

The Eggborough CCGT Project

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The Eggborough CCGT (Generating Station) Order

Land at and in the vicinity of the Eggborough Power Station site,
near Selby, North Yorkshire DN14 0BS

Statement of Reasons

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009

Regulation 5(2)(h) and 5(2)(n)



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GLOSSARY

Abbreviation	Description
2008 Act	The Planning Act 2008 which is the 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.
AGI	Above ground installation
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	Eggborough Power Limited or EPL.
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 of more.
Application Site	The land corresponding to the Order Limits that is required for the construction and / or operation of the Project.
Associated Development	Defined under S.115(2) of The Planning Act 2008 as development which is associated with the principal development and that has a direct relationship with it. 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.
BEIS	Department for Business, Energy and Industrial Strategy
CCGT	Combined cycle gas turbine
CCR	Carbon capture readiness
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to the Planning Act 2008 to authorise a NSIP. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition.
EIA	Environmental Impact Assessment. The assessment of the likely significant

Abbreviation	Description
	environmental effects of a development, undertaken in accordance with the EIA Regulations
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 setting out how the environmental assessment of Nationally Significant Infrastructure Projects must be carried out and the procedures that must be followed
EN-1	the Overarching National Policy Statement for Energy, Department of Energy and Climate Change, 2011
EN-2	the National Policy Statement for Fossil Fuel Electricity Generating Infrastructure, Department of Energy and Climate Change, 2011
EN-4	the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines, Department of Energy and Climate Change, 2011
EN-5	the National Policy Statement for Electricity Networks Infrastructure, Department of Energy and Climate Change, 2011
EPL	Eggborough Power Limited (the Applicant)
ES	The Environmental Statement, documenting the findings of the EIA.
Ha	Hectares. A metric measurement of area.
Land Plans	A plan showing the land that is required for the Project and over which interests or rights in land are sought as part of the Order.
Limits of deviation	The limits shown on the Works Plans within which the Project may be built.
NSIP	A Nationally Significant Infrastructure Project that must be authorised by the making of a DCO under the 2008 Act.
NTS	National transmission system
NYCC	North Yorkshire County Council.
Order	The Eggborough CCGT (Generating Station) Order, being the DCO that would be made by the Secretary of State authorising the Project, a draft of which has been submitted as part of the Application.
Order Land	The land over which powers of compulsory acquisition are sought in the Order
Order Limits	The limits of the land to which the Application for the Order relates and shown on the Land Plans and Works Plans, within which the Project must be carried out and which is required for its construction and operation.
PINS	The Planning Inspectorate. A Government agency responsible for receiving and administering the acceptance and examination of applications for NSIPs on behalf of the Secretary of State.
Project or Proposed Development	The development to which the Application relates and which requires a DCO, and as listed at Schedule 1 to the Order.
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 control its operation, amongst other matters to ensure that it accords with the EIA and does not result in unacceptable impacts.
SDC	Selby District Council.
Site	The land corresponding to the Order Limits, encompassing the Order Land, and which is required for the construction and operation of the Project.
SoS	The Secretary of State. The decision maker for DCO applications and head of Government department. In this case the SoS for the Department for Business, Energy and Industrial Strategy
Statement of Reasons	This document - a statement setting out the reasons and justification for the

Abbreviation	Description
	compulsory acquisition of land or rights in land within the Order Limits.
Work No.	Work number, a component of the Proposed Development, described at Schedule 1 to the Order
Works Plans	Plans showing the numbered works referred to at Schedule 1 to the Order and which together make up the Proposed Development.

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SUMMARY

Introduction (Section 1)

1. This Statement of Reasons relates to the Application for a development consent order made by Eggborough Power Limited to the Secretary of State under the 2008 Act for powers to construct, operate and maintain the Proposed Development.
2. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for EPL to be granted these powers.
3. The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement.

Details of the Proposed Development (Section 2)

4. The Proposed Development is set out in detail at Schedule 1 to the Order (Document Ref. 2.1), and the areas in which each component (the Work Nos.) may be constructed are shown on the Works Plans (Document Ref. 4.4).
5. The Proposed Development is split into 10 Work Nos. as follows:
 - Work No. 1 - the gas-fired generating station, comprising the combined cycle gas turbine (CCGT) plant (Work No. 1A), a peaking plant and black start plant (Work No. 1B), CCGT cooling towers (Work No. 1C) and other associated parts of the generating station;
 - Work No. 2 – temporary construction laydown area (Work No. 2A), and carbon capture readiness (CCR) reserve space (Work No. 2B);
 - Work No. 3 – electrical connection works (Work No. 3A) and works within the National Grid sub-station (Work No. 3B);
 - Work No. 4 – cooling water connection works;
 - Work No. 5 – groundwater and towns water supply connection works;
 - Work No. 6 – gas supply connection works;
 - Work No. 7 – an above ground installation (AGI) to connect the gas pipeline to the National Transmission System, including a compound for National Grid's apparatus (Work No. 7A) and a compound for EPL's apparatus (Work No. 7B) and associated works;
 - Work No. 8 – retained landscaping;
 - Work No. 9 – surface water drainage connection to Hensall Dyke; and
 - Work No. 10 – vehicular, pedestrian and cycle access works and rail infrastructure.
6. In addition, Schedule 1 to the Order lists generic works which may be carried out anywhere within Work Nos. 1 to 7, 9 and 10 (but not within Work No. 8).
7. Three access points are proposed to be used in relation to the Proposed Power Plant Site, on Wand Lane and two on the A19. All are existing entrances. Access to the Proposed Gas Connection route during construction will be via Wand Lane, Millfield Road, Fox Lane, the A19

(west and east) and West Lane (for AGI construction only). During operation of the Proposed Development access to the Proposed Gas Connection and Proposed AGI will be via Wand Lane, Millfield Road, the A19 (at Whitings Lane) and West Lane.

Description of the Site and Order Land (Section 3)

8. The Site extends to c.102.5 hectares, and is shown on the Location Plan (Document Ref. 4.1) and on the Works Plans (Document Ref. 4.4). The Order land – the area in which powers of compulsory acquisition are sought – does not cover the entire Site, as EPL is not seeking powers of compulsory acquisition over areas required only for highway works, nor within the area of the existing National Grid sub-station.
9. There is a long history of power generation at the Site, extending back over 50 years. The existing coal-fired power station was consented in 1961 and construction started in 1962. It first began supplying electricity to the National Grid in 1967, with an official opening in September 1970.
10. The components of the Site are as follows, along with a brief description:
 - Proposed Power Plant Site (Work No. 1) - the CCGT, peaking plant, black start facility and associated infrastructure within the existing coal stockyard area, and a small area to the north-east of the coal stockyard area. This land is within EPL's freehold ownership;
 - Proposed Construction Laydown area (Work No. 2A) - within part of the existing coal-fired power station site, to the north of the Proposed Power Plant Site. This land is within EPL's freehold ownership;
 - Proposed Carbon Capture and Storage Readiness (CCR) Land (Work No. 2B) - land is required to be set aside for a potential future carbon capture plant. This is located within part of the Proposed Construction Laydown area, and within the existing coal-fired power station site. This land is within EPL's freehold ownership;
 - Proposed Electricity Connection (Work No. 3) - from the Proposed Power Plant Site to the existing National Grid sub station within the existing coal-fired power station site. The cables will run on land within EPL's freehold ownership, to the sub-station which is owned (via a lease from EPL) by National Grid;
 - Proposed Cooling Water Connections (Work No. 4) - from the Proposed Power Plant Site to the existing abstraction point located upstream of the weir on the River Aire at Chapel Haddlesey (non tidal), and to the existing outfall point located within the tidal section of the River at a meander known as Eggborough Ings. Parts of this land are outside EPL's freehold ownership;
 - Proposed Borehole and Towns Main Water Connections (Work No. 5) - there are two existing groundwater abstraction boreholes that are proposed to be used, one adjacent to the Eggborough Sports and Leisure Complex and one further south near the A19/ A645 Weeland Road roundabout, which would require new connections to the Proposed Development (although partly along the routes of the existing pipelines). These are principally on land in which EPL owns the freehold, or on public highway;
 - Proposed Gas Connection (Work No. 6) and AGI (Work No. 7) - from the Proposed Power Plant Site to Feeder 29, the National Grid Transmission network, to the north of the Site at a point south-west of Burn village. From the AGI site, the Proposed Gas Connection pipeline will be routed south-east across agricultural fields, crossing beneath the A19 south of the

East Coast Main Line and north of Burn Lodge Farm, before heading south through agricultural land. The gas pipeline will cross Millfield Road to the east of Chapel Haddlesey, then cross more agricultural land heading south-west to cross beneath the River Aire at Eggborough Ings, to the west of the cooling water outfall point. The gas pipeline will then head south-west and south across another agricultural field, to the east of the cooling water connection pipelines, before crossing Wand Lane to the east of Hensall Gate and reaching the Proposed Power Plant Site. The total pipeline length is approximately 4.6 km from the Proposed Power Plant Site to the Proposed AGI location. The land required for the Proposed Gas Connection AGI and gas pipeline is not within EPL's ownership, with the exception of a small section of land north of Wand Lane and the land within the existing coal-fired power station site;

- Retained Landscaping areas (Work No. 8) - areas of existing plantation woodland that are to be retained for landscape and biodiversity benefit. These are located on embankments around the southern and eastern boundaries of the existing coal-fired power station, and to the north of Wand Lane. EPL owns the freehold interest in these areas.
 - Proposed Surface Water Discharge Connection (Work No. 9) - for the discharge of surface water to Hensall Dyke in the south-east of the Site. The majority of these works (all except the final section of the connection to Hensall Dyke at Hazel Old Lane) are within land owned by EPL; and
 - Proposed Access and Rail Works (Work No. 10) - an area to the west of the Proposed Power Plant Site which is predominantly to be used for access via the existing Tranmore Lane access and potential works to alter the existing rail infrastructure for use during construction. These are within land owned by EPL, except parts of the accesses which extend on to public highway.
11. The area surrounding the existing coal-fired power station is generally rural, characterised by arable fields bounded by hedgerows, punctuated by a network of B and C roads and interspersed with villages and farms. It is intersected by various linear features and infrastructure corridors such as the A19, A645 and M62, the East Coast Main Line and Goole to Knottingley railway line, the Knottingley and Goole Canal, and the River Aire.

Compulsory Acquisition Powers (Section 4)

12. Section 120 of the 2008 Act provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the 2008 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.
13. Section 122 of the 2008 Act provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required for the development to which the DCO relates and the land is required to facilitate or is incidental to that development.
14. 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.

Need for the Compulsory Acquisition of Land and Rights (Section 5)

15. Under Section 122 of the 2008 Act, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Proposed Development (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.
16. The Guidance related to procedures for the compulsory acquisition of land (DCLG, September 2013) also states that: there must be a clear idea how the land to be acquired is to be used and it must be no more than is reasonably required; there must be compelling evidence that the public benefits would outweigh the private loss from the acquisition; all reasonable alternatives to compulsory acquisition should have been explored; there are reasonable prospects of the required funds for the acquisition being available; and that the purposes for which the land is sought are legitimate and sufficient to justify interfering with the human rights of affected people.
17. All of these matters are considered in this Statement, other than the availability of funding which is set out in the Funding Statement (Document Ref. 3.3).
18. EPL requires powers of compulsory acquisition to ensure that the Proposed Development can be built, maintained and operated, and so that the Government's policy in relation to the timely delivery of new generating capacity is met within a reasonable timescale.
19. The powers sought are:
 - all interests in land, including freehold (article 17 in the Order, Document Ref. 2.1) – shown edged red and shaded pink on the Land Plans (Document Ref. 4.2). These areas include the permanent part of the AGI Site (Work No. 7) and a strip of land within the Cooling Water Connections (Work No. 4) and also partly within the Gas Connection (Work No. 6);
 - new rights (article 20 in the Order) – shown edged red and shaded blue on the Land Plans. These areas are those required for the installation, construction, operation and maintenance of the Proposed Cooling Water Connection (Work No. 4), the Borehole and Towns Water Connection (Work No. 5), the Gas Connection Pipeline (Work No. 6), and the Proposed Surface Water Discharge Connection (Work No. 9), so far as these are outside EPL's current ownership. The form of new rights are set out in Schedule 8 to the Draft Order;
 - extinguishment of rights (articles 18 and 21 in the Order) – shown edged in red and shaded green on the Land Plans. EPL has included these powers to ensure that easements and other private rights affecting the land are extinguished or suspended, so that the Proposed Development can be constructed and operated without hindrance;
 - temporary use of land to permit construction or maintenance – (articles 26 and 27 of the Order) – shown edged in red and shaded yellow on the Land Plans. EPL can only take temporary possession of the land which is listed in Schedule 10 to the Order, and additionally can take temporary possession of any other land where it has not yet exercised powers of compulsory acquisition.
20. EPL considers that in the absence of these powers, the Order Land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved. EPL has been seeking to acquire the relevant freehold interests, new rights and

temporary use of land by private treaty, in order to ensure implementation of the Proposed Development. However, it has not yet been possible to acquire all of these by agreement.

21. Whilst seeking compulsory purchase powers, EPL will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application for the Order and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Guidance.
22. This Statement sets out the position in relation to the negotiations undertaken to date with affected owners, occupiers and others (starting at paragraph 5.14).
23. EPL has sought to use alternatives to compulsory acquisition but considers that these would not achieve its objectives nor the substantial public benefits that will arise from the Proposed Development. The 'do nothing' scenario is not appropriate given the established national need for new energy generation (see further below). The Site has been selected by EPL for a number of technical, environmental, land ownership and other reasons, and is highly suitable for the Proposed Development.
24. EPL also considered a number of alternative corridors for the Gas Connection route, including two different feeder pipes on the National Transmission System (NTS) as the connection point, and three different overall corridors (with 'sub-options' as to the terminal point for one). It consulted on these at the Stage 1 Consultation (August – September 2016), and then consulted at Stage 2 (January – February 2017) on its preferred corridor.
25. None of the alternatives would provide the compelling benefits that the Proposed Development will, or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.
26. EPL has sought to acquire the necessary land and rights by agreement (where it does not already own them) but has not been able to do so. Whilst it will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct and operate the Proposed Development, in order to realise its very significant public benefits.

