The Drax Power (Generating Stations) Order

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

Statement of Reasons

(Submitted for Deadline 3)

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

Drax Power Limited

Drax Repower Project

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Author	Alexis Coleman	
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Glossary and Abbreviations

The updated Glossary and Abbreviations for the Proposed Scheme are contained in Document Reference 1.6 submitted in November 2018 at Deadline 3 of the Examination.

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SUMMARY

Introduction (Section 1)

1. This Statement of Reasons relates to the Application made by Drax to the Secretary of State (SoS) under the Planning Act 2008 (PA 2008) for powers to construct, operate and maintain the Proposed Scheme.

2. This Statement of Reasons explains why it is necessary, proportionate and justifiable for Drax, within the Application, to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for Drax to be granted these powers.

3. The matters addressed in this Statement of Reasons are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement of Reasons.

Details of the Proposed Scheme (Section 2)

4. The Proposed Scheme is set out in detail at Schedule 1 to the Order, and the areas in which each component of the Proposed Scheme (called Work Numbers/Nos.) may be constructed are shown on the Works Plans.

5. The Proposed Scheme is split into 14 Work Nos. as follows:

- **Work No. 1 - An electricity generating station (Unit X)** fuelled by natural gas and with a gross electrical output capacity of up to 1,800 megawatts including:-
  - **Work No. 1A** – a gas generating unit: gas turbine(s) able to operate in both combined cycle and open cycle modes; turbine hall building; heat recovery steam generator(s) and building(s); flue emission stack(s) for heat recovery steam generator(s); bypass stack(s); transformers; gas turbine air inlet filter house; power control centre; feed water pump house building; water supply, pipelines and storage tanks; emergency generator; switchgear; turbine outage store buildings; 400 kilovolt electrical underground cables and telemetry and electrical protection auxiliary cabling connecting to Work No. 4A; and a new main fuel gas station;
  - **Work No. 1B** – a new main pipe rack carrying main steam and condensate and auxiliary cabling and pipework; piling for foundations; and modifications to the existing steam turbine, generating plant and turbine hall building;
  - **Work No. 1C** - a new underground gas pipeline across New Road connecting Work No. 1A to Work No. 5; and
  - **Work No. 1D** – connections for Work Nos. 1A, 1B and 1C to existing equipment and utilities; ground raising and preparation works; site lighting infrastructure; internal roadways, car parking, pedestrian network, cycle parking and hardstanding; drainage and waste management infrastructure; electricity (including a 132 kilovolt electricity cable across New Road), water, wastewater and telecommunications; and landscaping.

- **Work No. 2 - One electricity generating station (Unit Y) fuelled by natural gas and with a gross electrical output capacity of up to 1,800 megawatts including:-**
  - **Work No. 2A** – a gas generating unit: gas turbine(s) able to operate in both combined cycle and open cycle modes; turbine hall building; heat recovery steam generator(s) and building(s); flue emission stack(s) for heat recovery steam generator(s); bypass stack(s); transformers; gas turbine air inlet filter house; power control centre; feed water pump house building; water supply, pipelines and storage tanks; emergency generator; switchgear; 400 kilovolt electrical underground cables and telemetry and electrical protection auxiliary cabling connecting to Work No. 4B; and a new main fuel gas station;
  - **Work No. 2B** – a new main pipe rack and extension to the pipe rack in Work No. 1B carrying main steam and condensate and auxiliary cabling and pipework; and modifications to the existing steam turbine, generating plant and turbine hall building;
  - **Work No. 2C** – a new underground gas pipeline across New Road connecting Work No. 2A to Work No. 5 or infrastructure to connect the underground gas pipeline constructed in Work No. 1C to Work No. 2A and Work No. 5; and
  - **Work No.2D** – connections for Work Nos. 2A, 2B and 2C to existing equipment and utilities; ground raising and preparation works; site lighting infrastructure; internal roadways, car parking, pedestrian network, cycle parking and hardstanding; drainage and waste management infrastructure; electricity, water, wastewater and telecommunications; and landscaping.
- **Work No. 3A - One battery storage facility (in connection with Unit X)** - battery energy storage cells with converters; a structure protecting the battery energy storage cells; transformers; switch gear and ancillary equipment; electrical underground cable connecting to Work No. 1A; ground raising and preparation; flood mitigation channel, lighting and landscaping;

- **Work No. 3B - One battery storage facility (in connection with Unit Y)** - battery energy storage cells with converters; a structure protecting the battery energy storage cells or infrastructure to include the cells in the structure(s) within Work No. 3A; transformers; switch gear and ancillary equipment; and electrical underground cable connecting to Work No. 2A.

- **Work No. 4A – Gas insulated switchgear banking building in (connection with Unit X)** and a building containing control equipment**;**

- **Work No 4B - Gas insulated switchgear banking building in (connection with Unit Y);**

- **Work No. 5 - A natural gas receiving facility compound** including pipeline inspection gauge trap receiving equipment; isolation valves, inline valves, metering, heat exchangers, filtering, pressure regulation equipment, pipework; electricity supply kiosks and associated cabling; emergency generator; electrical pre-heaters and electrical compressors housed in a building; boiler house(s) with gas pre-heat boilers and stacks; control and instrumentation

kiosk(s) and associated wiring; creation of a permanent access road from New Road; security infrastructure; a new underground gas pipeline; external cooling system; ground raising and ground preparation works and landscaping.

- **Work No. 6 - Above ground installation** including**:-**
  - **Work No. 6A** - above ground installation (also referred to as a minimum offtake connection compound) containing a minimum offtake connection comprising: remotely operable valves, control and instrumentation kiosk(s), pipework and electrical supply kiosk(s); security infrastructure; ground raising and preparation works; site drainage including new outfall to Dickon Field Drain, new culvert and waste management infrastructure; electricity and telecommunications connections and other services; underground gas pipeline connecting to Work No. 6B; creation of permanent accesses, one being from Rusholme Lane to the AGI, and the second being from the first access into the field to the south of Dickon Field Drain; creation of a new culvert on Dickon Field Drain; and landscaping;
  - **Work No. 6B** - above ground installation containing a pipeline inspection gauge ("PIG") facility, comprising: a PIG launching facility, emergency control valves, isolation valves, control and instrumental kiosk(s), pipework and electrical supply kiosk(s); security infrastructure; ground raising and preparation works; site drainage and waste management infrastructure; electricity and telecommunications connections and other services; below ground sacrificial anode pit; and landscaping;
  - **Work No. 6C** – (in connection with Work No. 6A) a temporary construction laydown area; and
  - **Work No. 6D** – (in connection with Work No. 6B) a temporary construction laydown area and creation of up to two construction access routes from Rusholme Lane.

- **Work No. 7 - A gas pipeline** including**:-**
  - **Work No. 7A** - an underground gas pipeline connection and telemetry cabling, approximately 3km in length and up to 600mm nominal diameter, connecting Work No. 5 to Work No. 6B; pipeline field marker posts and cathodic protection test/transformer rectifier unit(s); below ground drainage works; works required in order to protect existing utilities infrastructure; tree and hedge removal; landscaping; and
  - **Work No. 7B** – temporary construction laydown area(s).

- **Work No. 8 - Electrical Connections** including**:-**
  - **Work No. 8A** – in connection with Unit X, up to 400 kilovolt underground electrical connection between Work No. 4A and the existing 400 kilovolt National Grid substation busbars: electrical underground cables and telemetry and electrical protection auxiliary cabling; cable sealing ends; insulated switchgear and overhead busbars; trenching works; landscaping; site drainage; security and site lighting;

- **Work No. 8B** - in connection with Unit Y, up to 400 kilovolt underground electrical connection between Work No. 4B and the existing 400 kilovolt National Grid substation busbars of either:-
  - electrical underground cables and telemetry and electrical protection auxiliary cabling; cable sealing ends; insulated switchgear and overhead busbars; trenching works; landscaping; and site drainage; OR
  - electrical underground cables, telemetry and electrical protection auxiliary cabling; a 400 kilovolt cable sealing end compound comprising: (1) cable sealing ends, (2) air insulated switchgear and overhead busbars, and (3) overhead conductor gantry, overhead conductors and other plant and structures required to manage the transmission of electricity; trenching works; site drainage; landscaping and security and lighting.

