

The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire
Supplemental Statement of Reasons in relation to Additional Land
(Submitted at Deadline 2)



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

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
Date: November 2018
Document Ref: 8.5.8
PINS Ref: EN010091

Document History

Document Ref	8.5.8
Revision	001
Author	Alexis Coleman
Signed	Date 06/11/18
Approved By	Richard Griffiths
Signed	Date 06/11/18
Document Owner	Pinsent Masons LLP

Glossary

Abbreviation	Description
Above Ground Installation (AGI)	The Minimum Offtake Connection (MOC) which will be operated by National Grid Gas and the PIG Trap Launching station (PTF-L) which will be operated by Drax. The AGI is described as Work No. 6 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).
The APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
The Applicant	Drax Power Ltd.
Application	The DCO Application
Associated Development	<p>Associated development is defined by section 115(2) of the Planning Act 2008 as development which is associated with a Nationally Significant Infrastructure Project (NSIP). In the case of the Proposed Scheme, the term Associated Development includes:</p> <ul style="list-style-type: none"> - the up to two gas insulated switchgear banking buildings (described as Work No. 4 in Schedule 1 of the Order); - the natural gas receiving facility and natural gas compression building (described as Work No. 5 in Schedule 1 of the Order); - the AGI (described as Work No. 6 in Schedule 1 of the Order); - the Gas Pipeline (described in Work No. 7 in Schedule 1 of the Order); - the electrical connections to the existing 400 kilovolt National Grid substation (described in Work No. 8 in Schedule 1 of the Order); - temporary construction laydown areas (described in Work No. 9 in Schedule 1 of the Order); - landscaping and biodiversity enhancement measures (described in Work No. 11 in Schedule 1 of the Order); - decommissioning and demolition of sludge lagoons and construction of replacement sludge lagoons (described in Work No. 12 in Schedule 1 of the Order); - removal of existing 132 kilovolt overhead line and associated towers and foundations (described in Work No. 13 in Schedule 1 of the Order); - passing place on Rusholme Lane (described in Work No. 14 in Schedule 1 of the Order); and - further associated development as set out in Schedule 1 of the Order. <p>These developments are associated with the NSIP, i.e. Unit X and Unit Y and the battery storage facilities (described in Work Nos. 1-3 in Schedule 1 of the Order).</p>

Carbon capture readiness	Carbon Capture readiness, with respect to a combustion plant's emissions of CO ₂ , is achieved when the following conditions are met: (a) suitable storage sites are available (b) it is technically and economically feasible to retrofit the plant with the equipment necessary to capture that CO ₂ ; and it is technically and economically feasible to transport such captured CO ₂ to the storage sites.
Carbon capture readiness reserve space	Space to be set aside to accommodate future carbon capture equipment, making the proposed plant in effect "carbon capture ready" for when the Carbon capture readiness state is achieved. The Carbon capture readiness reserve space is described as Work No. 10 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).
Combined Cycle Gas Turbine (CCGT)	A combined cycle gas turbine is an assembly of turbines that convert heat into mechanical energy. Combustion of a fuel within a gas turbine produces hot gases that expand over a complex series of blades that cause the turbine to rotate which in turn drives an electrical generator. The principle of combined cycle is that the exhaust gases from the turbine are used as a heat source in a heat recovery steam generator (HRSG), increasing the system's overall efficiency by utilising energy from the fuel that would otherwise be wasted.
Development Consent Order (DCO)	A Development Consent Order (DCO) is made by the Secretary of State (SoS) pursuant to the Planning Act 2008 (PA 2008) to authorise a Nationally Significant Infrastructure Project (NSIP).
Drax Power Station	The existing biomass and coal fired power generation facility at the Existing Drax Power Station Complex.
Environmental Impact Assessment (EIA)	A systematic means of assessing a development project's likely significant environmental effects undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
EIA Regulations 2017	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which prescribe the information to be included in the Environmental Statement and the consultation to be carried out in connection with development requiring an Environmental Statement.
Environmental Statement (ES)	A statement that includes the information that is reasonably required to assess the environmental effects of a development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but that includes at least the information required in the EIA Regulations 2017 and which is prepared in accordance with the latest Scoping Opinion adopted by the Secretary of State (where relevant).
Existing Drax Power Station	The facilities comprising the existing Drax Power Station, and the land upon which it is situated.

Complex	
Gas Pipeline	<p>The approximately 3 km underground pipeline which connects the Gas Receiving Facility to the National Transmission System.</p> <p>The Gas Pipeline is described as Work No. 7 in Schedule 1 of the Order (Examination Library Reference AS-012).</p>
Gas Receiving Facility (GRF)	This is required to receive the natural gas from the Gas Pipeline. The GRF is described as Work No. 5 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).
Limits of deviation	The limits shown on the Works Plans within which the Proposed Scheme may be built.
Nationally Significant Infrastructure Project (NSIP)	<p>A project meeting the criteria for a “nationally significant infrastructure project” set out in section 14 of the Planning Act 2008, and therefore requiring authorisation under the PA 2008 by way of a DCO.</p> <p>The Proposed Scheme constitutes a Nationally Significant Infrastructure Project (NSIP) by virtue of s.14(1)(a) and s.15 of the PA 2008 as it is an onshore generating station in England of 50 MW capacity or more.</p>
The Order	The DCO which, if made by the SoS, will authorise the construction, operation and maintenance of the Proposed Scheme and which will be known as “The Drax Power (Generating Stations) Order”. A draft of the Order is (Examination Library Reference AS-012).
Order land	The land shown coloured pink, blue, green and yellow on the Land Plans which is within the Order limits and which is the subject of compulsory acquisition, extinguishment of easements servitudes and other private rights and temporary possession.
Order limits	The limits shown on the Works Plans (Examination Library Reference APP-009) within which the development authorised by the Order may be carried out.
PA 2008	The Planning Act 2008 (as amended) 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 SoS.
Pipeline Area	The area required in connection with the construction, operation and maintenance of the Gas Pipeline, the AGI and the GRF, comprising the Pipeline Construction Area and the Pipeline Operational Area.
Pipeline Construction Area	The extent of land needed for the construction phase of the Gas Pipeline, the AGI, the GRF and the Rusholme Lane Area.

