, permanent rights over land and rights to use land temporarily.
- 7.4 The Applicant has taken a proportionate approach to the proposed acquisition, mindful of the impact of the expropriation on affected owners, tenants and other parties.
- 7.5 The nature of the land interests required for the Project are summarised in the following section, along with an indication on the status of negotiations with the relevant owners. Schedule 1 to this Statement sets out for each plot shown on the Land Plans: their current use, the Work No. to which they relate, and the proposed use of it as part of the Project.

#### Freehold Acquisition

- 7.6 Freehold acquisition is sought through article 20 in the draft Order (Document Ref 2.1), and through the operation of other provisions only applies in respect of the area in which Work No. 1A – the generating station and its associated infrastructure – is to be constructed and operated. This land is shown coloured pink on the Land Plans (Document Ref 4.2). Freehold acquisition is necessary and proportionate as the generating station and other infrastructure are permanent structures which require control of the land.

**Table 7.1: Work No. in respect of which freehold acquisition is sought**

Work No.	Reasons for Acquisition	Status of Negotiations
1A	Construction, operation and maintenance of generating station and its associated infrastructure	Commercial discussions commenced to develop heads of terms

#### Acquisition of Permanent Rights

- 7.7 Permanent rights are sought through the Order in respect of the Work Nos. set out in Table 7.2 below.
- 7.8 The purposes for which new rights are sought under article 23 of the Order are summarised in Table 7.2. Schedule 8 to the Order states which plots new rights are sought over, and this land is shown coloured blue on the Land Plans (Document Ref 4.2) along with the plot numbers.

**Table 7.2: Work Nos. in respect of which permanent rights over land are sought**

Work No.	Reasons for Acquisition	Status of Negotiations
2	Rights to install, use, maintain, replace etc handling and transport facilities in relation to coal, biomass, limestone, gypsum and ash.	Commercial discussions commenced to develop heads of terms

Work No.	Reasons for Acquisition	Status of Negotiations
3	Right to deposit, store and remove ash and to carry out ancillary earthworks.	Commercial discussions commenced to develop heads of terms
4	Rights to install, use, maintain, replace etc electrical cables and other apparatus, and to prevent works or uses of land which may interfere with the cables or apparatus.	Commercial discussions commenced to develop heads of terms
5	Rights to install, use, maintain, replace etc water and sewerage connections and other apparatus, and to prevent works or uses of land which may interfere with the connections or apparatus.	Commercial discussions commenced to develop heads of terms
7	Rights to install, use, maintain, replace etc 11kV underground electrical cable and associated apparatus, and to prevent works or uses of land which may interfere with the cables or apparatus.	Commercial discussions commenced to develop heads of terms
8	Rights to install, use, maintain, replace infrastructure to connect the electrical cable (Work No. 4) to the sub-station.	Commercial discussions commenced to develop heads of terms
N/A	Right of way	Commercial discussions commenced to develop heads of terms
N/A	Right of way in the event of emergency	Commercial discussions commenced to develop heads of terms

### Temporary Rights or Occupation

- 7.9 The temporary use of land is required in order to facilitate the construction and maintenance of the Project. The purposes for which new rights are sought under article 23 of the Order are summarised in Table 7.3. Articles 30 and 31 in the draft Order respectively authorise temporary use of land for carrying out the Project, and to maintain it.
- 7.10 Article 30 is limited to the land referred to in Schedule 10 to the draft Order (the 'Schedule 10 land') and to other areas within the Order Land where article 30 permits temporary use prior to any compulsory acquisition (of land or rights). The Schedule 10 land is shown coloured yellow on the Land Plans.
- 7.11 The undertaker must give up possession of the Schedule 10 land within three years of the date that the commissioning of the generating station is completed (unless the owner agrees to a longer period). The same period applies to land which has been accessed pursuant to article 30 and which is not Schedule 10 land, except that the undertaker may remain in possession of that land if it has the right to do so under another power in the Order (i.e. the compulsory acquisition powers).

**Table 7.3: Work Nos. in respect of which temporary powers to use land during construction are sought**

Work No.	Reasons for Acquisition	Status of Negotiations
1B	Site raising (in part), and construction laydown, storage and related facilities and operations	Commercial discussions commenced to develop heads of terms

Work No.	Reasons for Acquisition	Status of Negotiations
6	Laydown and storage of materials and equipment brought in via the adjoining jetty on the River Ouse	Commercial discussions commenced to develop heads of terms

- 7.12 Article 31 permits the temporary use of land within the Order Limits for the purpose of maintaining the Project, and the undertaker may only remain in possession for so long as is reasonably necessary to undertake the maintenance of the Project.