- **Work No. 9 - Temporary construction laydown areas** including**:-**
  - **Work No. 9A** - areas of hardstanding; car parking; pedestrian bridge including ducts for the carrying of electricity and other services; site and welfare offices and workshops; security infrastructure; site drainage and waste management infrastructure; electricity, water, waste water and telecommunications connections; and
  - **Work No. 9B** – areas of hardstanding; security infrastructure; up to two means of access; site drainage and waste management infrastructure; car parking; electricity, water, waste water and telecommunications connections

- **Work No. 10 - Carbon capture readiness** including**:-**
  - **Work No. 10A** - carbon capture readiness reserve space;
  - **Work No. 10B** - diversions for public rights of way 35.47/1/1 and 35.47/6/1; and
  - **Work No. 10C** - landscaping.

- **Work No. 11 - Retained and enhanced landscaping** including soft landscaping including planting; landscape and biodiversity enhancement measures; and security fencing, gates, boundary treatment and other means of enclosure.

- **Work No. 12 - Decommissioning and demolition of sludge lagoons and construction of replacement sludge lagoons** including**:-**
  - **Work No. 12A (in connection with Unit X)** – decommissioning and demolition of one existing sludge lagoon and reinstatement of one existing out of service sludge lagoon; and
  - **Work No. 12B (in connection with Unit Y)** - decommissioning and demolition of two existing sludge lagoons and construction of up to two new sludge lagoons.

- **Work No. 13 - Removal of existing 132 kilovolt overhead line and removal of two 132 kilovolt pylons and foundations;**

- **Work No. 14 - Temporary passing place on Rusholme Lane.**

6. The "Associated Development", for the purposes of section 115 of the PA 2008 comprises Work Nos. 4 to 14, and further associated development as set out in the final paragraph of Schedule 1 "Authorised Development" to the Order.

Site Description (Section 3)

Existing Drax Power Station Complex

7. 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.

8. 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 46.01 ha.

Pipeline Area

9. 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.

10. 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.

Site Boundary

11. The Site is approximately 71.41 ha and lies approximately 4 m Above Ordnance Datum (AOD).

12. The Site Boundary (depicted with a red line on the Site Location Plan (submitted at Deadline 2, Examination Library Reference REP2-005)) represents the maximum extent of all potential permanent and temporary works required as part of the Proposed Scheme.

13. 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).

14. 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).

Land required

15. 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:

- The land over which compulsory acquisition powers are sought in respect of **freehold or leasehold interests** is shown shaded pink on the Land Plans. This land is described in more detail in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005). In respect of plots 2, 4, 6, 8, 10, 13 and 15, Drax is the freehold owner of this land but the land is subject to various tenancies, leases and occupation interests. A summary of the status of negotiations, together with the reason for the acquisition, is set out in the Schedule of Negotiations (Examination Library Reference REP2-036). Article 19 of the Order is relied upon in respect of this land.
- The land over which compulsory acquisition powers are sought in respect of the **new rights (including restrictive covenants)** is shown shaded blue on the Land Plans. This land is described in more detail in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005). A summary of the status of negotiations, together with the reason for the acquisition, is set out in the Schedule of Negotiations (Examination Library Reference REP2-036). Article 22 of the Order is relied upon in respect of this land. There are some plots shown shaded blue on the Land Plans which are either highway or a Public Right of Way, over which rights are sought to enter the subsoil under the highway or Public Right of Way or (with respect to plot 14) the airspace over the highway. Article 27 of the Order is also relied upon in respect of this land.
- The land over which Drax proposes to only **extinguish certain easements** is shown shaded green on the Land Plans. This land is described in more detail in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005). This land is within the ownership of Drax, but the title may contain certain easements that could be incompatible with the construction and operation of the Proposed Scheme. Articles 20 and 23 of the Order (and where the interest is held by a statutory undertaker, Article 30 of the Order) are relied upon in respect of this land.

16. Drax is also seeking powers of temporary possession. The land over which only **temporary possession** powers are sought is shown shaded yellow on the Land Plans. This land is described in more detail in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005). A summary of the status of negotiations, together with the reason for the temporary possession, is set out in the Schedule of Negotiations (Examination Library Reference REP2-036). Articles 28 (construction) and 29 (maintenance) of the Order are relied upon in respect of this land. Powers of temporary possession are also sought in respect of the land shaded pink, blue and green (except where Drax is the freehold owner and there are no occupiers or leasehold interests (plots 3 and 7)) in order that Drax may take temporary possession of such land where it has not yet exercised powers of compulsory acquisition.

17. In addition to the powers sought in respect of the land shaded pink, blue and yellow, Drax may need to extinguish or suspend certain easements and other private rights to ensure that the Proposed Scheme can proceed unhindered. Articles 20 and 23 of the Order are already relied upon with respect to the land shaded green, and are therefore relied upon in this respect for all Order land.

Road and right of way access required

18. The transportation of all construction materials will be via the road network from Junction 32 of the M62.

19. Given the size of some of the Heavy Goods Vehicles (HGV) and Abnormal Indivisible Loads (AILs), Drax may require certain highway powers in order to, for example, temporarily remove barriers on the highway, street signs and other street furniture and temporarily close part of the highway to allow the HGV/AIL to pass. The land would be reinstated to its former condition/reopened once the HGVs/AILs have delivered the construction materials. The possible construction transport routes for HGVs and AILs are shown in Figure 5.2, Figure 5.3 and Figure 5.4 (ES Volume 1 (Examination Library Reference APP-073)), and it is along these routes that Drax seeks various highway powers. In addition, temporary closure of part of the highway, street works and the creation of access will be required along New Road, the junction of Rusholme Lane and Wren Hall Lane, Main Road and Rusholme Lane. Articles 9 to 12 inclusive of the Order are relied upon in relation to street works, layout of streets, means of access and temporary closure of streets.

20. A temporary passing place may be provided on Rusholme Lane (in the Rusholme Lane Area) to facilitate construction access to the Gas Pipeline. Again, Articles 9 to 12 inclusive of the Order are relied upon in this respect.

21. Temporary stopping up of Public Rights of Way (PRoW) during construction will also be required, and Article 12 of the Order is relied upon in this respect. Two existing PRoWs would need to be diverted permanently in the event the Carbon capture readiness reserve space is required in the future for carbon capture and storage, and Article 13 is relied upon in this respect.

Compulsory Acquisition Powers (Section 4)

22. 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.

23. 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.

24. 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.

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

25. 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.

26. The Guidance related to procedures for the compulsory acquisition of land (Department for Communities and Local Government, September 2013) (Ref 1) 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.

27. All of these matters are considered in this Statement, other than the availability of funding which is set out in the Funding Statement (Examination Library Reference REP2-016).

28. 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.

29. Drax requires the compulsory acquisition of the freehold over plots 9 and 9b 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).

30. Drax requires compulsory acquisition of the freehold of plots 57 and 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).

31. Drax also requires compulsory acquisition of the leasehold and occupation interests of plots 2, 4, 6, 8, 10, 13 and 15 in order to construct and operate elements of the Proposed Scheme relating to the electricity generating stations (Work Nos. 1 and 2), battery storage facilities (Work No. 3), gas insulated switchgear (GIS) banking buildings (Work No. 4), electrical connections (Work No. 8), construction laydown areas (Work No. 9), Carbon capture readiness space and associated landscaping and diversion of PRoWs (Work No. 10), decommissioning/demolition and construction of sludge lagoons (Work No. 12), and removal of 132 kilovolt overhead line (Work No. 13). These plots are in the freehold of Drax, but are also the subject to leasehold interests (or interests that could amount to leasehold interests) that could hinder and be incompatible with the Proposed Scheme.

32. Drax requires the compulsory acquisition of new rights only over plots 5, 9a, 12, 14, 18, 24, 25, 27, 33, 37, 40, 42, 43, 47, 49, 50, 56, 58, 59, 61, 65, 66 and 67. These areas are predominantly 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), but also include areas required for the electrical connections on the existing National Grid 400 kilovolt substation (plot 5, and Work No. 8); construction of the pedestrian bridge over the highway (plot 14, and Work No. 9A); planting to screen the GRF (plots 12 and 25, as part of Work No. 7) and AGI (plots 58, 61, 65, 66, 67, and as part of Work Nos. 6A and B and 7A); the Gas Pipeline and other connections to go under the highway connecting between the Power Station Site and the GRF (plot 9a, and part of Work Nos. 1C and D and 2C and D); and various works including connection to existing equipment, lighting, drainage, landscaping and fencing. The areas over which new rights are sought, the Pipeline Operational Area, include both the corridors within which the Gas Pipeline and any connections are to be constructed, and, where necessary, routes along which Drax can gain access to the relevant corridor for maintenance.