Pipeline Operational Area	The area within which the Gas Pipeline, the AGI and the GRF will be situated once constructed.
Planning Inspectorate (PINS)	The government agency responsible for administering and examining applications for development consent for NSIPs under the Planning Act 2008 on behalf of the SoS.
Power Station Site	<p>Areas within the Existing Drax Power Station Complex where:</p> <ol style="list-style-type: none"> 1. The temporary construction Laydown Area is to be located described in Work No. 9A in Schedule 1 of the draft DCO (Examination Library Reference AS-012); 2. The Generating station equipment is proposed to be located; 3. The Electrical connection is proposed to be located; and 4. The decommissioning and demolition of sludge lagoons and construction of replacement sludge lagoons is proposed to take place, described as Work No. 12 in Schedule 1 of the draft DCO (Examination Library Reference AS-012).
Proposed Scheme	<p>Drax Power Limited is proposing to repower up to two existing coal-powered generating units (Units 5 and 6) at the Existing Drax Power Station Complex with new gas turbines that can operate in both combined cycle and open cycle modes. The term "repower" is used as existing infrastructure, such as the steam turbine and cooling towers, that are currently used for the coal fired units would be reutilised for the new gas fired generating units/stations.</p> <p>The repowered units (which each constitute a new gas fired generating station) would have a new combined capacity of up to 3,600 MW in combined cycle mode (1,800 MW each), replacing existing units with a combined capacity to generate up to 1,320 MW (660 MW each). This is explained further below:</p> <p>Each gas generating station would have up to two gas turbines, with each gas turbine powering a dedicated generator of up to 600 MW in capacity. The gas turbines in each generating station (or unit), therefore, would have a combined capacity of up to 1,200 MW. The gas turbines in each generating station (or unit), in combined cycle mode, would provide steam to the existing steam turbine (through Heat Recovery Steam Generators (HRSGs)) which would generate up to 600 MW per unit. Each unit would have up to two HRSGs. This results in a capacity for each generating station of up to 1,800 MW and, should both units be repowered, a combined capacity of up to 3,600 MW. The new gas turbine generating units have been designated the terms "Unit X" and "Unit Y". In OCGT mode, the combined capacity would be up to 2,400MW (as in OCGT mode, there would be no HRSG capacity).</p> <p>Each unit would have (subject to technology and commercial considerations) a battery energy storage facility. The battery units may be stored within a single structure.</p>

	<p>The total combined capacity of the two gas fired generating stations and two battery storage facilities (i.e. the total combined capacity of the Proposed Scheme) is therefore 3,800 MW.</p> <p>Drax is seeking consent for the flexibility to either:</p> <p>Repower one unit (either Unit 5 or 6) and construct Unit X as a gas fired generating station; or</p> <p>Repower both Units 5 and 6 and construct Unit X and Unit Y as two gas fired generating stations.</p> <p>In the single unit scenario, up to two gas turbines and up to two HRSGs and (subject to technology and commercial considerations) a battery energy storage facility would be constructed. The maximum size of the battery storage cells and any structure built to protect them would not change, as the battery storage cells for one Unit could be one larger battery which would allow the output associated with one Unit to be sustained for a longer duration. However, the fuel gas station and gas insulated switchgear would be smaller.</p> <p>In the event that two units are repowered and two new generating stations are constructed, then construction works would be undertaken consecutively rather than concurrently.</p> <p>In order to repower to gas, a new Gas Pipeline would be constructed from the Existing Drax Power Station Complex to the National Transmission System (NTS) operated by National Grid. Pipeline infrastructure would be the same for both one and two unit scenarios.</p> <p>A gas receiving facility (GRF) comprising Pipeline Inspection Gauge (PIG) Trap Facility (PTF), Pressure Reduction and Metering Station (PRMS) and compressor station is proposed south of woodland to the east of New Road.</p> <p>At the connection to the NTS there will be an AGI comprising - a Pig Trap Launching station (PTF-L) which will be operated by Drax, and a Minimum Offtake Connection (MOC), which will be operated by National Grid.</p> <p>The Proposed Scheme also includes the electrical connection.</p> <p>Drax's Proposed Scheme is described in more detail in Chapter 3 (Site and Project Description) of the ES Volume 1 (Examination Library Reference APP-071).</p> <p>Schedule 1 of the Order (Examination Library Reference AS-012) lists out the elements comprised within the Proposed Scheme.</p>
Requirements	<p>The 'requirements' at Schedule 2 to the Order that, amongst other matters, are intended to control the final details of the Proposed Scheme as to be constructed and also to control its operation, amongst other matters, to</p>