### NEGOTIATIONS WITH AFFECTED PARTIES

- 7.13 The Applicant will continue to seek to acquire land, rights and interests by agreement where possible on appropriate commercial terms. Seeking compulsory acquisition powers whilst, in parallel negotiations to acquire interests continue, is in accordance with both general practice and paragraph 25 of the CA Guidance.
- 7.14 The interests in land affected are described in the Book of Reference (Document Ref. 3.1) and Land Plan (Document Ref. 4.2). The plot numbers indicated on the Land Plan are cross-referred to the Book of Reference.
- 7.15 It should be noted that land has been included in the Book of Reference even where it is within the control of a company (Drax Power Limited) with whom the Applicant has a link. Whilst the Applicant is seeking a lease of, and the necessary rights over, the Order Land from Drax Power Limited (so far as it is able to grant them), the inclusion of the whole Project site within the powers of compulsory acquisition / temporary use is to ensure that the land and rights will be available for the Project and to provides certainty of delivery (itself important considering the benefits of the Project, as noted above in section 5).
- 7.16 This approach also ensures that in case of 'minor interests' (such as easements, rights of way, restrictive covenants or similar interests) that cannot or have not previously been negotiated away, there are powers available to override those interests. In such circumstances a relevant claim may be made and the Applicant will pay any compensation due. As a result of the application of the Applicant's statutory powers the beneficiary of an interest will be entitled only to a right to compensation and not to prevent the scheme from proceeding, thus ensuring that the Project can be delivered.
- 7.17 Where agreement is reached with the relevant person and that agreement can be relied upon at the time the Applicant requires entry on to the Order land, the Applicant will not exercise any powers of compulsory acquisition against that party.

### HIGHWAYS SUBSOIL

- 7.18 For all highways subsoil, the interest of the presumed owners have been scheduled in the Book of Reference. As the presumption could be rebutted by information which the Applicant has not been able to find through its diligent enquiry, it cannot be certain who has an interest in the highway, the plots have also been treated as being in potential unknown ownership.
- 7.19 The Applicant may also seek to rely on its powers contained in articles 26 and 29 of the Order:
- Article 26 (acquisition of subsoil only) allows the Applicant to acquire the land under the subsoil only (or rights there), and not to acquire any further interest in that land;
  - Article 29 (rights under or over streets) allows the Applicant to use the land under or over streets for the purposes of the Project. This power could be used, for instance, in relation to Work No. 4 (the electrical connection) to the extent that it crosses or is within streets. If any persons can prove that they own the street subsoil, they have a right to compensation if they suffer loss because the value of their property has reduced.

## LAND IN UNKNOWN OWNERSHIP

- 7.20 There are some plots identified in the Book of Reference where it has not been possible to identify ownership or a person who has the benefit of a right or restriction in the Order Land. Accordingly notices of the consultation which was carried out pursuant to Section 42 of the 2008 Act were posted on the Project site. The notices posted in cases of unknown ownership are described in more detail in the Consultation Report (Document Ref. 5.1). No responses were received.

## NEED FOR POWER TO OVERRIDE RIGHTS AND EASEMENTS

- 7.21 A number of rights and restrictions in the Order Land have been identified and are scheduled in Parts 2 and 3 of the Book of Reference (Document Ref. 3.1). A number of these are or may be inconsistent with the construction, operation and / or maintenance of the Project, and the beneficiaries of some of these rights may have a relevant claim (which would lead to the payment of compensation). It is therefore necessary to include those interests within the Order Land as lands for which compulsory acquisition powers are available so as to convert such rights to a right to seek compensation in accordance with the statutory compulsory purchase compensation code. Powers to extinguish private rights are contained in article 24 of the Order.
- 7.22 The Applicant believes it is both necessary and appropriate for the Order to include provisions allowing for the overriding and/or extinguishment of rights and covenants over the Order Land. Without such a power the implementation or operation of the Project could be prevented.
- 7.23 There is overwhelming public interest in the development of modern and sustainable power generating stations meeting the Government's energy security requirements. Compensation for any loss that can be demonstrated will be available in accordance with the statutory compensation code. Further, the Applicant will consider each affected right and where possible seek to agree to a limited interference with the relevant rights if possible and as is necessary for the Project to be constructed and retained. If agreement can be reached then powers in article 24 (private rights) would not be exercised in respect of the relevant right / beneficiary.