33. Drax requires the compulsory extinguishment of private rights or interests in or over plots 3 and 7 in order to construct and operate elements of the Proposed Scheme relating to the construction laydown areas (Work No. 9A), Carbon capture readiness reserve space and associated landscaping and diversion of PRoWs (Work No. 10), and retained and enhanced landscaping (Work No. 11). These plots are in the freehold of Drax, but may contain certain easements and private rights that could hinder and be incompatible with the Proposed Scheme.

34. Drax requires the temporary possession of plots 11, 19, 21, 26, 28, 32, 35, 39, 41, 44, 45, 46, 48, 51, 52, 53, 54, 55, 58, 60 and 64. These areas are located within the Pipeline Construction Area and are required for the construction of the Gas Pipeline and Above Ground Installation, and construction laydown areas associated with those works (Work Nos. 7B and 6C and D). Temporary possession of plot 64 is required in relation to the creation of a passing place for construction traffic associated with the construction of the Gas Pipeline and AGI on Rusholme Lane (Work No. 14).

35. 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.

36. 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.

Alternatives to compulsory acquisition

37. Drax's objectives, which it considers are best met by the Proposed Scheme, are to:

A. Reduce the reliance of Drax Power Station on coal as a source of power for electricity generation and replace that source with one that meets the Government's aims of creating a diverse energy mix that maintains security of supply as well as providing flexible back up for intermittent renewable energy.

B. Ensure that Drax Power Station maintains its position as one of the UK's main power generators, playing an important role in helping the UK transition to a low carbon economy through the re-utilisation of as much existing infrastructure as possible (such as cooling systems, cooling towers and steam turbines) which would otherwise be potentially redundant despite the infrastructure remaining within its operating life and capable of contributing to more efficient energy production and a lower carbon footprint (given it is already constructed).

C. Utilise as much existing operational land within the Existing Drax Power Station Complex as possible so as to maximise the use and efficiency of existing infrastructure.

D. Maximise the efficiency of Drax Power Station; and

E. Increase the flexible, response generating capacity of Drax Power Station to meet increasing demand across the UK by;

a) providing additional support services to manage the stability of the national grid, such as frequency response and inertia, to support weather-dependent renewables like wind and solar; and

b) increasing reliable large scale capacity on the system (i.e. large amount of capacity that can be called on at any time).

38. Drax has considered alternatives to the Proposed Scheme which could realistically achieve the above objectives, including the "do nothing scenario", alternative sites, pipeline routes, fuels for electricity generation and alternate construction routes (see Chapter 4 (Consideration of Alternatives) of the Environmental Statement (ES) (Examination Library Reference APP-072). None of the alternatives would achieve Drax's objectives, and the alternatives studied either do not provide the compelling benefits that the Proposed Scheme will provide, or they would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations. A key aspect of the objectives is the re-use of as much of Drax's existing operational land and infrastructure as possible, in order to achieve greater efficiency and limit the scheme's carbon footprint, and minimising the requirement for the acquisition of new land and rights is part of that.

39. Drax has sought to acquire the necessary land and rights through agreement, but at this stage has not been able to reach agreement in all instances. As noted, above, Drax is continuing to engage with landowners to obtain the necessary land and rights by way of agreement, as an alternative to compulsory acquisition. However, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land and rights required in order to construct and operate the Proposed Scheme.

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

40. The principal justification for the use of powers of compulsory acquisition arises from the following, that the Proposed Scheme:

- 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; and
- is compliant with the National Policy Statements (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 PA 2008.

41. 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. Drax considers that:

- the Proposed Scheme 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 Drax has selected the Site on which to do so for technical, environmental and commercial reasons.

Policy Support (Section 7)

42. The SoS 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 PA 2008 requires the SoS 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).

43. Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by the SoS 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 SoS 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 PA 2008 apply.

44. Other assessment principles include the matters considered in the ES; the Conservation of Habitats and Species Regulations 2017; 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 NPSs (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.

45. Other national planning and local policy may be considered 'important and relevant' to the SoS'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.

46. Drax considers that section 104 of the PA 2008 and the relevant NPSs 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 Scheme, and how it has been taken into account by Drax, is set out in sections 6 and 7 of this Statement, the Planning Statement (Examination Library Reference APP-062) and the Environmental Statement (Examination Library References APP-069 – APP-086).

Special Considerations (Section 8)

47. There are no Crown interests, open space, common land or fuel or field garden allotment affected by the Proposed Scheme.

48. Various land or apparatus of statutory undertakers or other utility providers is affected by the Proposed Scheme. Drax has included protective provisions within the Order (Schedule 12, Examination Library Reference REP2-014) and separately is seeking to agree these or alternative terms with each statutory undertaker.

Other Consents (Section 9)

49. Drax requires various other consents, as well as a DCO, in order to build and operate the Proposed Scheme. These include the Environmental Permit which was submitted on or about 29 May 2018.

50. Drax is not aware of any reason why the Environmental Permit and the other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Scheme proceeding. Further details on these are set out in the Other Consents and Licences Document (Examination Library Reference REP2-020, a revised version of which is submitted at Deadline 3).

Human Rights (Section 10)

51. 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.

52. Drax considers that there would be very significant public benefit arising from the making of the Order for the Proposed Scheme. 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 Scheme) is legitimate.

53. Drax considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. Drax considers that it would, therefore, be appropriate and proportionate for the SoS to make the Order, including the compulsory acquisition powers sought by Drax.

Further Information (Section 11)

54. 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.

55. 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 INTRODUCTION

1.1 Overview

1.1.1 This Statement of Reasons has been prepared on behalf of Drax. It forms part of the Application for a DCO that has been submitted to the SoS for Business, Energy and Industrial Strategy, under section 37 of the PA 2008.

1.1.2 Drax is seeking development consent 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.

1.1.3 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 (up to 1,800 MW each), replacing existing units with a combined capacity to generate up to 1,320 MW (660 MW each).

1.1.4 Each gas generating station (or unit) 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 generating station (or unit). Each generating station (or 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 5 and 6 be repowered, a combined capacity of up to 3,600 MW. The new gas turbine generating stations (or units) have been designated the terms "Unit X" and "Unit Y".

1.1.5 Each of Unit X and Unit Y would have (subject to technology and commercial considerations) a battery energy storage facility. The battery energy storage facilities may be stored within a single structure or be shielded by a structure.

1.1.6 The total combined capacity of the two gas fired generating stations, Unit X and Unit Y, and two battery storage facilities (i.e. the total combined capacity of the Proposed Scheme) is therefore up to 3,800 MW.

1.1.7 The DCO seeks consent for the following flexibility:

- Repowering of either Unit 5 or 6 and construction of Unit X as a gas fired generating station (this would leave either Unit 5 or 6 (depending on which had been repowered) as a coal-fired unit); or
- Repowering of both Units 5 and 6 and construction of Unit X and Unit Y as two gas fired generating stations.

1.1.8 In the event that a single unit is repowered and Unit X constructed, 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 / shield 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 required for the Gas Pipeline would be smaller.

1.1.9 In the event that two units are repowered and both Unit X and Unit Y are constructed, then construction works would be undertaken consecutively rather than concurrently. It is assumed for the purposes of the ES that there would be a gap of a year between construction periods, but this could be longer depending on commercial considerations. Unit Y would mirror Unit X, with up to two gas turbines and up to two HRSGs and (subject to technology and commercial considerations) a battery energy storage facility which may be included within, or shielded by, the structure, should one be constructed, protecting / shielding the battery for Unit X.

1.1.10 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 whether Unit X was constructed or whether Unit X and Unit Y was constructed.

1.1.11 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.

1.1.12 At the connection to the NTS there will be an above ground installation (AGI) south of Rusholme Lane. The AGI involves 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.

1.1.13 A full description of the Proposed Scheme and the Site is contained in Chapter 3 (Site and Project Description) of the ES (Examination Library Reference APP-071), along with the Removal of Stage 0 (as set out in the Cover Letter submitted at Deadline 2 (Examination Library Reference REP2-003) pursuant to the non-material amendment application submitted at Deadline 2 and the non-material amendments made at Deadline 3 and as summarised in both the Cover Letter submitted at Deadline 3 and in the Assessment of Non-Material Amendments to Proposed Scheme (Applicant's Document Reference 8.4.8) submitted at Deadline 3.