	ensure that it accords with the EIA and does not result in unacceptable impacts.
Rusholme Lane Area	Area required for passing places during the construction of the Gas Pipeline, AGI and GRF (described as Work No. 14 in Schedule 1 to the Order).
Site	The Site refers to the Power Station Site, the Carbon capture readiness reserve space (which is also the location of temporary construction laydown described as Work No. 9B in Schedule 1 to the Order) and the Pipeline Area.
Site Reconfiguration Works	<p>The Site Reconfiguration Works or Stage 0 refers to the works described below that are necessary to prepare the Power Station Site for the construction of the generating station equipment and the electrical connection. The works comprise:</p> <ol style="list-style-type: none"> 1. Demolition of the private squash court (no replacement), Learning Centre (consolidated into existing facilities); and 2. Demolition of and reconstruction of car parking, turbine outage stores, contractor's compounds and welfare facilities. 3. Construction of a cooling water spray screen between relocated facilities and the southern cooling towers. <p>The Site Reconfiguration Works were the subject of a separate planning application under the Town and Country Planning Act 1990 (planning reference 2018/0154/FULM) which was approved by Selby District Council on 24 May 2018. The Applicant has started to carry out the Site Reconfiguration Works by implementing planning permission 2018/0154/FULM. At the time of submitting this document, the Applicant has submitted a non-material amendment application to the Examining Authority to remove these works from the Proposed Scheme being authorised under the DCO. The DCO Application makes it clear that these works may be carried out under either:</p> <ol style="list-style-type: none"> 1. Any TCPA planning permission that may be granted; or 2. The Order.
Statement of Reasons	This document - a statement setting out the reasons and justification for the compulsory acquisition of land or rights in land and temporary possession of land shown on the Land Plans.
Unit X	The construction of a gas fired generating station capable of operating in CCGT and OCGT modes and which would have a generating capacity of up to 1,800 MW. Unit X would be connected to a battery storage facility. Unit X is described in Work No. 1 of Schedule 1 to the draft DCO (Examination Library Reference AS-012).
Unit Y	The construction of a gas fired generating station capable of operating in CCGT and OCGT modes and which would have a generating capacity of up to 1,800 MW. Unit Y would be connected to a battery storage facility. Unit Y is described in Work No. 2 of Schedule 1 to the draft DCO (Examination Library Reference AS-012).

Work No. / Work Number	Work number, a component of the Proposed Scheme, described at Schedule 1 to the Order.
------------------------	--

Abbreviations

Abbreviation	Term in full
BEIS	Department for Business, Energy and Industrial Strategy.
CCGT	Combined Cycle Gas Turbine
CCR	Carbon capture readiness
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EN-1	Overarching NPS for Energy.
EN-2	NPS for Fossil Fuel Electricity Generating Infrastructure.
EN-4	NPS for Gas Supply Infrastructure and Gas Oil Pipelines.
EN-5	NPS for Electricity Networks Infrastructure.
ES	Environmental Statement
Ha	Hectares. A metric measurement of area.
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NYCC	North Yorkshire County Council
SDC	Selby District Council.
SoS	Secretary of State

Contents

SUMMARY	1
1 INTRODUCTION	1
1.1 Purpose of this Document	1
2 DETAILS OF THE PROPOSED SCHEME	2
3 SITE DESCRIPTION	3
3.1 Existing Drax Power Station Complex	3
3.2 Pipeline Area	3
3.3 Site Boundary	3
4 THE SUBMISSION IN RESPECT OF ADDITIONAL LAND	4
5 COMPULSORY ACQUISITION POWERS	21
6 NEED FOR THE COMPULSORY ACQUISITION OF LAND AND RIGHTS	22
6.2 Compulsory Acquisition Powers	23
6.3 Availability of Funds for Compensation	24
7 FURTHER INFORMATION	24
8 CONCLUSIONS	25
REFERENCES	27

SUMMARY

1. This Supplementary Statement of Reasons relates to the submission made by Drax to the Examining Authority under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) to consider changes to its Application, including powers of compulsory acquisition, in respect of "additional land" as defined in Regulation 2(1) of the CA Regulations ("the Submission").
2. In the context of the CA Regulations, this Submission is a compulsory acquisition request to the Secretary of State in respect of additional land, and, as such, is a 'proposed provision' (as defined at Regulation 2(1)) and is made under Regulation 5 of the CA Regulations. In accordance with Regulation 5(b)(ii) of the CA Regulations, the Applicant is required to submit a statement of reasons as to why the additional land is required, in support of the Submission.
3. This Statement of Reasons is supplemental to the Statement of Reasons (Examination Library Reference [APP-022](#)) submitted by the Applicant in support of its Application submitted to the Secretary of State ("SoS") under the Planning Act 2008 (PA 2008) on 29 May 2018, and explains why it is necessary for Drax to seek changes to the Order land over which it has sought powers of compulsory acquisition as part of the Application.
4. Since submission of the Application, Drax has identified that additional land is required as a consequence of the following:
 - (a) A discrepancy between land shown as being needed for the gas receiving facility (Work Number 5) on the works plans, and the land to be permanently acquired for that purpose on the land plans. Following a further feasibility study, it was confirmed that a larger area of land for Work Number 5, shown on the works plans, was required, and as a result, the area of land to be acquired for the gas receiving facility is sought to be increased.
 - (b) Refinement of the alignment of the Gas Pipeline (Work Number 7) and to ensure consistency with the work plans.
 - (c) A discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library Reference [APP-135](#)). As a result, a greater area over which rights are sought is required for planting mitigation than shown on land plans.