## ALTERNATIVES TO COMPULSORY ACQUISITION

- 7.24 The Order Land is primarily within the freehold ownership of Drax Power Limited. The Applicant does not have control over the Order Land, although it is seeking a lease and associated rights from Drax Power Limited. The Order therefore seeks acquisition of the necessary land and rights, which is the minimum necessary in order to implement and operate the Project. Although it does not yet have control, the Project site was partly chosen as it is largely in the control of the corporate group of one the Applicant's shareholders.
- 7.25 The location of the Project site adjacent to the existing Power Station site is ideal as (for example) it provides ready access to the national grid to export power and it can capitalise on shared infrastructure with the existing Power Station, including good road access, delivery of fuel and other raw materials by rail and shared water supplies and effluent control systems. A standalone project elsewhere would have a notably larger footprint while being less economically viable to develop. The selection of the Project Site is set out in more detail in Chapter 4 of the Environmental Statement (Volume 1, Document Ref. 6.2).
- 7.26 The Applicant continues to seek agreements with each of the identified and required interests in Part 1 of the Book of Reference. In each case the Applicant has chosen to secure land or rights in a way that minimises disruption to the relevant owners.
- 7.27 Negotiations will continue, but the Applicant believes compulsory acquisition powers are justified to ensure that the Project can be developed within a reasonably commercial timescale. The land scheduled in the Book of Reference is necessary, proportionate and appropriate; there are no other suitable alternatives.

## AVAILABILITY OF FUNDS FOR COMPENSATION

- 7.28 Details of the proposed funding for the implementation of the Project (including funding the acquisition of land) are contained in the Funding Statement (Document Ref. 3.3). It is clear from the

Funding Statement that the undertaker has or will secure the necessary funds to carry out the Project, and in particular to fund compensation that is due under the terms of the Order.

### COMPELLING CASE IN THE PUBLIC INTEREST (SECTION 122(3))

- 7.29 The Applicant considers that for the policy reasons given in Section 5 above, all of the reasons given in the Statement and the proportionate approach to compulsory acquisition in this Section that a compelling case in the public interest for powers of compulsory acquisition exists.
- 7.30 In particular, the Applicant has demonstrated above and in Schedule 1 to this Statement that it has a clear purpose for each of the plots in the Book of Reference (Document Ref. 3.1) and that there is a clear and real need for the Project within each plot.
- 7.31 The Applicant is mindful of the impacts on owners and others with an interest in the land, and is seeking through the exercise of temporary and permanent powers to minimise the impact on affected parties whilst ensuring the Project can be constructed as swiftly and expeditiously as practicable.
- 7.32 The Project will contribute to the national need for generation of electricity. The case for this is made out in government policy as outlined in Section 5 above and detailed in the Planning Statement (Document Ref 5.4). The Applicant is seeking to negotiate the acquisition of interests where possible and is seeking compulsory acquisition and temporary use powers to ensure that the Project can be brought forward in a reasonable and commercial time frame.
- 7.33 On this basis, the Applicant considers that there is a compelling case in the public interest for the Order to be made, with the inclusion of powers of compulsory acquisition.
- 7.34 In summary the Applicant considers the Project to be:
- In accordance with NPS EN-1, EN-2 and EN-5;
  - Required to meet a pressing national need for electricity generating capacity; and
  - Entirely necessary and proportionate to the extent that interference with third party land or private rights is required.

## 8.0 SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

### SPECIAL CATEGORY LAND – CROWN LAND

- 8.1 Section 135 of the 2008 Act provides protection for Crown land against compulsory acquisition.
- 8.2 Part of Work No. 6 (the existing jetty on the River Ouse) is Crown land - part of the jetty, bank and bed of the River Ouse are Crown land, the details of which are set out in Part 4 of the Book of Reference (Document 3.1) and as shown with red hatching on Sheet 4 of the Land Plans (Document 4.2).
- 8.3 There is no proposal or intention to acquire (compulsorily or otherwise) any Crown interest in land. Only powers to use the land comprised in Work No. 6 temporarily for construction purposes are included in the Order (Document Ref 2.1). This is similar to the purposes which Drax Power Limited uses the jetty for the purposes of the existing Power Station, and in relation to which it has the benefit of a deed of easement dated 6 February 1968 granted by the Crown.
- 8.4 The Applicant does not consider that there is any impediment to using the jetty in the way intended for the Project, and The Crown Estate confirmed in its response to the statutory consultation, following clarification that no works were proposed, that it had no comments on the consultation.

### SPECIAL CATEGORY LAND

- 8.5 No open space or National Trust land, or commons or allotments are affected by the Project.

### STATUTORY UNDERTAKERS' LAND

- 8.6 Statutory undertakers' operational land may be the subject of special procedures under the 2008 Act.

#### Section 127

- 8.7 Section 127 of the 2008 Act applies to statutory undertakers' land held for the purposes of the undertaking if that statutory undertaker has made a representation to the Secretary of State about the proposed development consent order before the completion of examination of the DCO application.
- 8.8 If that representation has not been withdrawn, and if that decision-maker is satisfied the land is used for the purposes of the carrying out of the statutory undertaking, then:
- The compulsory acquisition of statutory undertakers' land may only be included in a DCO if the SoS is satisfied that:
    - The land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
    - If purchased, it can be replaced with other land belonging to, or available for acquisition by, the undertaking without serious detriment to the carrying on of the undertaking; and
  - The compulsory acquisition of rights over statutory undertakers' land may only be included for acquisition in a DCO if the SoS is satisfied that:
    - The rights can be purchased without any serious detriment to the carrying on of the undertaking; or
    - Any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of other land belonging to or available for acquisition by the undertaker.