Justification for the use of the Powers of Compulsory Acquisition (Section 6)

27. The principal justification for the use of powers of compulsory acquisition arises from the following, that the Proposed Development:
 - meets an established urgent need for new energy infrastructure;
 - is a form of economic development that is suitable in its local context;
 - minimises or mitigates adverse impacts to an acceptable degree;
 - is compliant with the National Policy Statements (NPS) EN-1, NPS EN-2, NPS EN-4 and NPS EN-5 (see paragraph 29 onwards below on these) and in accordance with other decision-making factors specified in Section 104 of the 2008 Act.
28. EN-1 clearly confirms the need that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready (CCR);

and makes clear that the SoS should assess applications on the basis that this need, and its scale and urgency, has been proven. Furthermore, EN-1 confirms that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need. EPL considers that:

- the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK, and it will add to the security, diversity and resilience of UK electricity supplies and support to transition to low carbon electricity generation; and
- there is a clear and compelling national need for the development of a new gas-fired electricity generating station, and EPL has selected the Site on which to do so for technical, environmental and commercial reasons.

Policy Support (Section 7)

29. The Secretary of State has designated six energy NPSs, setting out policy relevant to the examination and determination of energy-related NSIPs. Notably, where a NPS has effect in relation to a type of NSIP development (such as energy generation), section 104 of the 2008 Act requires the Secretary of State to determine applications for NSIPs in accordance with the relevant NPSs, unless doing so would mean that one of the matters set out in section 104 would be triggered (such as the adverse impacts of the development outweighing its benefits).
30. Section 6 above outlines the strong policy support as to the need for the Proposed Development.
31. Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by the Secretary of State in determining applications for nationally significant energy infrastructure. General points include, given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the Secretary of State to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in section 104 of the 2008 Act apply.
32. Other assessment principles include the matters considered in the ES; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of the requirements of the carbon capture readiness regulation; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others. Part 5 of EN-1 lists a number of generic impacts that are relevant to most types of energy infrastructure. The other relevant NPS (here EN-2, EN-4 and EN-5) set out the factors and considerations relevant to fossil fuel generating stations, gas pipelines and electricity networks infrastructure respectively.
33. As the Proposed Gas Connection route and the Proposed Cooling Water Connections are partly within the tidal part of the River Aire, marine policy documents are also relevant to the Application. These documents include the UK Marine Policy Statement and the East Inshore and East Offshore Marine Plans.
34. Other national planning and local policy may be considered 'important and relevant' to the Secretary of State's consideration of the Application, and therefore be taken into account under section 104. It is clear though, from the terms of section 104 and EN-1, that in the event of any

conflict between the NPS and development plan documents, the NPS prevails. Policy of relevance includes the National Planning Policy Framework, the statutory development plan (made up of a number of documents adopted by Selby District Council and North Yorkshire County Council) and other local policy.

35. EPL considers that section 104 of the 2008 Act and the relevant NPS provide a strong justification for its Application to be granted and moreover that powers of compulsory acquisition should be included. More information on the policy of relevance to the Proposed Development, and how it has been taken into account by EPL, is set out in sections 6 and 7 of this Statement, the Planning Statement (Document Ref. 5.5) and the Environmental Statement (Document Ref. 6).

Special Considerations (Section 8)

36. There are Crown interests in land affected by the Proposed Development, and section 135 of the 2008 Act therefore applies. The Order (Document Ref. 2.1) includes drafting protecting the position of the Crown. EPL has been negotiating with the Crown Estate Commissioners to seek to secure the rights required to carry out and operate the Proposed Development, and to obtain consent pursuant to section 135.
37. There is no open space, common land or fuel or field garden allotment affected by the Proposed Development.
38. Various land or apparatus of statutory undertakers is affected by the Proposed Development. EPL has included protective provisions within the Order (Schedule 12, Document Ref. 2.1) and separately is seeking to agree these or alternative terms with each statutory undertaker.

Other Consents (Section 9)

39. EPL requires various other consents, as well as a DCO, in order to build and operate the Proposed Development. These include an environmental permit, water abstraction licence, land drainage consent, hazardous substance consent (if necessary) and a greenhouse gas permit. EPL has included provision for a deemed marine licence in the Order (at Schedule 13, Document Ref. 2.1).
40. EPL is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding. Further details on these are set out in Other Consents and Licences (Document Ref. 5.4).

Human Rights (Section 10)

41. The 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 Order.
42. EPL considers that there would be very significant public benefit arising from the making of the Order for the Proposed Development. That benefit can only be realised if the Order includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Proposed Development) is legitimate.
43. EPL considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. EPL considers that it would, therefore, be appropriate and

proportionate for the Secretary of State to make the Order, including the compulsory acquisition powers sought by EPL.

Further Information (Section 11)

44. Owners and occupiers of property affected by the Order who wish to negotiate a sale or discuss matters of compensation should contact Ian Cunliffe of Ardent Management (telephone - 020 3693 2500, email - IanCunliffe@ardent-management.com).
45. Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

1.0 INTRODUCTION

Overview

- 1.1 This Statement of Reasons has been prepared on behalf of Eggborough Power Limited ('EPL' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under section 37 of 'The Planning Act 2008' (the 2008 Act).
- 1.2 EPL is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 2,500 megawatts ('MW'), including electrical and water connections, a new gas supply pipeline and other associated development (the 'Project' or 'Proposed Development') on land at and in the vicinity of the existing Eggborough coal-fired power station, near Selby, North Yorkshire.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under sections 14 and 15(2) of the PA 2008.
- 1.4 The DCO, if made by the SoS, would be known as the 'Eggborough CCGT (Generating Station) Order' (the 'Order').

EPL

- 1.5 EPL owns and operates the existing Eggborough coal-fired power station (the 'existing coal-fired power station'), near Selby, including a significant proportion of the land required for the Proposed Development.
- 1.6 EPL was acquired by EP UK Investments Ltd (EP UK) in late 2014; a subsidiary of Energetický A Průmyslový Holding ('EPH'). EPH owns and operates energy generation assets in the Czech Republic, Slovak Republic, Germany, Italy, Hungary, Poland and the United Kingdom.

The Proposed Development Site

- 1.7 The Proposed Development Site (the 'Site' or the 'Order limits') is located at and in the vicinity of the existing coal-fired power station approximately 8 kilometres south of Selby.
- 1.8 The existing coal-fired power station is bound to the north by Wand Lane, with the River Aire located approximately 650 metres ('m') further to the north and the A19 Selby Road immediately to the west. Eggborough Village is located approximately 750 m to the south-west.
- 1.9 The entire Site lies within the administrative boundaries of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').
- 1.10 The existing coal-fired power station was officially opened in 1970 and comprises four coal-fired boilers units, which together are capable of generating up to 2,000 MW of electricity. The existing coal-fired power station also includes a turbine hall and boiler house, an emissions stack (chimney) of approximately 198 m in height, eight concrete cooling towers of approximately 115 m in height, an administration and control block, a coal stockyard and a dedicated rail line for the delivery of coal, in addition to ancillary buildings, structures and infrastructure and utility connections.

- 1.11 The Site itself extends to approximately 102 hectares and comprises land within the operational area of the existing coal-fired power station for the new gas-fired generating station and electrical and groundwater supply connections; corridors of land to the north of the existing coal-fired power station for the cooling water connections and gas supply pipeline; an area of land to the south-east of the main coal stockyard for surface water discharge connections; and corridors of land to the west and south of the operational area of the existing coal-fired power station for ground and towns water supply connections.
- 1.12 The land required for the generating station and electrical and groundwater connections is owned by EPL, as well as the majority of the land for the cooling and towns water and surface water discharge connections. The majority of the land required for the gas supply pipeline is not owned by EPL.
- 1.13 The area surrounding the Site is predominantly flat and for the most part comprises agricultural land interspersed with small settlements and farmsteads. The area is however crossed by transport infrastructure, notably the A19 and railway lines, including the East Coast Mainline, in addition to overhead electricity lines associated with the existing coal-fired power station and other power stations within the wider area.
- 1.14 A more detailed description of the Site is provided at Chapter 3 'Description of the Site' of the Environmental Statement ('ES') Volume I (Document Ref. 6.2).

The Proposed Development

- 1.15 The main components of the Proposed Development are summarised below:
- The **'Proposed Power Plant'** (Work No. 1) - an electricity generating station with a gross output capacity of up to 2,500 MW located on the main coal stockyard area of the existing coal-fired power station, comprising:
 - Work No. 1A - a combined cycle gas turbine ('CCGT') plant, comprising up to three CCGT units, including turbine hall and heat recovery steam generator buildings, emissions stacks and administration/control buildings;
 - Work No. 1B - a peaking plant and black start plant fuelled by natural gas with a combined gross output capacity of up to 299 MW, comprising a peaking plant consisting of up to two open cycle gas turbine units or up to ten reciprocating engines and a black start plant consisting of one open cycle gas turbine unit or up to three reciprocating gas engines, including turbine buildings, diesel generators and storage tanks for black start start-up prior to gas-firing and emissions stacks;
 - Work No. 1C - combined cycle gas turbine plant cooling infrastructure, comprising up to three banks of cooling towers, cooling water pump house buildings and cooling water dosing plant buildings; and
 - ancillary buildings, enclosures, plant, equipment and infrastructure connections and works.
 - The **'Proposed Electricity Connection'** (Work No. 3) - electrical connection works, comprising:
 - Work No. 3A - up to 400 kilovolt ('kV') underground electrical cables to and from the existing National Grid ('NG') 400 kV substation;

- Work No. 3B - works within the NG substation, including underground and over electrical cables, connection to busbars and upgraded or replacement equipment.
- The '**Proposed Cooling Water Connections**' (Work No. 4) - cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and intake and outfall structures within the River Aire, including, as necessary, upgraded or replacement pipelines, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The '**Proposed Borehole and Towns Mains Water Connections**' (Work No. 5) - ground and towns water supply connection works, comprising works to the existing groundwater boreholes and pipelines, existing towns water pipelines, replacement and new pipelines, plant, buildings, enclosures and structures, and underground electrical supply cables, transformers and control systems cables.
- The '**Proposed Rail Works**' (Work No. 10) - rail infrastructure and access works, comprising alterations to or replacement of the existing private rail line serving the existing coal-fired power station site, including new rail lines, installation of replacement crossover points and ancillary equipment and vehicular and pedestrian access and facilities.
- The '**Proposed Surface Water Discharge Connection**' (Work No. 9) - surface water drainage connection works to Hensall Dyke to the south-east of the main coal stockyard, comprising works to install or upgrade drainage pipes and works to Hensall Dyke.
- The '**Proposed Gas Connection**' (Work No. 6) - gas supply pipeline connection works for the transport of natural gas to Work No. 1, comprising an underground high pressure steel pipeline of up to 1,000 millimetres (nominal bore) in diameter and approximately 4.7 kilometres in length, including cathodic protection posts, marker posts and underground electrical supply cables, transformers and control systems cables, running from Work No. 1 under the River Aire to a connection point with the National Transmission System ('NTS') for gas No. 29 Feeder pipeline west of Burn Village.
- The '**Proposed AGI**' (Work No. 7) - an Above Ground Installation ('AGI') west of Burn Village, connecting the gas supply pipeline (Work No. 6) to the NTS No. 29 Feeder pipeline, comprising:
 - Work No. 7A - a compound for National Grid's apparatus; and
 - Work No. 7B - a compound for EPL's apparatus.
- The '**Proposed Construction Laydown Area**' (Work No. 2A) - an area for temporary construction and laydown during the construction phase, including contractor compounds and facilities, requiring the infilling of the existing coal-fired power station back-up cooling water lagoon.
- The '**Proposed Carbon Capture Readiness ('CCR') Land**' (Work No. 2B) - an area of land to be reserved for carbon capture plant should such technology become viable in the future. It is proposed that this 'reserve' land is provided on part of the area to be used for temporary construction and laydown.
- The '**Proposed Retained Landscaping**' (Work No. 8) - encompassing the existing mature tree and shrub planting along the northern and eastern sides of Wand Lane and to the eastern boundary of the existing coal-fired power station site, including that on the embankment around the eastern, southern and western boundaries of the main coal stockyard.

- 1.16 The 'associated development', for the purposes of section 115 of the PA 2008 comprises Work Nos. 2 to 10 of the Proposed Development.
- 1.17 It is anticipated that subject to the Order having been made by the SoS (and a final investment decision by EPL), construction work on the Proposed Development would commence in early 2019. The overall construction programme is expected to last approximately three years, although the duration of the electrical and water connection and gas supply pipeline connection works would be significantly less. The construction phase is therefore anticipated to be completed in 2022 with the Proposed Development entering commercial operation later that year.
- 1.18 A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the Order and Chapter 4 'The Proposed Development' of the ES Volume I (Document Ref. 6.2) and the areas within which each of the main components of the Proposed Development are to be built is shown by the coloured and hatched areas on the Works Plans (Document Ref. 4.4).

The Purpose and Structure of this Document

- 1.19 The Statement is one of a number of documents required to support the Application submitted to the Secretary of State and should be read together with those documents.
- 1.20 This statement has been prepared in accordance with Regulation 5(2)(h) and 5(2)(n) of the APFP Regulations and explains why it is necessary to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Proposed Development, if necessary by compulsion. EPL considers that there is a compelling case in the public interest, in accordance with section 122 of the 2008 Act, for the making of the Order and the inclusion of powers of compulsory acquisition to enable the Proposed Development to be constructed, operated and maintained. This Statement explains why EPL considers that that is the case.