1.1.14 A DCO is required for the Proposed Scheme as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (NSIP) under sections 14 and 15(2) of the PA 2008. The DCO, if made by the SoS, would be known as the Drax Power (Generating Stations) Order (the Order).

1.2 Drax

1.2.1 Drax Power Station is owned and managed by Drax Power Limited, which is part of the Drax Group Plc; one of the UK's largest energy producers. Drax Power Limited is the Applicant for the Application, as referred to in this and all other application and consultation documentation.

1.3 Site Description

Existing Drax Power Station Complex

1.3.1 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 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.

1.3.2 Three of the original six coal-fired units are now converted to biomass (Units 1-3). By the latter half of 2018, four units (Units 1-4) will 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.

Pipeline Area

1.3.3 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.

1.3.4 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.

Site Boundary

1.3.5 The Site is approximately 71.41 ha and lies approximately 4 m Above Ordnance Datum (AOD).

1.3.6 The Site Boundary (depicted with a red line on the Site Location Plan (submitted at Deadline 2, Examination Library Reference REP2-005)) represents the maximum extent of all potential permanent and temporary works required as part of the Proposed Scheme.

1.3.7 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 in Figure 1.3 Chapter 1 (Introduction) of the ES (Examination Library Reference APP-069).

1.3.8 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).

1.4 The Proposed Scheme

1.4.1 The Proposed Scheme contains up to four generating stations (which are each NSIPs in their own right) which are summarised below together with all development comprising the Proposed Scheme:-

- **Work No. 1 - An electricity generating station (Unit X)** fuelled by natural gas and with a gross electrical output capacity of up to 1,800 megawatts including:-
  - **Work No. 1A** – a gas generating unit: gas turbine(s) able to operate in both combined cycle and open cycle modes; turbine hall building; heat recovery steam generator(s) and building(s); flue emission stack(s) for heat recovery steam generator(s); bypass stack(s); transformers; gas turbine air inlet filter house; power control centre; feed water pump house building; water supply, pipelines and storage tanks; emergency generator; switchgear; turbine outage store buildings; 400 kilovolt electrical underground cables and telemetry and electrical protection auxiliary cabling connecting to Work No. 4A; and a new main fuel gas station;
  - **Work No. 1B** – a new main pipe rack carrying main steam and condensate and auxiliary cabling and pipework; piling for foundations; and modifications to the existing steam turbine, generating plant and turbine hall building;
  - **Work No. 1C** - a new underground gas pipeline across New Road connecting Work No. 1A to Work No. 5; and
  - **Work No. 1D** – connections for Work Nos. 1A, 1B and 1C to existing equipment and utilities; ground raising and preparation works; site lighting infrastructure; internal roadways, car parking, pedestrian network, cycle parking and hardstanding; drainage and waste management infrastructure; electricity (including a 132 kilovolt electricity cable across New Road), water, wastewater and telecommunications; and landscaping.

- **Work No. 2 - One electricity generating station (Unit Y) fuelled by natural gas and with a gross electrical output capacity of up to 1,800 megawatts including:-**
  - **Work No. 2A** – a gas generating unit: gas turbine(s) able to operate in both combined cycle and open cycle modes; turbine hall building; heat recovery steam generator(s) and building(s); flue emission stack(s) for heat recovery steam generator(s); bypass stack(s); transformers; gas turbine air inlet filter house; power control centre; feed water pump house building; water supply, pipelines and storage tanks; emergency generator; switchgear; 400 kilovolt electrical underground cables and telemetry and electrical protection auxiliary cabling connecting to Work No. 4B; and a new main fuel gas station;
  - **Work No. 2B** – a new main pipe rack and extension to the pipe rack in Work No. 1B carrying main steam and condensate and auxiliary cabling and pipework; and modifications to the existing steam turbine, generating plant and turbine hall building;
  - **Work No. 2C** – a new underground gas pipeline across New Road connecting Work No. 2A to Work No. 5 or infrastructure to connect the underground gas pipeline constructed in Work No. 1C to Work No. 2A and Work No. 5; and
  - **Work No.2D** – connections for Work Nos. 2A, 2B and 2C to existing equipment and utilities; ground raising and preparation works; site lighting infrastructure; internal roadways, car parking, pedestrian network, cycle parking and

hardstanding; drainage and waste management infrastructure; electricity, water, wastewater and telecommunications; and landscaping.

- **Work No. 3A - One battery storage facility (in connection with Unit X)** - battery energy storage cells with converters; a structure protecting the battery energy storage cells; transformers; switch gear and ancillary equipment; electrical underground cable connecting to Work No. 1A; ground raising and preparation; flood mitigation channel, lighting and landscaping;

- **Work No. 3B - One battery storage facility (in connection with Unit Y)** - battery energy storage cells with converters; a structure protecting the battery energy storage cells or infrastructure to include the cells in the structure(s) within Work No. 3A; transformers; switch gear and ancillary equipment; and electrical underground cable connecting to Work No. 2A.

- **Work No. 4A – Gas insulated switchgear banking building in (connection with Unit X)** and a building containing control equipment**;**

- **Work No 4B - Gas insulated switchgear banking building in (connection with Unit Y);**

- **Work No. 5 - A natural gas receiving facility compound** including pipeline inspection gauge trap receiving equipment; isolation valves, inline valves, metering, heat exchangers, filtering, pressure regulation equipment, pipework; electricity supply kiosks and associated cabling; emergency generator; electrical pre-heaters and electrical compressors housed in a building; boiler house(s) with gas pre-heat boilers and stacks; control and instrumentation kiosk(s) and associated wiring; creation of a permanent access road from New Road; security infrastructure; a new underground gas pipeline; external cooling system; ground raising and ground preparation works and landscaping.
- **Work No. 6 - Above ground installation** including**:-**
  - **Work No. 6A** - above ground installation (also referred to as a minimum offtake connection compound) containing a minimum offtake connection comprising: remotely operable valves, control and instrumentation kiosk(s), pipework and electrical supply kiosk(s); security infrastructure; ground raising and preparation works; site drainage including new outfall to Dickon Field Drain, new culvert and waste management infrastructure; electricity and telecommunications connections and other services; underground gas pipeline connecting to Work No. 6B; creation of permanent accesses, one being from Rusholme Lane to the AGI, and the second being from the first access into the field to the south of Dickon Field Drain; creation of a new culvert on Dickon Field Drain; and landscaping;
  - **Work No. 6B** - above ground installation containing a pipeline inspection gauge (“PIG”) facility, comprising: a PIG launching facility, emergency control valves, isolation valves, control and instrumental kiosk(s), pipework and electrical supply kiosk(s); security infrastructure; ground raising and

preparation works; site drainage and waste management infrastructure; electricity and telecommunications connections and other services; below ground sacrificial anode pit; and landscaping;

- **Work No. 6C** – (in connection with Work No. 6A) a temporary construction laydown area; and
- **Work No. 6D** – (in connection with Work No. 6B) a temporary construction laydown area and creation of up to two construction access routes from Rusholme Lane.

- **Work No. 7 - A gas pipeline** including**:-**

  - **Work No. 7A** - an underground gas pipeline connection and telemetry cabling, approximately 3km in length and up to 600mm nominal diameter, connecting Work No. 5 to Work No. 6B; pipeline field marker posts and cathodic protection test/transformer rectifier unit(s); below ground drainage works; works required in order to protect existing utilities infrastructure; tree and hedge removal; landscaping; and
  - **Work No. 7B** – temporary construction laydown area(s).

- **Work No. 8 - Electrical Connections** including**:-**

  - **Work No. 8A** – in connection with Unit X, up to 400 kilovolt underground electrical connection between Work No. 4A and the existing 400 kilovolt National Grid substation busbars: electrical underground cables and telemetry and electrical protection auxiliary cabling; cable sealing ends; insulated switchgear and overhead busbars; trenching works; landscaping; site drainage; security and site lighting;
  - **Work No. 8B** - in connection with Unit Y, up to 400 kilovolt underground electrical connection between Work No. 4B and the existing 400 kilovolt National Grid substation busbars of either:-

    - electrical underground cables and telemetry and electrical protection auxiliary cabling; cable sealing ends; insulated switchgear and overhead busbars; trenching works; landscaping; and site drainage; OR
    - electrical underground cables, telemetry and electrical protection auxiliary cabling; a 400 kilovolt cable sealing end compound comprising: (1) cable sealing ends, (2) air insulated switchgear and overhead busbars, and (3) overhead conductor gantry, overhead conductors and other plant and structures required to manage the transmission of electricity; trenching works; site drainage; landscaping and security and lighting.