### Acquisition of Statutory Undertaker Land or Rights Over Statutory Undertaker Land

- 8.9 The draft Order (Document Ref. 2.1) does not seek to acquire 'outright' any land which is owned by a statutory undertaker. The following interactions between statutory undertakers' land / rights and the compulsory acquisition / temporary use powers in the draft Order do however exist:
- Statutory undertakers, including Drax Power Limited, National Grid Electricity Transmission plc, Yorkshire Water Services Limited, Northern Powergrid (Yorkshire) plc, RWE Npower Group plc,

E.ON UK plc and EDF Energy plc have apparatus in, rights over or an interest in the land over which powers to compulsorily acquire the land are sought (plots 15 and 16 on the Land Plans (Document Ref. 4.2));

- Statutory undertakers own or have interests and / or apparatus in land over which permanent rights are sought;
- Statutory undertakers own or have interests and / or apparatus in land over which temporary powers to use the land are sought;

- 8.10 The Applicant is seeking to negotiate to acquire the necessary interests for the Project from each relevant statutory undertaker by private treaty. However, it has not been possible to reach agreement prior to the making of the Application with all interests affected, although the Applicant will continue to progress private treaty negotiations in tandem with the compulsory acquisition process with a view to concluding an agreement as soon as possible.
- 8.11 In the absence of private treaty agreement, it is necessary to include these interests in the Order to ensure that all the land and rights required to deliver the Project can be assembled within the necessary timeframe. It remains the Applicant's preference and intention to acquire the rights over land by agreement.
- 8.12 The existing and new rights that the Applicant seeks to acquire, taking account of the protective provisions for statutory undertakers (included at Schedule 12 to the draft Order (Document Ref. 2.1)), will not be of serious detriment to the relevant statutory undertakings and therefore, the Applicant does not consider it necessary to replace the land required for the Project.

## 9.0 THE HUMAN RIGHTS ACT 1998

- 9.1 The European Convention on Human Rights (the 'Convention') was incorporated into domestic law by the Human Rights Act 1998. The Convention contains Articles aimed to protect the rights of the individual (referred to as Convention Rights).
- 9.2 The provisions of particular relevance to the determination as to whether the Order should include compulsory acquisition powers are set out below.

### ARTICLE 1 OF THE FIRST PROTOCOL TO THE CONVENTION

- 9.3 This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws and principles.

### ARTICLE 6 TO THE CONVENTION

- 9.4 This entitles those affected by powers sought for the Project to a fair, public hearing.

### ARTICLE 8 TO THE CONVENTION

- 9.5 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.
- 9.6 The decision maker, as a public body, is under a duty to consider whether the exercise of its powers engages Convention Rights. The approach to be taken to give effect to rights under the Convention is reflected in the advice in the CA Guidance.
- 9.7 The Order (Document 2.1) has the potential to infringe the human rights of persons who hold interests in the Order Land. Such infringement can be authorised by law provided the appropriate statutory procedures for making the Order are followed and a compelling case in the public interest is made out for the compulsory acquisition and the interference with the Convention Right is proportionate. On the basis of decisions of the courts, the test of proportionality is satisfied if the Order strikes a fair balance between the public benefit sought and the interference with the rights in question.
- 9.8 The Applicant has weighed the potential infringement of Convention Rights in consequence of the inclusion of compulsory powers within the Order with the potential public benefits if the Order is made.
- 9.9 The Applicant considers that there would be significant public benefit arising from the grant of development consent. That benefit is only likely to be realised if the Order includes powers of compulsory acquisition. The significant public benefits on balance outweigh the effects upon persons who own property (including rights etc) within the Order Land.
- 9.10 The potential effects of the Project are assessed and presented in the Environmental Statement (Document Ref. 6.1 to 6.4). The majority of land contained within the Order is within the control of a company which is a group company of one of the Applicant's shareholders. Third party rights may be affected but the Project has been designed to minimise effects to the surrounding area.
- 9.11 Those affected by compulsory acquisition may claim compensation in accordance with the statutory compensation code. The Applicant has the resources to provide such compensation. This is documented in the Funding Statement (Document Ref. 3.3).
- 9.12 In accordance with Part 5 of the 2008 Act, the Applicant has consulted persons set out in the categories contained in Section 44 of the 2008 Act, which includes owners of and those with interests in the Order Land, and those who may be able to make claims either under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or section 152(3) of the 2008 Act. Everyone with an interest in the Project site is able to make representations to the Examining Authority. Representations can be made in response to any notice given under Section 56 of the 2008 Act (notifying persons of accepted application). Therefore the requirements of Article 6 are met.