2.0 DETAILS OF THE PROPOSED DEVELOPMENT

- 2.1 This section provides further detail on the components of the Proposed Development. The development to which the Order applies is set out at Schedule 1 to the Order (Document Ref. 2.1), and is called the 'authorised development' in that document. The Works Plans (Document Ref. 4.4) show the areas in which the parts of the Proposed Development may be constructed.
- 2.2 If the Order is made and following a final investment decision by EPL, construction work is envisaged to commence in early 2019. The Proposed Development will take approximately three years to construct, followed by a commissioning period. The construction phase is therefore anticipated to be completed in 2022 to allow commercial operation to commence in the same year. It is envisaged that the Proposed Development will have a design and operational life of at least 25 years.
- 2.3 The Proposed Development is arranged in Schedule 1 to the Order in 'Work Numbers' (referred to as 'Work Nos.'), each of which relates to a particular element of the Proposed Development. The following is a description of the Proposed Development, considering each Work No. in turn.
- 2.4 The Proposed Development will comprise a gas-fired power station with gross electrical output capacity of up to 2,500 MW and associated buildings, structures and plant, including:
- Work No. 1 - the generating station, including
 - Work No. 1A - a CCGT plant comprising -
 - up to three CCGT units,
 - turbine hall buildings for gas turbines and steam turbines,
 - heat recovery steam generators (HRSG),
 - gas turbine air intake filters,
 - co-located emissions stacks,
 - transformers,
 - deaerator and feed water pump buildings,
 - nitrogen oxide emissions control equipment and chemical storage,
 - chemical sampling/ dosing plants,
 - demineralised water treatment plant including storage tanks,
 - gas reception facility including gas supply pipeline connection works, gas receiving area, gas compression equipment and building, pipeline internal gauge (PIG) launcher for pipe inspection, emergency shutdown valves, gas vents and gas metering, dehydration and pressure reduction equipment,
 - auxiliary boilers with associated emissions stacks
 - standby diesel generators, and
 - continuous emissions monitoring system (CEMS);
 - Work No. 1B - a peaking plant and a black start plant with a combined gross output capacity of the peaking plant and black start plant of up to 299 MW comprising -

- a peaking plant housed in a dedicated building, comprising either up to two open cycle gas turbines or up to ten gas-fired reciprocating engines and associated emissions stacks,
- a black start plant housed in a building, comprising either one open cycle gas turbine or up to three reciprocating gas engines with associated emissions stacks,
- diesel generators for black start plant start up prior to gas-firing,
- gas turbine air intake filters,
- CEMS, and
- transformers;
- Work No. 1C - up to three banks of cooling towers for the CCGT plant, cooling water pumps, plant and buildings, and cooling water dosing and sampling plant and buildings;
- in connection with the CCGT units, peaking plant, black start plant and cooling infrastructure will be:
 - administration and control buildings;
 - diesel fuel storage tanks and unloading area;
 - pipework, pipe runs and pipe racks;
 - an electrical sub station, electrical equipment, buildings and enclosures to connect to the existing on-site National Grid 400 kV sub station;
 - auxiliary plant, buildings, enclosures and structures;
 - workshop and stores buildings;
 - fire fighting equipment, building and distribution pipework;
 - fire and raw water storage tanks;
 - fire water retention basin;
 - chemical storage facilities;
 - lubrication oils and grease storage facilities;
 - permanent plant laydown area for operation and maintenance activities;
 - closed circuit cooling water plant and buildings;
 - waste water treatment plant and building; and
 - mechanical, electrical, gas, telecommunications and water networks, pipework, cables, racks, infrastructure, instrumentation and utilities.
- Work No. 2
 - Work No. 2A - temporary construction laydown area, comprising hardstanding, laydown and open storage areas, backfilling of the lagoon, contractor compounds and construction staff welfare facilities, gatehouse and weighbridge, vehicle parking and cycle storage facilities, internal roads and pedestrian and cycle routes, security fencing and gates, external lighting including lighting columns, and closed circuit television (CCTV) cameras and columns;
 - Work No. 2B - carbon capture readiness (CCR) reserve space;

- Work No. 3
 - Work No. 3A - electrical connection works comprising up to 400 kV underground electrical cables and control systems cables to and from the existing National Grid sub station; and
 - Work No. 3B - works within the National Grid sub station including underground and overground cables, connections to the existing busbars and upgraded or replacement equipment;
- Work No. 4 - cooling water connection works, comprising works to the existing cooling water supply and discharge pipelines and abstraction (intake) and discharge (outfall) structures, including, as necessary, upgraded or replacement pipelines, plant, buildings, enclosures and structures and underground electrical supply cables, transformers and control systems cables;
- Work No. 5 - groundwater and towns water supply connection works, including works to the existing towns water pipelines and groundwater boreholes and pipelines, replacement and new pipelines, plant, buildings, enclosures and structures and underground electrical supply cables, transformers and control systems cables;
- Work No. 6 - gas supply pipeline connection works for the transport of natural gas to the Proposed Power Plant Site, comprising an underground high pressure steel pipeline of up to 1,000 mm (nominal bore) in diameter and approximately 4.6 km in length, including cathodic protection posts, marker posts and underground electrical supply cables, transformers and control systems cables;
- Work No. 7 - an Above Ground Installation (AGI) west of Burn village connecting the gas supply pipeline (Work No. 6) to the National Transmission System (NTS) Feeder 29 pipeline, comprising:
 - a compound for National Grid's apparatus comprising an offtake connection from the NTS, above and below ground valves, flanges and pipework, an above or below ground remotely operated valve (ROV), an above or below ground ROV bypass, an above or below ground pressurisation bridle, instrumentation and electrical kiosks, and telemetry equipment kiosks and communications equipment (Work No. 7A);
 - a compound for EPL's apparatus including above and below ground valves, flanges and pipework, an above or below ground isolation valve, an above or below ground PIG launching facility, instrumentation and electrical kiosks, and telemetry equipment kiosks and communications equipment (Work No. 7B);
 - access works, vehicle parking, electrical and telecommunications connections, surface water drainage, security fencing and gates, CCTV cameras and columns and perimeter landscaping in connection with both of the above compounds;
- Work No. 8 - retained landscaping comprising:
 - soft landscaping including planting;
 - biodiversity enhancement measures; and
 - security fencing, gates, boundary treatment and other means of enclosure;
- Work No. 9 - surface water drainage connection to Hensall Dyke, comprising works to install, repair or replace drainage pipes, and works to Hensall Dyke;

- Work No. 10 - vehicular, pedestrian and cycle access works and rail infrastructure including alterations to or replacement of the existing private rail line , installation of new rail lines and crossover points and ancillary equipment;
- in connection with Work Nos. 1 to 7 and 9 to 10 of the Proposed Development (as described above):
 - surface water drainage systems, storm water attenuation systems including storage basins, oil/ water separators, and including channelling and culverting and works to existing drainage systems;
 - electrical, gas, potable water supply, foul water drainage and telecommunications infrastructure connections and works, and works to alter the position of such services and utilities connections;
 - hardstanding and hard landscaping;
 - soft landscaping including embankments and planting;
 - biodiversity enhancement measures;
 - security fencing, gates, boundary treatment and other means of enclosure;
 - external lighting, including lighting columns;
 - gatehouses and weighbridges;
 - CCTV cameras and columns and other security measures;
 - site establishment and preparation works including site clearance (including vegetation removal, demolition of existing buildings and structures), earthworks (including soil stripping and storage and site levelling) and excavations, the creation of temporary construction access points, the alteration of the position of services and utilities, and works for the protection of buildings and land;
 - temporary construction laydown areas and contractor facilities including materials and plant storage and laydown areas, generators; concrete batching facilities, vehicle parking facilities, pedestrian and cycle routes and facilities, offices and staff welfare facilities, security fencing and gates, external lighting, roadways and haul routes, wheel wash facilities, and signage;
 - vehicle parking and cycle storage facilities;
 - accesses, roads and pedestrian and cycle routes.

Accesses

- 2.5 Three access points to the Proposed Power Plant Site are included for vehicles during construction and operation: the existing access from Wand Lane (Hensall Gate); the existing main Power Station entrance from the A19; and the existing access from the A19 via Tranmore Lane (south of the main entrance). All three are capable of accommodating normal Heavy Goods Vehicle (HGV) traffic. Hensall Gate entrance is currently used by existing coal-fired power station contractors for maintenance and overhaul of the existing coal-fired power station. Rail access into the Site will be maintained, but the majority of the railway loop within the Proposed Power Plant Site will need to be removed to enable construction of the Proposed Development. These aspects of the Proposed Development are all within land in which the freehold is owned by EPL or are on land which is public highway.

- 2.6 Access to the Proposed Gas Connection pipeline easement during construction will be via:
- Wand Lane, via both the existing access track owned by EPL and a temporary new access near Hensall Gate on the route of the pipeline itself;
 - Millfield Road (east of Chapel Haddlesey), directly entering the construction corridor to the north and south;
 - Fox Lane (near Lodge Farm) via a private track to the pipeline construction corridor;
 - to the west of the A19 in the vicinity of Burn Lodge Farm, via a new temporary access track south of Burn Lodge Farm;
 - to the west of the A19, via an existing track known as Whitings Lane; and
 - West Lane, for AGI construction only.
- 2.7 During operation access to the Proposed Gas Connection and Proposed AGI will be via West Lane, the A19 at Whitings Lane, Millfield Road and Wand Lane.
- 2.8 Access to the Proposed Cooling Water abstraction and discharge points will be via the existing accesses (directly off the A19 as for the existing cooling water abstraction point, and from Wand Lane as for the existing cooling water discharge point). EPL owns the freehold interest in the land over which access is required.
- 2.9 Access to the Proposed Surface Water Discharge Connection to Hensall Dyke will be via the existing access from Hazel Old Lane.

Flexibility

- 2.10 A number of the design aspects and features of the Proposed Development cannot be confirmed until the tendering process for the construction contract has been completed, as for example the building sizes may vary depending on the contractor selected and their specific configuration and selection of plant. Therefore there are aspects of the Proposed Development design that have not been fixed - for example, the precise location and scale of the buildings may vary. The design of the Proposed Development therefore incorporates a degree of flexibility (an envelope) to allow for such circumstances; this is known as the 'Rochdale Envelope'. Two concept layouts for the CCGT plant have been prepared to inform the ES - these represent two possible configurations that EPL and the construction contractor may select at the detailed design stage - a 'single shaft' configuration, and a 'multi shaft' configuration.
- 2.11 Where flexibility is retained at this stage, the reasons are outlined in the ES and the maximum parameters for those specific elements of the Proposed Development are assessed within the ES. They are also secured by the provisions of the Order (Document Ref. 2.1), including via article 3 and the cross reference to the Works Plans (Document Ref. 4.4), through the design requirement (no. 5 in Schedule 2) and the maximum parameters set out in Schedule 14.

Carbon Capture Ready and Combined Heat and Power Ready

- 2.12 In accordance with the requirements of EN-1 and EN-2, the plant is being designed to be both Carbon Capture Ready (CCR) and Combined Heat and Power (CHP) Ready. For the purposes of the Application and in accordance with legislative and policy requirements, carbon capture technology has been considered through preparation of a standalone supplementary report to

the EIA as a Carbon Capture and Storage (CCS) and Carbon Capture Readiness (CCR) Statement (Document Ref. 5.8).

- 2.13 In accordance with CCR requirements, the Proposed Development incorporates an area set aside for the potential future installation of carbon capture technology. It is recognised that technological progress and developments in the regulatory framework for the use of carbon capture technology are likely to occur within the lifetime of the Proposed Development. Therefore, the design of the Proposed Development will be developed with consideration for the possible future retrofitting of carbon capture technology at some future date.
- 2.14 The CCR Report (Document Ref. 5.8) outlines the footprint required for the carbon capture and compression equipment, based on DECC guidance as amended by the Imperial College paper on space requirements for carbon capture technology (Imperial College Consultants/ Florin and Fennell, 2010). Part of the area to be used for CCGT construction laydown is, following construction, to be reserved for CCR purposes.

3.0 DESCRIPTION OF THE SITE AND ORDER LAND

- 3.1 The Site extends to circa 102.5 hectares (ha) in area. The full extent of the Site is shown on the Location Plan (Document Ref. 4.1), and on the Works Plans (Document Ref. 4.4). The Site lies entirely within the administrative areas of Selby District Council and North Yorkshire County Council.
- 3.2 The Order land - the area in which powers of compulsory acquisition are sought - does not cover the entire Site. That is because in respect of some areas (in particular access works on highways and within the area of the existing National Grid sub-station), EPL does not need to compulsorily acquire the land or new rights. These areas are not shaded on the Land Plans (Document Ref. 4.2, unlike areas in which EPL is seeking powers of compulsory acquisition or to occupy land temporarily which are shown shaded pink, blue, green and yellow. EPL will, in these highway works areas, rely on the street powers in Part 3 of the Order (Document Ref. 2.1). The position in relation to the National Grid sub-station is explained at section 8.
- 3.3 The following section describes the Site as a whole for completeness, whilst the rest of this Statement generally discusses and provides a justification for the powers sought in respect of the Order land, and considers also the land in which powers of temporary possession are sought.
- 3.4 There are multiple components which together make up the Site - these are referred to as follows, and each is considered in more detail below.
- Proposed Power Plant Site (Work No. 1) - the CCGT, peaking plant, black start facility and associated infrastructure within the existing coal stockyard area, and a small area to the north-east of the coal stockyard area;
 - Proposed Construction Laydown area (Work No. 2A) - within part of the existing coal-fired power station site;
 - Proposed Carbon Capture and Storage Readiness (CCR) Land (Work No. 2B) - land is required to be set aside for a potential future carbon capture plant, as per Section 4.7 of the Overarching National Policy Statement (NPS) (EN?1) (Department of Energy and Climate Change, 2011). This is located within the Proposed Construction Laydown area and within the existing coal-fired power station site;
 - Proposed Electricity Connection (Work No. 3) - from the Proposed Power Plant Site to the existing National Grid sub station within the existing coal-fired power station site;
 - Proposed Cooling Water Connections (Work No. 4) - from the Proposed Power Plant Site to the existing abstraction point located upstream of the weir at Chapel Haddlesey (non tidal) and to the existing outfall point located within the tidal section of the River at a meander known as Eggborough Ings;
 - Proposed Borehole and Towns Main Water Connections (Work No. 5) - there are two existing groundwater abstraction boreholes that are proposed to be used, one adjacent to the Eggborough Sports and Leisure Complex and one further south near the A19/ A645 Weeland Road roundabout, which would require new connections to the Proposed Development (although these would be partly along the routes of the existing pipelines to the existing coal-fired power station) (note that a towns main water connection (re-routed from the existing coal-fired power station's towns main water supply) is also proposed as back up in the event of failure of supply from the Proposed Borehole Water Connection,

and this will be routed along the access road from Hensall Gate to the Proposed Power Plant Site);

- Proposed Gas Connection (Work No. 6) and AGI (Work No. 7) - from the Proposed Power Plant Site to Feeder 29, the National Grid Transmission network, to the north of the Site at a point south-west of Burn village;
- Retained Landscaping areas (Work No. 8) - areas of existing plantation woodland that are to be retained for landscape and biodiversity benefit.
- Proposed Surface Water Discharge Connection (Work No. 9) - for the discharge of surface water to Hensall Dyke in the south-east of the Site; and
- Proposed Rail and Access Works (Work No. 10) - an area to the west of the Proposed Power Plant Site which is predominantly to be used for access via the existing Tranmore Lane access and potential works to alter the existing rail infrastructure for use during construction.