- **Work No. 9 - Temporary construction laydown areas** including**:-**

  - **Work No. 9A** - areas of hardstanding; car parking; pedestrian bridge including ducts for the carrying of electricity and other services; site and welfare offices and workshops; security infrastructure; site drainage and waste management infrastructure; electricity, water, waste water and telecommunications connections; and

- **Work No. 9B** – areas of hardstanding; security infrastructure; up to two means of access; site drainage and waste management infrastructure; car parking; electricity, water, waste water and telecommunications connections

- **Work No. 10 - Carbon capture readiness** including**:-**

  - **Work No. 10A** - carbon capture readiness reserve space;
  - **Work No. 10B** - diversions for public rights of way 35.47/1/1 and 35.47/6/1; and
  - **Work No. 10C** - landscaping.

- **Work No. 11 - Retained and enhanced landscaping** including soft landscaping including planting; landscape and biodiversity enhancement measures; and security fencing, gates, boundary treatment and other means of enclosure.

- **Work No. 12 - Decommissioning and demolition of sludge lagoons and construction of replacement sludge lagoons** including**:-**

  - **Work No. 12A (in connection with Unit X)** – decommissioning and demolition of one existing sludge lagoon and reinstatement of one existing out of service sludge lagoon; and
  - **Work No. 12B (in connection with Unit Y)** - decommissioning and demolition of two existing sludge lagoons and construction of up to two new sludge lagoons.

- **Work No. 13 - Removal of existing 132 kilovolt overhead line and removal of two 132 kilovolt pylons and foundations;**

  - **Work No. 14 - Temporary passing place on Rusholme Lane.**

1.4.2 The "Associated Development", for the purposes of section 115 of the PA 2008 comprises Work Nos. 4 to 14, and further associated development as set out in the final paragraph of Schedule 1 "Authorised Development" to the Order.

1.4.3 A more detailed description of the Proposed Scheme is provided at Schedule 1 'Authorised Development' of the Order (Examination Library Reference REP2-014, with a version 3 submitted at Deadline 3) and Chapter 3 (Site and Project Description) of the ES Volume I (Examination Library Reference APP-071) (taking into account the Removal of Stage 0 as set out in the Cover Letter submitted at Deadline 2 (Examination Library Reference REP2-003) pursuant to the non-material amendment application submitted at Deadline 2 and the non-material amendments made at Deadline 3 and as summarised in both the Cover Letter submitted at Deadline 3 and in the Assessment of Non-Material Amendments to Proposed Scheme (Applicant's Document Reference 8.4.8) submitted at Deadline 3.) and the areas within which each of the main components of the Proposed Scheme are to be built is shown by the coloured and hatched areas on the Works Plans (Examination Library Reference REP2-007).

1.5 The Purpose and Structure of this Document

1.5.1 The Statement of Reasons is one of a number of documents required to support the Application submitted to the SoS and should be read together with those documents.

1.5.2 This Statement of Reasons has been prepared in accordance with Regulation 5(2)(h) 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 Scheme, if necessary, by compulsion. Drax considers that there is a compelling case in the public interest, in accordance with section 122 of the PA 2008, for the making of the Order and the inclusion of powers of compulsory acquisition to enable the Proposed Scheme to be constructed, operated and maintained. This Statement explains why Drax considers that that is the case.

2 DETAILS OF THE PROPOSED DEVELOPMENT

2.1 Overview

2.1.1 This section provides further detail on the components of the Proposed Scheme. The development to which the Order applies is set out at Schedule 1 to the Order (Examination Library Reference REP2-014, with version 3 submitted at Deadline 3), and is called the 'authorised development' in that document. The Works Plans (Examination Library Reference REP2-007) show the corresponding areas in which the numbered works of the authorised development (that is, the Proposed Scheme) may be constructed.

2.1.2 It is anticipated that should a DCO be made by the SoS, Unit X and Unit Y will be constructed in stages which are referred to as Stages 1 and 2. During Stage 1, Unit X will be constructed. Once Unit X is ready for connection into the steam turbine, one existing coal-fired unit will be turned off so as to allow the steam turbine to be used for Unit X. At this point, there would be one remaining coal-fired unit in operation. During Stage 2, Unit Y will be constructed while Unit X is operational as a gas-fired unit. Again, once Unit Y is ready for connection into the steam turbine, the remaining coal-fired unit will be turned off so as to allow the steam turbine to be used for Unit Y. At this point, there would be no remaining coal-fired units in operation at the Existing Drax Power Station Complex.

2.1.3 Each construction stage will take approximately 34 months followed by commissioning. It is anticipated that the two construction stages will be separated by up to a year, but this could be longer depending on commercial considerations. The overall programme will last at least 83 months including commissioning of the second unit (i.e. Unit Y). The Gas Pipeline and the building to house the battery storage facilities (in connection with Units X and Y) will be constructed within the first half of this programme (Stage 1). The battery storage may be installed in two phases as each unit is repowered.

2.1.4 It is assumed that construction of the first unit will commence in 2019/2020 with OCGT capability by 2021/2022 and CCGT ready by 2022/2023. If two units are built, the construction of the second unit would likely commence in 2024 and be completed in 2027.

2.1.5 In order to construct Unit X and Unit Y and associated facilities on the Power Station Site, it is proposed to demolish, remove and relocate existing facilities at the Existing Drax Power Station Complex. These works are known as the Site Reconfiguration Works or Stage 0 and will be completed prior to the commencement of any further construction activities. 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. The Applicant submitted a non-material amendment application to the Examining Authority at Deadline 2 to remove these works from the Proposed Scheme being authorised under the DCO.

2.1.6 Operation of the Proposed Scheme will be staged. As discussed above, it is anticipated that Unit X will be operational by 2022/2023 and will operate while Unit Y is being constructed (Stage 2). If constructed, both Units X and Y are anticipated to be operational by 2027 (Stage 3). Following Stage 2 and the construction of both units, the construction laydown / parking areas within the Power Station Site and the Carbon capture reserve space will be reinstated. Construction laydown areas for the Gas Pipeline and AGI will be reinstated following Stage 1 and their construction.

2.1.7 The Proposed Scheme 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 Scheme. The following is a description of the Proposed Scheme as set out in Schedule 1 to the Order:

- **Work No. 1**– an electricity generating station (Unit X) fuelled by natural gas and with a gross electrical output capacity of up to 1,800 megawatts including—
  - **Work No. 1A** – a gas generating unit–
    - up to two gas turbines able to operate in both combined cycle and open cycle modes;
    - one turbine hall building for the gas turbine(s) within this Work;
    - up to two heat recovery steam generators;
    - up to two heat recovery steam generator buildings and up to two exhaust gas emission flue stacks for the heat recovery steam generator(s) within this Work;
    - up to two bypass stacks;
    - transformers;
    - gas turbine air inlet filter house;
    - power control centre;
    - feed water pump house building;

- water supply and pipelines;
- water storage tanks and pipelines;
- emergency diesel generator and diesel fuel tank for safe shut-down of the plant;
- switch gear and ancillary equipment;
- up to two turbine outage store buildings;
- 400 kilovolt electrical underground cables and telemetry and electrical protection auxiliary cabling connecting to Work No. 4A; and
- a new main fuel gas station comprising up to two individual fuel gas stations comprising for each–

    - a gas receiving area;
    - gas treatment and control facilities including filters, preheating and liquid collection tanks; and

- other auxiliary control cabinets

- **Work No. 1B** –

    - a new main pipe rack carrying main steam and condensate, and auxiliary cabling and pipework between the heat recovery steam generator(s) and the existing steam turbine;
    - piling for foundations to accommodate the pipe rack including in connection with the pipe rack comprising part of Work No. 2B; and
    - modifications to the existing steam turbine, generating plant and turbine hall building