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- 9.13 Should the Order be made, a person aggrieved may also challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the 2008 Act. Affected persons have the right to apply to the Upper Tribunal (Lands Chamber), if compensation is disputed.
- 9.14 The requirements of compensation being payable for the acquisition of any interest are met. Therefore Article 1 of the First Protocol is not contravened.
- 9.15 For the above reasons, the Applicant considers that the inclusion of powers of compulsory acquisition in the Order would not constitute any unlawful interference with Convention Rights and further that it would be appropriate and proportionate to make the Order, including powers of compulsory acquisition.

## 10.0 OTHER POWERS IN THE ORDER

- 10.1 Regulation 5(2)(h) of the APFP Regulations requires a Statement of Reasons for seeking an Order to authorise 'the compulsory acquisition of land or an interest in or right over land'. The question whether such powers should be granted raises questions of need and justification, proportionality, interference with property rights and interests, compensation and access to judicial process.
- 10.2 The precise wording of Regulation 5(2)(h) does not on the face of it extend beyond the outright acquisition of land or interests in or rights over land. This, however, does not capture other compulsory powers sought in the Order which similarly relate to land and will or may interfere with property rights and interests.
- 10.3 The powers to use land temporarily for construction or maintenance (articles 30 and 31 in the draft Order, Document Ref 2.1) have been considered above, alongside the powers of compulsory acquisition.
- 10.4 The other powers included in the Order are set out below.

### ARTICLE 9 (STREET WORKS)

- 10.5 Article 9 would allow the Applicant to carry out certain works in specified streets.
- 10.6 The exercise of article 9 could potentially interfere with private rights. The right in question could be suspended, extinguished or otherwise interfered with. A person suffering loss from this would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### ARTICLES 11 AND 13 (CONSTRUCTION AND MAINTENANCE OF NEW OR ALTERED MEANS OF ACCESS / ACCESS TO WORKS)

- 10.7 Articles 11 and 13 would allow the Applicant to form, lay out or improve existing means of access and with approval of the planning authority form, lay out and improve other means of access as is required for the Project.

### ARTICLE 14 (PUBLIC RIGHTS OF WAY)

- 10.8 Article 14 would enable the Applicant to permanently or temporarily close, alter or divert footpaths.
- 10.9 The exercise of article 14 could potentially interfere with private rights i.e. rights vested in a person rather than the public at large. In that event the right in question would be suspended or extinguished. A person suffering loss due to such suspension or extinguishment would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### ARTICLE 16 (DISCHARGE OF WATER)

- 10.10 Article 16 allows the Applicant to use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the Project and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

### ARTICLE 17 (PROTECTIVE WORK TO BUILDINGS)

- 10.11 Article 17 would enable the Applicant to carry out protective work to buildings within the Order limits. A person suffering loss or damage from the protective works is entitled to compensation, as is a person whose building suffers damage as a result of ineffective protective works pursuant to article 17.

### ARTICLE 18 (AUTHORITY TO SURVEY AND INVESTIGATE LAND)

- 10.12 Article 18 would enable the Applicant to enter onto any land shown within the Order limits to survey and investigate the land. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

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### ARTICLE 24 (PRIVATE RIGHTS)

- 10.13 Article 24 provides for the extinguishment or suspension of private rights over land subject to compulsory acquisition. The exercise of those powers amounts to an interference with property rights. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### ARTICLE 29 (RIGHTS UNDER OR OVER STREETS)

- 10.14 Article 29 would enable the Applicant, where required for the construction of the Project, to use the subsoil of, or airspace over, any street. The powers would not extend to a subway or underground building or to cellars or similar structures forming part of a building fronting the street, but could nonetheless interfere with property rights. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

### ARTICLE 35 (FELLING OR LOPPING OF TREES)

- 10.15 Article 35 would enable the Applicant to fell or lop any trees or shrubs so as to prevent the trees or shrubs from obstructing or interfering with the construction, maintenance or operation of the Project or which may constitute a danger. A person suffering loss due to such interference would be entitled to compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

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## 11.0 OTHER CONSENTS AND LICENCES

- 11.1 Additional consents and licences are required in addition to the Order. These are listed in the document 'Other Consents and Licences' (Document Ref. 5.3). The principal consents required are set out below.

### ENVIRONMENTAL PERMIT

- 11.2 A permit will be required for the emissions to air from the Project, which will be sought by way of variation to the permit which applies to the existing Power Station site.

### LAND DRAINAGE CONSENT

- 11.3 Consents will be sought, where necessary, following the making of the Order. In addition, consents to alter culverts or drains or watercourses may be required under the Land Drainage Act 1991. Again these will be sought following making of the Order.