- (d) The need to ensure retention of existing trees which serve to provide screening mitigation of the gas receiving facility (Work Number 5).
 - (e) Equipment installation in connection with the above ground installation (Work Number 6). The equipment to be installed is an oil separator and attenuation tank (to be installed below ground). The area above the oil separator and attenuation tank cannot be farmed or used in any meaningful way by the current owner and is therefore to be permanently acquired.
- 5. Drax is seeking compulsory acquisition powers to secure certain lands, new rights and interests within the Order Limits in order to facilitate the Proposed Scheme, as set out in the Statement of Reasons (Examination Library reference [APP-022](#)). Those powers are included in the Order. With respect to the additional land, this Supplementary Statement of Reasons sets out the case for those powers. This Statement is also supplemented by the reasons in the Statement of Reasons in that respect. As all the additional land is within the Order land, and the Applicant had already identified that it is seeking compulsory acquisition powers to secure certain lands, new rights and interests in that land, the effect of the Submission is only that the types of compulsory acquisition powers over the additional land would change. Therefore, the justification for those powers, as set out in the Statement of Reasons, continues to apply to all the Order land, including the additional land, in particular the explanation for the need for compulsory acquisition of land and rights (Section 5), the justification for the use of the powers of compulsory acquisition (Section 6), policy support (Section 7), and human rights (Section 10).
- 6. The Applicant has submitted a revised version of the Funding Statement at Deadline 2 (Applicant's Document Reference 4.2, Rev 2) in order to indicate how an Order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded. The revised Funding Statement confirms that Drax has the ability to procure the financial resources required for the Proposed Scheme, including the cost of acquiring any land and rights (including the additional land) and the payment of compensation, as applicable.

1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Supplementary Statement of Reasons relates to the submission made by Drax to the Examining Authority under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) to consider changes to its Application, including powers of compulsory acquisition, in respect of "additional land" as defined in Regulation 2(1) of the CA Regulations ("the Submission"). This Statement of Reasons is supplemental to the Statement of Reasons (Examination Library Reference [APP-022](#)) submitted by the Applicant in support of its Application submitted to the Secretary of State ("SoS") under the Planning Act 2008 (PA 2008) on 29 May 2018 for powers to construct, operate and maintain the Proposed Scheme.
- 1.1.2 Since submission of the Application, Drax has identified that additional land is required as a consequence of: additional freehold land being required for the gas receiving facility; refinement of the Gas Pipeline alignment; acquisition of rights required for planting and retention of existing trees; and freehold land being required for installation of equipment associated with the above ground installation. Therefore, Drax has requested that the Examining Authority, on behalf of the SoS, accept a proposal for acquiring the additional land. This requires an amendment to the Order land over which powers of compulsory acquisition are sought, which constitute "additional land" within the meaning of the CA Regulations.
- 1.1.3 In the context of the CA Regulations, this Submission is a compulsory acquisition request to the Secretary of State in respect of additional land, and, as such, is a 'proposed provision' (as defined at Regulation 2(1)) and is made under Regulation 5 of the CA Regulations.
- 1.1.4 In accordance with Regulation 5(b)(ii) of the CA Regulations, the Applicant is required to submit a statement of reasons as to why the additional land is required, in support of the Submission.
- 1.1.5 This supplemental Statement of Reasons therefore explains why it is necessary for Drax to seek changes to the Order land over which it has sought powers of compulsory acquisition as part of the Application.

2 DETAILS OF THE PROPOSED SCHEME

- 2.1.1 Drax is proposing to repower up to two existing coal-fired units (known as Unit 5 and Unit 6) with gas – this means the existing coal-fired units would be decommissioned and replaced with newly constructed gas-fired units utilising some of the existing infrastructure. Each unit, which is a new gas fired generating station in its own right, would comprise combined cycle gas turbine (“CCGT”) and open cycle gas turbine (“OCGT”) technology. Each new gas generating unit would also use existing infrastructure, including the cooling system and steam turbines, and would each have a capacity of up to 1,800 MW, replacing existing units each with a capacity of up to 660 MW. Each unit would have a battery storage capability (subject to technology and commercial considerations). Should both units be repowered, the new gas-fired units / generating stations would have a total combined capacity of up to 3,800 MW.
- 2.1.2 Drax is seeking consent for the flexibility to construct a single generating station with a 1,800 MW generating capacity or to construct two generating stations each with a 1,800 MW generating capacity. The construction of each new gas fired generating station would repower either one or both of Unit 5 and Unit 6. The decision as to whether Drax constructs one or two gas fired generating stations and when, is a commercial decision that can only be taken post any consent being granted.
- 2.1.3 In order to repower to gas, a new Gas Pipeline needs to be constructed from Drax Power Station to the National Gas Transmission System (“NTS”). In addition, an Above Ground Installation (“AGI”), and Gas Receiving Facility (“GRF”) are required. A connection to the electrical network would be made via the existing National Grid Substation within the Existing Drax Power Station Complex. Other development includes construction laydown areas, a passing place to enable the construction of the Gas Pipeline and a temporary footbridge during construction.
- 2.1.4 The development being applied for is called the "Proposed Scheme" and is more fully described in Schedule 1 of the draft Development Consent Order (where it is termed the "Authorised Development") (Examination Library Reference [AS-012](#), a revised version of which is submitted at Deadline 2, Applicant's document ref 3.1 Rev 2). The components of the Authorised Development are set out in Schedule 1 of the Order (called Work Numbers/Nos.) and the areas in which each Work Number of the Authorised Development (or Proposed Scheme) may be constructed are shown on the Works Plans.
- 2.1.5 The Proposed Scheme includes the construction of a generating station with a capacity of more than 50 MW and accordingly meets the criteria given in the Planning Act 2008 (as amended) ("PA 2008") for being a Nationally Significant Infrastructure Project ("NSIP").
- 2.1.6 As a NSIP, the Proposed Scheme therefore requires a Development Consent Order ("DCO") from the SoS for Business, Energy and Industrial Strategy.