Site History

- 3.5 There is a long history of power generation at the Site, extending back over 50 years. The existing coal-fired power station was consented in 1961 and construction started in 1962. It first began supplying electricity to the National Grid in 1967, with an official opening in September 1970.
- 3.6 The existing coal-fired power station was initially operated by the Central Electricity Generating Board (CEGB) but passed ownership onto a newly created company, National Power, in March 1991. It was then bought by British Energy in March 2000, which was subsequently bought out by EDF Energy in January 2009. As part of the EDF purchase process, Eggborough divested from EDF and became an independent business (Eggborough Power Limited) on 1st April 2010.

Proposed Power Plant Site

- 3.7 The Proposed Power Plant Site currently comprises the existing coal-fired power station's main coal stockyard and associated rail loop. The Proposed Power Plant Site also includes small areas to the north-east of the existing rail loop. This land is all within EPL's freehold ownership.
- 3.8 Vegetation within the Proposed Power Plant Site is limited to a small area of trees at the north-east corner of the area, with the majority of the Proposed Power Plant Site comprising hardstanding, buildings and structures associated with coal handling, and bare ground. There are areas of tree planting around the Proposed Power Plant Site boundaries that help to screen the Site from off-site neighbours.
- 3.9 The Proposed Power Plant Site is bounded:
- to the north and north-west by the existing coal-fired power station buildings and structures;
 - to the east and south by an earth embankment with existing tree planting (within the existing coal-fired power station site) and agricultural fields beyond (some of which, i.e. those immediately to the south and north-east of the existing coal-fired power station, are in the ownership of EPL);
 - to the south-west by the Saint Gobain glass factory; and

- to the west by an agricultural field (Tranmore Farm, which is within the ownership of EPL).

3.10 Existing structures within the footprint of development within the Proposed Power Plant Site will be removed at the start of construction, including the majority of the railway loop and the coal handling equipment. Rail access into the Site will be retained to facilitate delivery of construction materials by rail if feasible.

Proposed Construction Laydown Area

3.11 The Proposed Construction Laydown Area including contractors' compounds will be located within the existing coal-fired power station site, to the north of the Proposed Power Plant Site on land within EPL's freehold ownership. This land currently comprises a large lagoon for back-up cooling water storage for the existing coal-fired power station, temporary offices, strategic (emergency) coal stockyard, access roads and open storage areas.

3.12 The existing Yorkshire Water waste water treatment works and Air Liquide air separation unit to the north are outside the Site boundary.

Proposed Carbon Capture and Storage Readiness Land

3.13 Some of the land required for CCGT construction laydown (and wholly within EPL's freehold ownership) will be reserved following the completion of construction for a potential future carbon capture plant, as required by the CCR obligations for new generating stations. The footprint required for this facility has been determined based on Department for Energy and Climate Change (DECC) (now Department for Business, Energy and Industrial Strategy (BEIS)) guidance as amended by the Imperial College paper on space requirements for CCS (Imperial College Consultants/ Florin and Fennell, 2010), and this has been reported in the Carbon Capture Readiness Report (Document Ref. 5.8), which accompanies the DCO Application.

3.14 This land will remain in EPL's ownership and be managed such that it can be cleared and free to accommodate a carbon capture plant within two years of the capture equipment being required to be installed, as required by the DECC CCR Guidance (DECC, 2010). Requirements in Schedule 2 to the Order (Document Ref. 2.1) secure the retention of the Proposed CCR Land.

Proposed Electricity Connection

3.15 The Proposed Development will connect to the existing National Grid 400 kV sub-station to the north-west of the Proposed Power Plant Site via below ground cables. The cables will run on land all within EPL's freehold ownership. A new sub-station may be required (within the Proposed Power Plant Site) as part of this connection. The existing National Grid sub station is owned (via a lease from EPL) by National Grid.

Proposed Cooling Water Connections

3.16 The Proposed Cooling Water Connections will be via the existing coal-fired power station's abstraction and discharge points on the River Aire, to the north of the Proposed Power Plant Site.

3.17 The abstraction point is located upstream of the weir at Chapel Haddlesey (non-tidal) and the outfall point is located within the tidal section of the River at a meander known as Eggborough Ings.

- 3.18 The existing pipework connecting the abstraction and discharge points to the current coal-fired power station is more than 50 years old and consequently will need to be replaced or upgraded for the Proposed Development. Where possible, the new water pipelines to and from the Proposed Power Plant Site will broadly follow the route of the existing pipework, through an agricultural field north of Wand Lane. The pipeline will need to connect to the Proposed Power Plant Site, so the final section of the route immediately north of Wand Lane and into the Proposed Power Plant Site will follow the same route as the Proposed Gas Connection (described below), crossing Wand Lane east of Hensall Gate. Parts of this route fall outside EPL's land ownership.
- 3.19 The Site includes the sections of the River within which temporary cofferdams will be required for parts of the construction phase. Some works are also required within the River Aire to enable the abstraction point (and potentially also the discharge point) to meet legislative requirements (including the Eels (England and Wales) Regulations 2009) and also to replace and maintain the condition of the existing infrastructure.

Proposed Borehole and Towns Main Water Connections

- 3.20 Raw water supply will be abstracted from existing boreholes within the existing Eggborough Power Station Golf Course and near the A19 / A645 Weeland Road roundabout (both boreholes are within EPL's freehold ownership). As a back-up, towns main water will also be supplied to the Site as it is for the existing coal-fired power station.
- 3.21 The new pipework required to link these to the Proposed Power Plant Site will be routed through the existing coal-fired power station to the Proposed Power Plant Site on land within EPL's freehold ownership, following the route of the existing pipelines where appropriate.

Proposed Gas Connection

- 3.22 The gas supply for the Proposed Development will be via a new connection to the National Grid Transmission gas network (Feeder 29) approximately 3.1 km to the north of the existing coal-fired power station site (note the pipeline length is longer, as it is not a straight line).
- 3.23 The Proposed Gas Connection route will connect to Feeder 29 at a new Above Ground Installation (AGI) to the south-west of Burn to the west of West Lane, which will require a new access off West Lane.
- 3.24 From the AGI site, the Proposed Gas Connection pipeline will be routed south-east across agricultural fields, crossing beneath the A19 south of the East Coast Main Line and north of Burn Lodge Farm, before heading south through agricultural land. The gas pipeline will cross Millfield Road to the east of Chapel Haddlesey, then cross more agricultural land (avoiding the archaeological feature at Hall Garths) heading south-west to cross beneath the River Aire at Eggborough Ings, to the west of the cooling water outfall point. The gas pipeline will then head south-west and south across another agricultural field, to the east of the cooling water connection pipelines, before crossing Wand Lane to the east of Hensall Gate and reaching the Proposed Power Plant Site via a corridor alongside the internal access road. The total pipeline length is approximately 4.6 km from the Proposed Power Plant Site to the Proposed AGI location.
- 3.25 Land within EPL ownership, which currently comprises an access track to the existing cooling water connection, is included within the Site for temporary and permanent access to the Proposed Cooling Water and Gas Connections north of Wand Lane.

- 3.26 The land required for the Proposed Gas Connection AGI and gas pipeline is not within EPL's ownership, with the exception of a small section of land north of Wand Lane and the land within the existing coal-fired power station site.

Retained Landscaping Areas

- 3.27 The Site includes existing areas of established landscaping which are to be retained and managed as part of the Proposed Development. These are located on earth embankments around the southern and eastern boundaries of the existing coal-fired power station, and to the north of Wand Lane. EPL owns the freehold interest in these areas.

Proposed Surface Water Discharge Connection

- 3.28 Surface water from the Proposed Power Plant Site, the Proposed Construction Laydown area and Proposed CCR Land will be attenuated within these areas, and discharged at an agreed maximum rate to Hensall Dyke in the south-east of the Proposed Power Plant Site, to the west of Hazel Old Lane. The majority of these works (all except the final section of the connection to Hensall Dyke) are within land owned by EPL.

Proposed Rail and Access Works

- 3.29 The Proposed Rail and Access Works area is located to the west of the Proposed Power Plant Site, where the existing Tranmore Lane entrance and rail access into the Site are located. These are within land owned by EPL.

The Surrounding Area

- 3.30 The area surrounding the existing coal-fired power station is generally rural, characterised by arable fields bounded by hedgerows, punctuated by a network of B and C roads and interspersed with small villages and farms. This is intersected north-south by the A19 (which lies to the west of the existing coal-fired power station) and by the East Coast Main Line (to the east of the existing coal-fired power station), and intersected east-west by the A645, Goole to Knottingley railway line, Knottingley and Goole Canal, and M62 (which all lie to the south of the existing coal-fired power station), and by the River Aire (to the north of the existing coal-fired power station).
- 3.31 The River Aire flows in a roughly north-west, south-east direction. At its closest point it is located approximately 650 m north/ north-east of the Proposed Construction Laydown Area and approximately 1.1 km north/ north-east of the Proposed Power Plant Site, at a meander known as Eggborough Ings. The Proposed Gas Connection passes under the River at this point, and the cooling water abstraction and outfall points are located on the River to the west and east respectively.
- 3.32 The village of Eggborough is located west of the A19, approximately 750 m south-west of the Proposed Power Plant Site, on the opposite side of the A19 to the existing A19 / A645 Weeland Road borehole.
- 3.33 Gallows Hill is located approximately 500 m to the east of the Proposed Power Plant Site and the neighbouring village of Hensall is located approximately 950 m to the east/ south-east of the Proposed Power Plant Site (approximately 700 m to the east/ south-east of the Proposed Construction Laydown area).

- 3.34 Chapel Haddlesey is located on the opposite bank of the River Aire to the existing cooling water abstraction point and the westernmost property in Chapel Haddlesey is located approximately 80 m to the west of the Proposed Gas Connection corridor.
- 3.35 The village of Burn is located approximately 600 m to the north-east of the Proposed Gas Connection corridor and approximately 750 m east/ north-east of the Proposed AGI.
- 3.36 There are a number of other industrial developments in the vicinity of the existing coal-fired power station site, including Saint Gobain glass and insulation factory to the south-west, a car auctioning centre and several light industrial units on the west side of the A19 to the west and south-west.
- 3.37 Eggborough Power Station Golf Course, Sports and Social Club, cricket ground and model steam railway (collectively referred to as the Eggborough Sports and Leisure Complex) are located to the west of the existing coal-fired power station.

4.0 COMPULSORY ACQUISITION POWERS

- 4.1 Section 120 of the 2008 Act provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.
- 4.2 Schedule 5 to the 2008 Act lists the matters ancillary to the development. These include:
- the acquisition of land, compulsorily or by agreement (paragraph 1);
 - the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement (paragraph 2);
 - the abrogation or modification of agreements relating to land (paragraph 3);
 - the payment of compensation (paragraph 36).
- 4.3 Section 122 of the 2008 Act provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that:
- the land is required for the development to which the DCO relates;
 - the land is required to facilitate or is incidental to that development; or
 - the land is replacement land for commons, open spaces, etc.
- 4.4 Further, it is also necessary for the Secretary of State to be satisfied, in relation to the Application, that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO. This is required by section 122(3).
- 4.5 The Order included in the Application includes powers to acquire land compulsorily and this Statement sets out the case for that, in particular considering these provisions.

5.0 NEED FOR THE COMPULSORY ACQUISITION OF LAND AND RIGHTS

The matters to which the Secretary of State must have regard

- 5.1 As noted above, under Section 122 of the 2008 Act, a DCO which includes compulsory acquisition powers may be granted only if the conditions in Sections 122(2) and 122(3) are met. The conditions to be met are that:
- the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (Section 122(2)) (see paragraph 5.6 onwards below); and
 - there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (Section 122(3)). The Secretary of State must be persuaded that the public benefits from the compulsory acquisitions will outweigh the private loss suffered by those whose land is to be acquired (see Sections 6 and 7 below).
- 5.2 In respect of the Section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 11, DCLG, September 2013, 'the Guidance') states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 5.3 In respect of the Section 122(3) condition, the Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the Guidance states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 5.4 Further, paragraphs 8 to 10 of the Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:
- that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored - see section 3 above in relation to how EPL selected aspects of the Site, and more generally paragraph 5.15 onwards;
 - that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and section 10 below;
 - that EPL has a clear idea of how it intends to use the land which it is proposed to acquire - Sections 2 and 3 above describe the Site and the Proposed Development, and this section (paragraph 5.6 onwards) describes the nature of the interest sought and the purposes for which areas are to be acquired or used;
 - that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see the Funding Statement (Document Ref. 3.3); and

- that the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 10).

5.5 This Statement sets out the factors that EPL considers demonstrate that the conditions in Section 122 of the 2008 Act, and the considerations set out in the Guidance, are satisfied.

Need for Compulsory Acquisition of Land and Rights (Sections 122(2) and (3))

5.6 To ensure that the Proposed Development can be built, maintained and operated, and so that the Government's policy in relation to the timely provision of new generating capacity is met within a reasonable timescale, EPL requires the acquisition of a number of property interests in third party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.

5.7 There are four categories of land powers included in the Order (Document Ref. 2.1) - three of these are powers of compulsory acquisition of interests and the fourth is a power to occupy land temporarily. Each is introduced briefly below, followed by further information on the necessity of the powers sought and on what EPL requires the land for. The section also provides information on the status of negotiations to acquire these interests by agreement.

- **All interests (including freehold)** - the land over which compulsory powers are sought generally (and therefore including the freehold interest) is shown edged red and shaded pink on the Land Plans (Document Ref. 2.2). In summary, the areas in which freehold acquisition is sought are the permanent part of the AGI Site (Work No. 7) and a strip of land within the Cooling Water Connections (Work No. 4) through which EPL's existing pipeline passes.

EPL has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Proposed Development. Article 17 of the Order is relied upon in respect of this land.