### PROTECTED SPECIES

- 11.4 A licence may be required from Natural England in relation to badgers present on the Project site. This will be sought after the Order has been made (it can only be sought at that point), but a 'shadow' licence application will be submitted to Natural England to run concurrently with the examination of the Application.

### GENERATION LICENCE

- 11.5 A generation licence is required from Ofgem, and the application for this is likely to be submitted shortly.
- 11.6 For these consents and the others listed in the 'Other Consents and Licences' document, it is not envisaged that there will be any undue delay nor that there is any reason why consent will not be forthcoming.

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## 12.0 CONCLUSIONS

- 12.1 The Applicant believes the inclusion of powers of compulsory acquisition in the Order for the purposes of the Project meets the conditions of Section 122 of the 2008 Act and the CA Guidance.
- 12.2 The interests sought are no more than is reasonably required. Other land required to facilitate or land incidental to the Project is no more than is reasonably necessary for that purpose and is proportionate.
- 12.3 The need for the Project and the support for such projects in the relevant NPS demonstrate a compelling case in the public interest for the required interests to be acquired compulsorily.
- 12.4 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for and benefits of the Project, and the support for it found in policy, the land identified by the Applicant for the Project is the only land available for those purposes.
- 12.5 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose and is necessary and proportionate to that purpose.
- 12.6 The Applicant has set out clear and specific proposals of how the Order land will be used.
- 12.7 The requisite funds are available to meet any costs of land acquisition or amount of compensation payable as a result of the use of powers of compulsory acquisition.
- 12.8 The purpose of powers of compulsory acquisition to be included in the Order justifies interfering with the human rights of those persons with an interest in the land proposed to be acquired.

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## 13.0 FURTHER INFORMATION

### FUNDING

- 13.1 As outlined in Section 7.0 of this Statement, the Application is also accompanied by a Funding Statement to explain how the proposed compulsory acquisition for which it seeks authorisation in the Order is proposed to be funded.
- 13.2 For the reasons set out in Section 7.0 and in the Funding Statement, the availability of funding is not an impediment to the implementation of the Project or any part of it.

### NEGOTIATIONS OF SALE

- 13.3 Owners and occupiers of land affected by the Project who wish to negotiate a sale or discuss matters of compensation should contact David Davenport of Carter Jonas on 01904 558200.

### COMPENSATION

- 13.4 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled 'Compulsory Purchase and Compensation' listed as follows:
- Booklet No. 1 - Compulsory Purchase Procedure
  - Booklet No. 2 - Compensation to Business Owners and Occupiers
  - Booklet No. 3 - Compensation to Agricultural Owners and Occupiers
  - Booklet No. 4 - Compensation for Residential Owners and Occupiers
  - Booklet No. 5 - Reducing the Adverse Effects of Public Development: Mitigation Works
- 13.5 The booklets are available to download for free online at: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

## SCHEDULE 1: PLOT BY PLOT ANALYSIS OF CURRENT AND PROPOSED USE OF ORDER LAND

Plot	Current Use of Land	Work No(s).	Proposed Use As Part of Project
1	Grassed land, ash tip (Barlow Mound), woodland, private roads west of New Road at Drax, Selby	3	Transport and storage of ash.
2	Ash tip (Barlow Mound) and conveyors south west of Hook's Fields at Drax, Selby	3	Storage of ash.
3	Woodland south west of Hook's Field at Drax, Selby	3	Storage of ash.
4	Agricultural land south of Hook's Fields at Drax, Selby	3	Storage of ash.
5	Grassed land, woodland, open and piped drain (Carr Dyke), open drain (Drain No. 20/10), pond, private roads, storage areas, path, public footpath, bridge carrying public footpath, plant, conveyors, railway, part of cement production works and premises (Drax Power Station) and electricity pylons together with overhead lines west of New Road at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure. Emergency access away from main generating station site (Work No. 1A)
6	Private road (Drax Power Station) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
7	Plant, conveyor and premises (Drax Power Station) and piped drain (Carr Dyke) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
8	Plant, conveyors and premises (Drax Power Station) and piped drain (Carr Dyke) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
9	Private roads, storage area, conveyor, plant, railway, tanks, piped drain (Carr Dyke) and premises (Drax Power Station) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
10	Private road, railway and premises (Drax Power Station) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
11	Cement production works, conveyor and premises (Drax Power Station) at Drax,	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash

Plot	Current Use of Land	Work No(s).	Proposed Use As Part of Project
	Selby		handling and transportation and related infrastructure.
12	Fuel stock area, private road, railway, silos, conveyors, plant and premises (Drax Power Station) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
13	Silo, plant, conveyor, railway and premises (Drax Power Station) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
14	Plant and premises (Drax Power Station) at Drax, Selby	2	Handling, transportation (including by conveyor) and storage of fuel (ash and biomass), limestone, gypsum and fuel ash handling and transportation and related infrastructure.
15	Grassed land, ash tip (Barlow Mound), woodland, open and piped drain (Carr Dyke), private roads, storage areas, path, public footpath, part of cement production works and premises (Drax Power Station) and electricity pylons together with overhead lines west of New Road at Drax, Selby	1A	Operational site of generating station and associated infrastructure, and including all ancillary infrastructure, equipment, buildings, plant and roads as listed at Work No. 1A in Schedule 1 to the Order.
16	Agricultural land and drain (Carr Dyke) west of New Road at Drax, Selby	1A	Operational site of generating station and associated infrastructure, and including all ancillary infrastructure, equipment, buildings, plant and roads, and connection to the NGCL CO2 pipeline, as listed at Work No. 1A in Schedule 1 to the Order.
17	Agricultural land, drain (Carr Dyke), and electricity pylons together with overhead lines west of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
18	Agricultural land west of Drax Abbey Farm at Drax, Selby	1B	Temporary - laydown and construction area.
19	Agricultural land west of Drax Abbey Farm at Drax, Selby	1B	Temporary - laydown and construction area.
20	Grassed land west of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
21	Wooded land and electricity pylon together with overhead lines west of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
22	Public adopted highway known as New Road, overhead electricity lines and piped drain (Drain No. 20/10) at Drax, Selby	1B	Works to improve New Road, construct / improve accesses.
23	Agricultural land, piped and open drain (Drain No.44), public footpath and overhead	1B	Temporary - laydown and construction area.

Plot	Current Use of Land	Work No(s).	Proposed Use As Part of Project
	electricity lines east of New Road and south of Pear Tree Avenue at Drax, Selby		
24	Agricultural land, inspection wells, public footpath, piped drain (Drain No.44), and overhead electricity lines situated to the south of Pear Tree Avenue and east of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
25	Agricultural land, wooded land, public footpath, electricity pylon together with overhead lines, open drains (Sand Lane Drain and Drain No. 20/9) and piped drain (Drain No.44) east of New Road and south of Pear Tree Avenue at Drax, Selby	1B	Temporary - laydown and construction area.
26	Agricultural land and wooded land east of New Road and south of Pear Tree Avenue at Drax, Selby	7	Diverted 11kV electrical cable.
27	Agricultural land and wooded land east of New Road and south of Pear Tree Avenue at Drax, Selby	1B	Temporary - laydown and construction area.
28	Public adopted highway known as Pear Tree Avenue and piped drain (Sand Lane Drain) at Drax, Selby	7	Diverted 11kV electrical cable.
29	Agricultural land and private road north of Pear Tree Avenue at Drax, Selby	7	Diverted 11kV electrical cable.
30	Drain (Sand Lane Drain) north of Pear Tree Avenue at Drax, Selby	7	Diverted 11kV electrical cable.
31	Agricultural land north of Pear Tree Avenue at Drax, Selby	7	Diverted 11kV electrical cable.
32	Public adopted highway known as New Road, overhead electricity lines and piped drain (Drain No. 20/10) at Drax, Selby	4	Electrical connection to sub-station <del>(for both sub-station connection options)</del> . Works to improve New Road, construct / improve accesses.
33	Plant, private roads (North Gate and Materials Handling Gate), car parks, grassed areas and premises (Drax Power Station), electricity pylon together with overhead lines at Drax, Selby	4	Electrical connection to sub-station <del>(for both sub-station connection options)</del> . Access / egress to main generating station site (Work No. 1A).
34	Electricity substation, private roads and premises (Drax Power Station) Drax, Selby	8	Electrical connection works in sub-station <del>(400kV sub-station connection works)</del> .
35	Electricity substation, private roads and premises (Drax Power Station), electricity pylons together with overhead lines at Drax, Selby	4	Electrical connection to sub-station <del>(for both sub-station connection options)</del> .
36	Public adopted highway known as New Road at Drax, Selby	4	Electrical connection to sub-station <del>(for both sub-station connection options)</del> .
37	Public adopted highway known as New Road and overhead electricity lines at Drax,	4	Electrical connection to sub-station <del>(for</del>