3 SITE DESCRIPTION

3.1 Existing Drax Power Station Complex

- 3.1.1 Drax Power Station is a large power station, comprising originally of six coal-fired units. It was originally built, owned and operated by the Central Electricity Generating Board and had a capacity of just under 2,000 MW when Phase 1 was completed in 1975. Its current capacity is 4,000 MW after the construction of Phase 2 in 1986.
- 3.1.2 Three of the original six coal-fired units are now converted to biomass (Units 1-3) and this is assessed as the current baseline in the Environmental Statement (ES). Since August 2018, four units (Units 1-4) have run on biomass with only two units (Units 5 and 6) running on coal. One or both of Units 5 and 6 will be repowered as part of the Proposed Scheme, this means the existing coal-fired units would be decommissioned and replaced with newly constructed gas-fired units utilising some of the existing infrastructure. The area within the Existing Drax Power Station Complex where development is proposed is referred to as the Power Station Site and is approximately 46.01ha. This figure is smaller than the 53.5 ha referred to in the Statement of Reasons submitted with the Application, as the land required for Stage 0 has been taken out of the calculation now that the Drax has made a non-material change to the Application removing the Stage 0 works.

3.2 Pipeline Area

- 3.2.1 The Gas Pipeline route is approximately 3 km in length and crosses agricultural land to the east of the Existing Drax Power Station Complex. The land within the Pipeline Construction Area is 25.4 ha and the land within the Pipeline Operational Area is 2.4 ha.
- 3.2.2 An additional area is located on Rusholme Lane (Rusholme Lane Area) to accommodate a potential passing place for traffic during construction of the Gas Pipeline. This is considered to be part of the Pipeline Area.

3.3 Site Boundary

- 3.3.1 The Site is approximately 71.41ha and lies approximately 4 m Above Ordnance Datum (AOD). Again, given the removal of Stage 0, this area is now smaller.
- 3.3.2 The Site Boundary (depicted with a red line on the Site Location Plan (submitted at Deadline 2, Applicant's document reference 2.1 Rev 02)) represents the maximum extent of all potential permanent and temporary works required as part of the Proposed Scheme.
- 3.3.3 The Power Station Site, the Carbon capture readiness reserve space and the Pipeline Area (including the Rusholme Lane Area) have been divided into a number of Development Parcels shown on Figure 1.3 in Chapter 1 (Introduction) of the ES (Examination Library Reference [APP-069](#)).

- 3.3.4 The current land uses at these development parcels are described in Table 3-1 of the ES Chapter 3 (Site and Project Description) (Examination Library Reference [APP-071](#)).

4 THE SUBMISSION IN RESPECT OF ADDITIONAL LAND

- 4.1.1 Drax is seeking compulsory acquisition powers to secure certain lands, new rights and interests within the Order Limits in order to facilitate the Proposed Scheme, as set out in the Statement of Reasons (Examination Library Reference [APP-022](#)).
- 4.1.2 Since submission of the Application, Drax has identified that additional land is required as a consequence of the following:
- 4.1.2.1 A discrepancy between land shown as being needed for the gas receiving facility (Work Number 5) on the works plans, and the land to be permanently acquired for that purpose on the land plans. Following a further feasibility study, it was confirmed that a larger area of land for Work Number 5, shown on the works plans, was required, and as a result, the area of land to be acquired for the gas receiving facility is sought to be increased.
 - 4.1.2.2 Refinement of the alignment of the Gas Pipeline (Work Number 7) and to ensure consistency with the work plans.
 - 4.1.2.3 A discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library Reference [APP-135](#)). As a result, a greater area over which rights are sought is required for planting mitigation than shown on land plans.
 - 4.1.2.4 The need to ensure retention of existing trees which serve to provide screening mitigation of the gas receiving facility (Work Number 5).
 - 4.1.2.5 Equipment installation in connection with the above ground installation (Work Number 6). The equipment to be installed is an oil separator and attenuation tank (to be installed below ground). The area above the oil separator and attenuation tank cannot be farmed or used in any meaningful way by the current owner and is therefore to be permanently acquired.
- 4.1.3 The changes are more fully described in Table 1 below, with reasons provided against each for why the additional land is required.