- **New rights** - the land over which compulsory powers are sought in respect of the creation of new rights is shown edged red and shaded blue on the Land Plans. In summary, these are the areas required for the installation, construction, operation and maintenance of the Proposed Cooling Water Connection (Work No. 4), the Borehole and Towns Water Connection (Work No. 5), the Gas Connection Pipeline (Work No. 6), and the Proposed Surface Water Discharge Connection (Work No. 9), so far as these are outside EPL's current ownership. The areas over which new rights are sought includes both the corridors within which the connections are to be constructed, and where necessary, routes along which EPL can gain access to the relevant corridor for maintenance.

EPL does not own a strip of land which runs across the Proposed Cooling Water Connection intake pipeline (plot 300). In addition, in undertaking surveys of the existing pipelines it has become apparent that sections of the existing cooling water pipelines appear to be outside the areas in which EPL owns the freehold interest - this situation is likely to have subsisted since the existing coal-fired power station was built. EPL may have acquired rights by prescription in relation to these land areas, given the period in which the pipeline has been in place and operated - however, in order to ensure that the position is clear going forwards and that EPL has the certainty of having sufficient rights over land to replace,

improve and maintain the pipelines, new rights are sought over land outside the areas in which EPL owns the freehold interest.

Article 20 of the Order is relied upon in respect of new rights. The new rights are set out in Schedule 8 to the Order, and those rights are drafted so as to restrict the width of corridor over which EPL may acquire new rights to 14 metres (see further below as to the interaction between the taking of temporary possession and acquiring new rights).

- **Extinguishment (etc) of rights** - in addition, EPL has included land which it owns (shown edged in red and shaded in green on the Land Plans) in order to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Proposed Development without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Proposed Development. Articles 18 and 21 of the Order are relied upon in respect of this land.
- **Temporary use** - the land for which powers of temporary use are sought is shown edged red and shaded yellow on the Land Plans. Articles 26 and 27 of the Order are relied upon in respect of this land, and as such no compulsory acquisition is sought. Article 26 permits temporary use in two ways:
 - Firstly, the land identified in Schedule 10 to the Order may only be temporarily possessed (i.e. EPL cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot; and
 - Secondly, article 26 permits EPL to take temporary possession of any other part of the Order land where it has not yet exercised powers of compulsory acquisition - this will allow it (for instance) to initially take temporary possession of the whole width of the corridor for the Gas Pipeline Connection Works (i.e. the corridor of (generally) 36m in width, over which the power to acquire new rights is included in the Order) , and once it has carried out detailed surveys and installed the pipes, to acquire new rights (pursuant to the powers set out above) only in respect of the relevant 14m strip within that overall corridor. Such an approach has precedent amongst other DCOs including the Thorpe Marsh Gas Pipeline Order 2016.

EPL has included specific powers to use land temporarily to construct the Proposed Development (i.e. that coloured yellow on the Land Plans) where it does not require any interest in the land on a permanent basis. These areas principally relate to the Proposed Cooling Water Connection (Work No. 4) and the Proposed Gas Connection (Work No. 6). The construction working width allowed for is generally 36m, except where this needs to be wider in order to accommodate crossings (of watercourses, drains, roads or similar), for construction compounds, and for access points. The construction area allowed for a particular crossing depends on the likely construction method to be employed - for instance, the crossing method for the River Aire (where the gas pipeline will be tunnelled underneath the river) requires a substantial area of land on both sides of the river. Further information on the method of construction of the Proposed Gas Pipeline can be found in Chapter 5 of the Environmental Statement (Volume 1, Document Ref. 6.2).

The construction corridor is also wider where both the Proposed Gas Connection pipeline and Proposed Cooling Water Connection pipelines are to be located along the same corridor - the area between Wand Lane and the River Aire - to ensure sufficient width to construct and locate all the required infrastructure.

- 5.8 In all cases the plots of land shown on the Land Plans are described in the Book of Reference (Document Ref. 3.1).
- 5.9 EPL has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Proposed Development. However, it has not yet been possible to acquire all of these by agreement. In addition, EPL requires certain matters to be suspended, overridden or extinguished within the Order Land so as to ensure there are no impediments to the construction, operation and maintenance of the Proposed Development.
- 5.10 In the absence of powers of compulsory acquisition, the Order Land may not be assembled, uncertainty will continue to prevail and EPL considers that its objectives and Government policy objectives would not be achieved.
- 5.11 Whilst seeking compulsory purchase powers, EPL will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Development, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the Guidance.
- 5.12 EPL's justification for seeking compulsory purchase powers, in accordance with the provisions of the 2008 Act, is to secure land, the temporary use of land, the rights and other interests required to enable EPL to construct, operate and maintain the Proposed Development within a reasonable commercial timeframe.
- 5.13 The inclusion of powers of compulsory acquisition in the Order is sought in order to ensure that this can be achieved. The relevant powers, and the land and interests sought together with the land required for temporary use, are no more than is required to facilitate the Proposed Development, its construction and future maintenance.

Use of the Order Land and Status of Negotiations

- 5.14 The intended purpose for which land is subject to the proposed powers of compulsory acquisition and to possess land temporarily (as per Articles 17, 20, 21, 26 and 27 of the Order) is summarised in Table 5.1 below.
- 5.15 This is described by reference to the Work Nos. set out in Schedule 1 to the Order and shown on the Works Plans (Document Ref. 4.4), and by plot number as referenced in the Book of Reference and Land Plans (Document Refs. 3.1 and 4.2 respectively), with plots grouped together for each interested party. Table 5.1 should be read together with those documents. Some plot numbers appear in more than one row in the Table, indicating that there is more than one interest in the relevant plot (generally a freehold owner and a tenant).
- 5.16 The table also sets out the position in terms of EPL's negotiations to acquire interests in land or to take possession of land required for the Proposed Development by agreement. The position in relation to interests in land held by statutory undertakers and in relation to their apparatus within the Order limits is set out at section 8 below.

Table 5.1 - Land in respect of which powers of compulsory acquisition or temporary possession are sought

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
440, 445, 450, 455, 460, 465, 545, 555, 560, 565, 550, 625, 635, 645, 650, 660	6	Proposed Gas Pipeline	<p>Carole Turner - EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights in and agree temporary possession of land that they hold interests in. EPL held two consultation meetings on 18 January and 15 March 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend Clegg & Co) since January 2017.</p> <p>Principal terms have been agreed. EPL anticipates that these will be fully agreed and with solicitors soon after submission of the Application.</p>
125, 165, 170, 175, 180, 190, 195, 200, 205, 210, 215, 240, 250, 265, 665, 670, 675, 680	4 and 6	Proposed Cooling Water Connections Proposed Gas Connection	<p>William Platt (farming as William R Platt) – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection and Proposed Cooling Water Connections were to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights in and agree temporary possession of land that they hold interests in. EPL held a consultation meeting</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
			<p>dated 17 January 2017 in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend Clegg & Co) since October 2016.</p> <p>Principal terms have been agreed. EPL anticipates that these will be fully agreed and with solicitors to document soon after submission of the Application.</p>
235, 260, 270, 280, 290, 305, 320, 325, 330	4	Proposed Cooling Water Connections	<p>David Platt (farming as D. A Platt) – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the area for the cooling water connections. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had identified that the Proposed Cooling Water Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the rights and agree temporary possession of land that they hold interests in. EPL held a consultation meeting dated 16th January 2017 in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend Clegg & Co) since October 2016. A further meeting is to be held with D. A Platt in order to discuss land take.</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement.</p>
270	4	Proposed Cooling Water Connections	<p>Sybil Platt (farming under D. A Platt) - EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the area for the cooling water connections. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had identified that the Proposed Cooling Water Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
			<p>temporary possession of land that they hold interests in. EPL held a consultation meeting dated 16th January 2017 in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend Clegg & Co) since October 2016.</p> <p>Principal terms are agreed. EPL anticipates that these will be fully agreed and with solicitors to document soon after submission of the Application.</p>
190, 265, 680	4 and 6	<p>Proposed Cooling Water Connections</p> <p>Proposed Gas Connection</p>	<p>Christopher Platt (Farming under William R Platt) – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection and Proposed Cooling Water Connections were to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree temporary possession of land that they hold interests in. EPL held a consultation meeting on 17 January 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend Clegg & Co) since October 2016.</p> <p>Principal terms have been agreed. EPL anticipates that these will be fully agreed and with solicitors to document soon after submission of the Application.</p>
365, 370, 440, 445, 450, 455, 460, 465, 550, 555, 560, 565, 625, 635,	6	Proposed Gas Connection	<p>Gordon Holmes – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
645, 650, 660			<p>100m wide corridor (within which the Proposed Gas Connection was to be located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree temporary possession of land that they hold interests in. EPL held consultation meetings on 18 January and 15 March 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend Clegg & Co) since October 2016.</p> <p>Principal terms have been agreed. EPL anticipates that these will be fully agreed and with solicitors to document soon after submission of the Application.</p>
355, 490, 495, 500, 505, 510, 515, 525, 530, 535, 540, 545, 620, 630	6	Proposed Gas Connection	<p>Webster Family Trust – the details of the trustees of the Webster Family Trust have not been confirmed, notwithstanding EPL's diligent enquiries to seek to establish these. EPL has attempted to engage with the owner and their agent (Edward Stephenson of Stephenson & Son) since a meeting in January 2016 when it was discovered that the freehold interest in the land was owned by the Webster Family Trust (and not Michael Webster (of Staynor Farms Limited), as EPL previously believed). EPL are yet to receive a response to the Request for Information Form detailing the interested parties in the Webster Family Trust, having requested this regularly.</p> <p>Principal terms are not yet agreed. EPL will continue enquiries and negotiations to seek to acquire the relevant interests by agreement.</p>
355, 490, 495, 500, 505, 510, 515, 525, 530, 535, 540, 620, 630	6	Proposed Gas Connection	<p>Michael Webster (Farming under Staynor Farms Ltd) – EPL consulted the leasehold occupier during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
			<p>Gas Connection was to located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree temporary possession of land that they hold interests in. EPL held a consultation meeting on 17 January 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Edward Stephenson of Stephenson & Son) since January 2017.</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement.</p>
360, 685	6	Proposed Gas Connection	<p>I and J Wood – EPL consulted the affected party (tenant of the Environment Agency) during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree temporary possession of land that they hold interests in. EPL held two consultation meetings dated 18 January and 15 March 2017 in addition to undertaking site visits and negotiations with the occupier and their agent (Michael Townend of Townend Clegg & Co).</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement, if the occupier is in occupation and the time the land is required for the Proposed Development.</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 470, 475	6	Proposed Gas Connection	<p>J E Hartley – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL held a consultation meeting dated 14 March 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Brian Bartle of Bartle Residential Chartered Surveyors) since August 2016.</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement.</p>
135	4 and 6	Proposed Cooling Water Connections Proposed Gas Connection	<p>M Brears and Sons - EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the area for the cooling water connection and in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>Principal terms are not yet agreed. EPL, as freehold owner, will continue to engage with their tenant and the tenant's agent (Michael Townend of Townend Clegg & Co) to agree the rights and temporary use of land required. It is anticipated that terms may be agreed soon after submission of the Application.</p>
450, 465	6	Proposed Gas	Barbara Moore and George Buckby - EPL consulted the affected party during the non-

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
		Pipeline	<p>statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to be located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has been engaging with the affected party 2016 to seek to acquire the temporary possession of land required for the access. EPL held a meeting on 15 March 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Michael Townend of Townend & Clegg). EPL revised the Proposed Development as a consequence of this engagement, and principal terms are agreed.</p>
245, 255, 690 (no powers of compulsory acquisition are sought in respect of Crown interests)	4 and 6	<p>Proposed Cooling Water Connections</p> <p>Proposed Gas Connection</p>	<p>The Crown Estate – EPL has engaged The Crown Estate’s agent via their agent (Carter Jonas) and met with the agent on 14 March 2017. EPL is engaging with a view to negotiating to acquire the necessary rights by agreement, and in order to discuss the need for The Crown Estate to provide consent to the terms of the Order pursuant to section 135 of the 2008 Act.</p> <p>EPL are maintaining regular dialogue with Carter Jonas to reach agreement for the rights to construct the gas pipeline over their land. Compulsory acquisition powers are excluded in respect of the Crown's interests under the terms of the Order.</p>
210, 230, 240, 245, 250, 255, 300, 340, 345, 690 (listed as interested party in respect of	4 and 6	<p>Proposed Cooling Water Connections</p> <p>Proposed Gas Connection</p>	<p>The Environment Agency – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the area for the cooling water connection and in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
<p>statutory functions in relation to floodplain or river)</p> <p>275, 280, 285, 295, 360, 685 (listed as owner / occupier / other interest in land)</p>			<p>Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection and Proposed Cooling Water Connections were to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree temporary possession of land that they hold interests in. EPL held a consultation meeting on 18 May 2017, in addition to undertaking site visits and negotiations with the owner and their agent (Tim Whiskard of the Environment Agency). EPL had consulted with the Environment Agency prior to the meeting dated 18 May 2017 to discuss flood defences and engineering works.</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement.</p>
<p>475, 480, 485, 575, 580, 585, 590, 595, 600, 640, 655</p>	<p>6</p>	<p>Proposed Gas Connection</p>	<p>Davison Brothers – EPL consulted the affected party during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the areas of search for the gas pipeline route. EPL consulted with them again at the statutory Stage 2 Consultation (January – February 2017), by which time EPL had selected a 100m wide corridor (within which the Proposed Gas Connection was to located), and had identified that the Proposed Gas Connection was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the new rights and agree temporary possession of land that they hold interests in. EPL held a consultation meeting on 18 January, in addition to undertaking site visits and negotiations with the owner.</p> <p>EPL has negotiated access to land for the purpose of surveys, but has not been able to make further progress since the meeting on 18 January 2017 where initial draft Heads of Terms were issued, to be provided to the Davisons’ agent (who as far as</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
			<p>EPL is aware, is yet to be appointed).</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement.</p>
310, 325, 330	4	Proposed Cooling Water Connections	<p>UK Hydro Limited / Haddlesey Lock Limited – EPL consulted the affected party (Haddlesey Lock Limited) during the non-statutory Stage 1 Consultation (September – October 2016) as their land was included in the area for the cooling water connection. EPL consulted with them again at the Stage 2 Consultation (January – February 2017), by which time EPL had selected a corridor within which the Proposed Cooling Water Connections were to be located. EPL subsequently also consulted UK Hydro Limited, a linked company and which is involved in operating the hydro-electric scheme close to the Proposed Development's abstraction point. EPL has contacted UK Hydro Limited to discuss the Proposed Development and the interactions between it and the hydro-electric plant / the access to it.</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to agree relevant terms by agreement.</p>
600, 605, 610, 615, 695	6 and 7	Proposed Gas Connection Proposed AGI	<p>Eileen and Philip Boldan – EPL consulted the affected party during the Stage 1 Consultation (September – October 2016) as their land holdings were included in the areas of search for the gas pipeline route and in particular as the National Transmission System gas Feeder 29 pipeline passes through their land. EPL consulted with them again at the Stage 2 Consultation (January – February 2017), by which time EPL had selected the current gas pipeline route and had identified that the Proposed AGI was to be located in or close to the area now included in the Application.</p> <p>EPL has engaged with the affected party and has sought to acquire the freehold interest in the relevant part of the Proposed AGI site, and to agree temporary possession, but has not yet</p>