Plot	Current Use of Land	Work No(s).	Proposed Use As Part of Project
	Selby		<del>132kV sub-station connection option).</del>
38	Electricity substation and premises (Drax Power Station) electricity pylons together with overhead lines at Drax, Selby	4	Electrical connection to sub-station <del>(for 132kV sub-station connection option).</del>
39	<del>Electricity substation and premises (Drax Power Station) Drax, Selby</del> <u>Plot not used</u>	<del>8</del>	<del>Electrical connection works in sub-station (132kV sub-station connection works).</del>
40	<del>Electricity substation, telecommunications mast and premises (Drax Power Station) at Drax, Selby</del> <u>Plot not used</u>	<del>8</del>	<del>Electrical connection works in sub-station (132kV sub-station connection works).</del>
41	<del>Grassland and public adopted highway known as New Road (Drax Power Station) at Drax, Selby</del> <u>Plot not used</u>	<del>8</del>	<del>Electrical connection works in sub-station (132kV sub-station connection works).</del>
42	<del>Electricity substation and premises (Drax Power Station) at Drax, Selby</del> <u>Plot not used</u>	<del>4</del>	<del>Electrical connection to sub-station (for 132kV sub-station connection option).</del>
43	<del>Grassland and public adopted highway known as New Road (Drax Power Station) at Drax, Selby</del> <u>Plot not used</u>	<del>4</del>	<del>Electrical connection to sub-station (for 132kV sub-station connection option).</del>
44	<del>Public adopted highway known as New Road and overhead electricity lines at Drax, Selby</del> <u>Plot not used</u>	<del>4</del>	<del>Electrical connection to sub-station (for 132kV sub-station connection option).</del>
45	Grassed land west of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
46	Grassed land and overhead lines west of New Road at Drax, Selby	4, 5	Electrical connection <del>(all options).</del> Water and sewerage connections.
47	Grassed land west of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
48	<del>Ash tip (Barlow Mound)</del> <u>Wood yard</u> , piped drain (Carr Dyke)	1B	Temporary - laydown and construction area.
49	<del>Ash tip (Barlow Mound)</del> <u>Wood yard</u>	5	Sewerage connection.
50	Grassed land, private roads and storage areas west of New Road at Drax, Selby	5	Sewerage connection. Access / egress to main generating station site (Work No. 1A).
51	Grassed land, private roads west of New Road at Drax, Selby	5	Water and sewerage connections. Access / egress to main generating station site (Work No. 1A).
52	Grassed land west of New Road at Drax, Selby	5	Water and sewerage connections.
53	Grassed land and overhead lines west of New Road at Drax, Selby	4, 5	Electrical connection <del>(all options).</del> Water and sewerage connections.
54	Grassed land, private roads, storage areas and overhead lines west of New Road at Drax, Selby	4, 5	Electrical connection <del>(for all options).</del> Water and sewerage connections. Access / egress to main generating station site (Work No. 1A).

Plot	Current Use of Land	Work No(s).	Proposed Use As Part of Project
55	Grassed land west of New Road at Drax, Selby	4, 5	Electrical connection to sub-station— <del>(for both sub-station connection options)</del> . Water and sewerage connections. Access / egress to main generating station site (Work No. 1A).
56	Private roads (Drax Power Station) at Drax, Selby	4, 5	Electrical connection to sub-station— <del>(for both sub-station connection options)</del> . Water and sewerage connections. Access / egress to main generating station site (Work No. 1A).
57	Plant, private roads (North Gate and Materials Handling Gate), grassed areas and premises (Drax Power Station) and overhead lines at Drax, Selby	5	Water connections.
58	Grassed land, woodland and overhead lines west of New Road at Drax, Selby	5	Water connections.
59	Grassed land, woodland, pond and overhead lines west of New Road at Drax, Selby	1B	Temporary - laydown and construction area.
60	Grassed land, woodland, pond and electricity pylons together with overhead lines west of New Road at Drax, Selby	<a href="#">41B</a>	<del>Electrical connection to existing overhead line (for that option only).</del> <a href="#">Temporary - laydown and construction area.</a>
61	Grassed land (Drax Power Station) at Drax, Selby	1B	Temporary - laydown and construction area.
62	Plant, private roads (North Gate and Materials Handling Gate) and premises (Drax Power Station) at Drax, Selby	1B	Temporary - laydown and construction area.
63	Plant, private roads (North Gate and Materials Handling Gate) and premises (Drax Power Station) at Drax, Selby	5	Water connections.
64	Plant and premises (Drax Power Station) at Drax, Selby	5	Water connections.
65	Plant, private roads (North Gate and Materials Handling Gate) and premises (Drax Power Station) at Drax, Selby	1B	Temporary - laydown and construction area.
66	Woodland, grassed area, scrubland, path and private access road east of Redhouse Lane at Drax, Selby	6	Temporary – hardstanding laydown area.
67	Bank and bed of River Ouse at Drax, Selby	6	Temporary – vegetation clearance.
68	Compound, pipe and jetty east of Redhouse Lane at Drax, Selby	6	Temporary – hardstanding laydown area.
69	Jetty, bank and bed of River Ouse at Drax, Selby	6	Temporary – use of jetty for unloading.