Table 1: Description of changes to the Application with reasons for the changes

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
1.	9	<p>Increase in plot size, so that part of what was previously plot 12 becomes plot 9.</p> <p>Compulsory acquisition of the freehold of the land being added to plot 9 is sought.</p> <p>This is a change in the rights sought in relation to the additional land added to plot 9.</p> <p>Previously new rights were sought over the additional land (i.e. it was coloured blue on the land plans), and now the freehold of that land is sought to be acquired (i.e. it is now coloured pink on the land plans).</p>	<p>Kate Elizabeth Bingley (freehold owner)</p> <p>Paul and Gwendoline Cooper (leasehold owner)</p>	<p>There was a discrepancy between the work plans (work number 5) (Examination Library Reference APP-009) and the land plans (plots 9 and 12, on sheet 3, Examination Library Reference AS-010), meaning that the area shown for acquisition (being plot 9) did not align with the area shown as being required for work number 5. It is proposed that the area of plot 9 be increased to fully align with the area shown by work number 5, so that the full extent of the area required will be available for the gas</p>	<p>Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.</p>

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				receiving facility at this location.	
2.	11	Decrease in plot area.	Kate Elizabeth Bingley (freehold owner) Paul and Gwendoline Cooper (leasehold owner)	The increase in area of plot 12 (see item 3 of this table) to the south has led to a decrease of plot 11	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
3.	12	Decrease in plot area to the west due to increase in plot 9 (see item 1 in this table), and increase in plot area to the south due to decrease in plot 11 (see item 2 in this table). With respect to the increase in plot size, this means that whereas previously temporary possession was sought with respect to the additional land now	Kate Elizabeth Bingley (freehold owner) Paul and Gwendoline Cooper (leasehold owner)	The increase in area of plot 9 (see item 1 in this table) has led to the decrease of plot 12. The decrease in plot 11 has led to the increase of plot 12. The increase is to ensure Drax has the necessary powers to enhance the existing trees that are situated on what was previously the border between plots 11 and 12. In addition, as	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		being included in plot 12 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).		Drax relies on these trees it is necessary to impose a restrictive covenant to ensure their retention. The effect of the change is that the trees would be entirely within plot 12, and there would be new rights created over that land in order that the Applicant can ensure the retention of the trees, which are needed for mitigation purposes, namely the screening of the gas receiving facility.	
4.	25	<p>Increase in plot area due to decrease in plot 26 (see item 5 in this table).</p> <p>With respect to the increase in plot size, this means that whereas</p>	<p>Kate Elizabeth Bingley (freehold owner)</p> <p>Paul and Gwendoline Cooper (leasehold</p>	<p>The increase is to ensure the retention of trees which are situated on what was previously plot 26. The increase is to ensure Drax has the necessary</p>	<p>Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.</p>

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		previously temporary possession was sought with respect to the additional land now being included in plot 25 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).	owner)	powers to enhance the existing trees that are situated on what was previously plot 26. In addition, as Drax relies on these trees it is necessary to impose a restrictive covenant to ensure their retention. The effect of the change is that the trees would be entirely within plot 25, and there would be new rights created over that land in order that the Applicant can ensure the retention of the trees, which are needed for mitigation purposes, namely the screening of the gas receiving facility.	
5.	26	Decrease in plot area	Kate Elizabeth Bingley	The increase in area of plot 27 (see item 6	Yes. The Affected Landowners

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
			(freehold owner) Paul and Gwendoline Cooper (leasehold owner)	in this table) and of plot 25 (see item 4) has led to the decrease of plot 26. The alignment and area of the plot has been changed to match the current pipeline alignment and ensure consistency with work plans.	are aware of this change. The change affects valuation which is in the process of being agreed.
6.	27	Increase in plot area so that land that was previously part of plot 26 is now part of plot 27. This means that whereas previously temporary possession was sought with respect to the additional land now being included in plot 27 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights	Kate Elizabeth Bingley (freehold owner) Paul and Gwendoline Cooper (leasehold owner)	The alignment and area of the plot has been changed to match the current pipeline alignment and ensure consistency with work plans.	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

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

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		change takes out an area of land from compulsory acquisition, it does not fall within the definition of "additional land." However, for completeness, the Applicant has included this land.			
8.	33	Decrease in plot area	John Neville Stones (freehold owner) Paul and Gwendoline Cooper (leasehold owner)	The increase in area of plot 32 (see item 7 of this table) has led to the decrease of plot 33. The alignment and area of the plot changed to match the current pipeline alignment and ensure consistency with Work Plans.	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
9.	55	Decrease in plot area	Paul and Gwendoline Cooper	The increase in area of plot 58 (see item 10 of this table) and plot 66 (see item 14 of this table) has led to the decrease in	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
				<p>plot 55.</p> <p>In both cases there was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library Reference APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage the planting in future.</p>	agreed.
10.	58	Increase in plot area so that land that was previously part of plot 55 (see item 9) is now part of plot 58. This means that	Paul and Gwendoline Cooper	There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
		whereas previously temporary possession was sought with respect to the additional land now being included in plot 58 (i.e. it was coloured yellow on the land plans), the Applicant now seeks new rights over that additional land (i.e. it is now coloured blue on the land plans).		Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in order to retain and manage the planting in future.	of being agreed.
11.	60	Decrease in plot area	Paul and Gwendoline Cooper	The increase in area of plot 61 (see item 12 of this table) and plot 67 (see item 16 of this table) has led to the decrease in plot 60. There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

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

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

Item	Plot Number	Proposed Change	Affected Landowner (Category 1 persons)	Reason for Change	Discussions with Affected Landowner
14.	65	Decrease in plot area	Paul and Gwendoline Cooper	The increase in area of plot 62 (see item 13 of this table) has led to the decrease in plot 65. The additional land in plot 62 is required for equipment installation in connection with the above ground installation (Work Number 6).	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.
15.	66	Increase in the plot area so that land that was previously part of plot 55 (see item 9 of this table) is now part of plot 66. This means that whereas previously temporary possession was sought in relation to the additional land now being included in plot 66 (i.e. it was coloured yellow on the land plans), the Applicant	Paul and Gwendoline Cooper	There was a discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library ref APP-135). As a result, a greater area was required for planting mitigation than shown on land plans. New rights are required over this land in	Yes. The Affected Landowners are aware of this change. The change affects valuation which is in the process of being agreed.