- **Work No. 1C –** a new underground gas pipeline across New Road connecting Work No. 1A to Work No. 5
- **Work No. 1D –** in connection with and in addition to Work Nos. 1A, 1B and 1C–

    - works connecting Work Nos. 1A, 1B and 1C to existing equipment and utilities;
    - ground raising and ground preparation works;
    - site lighting infrastructure, including perimeter lighting columns;
    - internal roadways, car parking, pedestrian network, cycle parking and hardstanding;
    - site drainage and waste management infrastructure, including relocation of existing infrastructure as required;
    - electricity (including a 132 kilovolt electricity cable across New Road connecting Work No. 1A to Work No. 5), water, wastewater and telecommunications and other services; and
    - hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments

- **Work No. 2** – an electricity generating station (Unit Y) fuelled by natural gas and with a gross electrical output capacity of up to 1,800 megawatts including—

    - **Work No. 2A** – a gas generating unit–

- up to two gas turbines able to operate in both combined cycle and open cycle modes;
- one turbine hall building for the gas turbine(s) within this Work;
- up to two heat recovery steam generators;
- up to two heat recovery steam generator buildings and up to two exhaust gas emission flue stacks for the heat recovery steam generator(s) within this Work;
- up to two bypass stacks;
- transformers;
- gas turbine air inlet filter house;
- power control centre;
- feed water pump house building;
- water supply and pipelines;
- water storage tanks and pipelines;
- emergency diesel generator and diesel fuel tank for safe shut-down of the plant;
- switch gear and ancillary equipment;
- 400 kilovolt electrical underground cables and telemetry and electrical protection auxiliary cabling connecting to Work No. 4B; and
- a new main fuel gas station comprising up to two individual fuel gas stations comprising for each–

    - a gas receiving area;
    - gas treatment and control facilities including filters, preheating and liquid collection tanks; and

- other auxiliary control cabinets.

- **Work No. 2B** –

    - a new main pipe rack and extension to the pipe rack in Work No. 1B carrying main steam and condensate, and auxiliary cabling and pipework, between the heat recovery steam generator(s) and the existing steam turbine; and
    - modifications to the existing steam turbine, generating plant and turbine hall building

- **Work No. 2C –** a new underground gas pipeline across New Road connecting Work No. 2A to Work No. 5 or infrastructure to connect the underground gas pipeline constructed in Work No. 1C to Work No. 2A and Work No. 5.
- **Work No. 2D -** in connection with and in addition to Work Nos. 2A, 2B and 2C-

    - works connecting Work Nos. 2A, 2B and 2C to existing equipment and utilities;
    - ground raising and ground preparation works;
    - site lighting infrastructure, including perimeter lighting columns;
    - internal roadways, car parking, pedestrian network, cycle parking and hardstanding;

- site drainage and waste management infrastructure, including relocation of existing infrastructure as required;
- electricity, water, wastewater and telecommunications and other services; and
- hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments

- **Work No. 3** – up to two battery storage facilities including-
  - **Work No. 3A** – one battery storage facility (in connection with Unit X)–
    - battery energy storage cells with converters;
    - a structure protecting the battery energy storage cells;
    - transformers;
    - switch gear and ancillary equipment;
    - electrical underground cable connecting to Work No. 1A;
    - ground raising and ground preparation works;
    - a flood mitigation channel;
    - site lighting infrastructure, including lighting columns; and
    - hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments
  - **Work No. 3B** – one battery storage facility (in connection with Unit Y)–
    - battery energy storage cells with converters;
    - a structure protecting the battery energy storage cells or infrastructure to include the battery energy storage cells in the structure(s) within Work No.3A(ii);
    - transformers;
    - switch gear and ancillary equipment; and
    - electrical underground cable connecting to Work No. 2A
- **Work No. 4** – up to two new gas insulated switchgear banking buildings including-
  - **Work No. 4A (in connection with Unit X)–**
    - a building containing gas insulated switchgear and other associated switch gear and ancillary equipment;
    - a building containing control equipment;
    - up to 3 sets of cable sealing ends; and
    - ground raising and ground preparation works
  - **Work No. 4B (in connection with Unit Y)–**
    - a building or an extension to the building in Work No. 4A containing gas insulated switchgear and other switch gear and ancillary equipment;
    - up to 3 sets of cable sealing ends; and
    - ground raising and ground preparation works
- **Work No. 5** – a natural gas receiving facility compound including–

- pipeline inspection gauge (PIG) trap receiving equipment;
- isolation valves, inline valves, metering, heat exchangers, filtering, pressure regulation equipment, pipework;
- electricity supply kiosks and associated cabling;
- emergency generator;
- electrical pre-heaters and electrical compressors housed in a building;
- up to two boiler houses with a total installed capacity of approximately 7.2 megawatts and each with up to two stacks;
- control and instrumentation kiosk(s) and associated wiring;
- creation of a permanent access from New Road including permanent road surface and kerb stones, signing and road markings works, drainage, car parking, fencing and other incidental works;
- security infrastructure, including cameras, lighting (including perimeter lighting columns), stock proof fencing and perimeter fencing;
- a new underground gas pipeline;
- external cooling system;
- ground raising and ground preparation works; and

o hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments

- **Work No. 6** – above ground gas installation including-

o **Work No. 6A**–

- above ground installation (also referred to as a minimum offtake connection compound) containing a minimum offtake connection comprising remotely operable valves, control and instrumentation kiosk(s), pipework and electrical supply kiosk(s);
- security infrastructure, including cameras, lighting (including perimeter lighting columns), stock proof fencing and perimeter fencing;
- ground raising and ground preparation works;
- site drainage including new outfall to Dickon Field Drain, new culvert and waste management infrastructure;
- electricity and telecommunications connections and other services;
- underground gas pipeline connecting to Work No. 6B;
- creation of a permanent access from Rusholme Lane including permanent road surface and kerb stones, signing and road markings works, car parking, drainage, fencing and other incidental works;
- creation of a permanent access from the access in Work No.6A (vii) into the field to the south of Dickon Field Drain including permanent road surface and kerb stones, signing and road markings works, drainage, fencing and other incidental works;
- creation of a culvert on Dickon Field Drain; and
- hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments.

o **Work No. 6B–**

- above ground installation containing a pipeline inspection gauge (PIG) facility, comprising a PIG launching facility, emergency control valves,

isolation valves, control and instrumentation kiosk(s), pipework and electricity supply kiosk(s);
- security infrastructure, including cameras, lighting (including perimeter lighting columns), car parking, stock proof fencing and perimeter fencing;
- ground raising and ground preparation works;
- site drainage and waste management infrastructure;
- electricity and telecommunications connections and other services;
- below ground sacrificial anode pit; and
- hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments

- **Work No. 6C** – (in connection with Work No. 6A) temporary construction laydown area
- **Work No. 6D** – (in connection with Work No. 6B) temporary construction laydown area and creation of up to two construction access routes from Rusholme Lane

- **Work No. 7** – a gas pipeline including-

- **Work No. 7A-**
  - an underground gas pipeline connection and telemetry cabling, approximately 3km in length and up to 600 millimetres nominal diameter, connecting Work No. 5 to Work No. 6B;
  - pipeline field marker posts and cathodic protection test/ transformer rectifier unit(s);
  - below ground drainage works;
  - works required in order to protect existing utilities infrastructure;
  - tree and hedge removal; and
  - hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments

- **Work No. 7B**– temporary construction laydown area for gas pipeline

- **Work No. 8** – electrical connections including-

- **Work No. 8A** (in connection with Unit X)- up to 400 kilovolt underground electrical connection between Work No. 4A and the existing 400 kilovolt National Grid substation busbars–
  - electrical underground cables and telemetry and electrical protection auxiliary cabling;
  - one set of cable sealing ends;
  - insulated switchgear and overhead busbars;
  - trenching works;
  - site drainage;
  - security and site lighting infrastructure, including cameras, perimeter fencing and lighting columns; and
  - hard and soft landscaping including ecological mitigation.