Plot Nos.	Work Nos.	Reason for acquisition or possession	Owner / occupier and status of negotiation
			<p>agreed terms. EPL held three consultation meetings on 17 and 18 January and 15 March 2017, in addition to undertaking site visits and negotiations with the owner and their agent since October 2016.</p> <p>Principal terms are not yet agreed. EPL will continue negotiations to seek to acquire the relevant interests by agreement. EPL anticipates agreement as to principal terms soon after submission of the Application.</p>
50, 55, 60	3, 5, 10	<p>Electrical Connection Works</p> <p>Groundwater and Towns Water Supply Connection Works</p> <p>Access Works and Rail Infrastructure</p>	<p>Chequered Chef Catering Limited – EPL consulted with the Eggborough Sports and Social Club (generically), and at Stage 2A (April 2017) specifically consulted Chequered Chef Catering Limited (the person with the lease of the sports and social club). Exhibitions at both Stage 1 and Stage 2 Consultation were held at the Eggborough Sports and Social Club. The company has a short lease from EPL to operate the Eggborough Sports and Social Club</p>

Alternatives to Compulsory Acquisition

- 5.17 The Proposed Development requires the acquisition of land and the acquisition of / creation of rights to secure the land and rights needed to build and operate the Proposed Development. Accordingly, there is no alternative but to seek to acquire land, the temporary use of land and the acquisition of / creation of rights to allow the Proposed Development to be constructed, operated and maintained.
- 5.18 It is considered that the 'Do Nothing' scenario is not appropriate given the established national need for new energy generation (see further below). Furthermore the closure of the existing Eggborough coal-fired power station in the near future underlines the importance of providing new generating capacity at the Site. The other key disadvantage of the 'Do Nothing' scenario would be the lack of additional investment in the local economy.
- 5.19 The Site has been selected by EPL, as opposed to other potentially available sites for the following reasons, and in relation to which EPL took account of relevant policy in National Policy Statement EN-2 (see further in section 8 below):
- the site has a long history of power generation;

- the existing coal-fired power station is facing closure and future redevelopment of the Power Station site would create similar employment opportunities (albeit a smaller number of operational staff will be required compared to the existing coal-fired power station);
- the site has excellent electrical grid, water and transport links and is a brownfield site which is considered more attractive to redevelop for large scale power generation than a greenfield one;
- the majority of the Site (and particularly the Proposed Power Plant Site) is in the freehold ownership of the Applicant; and
- the Proposed Power Plant Site is located relatively close to the National Grid gas transmission network - Feeder 29 is located approximately 3.1 km to the north of the existing coal-fired power station site.

5.20 EPL previously considered the conversion of the existing power station from coal to biomass fuel and received planning consent for such a conversion in 2013. However this was economically unviable and the project was not progressed. The existing electrical and water connections will therefore be available for use following closure of the coal-fired power station.

5.21 EPL considered a number of locations for the new generating station within the Existing Power Station Site, but since these were all within its freehold ownership, they are not directly relevant to this Statement of Reasons (as noted above this is a significant benefit of the proposed location). The selection of the coal stockyard site for the Proposed Power Plant Site is though relevant in that EPL considered various environmental, technical, commercial and planning factors and selected the coal stockyard site option against these considerations. Further information on the process to select the site for the Proposed Power Plant Site are provided in Chapter 6 of the ES (Document Ref. 6.2).

Consideration of Alternative Gas Connection Routes

5.22 Initially, connection to two potential National Grid Gas pipelines (called Feeder 7 and Feeder 29) was considered for the Proposed Development, in order to consider the advantages or disadvantages of either connection. However, through discussions with National Grid and evaluation of the capacity of the Feeders, and given the distance from the Proposed Development Site to them, it was determined that Feeder 29 was the most appropriate connection point, as it was the shortest distance from the Site and also had greater gas supply capacity than Feeder 7.

5.23 Three potential route corridors for the gas pipeline to connect to Feeder 29 were identified and considered at the Scoping (August 2016) and Stage 1 Consultation (September - October 2016) stages. These were:

- A: to the north-west, approximately 4.5 km in length, joining Feeder 29 to the south of Gateforth (adjacent to the proposed connection point for the proposed Knottingley CCGT power station);
- B: to the north, approximately 3 - 4 km in length, joining Feeder 29 at one of three possible connection points:
 - i. west of the railway line, off West Lane;
 - ii. east of the railway line and south of Burn Lane Farm; or
 - iii. east of the railway line and south of Stocking Green Farm.

- C: to the east, approximately 5 km in length, joining Feeder 29 to the north-west of Carlton (adjacent to the proposed connection point for the proposed Thorpe Marsh CCGT power station).
- 5.24 These indicative route corridors are shown on Figure 6.2 in the ES (Volume III, Document Ref. 6.3). A 'heat mapping' exercise was conducted to evaluate each of these routes, taking account of a range of technical, environmental, and health and safety considerations.
- 5.25 During the EIA Scoping stage, the eastern route (C) was ruled out because it:
- was the longest route, and would therefore be likely to take longer, would require more land to be acquired / used, and would be more costly to construct;
 - would require not only a crossing of the River Aire (as all three route corridors do) but also a crossing of at least one railway line;
 - would affect a wider area; and
 - runs closer to existing residential areas.
- 5.26 Further analysis of technical, environmental and planning considerations of the remaining options was undertaken, and the conclusions are summarised below.
- 5.27 The north-western route connecting to Feeder 29 with an AGI south of Tom's Wood (A), the northern route with an AGI south of Burn Lane Farm (Bii), and the northern route with an AGI south of Stocking Green Farm (Biii) were ruled out in favour of the northern route with an AGI in the vicinity of West Lane (Bi) for the following key reasons:
- the north-western route connecting to Feeder 29 south of Tom's Wood (A) would -
 - be co-located with the proposed AGI for the proposed Knottingley CCGT development, which would introduce complexity during construction with no obvious operational benefit to the Applicant or National Grid;
 - have a greater anticipated risk of encountering shallow groundwater during construction with potential implications on dewatering requirements and buoyancy of pipework compared to the alternative northern route;
 - require a crossing of a major water main;
 - have greater potential for impacts on trees and hedgerows compared to the other route options (or more constraints to route around);
 - have the AGI located close to woodland with potential for disturbance of ecological receptors;
 - the northern route connecting to Feeder 29 either south of Burn Lane Farm (Bii) or Stocking Green Farm (Biii) would -
 - require a crossing beneath the East Coast Main Line, which would not be required for the alternative routes;
 - have the AGI located closer to sensitive residential receptors compared to the alternative AGI locations; and
 - have the AGI located within Flood Zone 3, whereas the alternative AGI locations would allow the development to be in Flood Zone 2.

- 5.28 The northern route with an AGI in the vicinity of West Lane (Bi) is the shortest route therefore requiring the least land take for construction and operation, with the least significant constraints, and this was therefore selected as the preferred route.
- 5.29 The initial 500 m route evaluation corridor was refined to a width of circa 100 m (wider at crossing points and including temporary land requirements for construction access) prior to the publication of the Preliminary Environmental Information (PEI) Report for statutory (Stage 2) consultation in January 2017. This corridor then underwent further evaluation and refinement using additional survey information and consultation responses, and the working width has been reduced to 36 m (wider at crossing points and with additional land required for access) for the Application.
- 5.30 The PEI Report considered two options for the route between the River Aire and Hensall Gate:
- The first option was to continue south-west to Wand Lane then turn east / south-east within or alongside Wand Lane, before turning south / south-west into the existing coal-fired power station site in the vicinity of the existing Hensall Gate entrance and along the internal access road to the Proposed Power Plant Site; and
 - The second option was for the pipeline to turn south before reaching Wand Lane, and cross Wand Lane into the existing coal-fired power station site in the vicinity of the existing Hensall Gate entrance to reach the Proposed Power Plant Site.
- 5.31 The second option was selected and included as part of the Proposed Development in the DCO application, for principally technical reasons - it would reduce the number of sharp bends in the pipeline (with less impact on gas pressure), minimise work within Wand Lane (and associated disruption to users of Wand Lane) and minimise loss of trees north of Wand Lane.
- 5.32 EPL has also made other refinements to the Proposed Gas Connection corridor and accesses to it since the Stage 2 Consultation. It has contacted those affected by these changes to seek their views (although some were driven by comments received from affected parties), and to provide them with information on the changes. Further details on this are provided in the Consultation Report (Document Ref 5.1, and in particular the section considering the 'Stage 2A Consultation') and in Table 6.1 in Chapter 6 of the ES (Volume II, Document Ref 6.2).

Consideration of Cooling Water Connection Routes

- 5.33 EPL has existing cooling water abstraction and discharge points on the River Aire (respectively in the non-tidal and tidal sections, to the north of the existing coal-fired power station site), and pipelines which run from/to these and the existing coal-fired power station. EPL owns the freehold interest in the majority of the land in which these pipelines run, and also owns the freehold of the abstraction point (including land in the River) and land up to the edge of the River at the discharge point.
- 5.34 There are significant advantages - in planning, environmental, land take and technical terms - to EPL adopting the same abstraction and discharge points and the same (or similar) pipeline routes to those that currently exist. EPL has adopted that approach except between the River Aire and Hensall Gate – here EPL has selected the same route for both the Proposed Gas Connection Works and the Proposed Cooling Water Connections, for the same reasons (see paragraph 5.28 above). These are the routes that are therefore adopted for the Proposed Cooling Water Connections.

Conclusion on Alternatives

- 5.35 It is clear that EPL has undertaken a clear process to derive an appropriate site for, and form and route of the relevant elements of the Proposed Development, and has considered alternatives in doing so. None of the alternatives would provide the compelling benefits that the Proposed Development will, or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.
- 5.36 EPL has sought to acquire the necessary land and rights by agreement (where it does not already own them) but has not been able to do so. Whilst it will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct and operate the Proposed Development, in order to realise its very significant public benefits.

Availability of Funds for Compensation

- 5.37 The Funding Statement (Document Ref. 3.4) confirms that EPL has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable. It is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but in the event this did occur EPL has sufficient funds to meet any compensation due.
- 5.38 EPL therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

6.0 JUSTIFICATION FOR THE USE OF THE POWERS OF COMPULSORY ACQUISITION

Compelling Case

- 6.1 A Planning Statement (Document Ref. 5.5) accompanies the Application. This explains how the Proposed Development:
- meets an urgent need for new energy infrastructure;
 - is a form of economic development that is suitable in its local context;
 - minimises or mitigates adverse impacts to an acceptable degree;
 - is compliant with NPS EN-1, NPS EN-2, NPS EN-4 and NPS EN-5 and in accordance with other decision-making factors specified in Section 104 of the 2008 Act.
- 6.2 The Planning Statement provides an extensive review of these matters which are summarised in the following section.

The need for new electricity generating capacity

- 6.3 The need that exists for new electricity generating infrastructure, such as that proposed, is confirmed in the NPSs for energy infrastructure that were designated by the SoS for BEIS (then the Department of Energy and Climate Change) in July 2011. These NPSs form the primary basis for decisions by the SoS on nationally significant energy infrastructure that falls to be considered under the PA 2008.
- 6.4 The NPSs of most direct relevance to the Proposed Development include EN-1, EN-2, EN-4 and EN-5. Of these, EN-1 sets out the 'need' that exists for new energy infrastructure.
- 6.5 Part 2 of EN-1 'Government policy on energy and energy infrastructure development' outlines the policy context for the development of nationally significant energy infrastructure. Paragraph 2.1.2 highlights that energy is vital to economic prosperity and social well-being and, as such, it is important to ensure that the UK has secure and affordable energy. Furthermore, producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale.
- 6.6 Section 2.2 'The road to 2050' confirms the Government's commitment to meet the UK's legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels (paragraph 2.2.1). This will require major changes in how energy is generated and used. It identifies a number of key themes of Government energy policy. These include the transition to a low carbon economy; the power sector and carbon emissions; electricity market reform; and the security of energy supplies.
- 6.7 The section on 'electricity market reform' (paragraphs 2.2.16 - 2.2.19) highlights how around a quarter of the UK's generating capacity is due to close by the end of the decade and that while for the time being electricity margins are healthy there is still the need for investment of over £100 billion in the electricity sector alone by the end of the decade. It goes on to state that the Government is looking at a variety of reforms in order to promote investment so as to replace aging infrastructure.

- 6.8 Paragraphs 2.2.20 - 2.2.26 of EN-1 deal with the 'security of energy supplies'. Paragraph 2.2.20 states that it is critical that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy. Furthermore, that to manage the risks to achieving security of supply the UK needs:
- Sufficient electricity capacity to meet demand at all times, including a 'safety margin of spare capacity' to accommodate unforeseen fluctuations in supply or demand;
 - Reliable associated supply chains (for example, fuel for power stations) to meet demand as it rises; and
 - A diverse mix of technologies and fuels (and fuel supply routes), so that it does not rely on any one technology or fuel.
- 6.9 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. Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by EN-1 (this covers a range of electricity generating capacity, including gas) in order to achieve energy security. 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.
- 6.10 Notably, paragraph 3.1.3 stresses that the SoS should assess applications for development consent 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 all proposed developments would make toward satisfying this need when considering applications under the PA 2008.
- 6.11 As such, the need that exists for new energy infrastructure is not open to debate or interpretation and is clearly confirmed by EN-1.
- 6.12 Section 3.3 of Part 3 of EN-1 sets out why the Government believes that there is an urgent need for new electricity infrastructure, including:
- **Meeting energy security and carbon reduction objectives** - the need to ensure there is sufficient electricity generating capacity to meet maximum peak demand, with a safety margin of spare capacity to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events; and a diverse mix of power generation to reduce reliance on any one type of generation or source of fuel or power.
 - **The need to replace closing electricity generating capacity** - at least 22 GW of existing electricity generating capacity will need to be replaced in the coming years, particularly by the end of the decade, as a result of tightening environmental regulation and ageing power stations (in particular the closure of coal-fired stations); in addition to this about 10 GW of nuclear generating capacity is expected to close over the next 20 years.
 - **The need for more electricity capacity to support the increased supply from renewables** - decarbonisation of electricity generation is reliant on a dramatic increase in the amount of renewable energy; 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 the UK has, the more generation capacity it will require overall to provide back up at times when the availability of renewable sources is low - with regard to

this it is important to note that EN-1 recognises that there will still be a role for fossil fuel generation to provide a cost-effective means of 'back up' electricity generation at short notice to support renewable technologies.