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

- 16.1 Table 2 below provides a summary of each of the changes sought in order to easily identify the amount of additional land, and the changes to rights or land sought with respect to the additional land.

Table 2: Summary of changes identifying amount of additional land and changes to rights / powers sought

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

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

Plot number	Additional area (area in square metres by which the area of the plot is proposed to increase)	Rights / land previously sought	Rights / land now sought
size of plot 55)			
67 (increased plot size resulting in decrease in size of plot 60)	302sqm	Temporary possession (yellow)	Acquisition of new rights (blue)

5 COMPULSORY ACQUISITION POWERS

- 5.1.1 Section 120 of the PA 2008 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 PA 2008 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.
- 5.1.2 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the SoS, 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.
- 5.1.3 The SoS 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.

6 NEED FOR THE COMPULSORY ACQUISITION OF LAND AND RIGHTS

- 6.1.1 Under Section 122 of the PA 2008, compulsory acquisition powers may only be granted if the SoS is satisfied that the land is required for the Proposed Scheme (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.
- 6.1.2 Drax requires powers of compulsory acquisition, and powers of temporary possession, to ensure that the Proposed Scheme 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. The reasons in this regard are set out in the Statement of Reasons (Examination Library ref APP-023).
- 6.1.3 Drax is seeking compulsory acquisition powers to secure certain lands, new rights and interests within the Order Land in order to facilitate the Proposed Scheme. Where those powers relate to the additional land, the new or larger plots created as a result of the additional land are discussed below.
- 6.1.4 The additional land over which compulsory acquisition powers are sought in respect of the **freehold** is shown shaded pink on the Land Plans (plots 9 and 62). Article 19 of the Order is relied upon in this respect. The land is described in more detail in the Book of Reference (a revised version of which is submitted at Deadline 2, Applicant's Document Reference 4.3 Rev 4).
- 6.1.5 Drax requires the compulsory acquisition of the freehold over plot 9 in order to construct and operate the permanent natural Gas Receiving Facility (GRF) and natural gas compression building (Work No. 5) (at the end of the Gas Pipeline and before the Gas Pipeline goes under New Road and into the Power Station Site) with various works relating to connecting the Gas Pipeline and other services and infrastructure to the new generating stations and existing equipment (included in Work Nos. 1C, 1D, 2C, 2D and 7).
- 6.1.6 Drax requires compulsory acquisition of the freehold of plot 62 in order to construct and operate the Above Ground Installation (AGI) at Rusholme Lane where the Gas Pipeline connects to the National Grid National Transmission System (NTS) and to provide a permanent access road to the AGI for future operational and maintenance requirements (Work No. 6).
- 6.1.7 Drax requires the **compulsory acquisition of new rights only** over additional land plots 12, 25, 27, 58, 61, 66 and 67. This land is shown shaded blue on the Land Plans. Article 22 of the Order is relied upon in respect of this land. Plots 12, 25 and 27 are required for the construction, operation and maintenance of the Gas Pipeline (including the siting of the Gas Pipeline in the subsoil under highways) (Work No. 7). Plots 12, 25 and the other areas are required for the planting to screen the GRF (plots 12 and 25, as part of Work No. 7) and the AGI (plots 58, 61, 65, 66, 67, and as part of Work Nos. 6A and B and 7A); and various works including below ground equipment, connection to existing equipment, lighting, drainage, landscaping and fencing. Plots 12, 25 and 27, over which new

rights are sought, are within the Pipeline Operational Area, which includes both the corridors within which the Gas Pipeline and any connections that are to be constructed, and, where necessary, routes along which Drax can gain access to the relevant corridor for maintenance.

- 6.1.8 Drax may also need to **compulsorily extinguish or suspend certain easements and other private rights** in the additional land over which it seeks compulsory acquisition of freehold land, leasehold land or new rights, or over which it seeks temporary possession, in order to ensure that the Proposed Scheme can proceed unhindered. Therefore, Articles 20 and 23 of the Order are also relied upon in respect of this land.
- 6.1.9 Drax requires the **temporary possession** of additional land plot 32. This area is located within the Pipeline Construction Area and is required for the construction of the Gas Pipeline and construction laydown areas associated with those works (Work No. 7B). Articles 28 (for construction) and 29 (for maintenance) of the Order are relied upon in respect of this land.
- 6.1.10 Drax may also need the **temporary possession** of the additional land shaded pink and blue in order that Drax may take temporary possession of such land where it has not yet exercised powers of compulsory acquisition. Articles 28 and 29 are therefore also relied upon in respect of this land.
- 6.1.11 In order to acquire the rights / land by way of agreement required for the Proposed Scheme, Drax has identified affected owners and occupiers and has engaged with them for negotiations. The revised Schedule of Negotiations submitted at Deadline 2 (Applicant's Document Ref 8.5.4 Rev 001) sets out the current position in terms of discussions with all landowners with respect to their affected land. All affected landowners are also aware of the additional land sought.
- 6.1.12 Whilst seeking compulsory acquisition powers, Drax will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement, wherever possible.