- **Work No. 8B** (in connection with Unit Y)- up to 400 kilovolt underground electrical connection between Work No. 4B and the existing 400 kilovolt National Grid substation busbar of either–
  - electrical underground cables and telemetry and electrical protection auxiliary cabling;
  - one set of cable sealing ends;
  - insulated switchgear and overhead busbars;
  - trenching works;
  - site drainage;
  - security and site lighting infrastructure, including cameras, perimeter fencing and lighting columns; and
  - hard and soft landscaping including ecological mitigation

  Or

  - electrical underground cables and telemetry and electrical protection auxiliary cabling;
  - a 400 kilovolt cable sealing end compound comprising–
    - one set of cable sealing ends;
    - air insulated switchgear and overhead busbars; and
    - overhead conductor gantry, overhead conductors and other plant and structures required to manage the transmission of electricity
  - trenching works;
  - site drainage;
  - security and site lighting infrastructure, including cameras, perimeter fencing and lighting columns; and
  - hard and soft landscaping including ecological mitigation

- **Work No. 9** – temporary construction laydown areas including-
  - **Work No. 9A** - temporary construction laydown area–
    - areas of hardstanding;
    - car parking;
    - pedestrian bridge including ducts for the carrying of electricity and other utility services;
    - site and welfare offices and workshops;
    - security infrastructure, including cameras, perimeter fencing and lighting;
    - site drainage and waste management infrastructure (including sewerage); and
    - electricity, water, waste waster and telecommunications connections;
  - **Work No. 9B** – a temporary construction laydown area–
    - areas of hardstanding;
    - car parking;
    - pedestrian bridge including ducts for the carrying of electricity and other utility services;
    - site and welfare offices and workshops;

- security infrastructure, including cameras, perimeter fencing and lighting;
- site drainage and waste management infrastructure (including sewerage); and
- electricity, water, waste water and telecommunications connections

- **Work No. 10** – carbon capture readiness including-
  - **Work No. 10A** - carbon capture readiness reserve space;
  - **Work No. 10B** - diversions for public rights of way 35.47/1/1 and 35.47/6/1; and
  - **Work No. 10C** – hard and soft landscaping including tree planting, ecological mitigation, temporary and permanent fencing and other boundary treatments
- **Work No. 11** – retained and enhanced landscaping including—
  - soft landscaping including planting;
  - landscape and biodiversity enhancement measures; and
  - security fencing, gates, boundary treatment and other means of enclosure.
- **Work No. 12** – decommissioning and demolition of sludge lagoons and construction of replacement sludge lagoons including-
  - **Work No. 12A** (in connection with Unit X)–
    - decommissioning and demolition of one existing sludge lagoon; and
    - reinstatement of one existing out of service sludge lagoon:
      - bund walls;
      - underground pipework, valves and sluices; and
      - access roads
  - **Work No. 12B** (in connection with Unit Y)–
    - decommissioning and demolition of 2 existing sludge lagoons; and
    - construction of up to two new sludge lagoons:
      - bund walls;
      - underground pipework, valves and sluices; and
      - access roads
- **Work No. 13** – removal of existing 132 kilovolt overhead line and removal of two 132 kilovolt pylons and foundations
- **Work No. 14** – construction of a temporary passing place on Rusholme Lane
- In connection with and in addition to Work Nos. 1 to 14, further associated development including–
  - surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage systems;
  - electrical, gas, water, foul water drainage and telecommunications infrastructure connections and works to, and works to alter the position of, such services and utilities connections;

- hard standing and hard landscaping;
- biodiversity measures;
- closed circuit television cameras and columns and other security measures;
- site establishments 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 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 and cycle 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;
- tunnelling, boring and drilling works,
- and further associated development comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the authorised development but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

2.2 Accesses

2.2.1 The road network adjacent to the Power Station Site and within the Pipeline Area includes the A1041 and the A645, which connect the Existing Drax Power Station Complex to the wider road network including the M62 (J36) approximately 6 km south. Minor roads connect the Existing Drax Power Station Complex to the villages of Drax, Newland and isolated properties.

2.2.2 Staff and visitors access the Existing Drax Power Station Complex via the 'South Gate' on the A645. Contractors, deliveries and all HGV traffic use site entrances off New Road. Deliveries of coal and biomass are made predominantly by rail straight to the Existing Drax Power Station Complex.

Construction Access

2.2.3 The transportation of all construction materials will be via the road network from Junction 36 of the M62. Abnormal Indivisible Loads (AILs) will arrive via the Port of Goole, along the Goole Bypass, the M62 and then the A645 to Drax.

2.2.4 Given the size of some of the Heavy Goods Vehicles (HGV) and AILs, Drax may require certain highway powers in order to, for example, remove barriers on the highway (such as street furniture) and temporarily close part of the highway to allow the HGV / AIL to pass. The land would be reinstated to its former condition / reopened once the HGVs / AILs have delivered the construction materials. The possible construction transport routes for HGVs and AILs are shown in Figure 5.2, Figure 5.3 and Figure 5.4 (ES Volume 1 (Examination Library Reference

APP-073)), and it is along these routes that Drax seeks various highway powers in the Application, including temporary closure of the road and powers to remove barriers and street furniture on the highway, to enable the HGVs / AILs to pass unhindered.

2.2.5 A passing place may be provided on Rusholme Lane to facilitate construction access to the Gas Pipeline.

2.2.6 It is assumed that no new access to the Power Station Site will be required, but two new temporary accesses will be provided from New Road to the land to the east of New Road for the construction laydown area (Work No. 9B). New temporary accesses are also required along the Pipeline Construction Area in connection with construction of the Gas Pipeline (Work No. 7), and a temporary access will be provided to the AGI off Rusholme Lane (Work No. 6). All new temporary accesses are shown on the access and public rights of way plans (Examination Library Reference REP2-010).

2.2.7 Delivery or removal of materials, plant and machinery during the construction period would occur between 08:00 and 18:00 hours, Monday to Friday, and 08:00 to 13:00 hours on a Saturday. It is likely that some construction activities and deliveries will be required to be 24 hours at certain times. Where work is required outside of core construction hours this will be agreed in advance with Selby District Council.

2.2.8 A Construction Traffic Management Plan (CTMP) and Construction Worker Travel Plan (CWTP) will be produced as a basis to manage the traffic associated with the construction phase of the Proposed Scheme, whilst a Construction Environmental Management Plan (CEMP) will be produced to manage environmental effects of construction.

Operational Access

Main Site

2.2.9 Access to the Power Station Site, once Unit X and Unit Y are operational, will be maintained through South Gate. Some new internal roads within the Power Station Site will be needed, the detailed designed of which will be approved pursuant to requirements in Schedule 2 to the Order (Examination Library Reference REP2-014, with revision 3 being submitted at Deadline 3). Indicative internal roads are shown on the Indicative Plant Layout plans (Examination Library Reference REP2-011 and REP2-012, with a further revision of these plans being submitted at Deadline 3).

Gas Receiving Facility (GRF) (Work No. 5)

2.2.10 The new GRF will require permanent access from New Road and suitable junctions with the public highway will be provided. This new access will be between the points marked AI and AJ on Sheet 3 of the Access and Rights of Way Plans (Examination Library Reference REP2-010).

Above Ground Installation (AGI) (Work No. 6)

2.2.11 The AGI at the connection of the Gas Pipeline to the NTS will require permanent access. The access to the AGI will require two temporary accesses across the field during construction (between points Y and Z on the Access and Rights of Way Plan) (and as mentioned above in relation to construction access) and a new permanent access road that will run along the edge of existing fields and drainage channels to join Rusholme Lane. The permanent access will be between the points marked AW and AV on Sheet 8 of the Access and Rights of Way Plans (Examination Library Reference REP2-010). As part of Work No. 6, a new access road will also be constructed (as a small extension to the new permanent access road being constructed for access to the AGI itself) to allow the landowner to the south of the AGI to access their land. This is at the request of the landowner in question.

Highways and Public Rights Of Way (PRoWs)

2.2.12 Given the size of some of the Heavy Goods Vehicles (HGV) and Abnormal Indivisible Loads (AILs) to be used during construction of the Proposed Scheme, Drax may require certain highway powers in order to, for example, temporarily close part of the highway, and remove street furniture, barriers or traffic signs, to allow the HGV/AIL to pass. The land would be reinstated to its former condition/reopened once the HGVs/AILs have delivered the construction materials.

2.2.13 Powers for temporary road closures are sought in the Order. Such road closures will be on a temporary basis only to facilitate the transport of individual HGVs/AILs though a road section. A passing place will be provided on Rusholme Lane (in the Rusholme Lane Area) to facilitate construction access to the Gas Pipeline (Work No. 14).