- **Future increases in electricity demand** - even with major improvements in overall energy efficiency, it is expected that demand for electricity will 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 more than double to be sufficiently robust to all weather conditions.

6.13 Paragraphs 3.3.15 - 3.3.24 of EN-1 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 climate change obligations to 2050, there is an urgent need for new energy infrastructure to be brought forward as soon as possible, and certainly in the next 10-15 years.

6.14 Paragraph 3.3.23 confirms that the Government believes (based on predictions) that it is prudent, in order to minimise the risk to energy security and resilience, to plan for a minimum need of 59 GW of new electricity generating capacity by 2025. The Government would like to see a significant proportion of the balance come from low carbon generation (paragraph 3.3.22).

The role of fossil fuel generating stations

6.15 Section 3.3 (paragraph 3.3.4) of EN-1 highlights the benefits of having a diverse mix of all types of power generation:

"It means we are not dependent on any one type of generation or one source of fuel of power and so helps to ensure security of supply... the different types of electricity generation have different characteristics which can complement each other...."

6.16 With regard to fossil fuel generating station, paragraph 3.3.4 states that this:

"...can be brought on line quickly when there is a high demand and shut down when demand is low, thus complementing generation from nuclear and the intermittent generation for renewables..."

6.17 EN-1 therefore recognises the continuing role of fossil fuel generation in terms of complementing other types of generation, notably renewables, providing resilience in the UK's energy system and ensuring the security of electricity supplies.

6.18 Section 3.6 of EN-1 deals specifically with the role of fossil fuel electricity generation. Paragraph 3.6.1 states:

"Fossil fuel power stations play a vital role in providing reliable electricity supplies: they can be operated flexibly in response to changes in supply and demand, and provide diversity in our energy mix. They will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy, and Government policy is that they must be constructed, and operate, in line with increasingly demanding climate change goals."

6.19 Paragraph 3.6.2 recognises that gas will continue to play an important role in the electricity sector, providing vital flexibility to support the increasing amount of low carbon generation and to maintain security of supply. It goes on to highlight that the UK gas market has diversified its

sources of supply of gas in recent years, so that at it becomes more import dependent, companies supplying the market are not reliant on one source of supply. This protects the UK market from disruptions to supply.

- 6.20 Paragraph 3.6.3 confirms that some of the new conventional generating capacity needed in the UK 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, particularly from wind. It does however note that fossil fuel generation produces atmospheric emission of carbon dioxide but that the amount produced, depends, amongst other things, on the type of fuel and the design of and age of the power station. It goes on to state that at present coal typically produces about twice as much carbon dioxide as gas per unit of electricity generated, but that new technology (carbon capture and storage) offers the prospect of reducing the carbon dioxide emissions of both fuels at a level where, whilst retaining their existing advantages, they can also be regarded as low carbon energy sources.
- 6.21 The continuing need for fossil fuel generation is confirmed at paragraph 3.3.8 of EN-1, as follows:

"... a number of fossil fuel generating stations will have to close by the end of 2015. Although this capacity may be replaced by new nuclear and renewable generating capacity in due course, it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation. It is important that such fossil fuel generating capacity should become low carbon, through development of CCS, in line with carbon reduction targets. Therefore there is a need for CCR [carbon capture ready] fossil fuel generating stations..."

Summary

- 6.22 EN-1 clearly confirms the need that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'); and makes clear that the SoS should assess applications on the basis that this need, and its scale and urgency, has been proven. Furthermore, EN-1 confirms that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need. As such, the need that exists for new electricity generating infrastructure, such as that proposed, is not open to debate or interpretation.
- 6.23 EN-1 also recognises that even with the move to a low carbon economy, the UK will continue to rely on fossil fuels as part of its energy mix for decades to come. In this respect, fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low, supporting the UK's transition to low carbon electricity generation.
- 6.24 In September 2015 EPL announced the expected closure of the existing coal-fired power station in March 2016, although a subsequent 'Supplemental Balancing Reserve' ('SBR') contract with National Grid has enabled its continued operation in the short term up to March 2018. Nevertheless, the existing coal-fired power station will close in the near future, with the loss of 2,000 MW of electricity generating capacity.
- 6.25 The Proposed Development, with a gross output capacity of up to 2,500 MW, will more than compensate for the closure of the existing coal-fired power station. Furthermore, being a

modern gas-fired power station, it will have significantly lower carbon emissions than the existing power station and will be designed to be CCR, should the deployment of carbon capture and storage plant become feasible in the future. It also includes a gas-fired peaking plant of up to 299 MW gross output capacity; a particularly flexible form of electricity generating capacity, able to respond rapidly to increases in demand on the electricity network or fluctuations in supply from renewable technologies.

6.26 For the above reasons EPL considers that:

- the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK and that it will add to the security, diversity and resilience of UK electricity supplies and support to transition to low carbon electricity generation; and
- there is a clear and compelling national need for the development of a new gas-fired electricity generating station and has selected the Site on which to do so for technical, environmental and commercial reasons.

7.0 POLICY SUPPORT

National Policy Statements

- 7.1 The 2008 Act grants the Secretary of State power to designate statements as National Policy Statements ('NPSs') setting out policy relevant to the examination and determination of different types of NSIPs. Notably, where a NPS has effect in relation to a type of NSIP development (such as energy generation), section 104 of the 2008 Act requires the Secretary of State 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 Secretary of State;
 - be unlawful;
 - the adverse impacts of the development outweigh its benefits; or
 - be contrary to any regulations that may be made prescribing other relevant conditions.
- 7.2 Section 7 above summarises NPS EN-1's assessment of the urgent need for new energy infrastructure, such as the Proposed Development.
- 7.3 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by applicants, PINS and the Secretary of State in (respectively) preparing, examining and determining applications for nationally significant energy infrastructure. General points include (paragraph 4.1.2), given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the Secretary of State to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in Section 104 of the 2008 Act (noted above) apply.
- 7.4 Paragraph 4.1.3 goes on to state that in considering any application, and in particular, when weighing its adverse impacts against its benefits, the Secretary of State should take into account:
- its potential benefits, including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
 - its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 7.5 Paragraph 4.1.4 continues by stating that within this context the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
- 7.6 Other assessment principles include the matters considered in the ES; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of the requirements of the carbon capture readiness regulation; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.
- 7.7 Part 5 of EN-1 lists a number of 'generic impacts' that relate to most types of energy infrastructure, which both applicants and the Secretary of State should take into account when

preparing and considering applications. These include land use; socio-economics; air quality and emissions; noise and vibration; dust, odour, artificial light, steam and smoke; traffic and transport; civil and military aviation; biodiversity and geological conservation; historic environment; landscape and visual; water quality and resources; flood risk and waste, amongst others. Paragraph 5.1.2 stresses that the list of impacts is not exhaustive and that applicants should identify the impacts of their projects in the ES in terms of both those covered by the NPSs and others that may be relevant. In relation to each of the generic impacts listed within Part 5 of EN-1, guidance is provided on how the applicant should assess these within their application and also the considerations that the Secretary of State should take into account in decision-making.

- 7.8 In addition to a number of the assessment principles and generic impacts covered by EN-1, NPS EN-2, EN-4 and EN-5 set out the factors (e.g. those influencing site selection) and 'assessment and technology specific' considerations to be taken into account in the preparation and assessment of applications for fossil fuel generating stations, gas pipelines and electricity network infrastructure, including relevant environmental matters. These are considered briefly below.

[The NPS for Fossil Fuel Electricity Generating Infrastructure \(EN-2\)](#)

- 7.9 Taken together with EN-1, EN-2 provides the primary basis for decisions on applications for fossil fuels electricity generating stations, including gas-fired power stations (such as the Proposed Power Plant). The document provides additional policy guidance against which to assess such proposals.
- 7.10 Section 2.2 outlines the factors influencing site selection for fossil fuel power stations. These include land use and size of site; transport infrastructure for the delivery and removal or construction materials, fuel, waste and equipment; and water resources, for example, some power station have very high water demands for cooling; and grid connection. However, in outlining such factors, paragraph 2.2.1 makes clear that "...it is for energy companies to decide what application to bring forward and the Government does not seek to direct applicants to particular sites for fossil fuel generating stations."
- 7.11 Technology specific considerations to be taken into account in the assessment of fossil fuel power stations (in addition to the assessment principles and generic impact set out in EN-1) include air emissions; landscape and visual; noise and vibration; release of dust (in respect of coal-fired stations); residue management (again in respect of coal stations); and water quality and resources.

[The NPS for Gas Supply Infrastructure and Gas and Oil Pipelines \(EN-4\)](#)

- 7.12 Section 2.19 of EN-4 provides guidance on the assessment of applications for new gas pipelines. The Proposed Development includes the Proposed Gas Pipeline between the Proposed Power Plant and the National Transmission System for gas. The pipeline does not represent a NSIP in its own right but it is included within the development for which development consent is sought as 'associated development' to the Proposed Power Plant.
- 7.13 Key technology specific considerations for gas pipelines include proximity to sensitive land uses (e.g. residential development and schools) when planning routes; pipeline safety; noise and vibration; biodiversity; landscape and visual; water quality and resources; and soils and geology. These were matters which EPL took into account, where relevant, in considering the route of the Proposed Gas Connection (see further in section 6 above).

The NPS for Electricity Networks Infrastructure (EN-5)

- 7.14 EN-5 outlines principles on which the Secretary of State will apply to applications for new electricity transmission lines as well as associated infrastructure, such as substations. It should be noted that the Proposed Development will involve relatively small scale underground electricity connection cable to the existing National Grid substation which is located within the existing coal-fired power station site.
- 7.15 Technology specific considerations to be taken into account for such works include biodiversity and geological conservation, landscape and visual, noise and vibration and the impacts of electric and magnetic fields. These were matters which EPL took into account in considering the route of the Proposed Electricity Connection, albeit as an underground cable in the context of the existing and proposed power stations the works are not significant.

Marine Policy

- 7.16 As noted above, section 104 of the 2008 Act requires the Secretary of State to have regard to "...the appropriate marine policy documents..." relevant to the NSIP. Whilst the Proposed Development is an onshore generating station, the Proposed Gas Connection route crosses the tidal section of the River Aire and upgrade works are also proposed to the water discharge point also within the tidal River (part of the Proposed Cooling Water Connections).
- 7.17 The appropriate marine policy documents are defined at section 59 of the Marine and Coastal Access Act 2009. These include any marine policy statement which is in effect and to the extent that a decision relates to a marine plan area, any marine plan which is in effect for that area (section 59(3) and (5)).
- 7.18 The UK Marine Policy Statement ('MPS'), adopted in March 2011 (HM Government, 2011), provides the policy framework for preparing marine plans and taking decisions affecting the marine environment. It is intended to sit alongside terrestrial consenting regimes, including NSIP regime set by the 2008 Act.
- 7.19 Chapter 2 outlines the vision for the UK marine area, the high level approach to marine planning and general principles for decision making covering economic, social and environmental considerations.
- 7.20 Chapter 3 sets out the policy objectives for key activities that take place in the marine environment. Section 3.3 deals specifically with 'Energy production and infrastructure development'. Paragraph 3.3.1 notes that a secure, sustainable and affordable supply of energy is of central importance to the economic and social well-being of the UK. Paragraph 3.3.4 sets out issues for consideration for all energy infrastructure and states that decision makers should take into account a range of matters, including the national level of need for energy infrastructure set out in EN-1.
- 7.21 Paragraph 3.3.6 notes that the construction, operation or decommissioning of power stations may have impacts on the local marine environment through the construction of plants and associated development. There may also be impacts from abstraction and discharge of cooling water during operation. It refers to more detail on the impacts and specific measures and actions to avoid or minimise adverse impacts, including those on marine ecology, being contained within the NPSs, including EN-2 in respect of fossil fuel generating stations.

- 7.22 Marine plans are intended to set out detailed policy and spatial guidance for a particular area. The UK is divided into a number of marine planning regions with associated plan authorities that are responsible for preparing marine plans. In England the Marine Management Organisation is the plan authority.
- 7.23 The Proposed Development lies within the 'East Inshore Marine Plan Area'. The 'East Inshore and East Offshore Marine Plans' were published in April 2014 (HM Government, 2014). Paragraph 19 confirms that the Plan includes the area of sea stretching from Flamborough Head to Felixstowe and extends out to the seaward limit of the territorial sea (approximately 12 nautical miles). It also includes:
- any area submerged at mean high water spring tide; and
 - the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide.
- 7.24 The East Inshore Marine Plan therefore encompasses the tidal River Aire, within which works are proposed as part of the Proposed Development.
- 7.25 Chapter 3 sets out the Plan policies. There are no specific policies relating to fossil fuel generating stations, however, the policies set out relating to economic, social and cultural, environmental and climate change considerations are of some relevance. These are consistent with policy set out in the relevant NPSs, notably EN-1 and EN-2.

Other Matters that may be 'Important and Relevant'

- 7.26 As noted above, in making decisions on applications for NSIPs, section 104 of the 2008 Act states that the SoS must also (in addition to the NPSs) have regard to any other matters that they consider to be both 'important and relevant' to their decision. Paragraph 4.1.5 of EN-1 provides some clarification on such matters, stating that these may include development plan documents or other documents in the local development framework.
- 7.27 EN-1 is clear (reflecting the terms of the 2008 Act), however, that in the event of any conflict between a NPS and development plan documents, the NPS prevails for the purposes of SoS decision-making given the national significance of the infrastructure concerned.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

- 7.28 The National Planning Policy Framework ('NPPF') was adopted in March 2012 (Department for Communities and Local Government (DCLG), 2012) and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014.
- 7.29 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the 2008 Act and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 3 goes on to confirm that the NPPF may be considered to be a matter that is both important and relevant for the purposes of assessing DCO

applications. The EIA undertaken for the Proposed Development will therefore have regard to the relevant policies of the NPPF as part of the overall framework of national policy.