6.2 Compulsory Acquisition Powers

- 6.2.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.
- 6.2.2 Schedule 5 to the PA 2008 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).

- 6.2.3 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the SoS, 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.
- 6.2.4 Further, it is also necessary for the SoS 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).
- 6.2.5 The Order included in the Application includes powers to acquire land compulsorily. With respect to the additional land, this Statement sets out the case for those powers, in particular considering these provisions. This Statement is also supplemented by the reasons in the Statement of Reasons (Examination Library Reference [APP-022](#)) in that respect. As all the additional land is within the Order land, and the Applicant had already identified that it is seeking compulsory acquisition powers to secure certain lands, new rights and interests in that land, the effect of the Submission is only that the types of compulsory acquisition powers over the additional land would change. Therefore, the justification for those powers, as set out in the Statement of Reasons (Examination Library Reference [APP-022](#)), continues to apply to all the Order land, including the additional land, in particular the explanation for the need for compulsory acquisition of land and rights (Section 5), the justification for the use of the powers of compulsory acquisition (Section 6), policy support (Section 7), and human rights (Section 10).

6.3 Availability of Funds for Compensation

- 6.3.1 The Applicant submitted a Funding Statement with the Application (Examination Library Reference [APP-023](#)). A revised version of the Funding Statement has been submitted at Deadline 2 (Applicant's Document Reference 4.2, Rev 2) in order to indicate how an Order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded. The revised Funding Statement confirms that Drax has the ability to procure the financial resources required for the Proposed Scheme, including the cost of acquiring any land and rights (including the additional land) and the payment of compensation, as applicable.
- 6.3.2 Drax therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

7 FURTHER INFORMATION

- 7.1.1 Owners and occupiers of property affected by the Order who wish to negotiate a sale or discuss matters of compensation should contact Paul Barnett MRICS, Lambert Smith Hampton, 9 Bond Court, Leeds, LS1 2JZ, telephone 0113 245 9393, email pbarnett@lsh.co.uk.

- 7.1.2 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>.

8 CONCLUSIONS

- 8.1.1 Drax submits, for the reasons explained in this Supplementary Statement of Reasons, that changes to the Order land over which powers of compulsory acquisition are sought should be permitted in order to include "additional land" under the CA Regulations. This Statement has set out the reasons why the additional land is required, which are in summary a consequence of:
- 8.1.1.1 A discrepancy between land shown as being needed for the gas receiving facility (Work Number 5) on the works plans, and the land to be permanently acquired for that purpose on the land plans. Following a further feasibility study, it was confirmed that a larger area of land for Work Number 5, shown on the works plans, was required, and as a result, the area of land to be acquired for the gas receiving facility is sought to be increased. This affects plots 9 and 12.
 - 8.1.1.2 Refinement of the alignment of the Gas Pipeline (Work Number 7) and to ensure consistency with the work plans. This affects plots 26, 27, 32 and 33.
 - 8.1.1.3 A discrepancy between the land plans and the area of planting identified in the outline Landscape and Biodiversity Strategy (Examination Library Reference [APP-135](#)). As a result, a greater area over which rights are sought is required for planting mitigation than shown on land plans. This affects plots 55, 58, 60, 61, 66 and 67.
 - 8.1.1.4 The need to ensure retention of existing trees which serve to provide screening mitigation of the gas receiving facility (Work Number 5). This affects plots 11, 12, 25 and 26.
 - 8.1.1.5 Equipment installation in connection with the above ground installation (Work Number 6). The equipment to be installed is an oil separator and attenuation tank (to be installed below ground). The area above the oil separator and attenuation tank cannot be farmed or used in any meaningful way by the current owner and is therefore to be permanently acquired. This affects plots 62 and 65.
- 8.1.2 For the reasons explained in this Statement and the Statement of Reasons (Examination Library Reference [APP-022](#)), the inclusion of powers of compulsory acquisition in the Order for the purposes of the additional land meets the conditions of section 122 of the PA 2008, as well as the considerations in the Guidance (Ref 1).

- 8.1.3 With respect to the additional land, 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 Scheme. 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 (a revised version of which is submitted at Deadline 2, Applicant's Document Reference 3.1 Rev 2), the Land Plans (a revised version of which is submitted at Deadline 2, Applicant's Document Reference 2.2 Rev 03), Works Plans (a revised version of which is submitted at Deadline 2, Applicant's Document Reference 2.3A Rev 03) and other information both in this Statement, the Statement of Reasons (Examination Library Reference [APP-022](#)) and in other documents accompanying the Application.
- 8.1.4 The need for the Proposed Scheme, 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. Further reasoning in this regard is set out in the Statement of Reasons (Examination Library Reference [APP-022](#)).
- 8.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Scheme 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. Further reasoning in this regard is set out in the Statement of Reasons (Examination Library Reference [APP-022](#)).
- 8.1.6 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the Proposed Scheme, and is necessary and proportionate for that purpose. Drax 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. Further reasoning in this regard is set out in the Statement of Reasons (Examination Library Reference [APP-022](#)).
- 8.1.7 Drax has set out clear and specific proposals for how the Site will be used.
- 8.1.8 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.

REFERENCES

- Ref. 1: Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, Department for Communities and Local Government, September 2013