7.30 Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice. Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of key roles as follows:

- an economic role - contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

7.31 Paragraph 8 emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. For example, economic growth can secure higher social and environmental standards, while well designed buildings and places can improve the lives of people and communities.

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

7.33 Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making. Those of particular relevance to the Proposed Development include to:

- proactively drive and support sustainable economic development to deliver the infrastructure that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

7.34 NPPF policies of particular relevance include promoting sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment; and meeting the challenge of climate change and mitigating its effects.

The Statutory Development Plan

7.35 The Proposed Development lies entirely within the administrative areas of Selby District Council ('SDC') and North Yorkshire County Council ('NYCC').

7.36 The statutory development plan for the area currently comprises the following documents:

- the Selby District Core Strategy Local Plan - adopted October 2013 (SDC, 2013);
- the 'saved' policies of the Selby District Local Plan - adopted February 2005 (SDC, 2005);
- the 'saved' policies of the North Yorkshire Waste Local Plan - adopted 2006 (NYCC, 2006); and
- the 'saved' policies of the North Yorkshire Minerals Local Plan - adopted 1997 (NYCC, 1997).

7.37 While the Core Strategy (2013) Proposals Maps shows the land to which the Proposed Development relates (including the existing Eggborough Power Station site) as lying within the 'open countryside', both the Core Strategy and the Selby District Local Plan (2005) recognise the importance of the location for power generation and are supportive of power generation and related development.

7.38 Paragraph 6.61 of the Selby District Local Plan (SDC, 2005) states that the local planning authority will continue to support the existing power generation industries within the district where there is no insurmountable conflict with established planning policies. Policy EM10 goes on to states that additional industrial/business development may be permitted at or close to the existing Power Station site provided that it is directly related to the process of generating electricity; would be suitably linked to the highway and rail networks; would not affect residential amenity; create environmental problems; would be well screened; and would not harm nature conservation interests or archaeology.

7.39 The Core Strategy (SDC, 2013) states, at paragraph 6.32, that the energy sector will continue to be important to the economy of the district, and identifies Eggborough Power Station as a major employer, which contributes to national energy infrastructure as well as the local economy. It also highlights the potential of the existing power stations in the district for the future development. It goes on to note that there is a need for further investment in energy infrastructure in line with national policy and that supporting the energy sector will assist in reinvigorating, expanding, and modernising the district's economy.

7.40 Both the Selby District Local Plan (2005) and the Core Strategy (2013) contain a number of other policies that would be of relevance to the examination and determination of the DCO application for the Proposed Development. These include:

- Core Strategy (2013):
 - SP 1 'Presumption in Favour of Sustainable Development';

- SP2 'Spatial Development Strategy';
- SP13 'Scale and Distribution of Economic Growth';
- SP 15 'Sustainable Development and Climate Change'; o SP 16 'Improving Resource Efficiency';
- SP17 'Low-Carbon and Renewable Energy';
- SP 18 'Protecting and Enhancing the Environment'; and
- SP 19 'Design Quality';
- Local Plan (2005):
 - ENV 1 'Control of Development';
 - ENV 2 'Environmental Pollution and Contamination';
 - ENV 3 'Light Pollution';
 - ENV 4 'Hazardous Substances';
 - ENV 9 'Sites of Importance for Nature Conservation Importance';
 - ENV27 'Scheduled Monuments and Important Archaeological Sites';
 - ENV28 'Other Archaeological Sites';
 - EMP10 'Additional Industrial Development at Drax and Eggborough Power Stations';
 - T1 'Development in Relation to the Highway Network';
 - T2 'Access to Roads'; and
 - T8 'Public Rights of Way'.

7.41 In undertaking the EIA for the Proposed Development, EPL has had regard to these policies.

7.42 None of the saved policies contained in the North Yorkshire Minerals Local Plan (NYCC, 1997) are considered to be of direct relevance to the Proposed Development. Policy 3/7 'Mineral Sterilisation' is considered to be of some limited relevance given the deep coal deposits within the surrounding area and the proximity of the recently closed Kellingley colliery and its mined seams. The Policy states that in considering applications for non-mineral development, mineral resources will be protected from sterilisation unless there is an overriding need for the development and that prior extraction of minerals that would otherwise be sterilised by the development will be permitted, provide this is practicable and environmentally acceptable.

7.43 The majority of the saved policies of the North Yorkshire Waste Local Plan (NYCC, 2006) relate to waste management facilities and are of limited relevance, with the exception of Policy 5/1 'Waste Minimisation', which covers waste arisings from major new development proposals.

7.44 SDC is currently preparing a 'Sites and Policies Local Plan' to deliver the strategic vision outlined in the Core Strategy (2013), which is intended to supersede the remaining saved policies in the Selby District Local Plan (2005). However, the document is yet to go through an examination and is not proposed for adoption until well into 2017 or later.

7.45 NYCC (along with the City of York and the North York Moors National Park Authority) is preparing a Minerals and Waste Joint Plan. This is now at publication stage and will shortly be submitted to the SoS for examination.

- 7.46 Much of the Site lies within the areas identified for minerals safeguarding on the Policies Map of the publication draft of the Minerals and Waste Joint Plan. In addition, the existing rail head at the Eggborough coal-fired Power Station site is safeguarded under Policy S04 'Transport infrastructure safeguarding'.

Summary

- 7.47 The NPSs form the primary basis for decisions by the Secretary of State on applications for NSIPs. In addition to setting out the strong need for new energy infrastructure, they provide detailed guidance on the matters to take into account when both preparing and assessing applications for NSIPs. They also confirm that the Secretary of State must have regard to any other matters that they consider are both 'important and relevant', which can include the NPPF and local development plan policy. Both the NPS and NPPF are clear, however, that in the event of any conflict between a NPS and another document, the NPS prevails.
- 7.48 The Application includes a detailed assessment of the Proposed Development, taking account of the findings of the EIA as reported within the ES, against the relevant NPSs and other relevant policy documents such as the NPPF and local development plan. Further information on this is set out in Chapter 7 of the ES (Volume II, Document Ref. 6.2), and the Planning Statement (Document Ref. 5.5), and policy specific to each topic assessed in the ES is considered in the relevant technical chapters (chapters 8-20, Volume II, Document Ref. 6.2).

8.0 SPECIAL CONSIDERATIONS

Crown Land

- 8.1 There are Crown interests within the Order limits as follows:
- Part of Work No. 4 (Proposed Cooling Water Connections) is within the tidal extent of the River Aire, in particular part of the water discharge pipeline, and the outfall structure; and
 - Part of Work No. 6 (Proposed Gas Connection) is within the tidal extent of the River Aire, with the gas pipeline proposed to be tunnelled underneath the river.
- 8.2 Both are owned by The Queen's Most Excellent Majesty and are therefore Crown Land. The areas are shown on the Crown Land Plan (Document Ref. 4.3).
- 8.3 The Order (Document Ref. 2.1) includes the standard article providing that the Order does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (article 42). Articles permitting powers of compulsory acquisition (17 and 21) specifically provide that they are subject to Article 42. The Book of Reference (Document Ref. 3.1) also excludes interests belonging to the Crown in the description of the relevant plots.
- 8.4 EPL has been negotiating with the Crown Estate Commissioners in order to secure the rights necessary to carry out the relevant parts of Work Nos. 4 and 6, and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land (as required by section 135 of the 2008 Act). EPL will continue these discussions following submission of the Application.

Special Category Land - Open Space etc.

- 8.5 No open space, common land, fuel or field garden allotment is included in or affected by the Order Land.

Statutory Undertakers' Land

- 8.6 EPL has identified the following land belonging to statutory undertakers, or apparatus belonging to them, within the Order limits:
- **National Grid Electricity Transmission plc** - Work No. 3 - whilst works to the existing National Grid sub-station are included within the Order limits and Proposed Development, no powers of compulsory acquisition are sought over the National Grid sub-station (Work No. 3B). It is anticipated that works to connect the electrical cables (Work No. 3A) to the sub-station would be carried out by National Grid, and would be secured through the connection agreement (EPL is seeking to modify its existing agreement to allow connection of the Proposed Development to the national grid). Further information is provided in the Grid Connection Statement (Document Ref. 5.2). Article 6 in the Order (Document Ref. 2.1) has been drafted specifically to give National Grid the benefit of the Order in respect of Work No. 3B;
 - **National Grid Gas plc - Work No. 7** - the location of the Proposed AGI is necessarily located on the National Transmission System, to allow a gas connection between it and Work No. 1. The same principles as for the grid connection above apply to EPL's approach to the Proposed AGI, although EPL has included powers of compulsory acquisition and temporary

possession in respect of land within which the National Transmission System is located - neither EPL nor National Grid owns the freehold interest in this land, and therefore these powers will ensure that EPL or National Grid (as relevant) are able to deliver this part of the Proposed Development;

- National Grid also has other interests within the Order limits, including rights of access and apparatus (such as overhead lines);
- EPL has received a copy of National Grid's protective provisions and will continue to discuss these with National Grid. It is also liaising with National Grid in relation to the interactions between the Proposed Development and National Grid's land and assets through the gas connection and grid connection processes;
- **Northern Powergrid (Yorkshire) plc** - Northern Powergrid has apparatus within the Order limits, including in particular electricity cables. EPL has contacted Northern Powergrid to seek to agree a form of protective provisions and will continue to discuss these following submission;
- **BT Limited** - apparatus within the Order limits, including in particular telecommunications equipment. EPL is seeking to agree a form of protective provisions with BT and will continue to seek to agree these following submission;
- **Northern Gas Networks** - Northern Gas Networks has apparatus within the Order limits, including in particular gas pipelines. EPL has contacted Northern Gas Networks to seek to agree a form of protective provisions and will continue to discuss these following submission; and
- **Yorkshire Water** - Yorkshire Water has apparatus within the Order limits, including in particular water and sewerage pipelines. EPL is in discussion with Yorkshire Water to seek to agree a form of protective provisions and will continue to discuss these following submission.

8.7 The Order (Document Ref. 2.1) includes protective provisions in respect of relevant types of statutory undertakers (see article 33 and schedule 12), and EPL is seeking to agree the form of protective provisions with relevant statutory undertakers.

9.0 OTHER CONSENTS

9.1 Other consents are required in order for the Proposed Development to be constructed and subsequently operate. Other Consents and Licences (Document Ref. 5.4) sets out the additional consents required and when they will be applied for. The key consents are identified below and reference should be made to Other Consents and Licences for the full list and the position as regards the need for and obtaining each consent:

- Marine licence - a deemed marine licence is sought within the Order (Document Ref. 2.1);
- Environmental permit in respect of both operation of the Proposed Power Plant and separately in relation to activities affecting flood risk;
- Water abstraction licence;
- Hazardous substance consent (if required);
- Land drainage consent;
- Lower tier COMAH licence (if required); and
- Greenhouse gas permit.

9.2 EPL is not aware of any reason why these (or any other consents) would not be granted, and it therefore anticipates being in a position to implement the Proposed Development shortly after grant of the Order and subject to a final investment decision having been made\.

10.0 HUMAN RIGHTS

10.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ('the Convention'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

10.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Order should be made so as to include powers of compulsory acquisition.

Article 1 of the First Protocol to the Convention

10.3 This provides the right of everyone to the peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.

Article 6

10.4 This entitles those affected by the powers sought in the Order to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision making process.

Article 8

10.5 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

10.6 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.

10.7 The Order has the potential to infringe the rights of persons who hold interests in land within the Order limits under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:

- the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
- the interference with the convention right is proportionate.

10.8 In preparing the Application, EPL has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order. EPL considers that there would be a very significant public benefit arising from the grant of the Order, as set out in previous sections in this Statement and in the Planning Statement (Document Ref. 5.5). The benefits will only be realised if the Order is accompanied by the grant of powers of compulsory acquisition. EPL considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Proposed Development.

10.9 For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The Funding Statement (Document Ref. 3.3) confirms the availability of funds to meet these liabilities.

- 10.10 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the 2008 Act, EPL has consulted with persons set out in the categories contained in Section 44 of the 2008 Act, which includes owners of land affected and those who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. The beneficiaries of rights overridden by the exercise of powers in the Order can make claims under Section 10 of the Compulsory Purchase Act 1965.
- 10.11 Following acceptance of the Application, 'relevant representations' can be made in response to the notice which EPL is obliged to give pursuant to Section 56 of the 2008 Act. These are then considered during the examination of the Application by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory purchase hearing held under Section 92 of the 2008 Act. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held.
- 10.12 Should the Order be made, any person aggrieved may 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.
- 10.13 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.
- 10.14 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Section 6 and 7 of this Statement, EPL considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 10.15 EPL considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

11.0 FURTHER INFORMATION

Negotiations

- 11.1 Owners and occupiers of property affected by the Order who wish to negotiate a sale or discuss matters of compensation should contact Ian Cunliffe of Ardent Management (Tel - 020 3693 2500, email - IanCunliffe@ardent-management.com).

Compensation

- 11.2 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation value of properties. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

- 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; and
- Booklet No.5 - Reducing the Adverse Effects of Public Development: Mitigation Works.

- 11.3 Copies of these booklets are obtainable, free of charge, from:

- <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

12.0 CONCLUSIONS

- 12.1 EPL submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Proposed Development meets the conditions of Section 122 of the 2008 Act, as well as the considerations in the Guidance.
- 12.2 The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required to facilitate or is incidental to the Proposed Development. Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the Order (Document Ref. 2.1), the Works Plan (Document Ref. 4.4) and other information both in this Statement and in other documents accompanying the Application.
- 12.3 The need for the Proposed Development, suitability of the Site and the support for such projects is clearly set out in NPS EN-1, NPS EN-2 and NPS EN-4. These demonstrate that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 12.4 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 12.5 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the Proposed Development, and is necessary and proportionate to that purpose. EPL considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 12.6 EPL has set out clear and specific proposals for how the Site will be used.
- 12.7 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition.