2.2.14 There will be a need to temporarily stop up of four public rights of way (PRoW) during construction. Two existing PRoWs would need to be diverted permanently in the event the Carbon capture readiness reserve space is required in the future.

2.2.15 The following tables list the temporary highways closures, and temporary and permanent stopping up of PRoWs required as a result of the Proposed Scheme. The closures on the highways and PRoWs are described by reference to the Access and Rights of Way Plans (Examination Library Reference REP2-010).

Streets To Be Temporarily Stopped Up Etc

Table 2-1 – Streets to be Temporarily Stopped Up etc

(1) Area	(2) Street	(3) Description of temporary stopping up
In the District of Selby	New Road	Temporary closure of that part of the street shown between points AB and E on sheets 2, 3 and 4 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of Selby	Wren Hall Lane	Temporary closure of that part of the street shown between points AO and AP on sheet 5 of the Access and Rights of Way Plans to install and facilitate the construction of Work No. 7
In the District of Selby	Main Road	Temporary closure of that part of the street shown between points W and X on sheet 5 of the Access and Rights of Way Plans to install and facilitate the construction of Work No. 7
In the District of Selby	Rusholme Lane	Temporary closure of that part of the street shown between points Y and AV on sheet 8 of the Access and Rights of Way Plans to install and facilitate the construction of Work Nos. 6 and 7

(1) Area	(2) Street	(3) Description of temporary stopping up
In the District of Selby	A645	Temporary closure of that part of the street shown between points AB and AC on sheets 10 and 11 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of East Riding of Yorkshire	A645	Temporary closure of that part of the street shown between points AC and BF on sheets 11, 12 and 13 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of East Riding of Yorkshire	A614	Temporary closure of that part of the street shown between points BG and AE on sheets 13 and 14 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads

(1) Area	(2) Street	(3) Description of temporary stopping up
In the District of East Riding of Yorkshire	M62	Temporary closure of that part of the street shown between points BX and AG on sheets 14, 15, 16, 17, 18, 19, 20 and 21 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of East Riding of Yorkshire	A161	Temporary closure of that part of the street shown between points AF and AH on sheets 22 and 23 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of East Riding of Yorkshire	Aldam Dock	Temporary closure of that part of the street shown between points AX and BN on sheet 23 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads

(1) Area	(2) Street	(3) Description of temporary stopping up
In the District of East Riding of Yorkshire	Stanhope Street/Coronation Street	Temporary closure of that part of the street shown between points BN and BM on sheet 23 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of East Riding of Yorkshire	Coronation Street/ Boothferry Road	Temporary closure of that part of the street shown between points BM and BL on sheet 23 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads
In the District of East Riding of Yorkshire	Boothferry Road	Temporary closure of that part of the street shown between points BL and BK on sheet 23 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads

(1) Area	(2) Street	(3) Description of temporary stopping up
In the District of East Riding of Yorkshire	A614 / A161	Temporary closure of that part of the street shown between BT and AF on sheets 22 and 23 of the Access and Rights of Way Plans to ensure the safe and unhindered passage of heavy goods vehicles abnormal indivisible loads

Public Rights Of Way To Be Temporarily Stopped Up Etc

Table 2-2 – Public Rights Of Way To Be Temporarily Stopped Up Etc

(1) Area	(2) Public right of way	(3) Description of temporary stopping up etc
In the District of Selby	Public footpath 35.47/4/1	Between the points marked M and N on sheet 5 of the Access and Rights of Way Plans
In the District of Selby	Public footpath 35.47/5/1	Between the points marked O and P on sheet 5 of the Access and Rights of Way Plans
In the District of Selby	Public footpath 35.47/9/1	Between the points marked Q and R on sheet 6 of the Access and Rights of Way Plans
In the District of Selby	Public footpath 35.49/2/1	Between the points marked S and T on sheet 6 of the Access and Rights of Way Plans

Public Rights Of Way To Be Permanently Stopped Up

Table 2-3 – Public Rights Of Way To Be Permanently Stopped Up

(1) Area	(2) Public right of way to be stopped up	(3) Extent of stopping up	(4) Replacement public right of way
In the District of Selby	Public footpath 35.47/1/1	Between the points marked J and K on sheet 2 of the Access and Rights of Way Plans	Between the points marked J and L on sheet 2 of the Access and Rights of Way Plans
In the District of Selby	Public footpath 35.47/6/1	Between the points marked G and H on sheet 2 of the Access and Rights of Way Plans	Between the points marked G and I on sheet 2 of the Access and Rights of Way Plans

2.3 Flexibility

2.3.1 Not all of the design and construction details will be fixed by the time of submission of the Application. The design of the Proposed Scheme is being developed using an iterative process which takes into account the following information as it becomes available:

- Environmental assessment information.
- Ongoing engagement with statutory consultees.
- Design and build contract tender award.

2.3.2 Drax is applying for development consent to repower up to two existing coal-powered generating units (Units 5 and 6) at the Existing Drax Power Station Complex and construct up to two gas fired generating units. The new gas turbine generating units have been designated the terms "Unit X" and "Unit Y". At this stage, Drax cannot confirm whether it will construct one gas generating station (producing up to 1,800 MW of electricity) or two gas generating stations (producing up to another 1,800 MW creating a total of up to 3,600 MW of electricity). Accordingly, development consent is sought for two potential options, being:

- Repowering of either Unit 5 or 6 and construction of Unit X as a gas fired generating station; or
- Repowering of both Units 5 and 6 and construction of Unit X and Unit Y as two gas fired generating stations.

2.3.3 In the event that a single unit is repowered, 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 / shield 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.

2.3.4 The indicative site layout for the repowering of one unit and the construction of one gas fired generating station (Unit X) is shown in the One Unit Option Indicative Plant Layout plans (Examination Library Reference REP2-012, with revision 4 o these plans being submitted at Deadline 3) and the indicative layout for the repowering of two units and the construction of two gas fired generating stations (Unit X and Unit Y) is shown in the Two Unit Option Indicative Plant Layout plans (Examination Library Reference REP2-011, with revision 4 of these plans being submitted at Deadline 3).

2.3.5 The technical complexities of bringing the Proposed Scheme to market and ensuring commercial success in the UK energy market well before any contractual specification and build can be finalised, means that scheme design flexibility is required to ensure that future variables at Drax can be accommodated in the Order.

2.3.6 As with almost all energy providers, Drax will need to secure the opportunity to supply electricity on the open market. Energy is sold to energy suppliers through mechanisms such as the Energy Market or the Capacity Market. These mechanisms allow for secured provision of energy to be agreed with suppliers or National Grid. This guarantee of supply allows for certainty in the UK energy market for both producers and suppliers.

2.3.7 Securing agreement to provide energy is critical to the success of the Proposed Scheme, and this can only be done with the certainty of the Order in place.

2.3.8 The decision as to whether Drax constructs two gas fired generating stations as opposed to one (and whether it constructs any of the battery storage facilities) is therefore, in part, a commercial decision that can only be taken post any consent being granted.

2.4 Site Reconfiguration Works

2.4.1 In order to construct Unit X and Unit Y and associated facilities on the Power Station Site, it is proposed to demolish, remove and relocate existing facilities at the Power Station Site. These works are known as the Site Reconfiguration Works or Stage 0 and will be completed prior to the commencement of any further construction activities.

2.4.2 The Site Reconfiguration Works were identified as Work No. 15 in the Order submitted with the Application. The Site Reconfiguration Works were also 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 therefore started to carry out the Site Reconfiguration Works by implementing planning permission 2018/0154/FULM. At Deadline 2 the Applicant submitted a non-material

amendment application to the Examining Authority to remove these works from the Proposed Scheme being authorised under the DCO.

2.4.3 As part of the Site Reconfiguration Works, the private squash court will be demolished and not replaced, while the Learning Centre will be demolished and its functions consolidated into existing facilities. Other facilities will be demolished and relocated as shown in Figure 3.2 and Figure 3.3 of the ES (Examination Library Reference APP-071), including car parking, Turbine Outage Stores, contractors compounds and welfare facilities. In addition, a cooling water spray screen up to 10 m high will be built between relocated facilities and the southern cooling towers.

2.5 Technology

2.5.1 Drax and Siemens are working in partnership to install Siemens gas turbines and battery technology at the Site. To achieve one of Drax's objectives of maximising the efficiency of the Drax Power Station, the new gas turbines will likely be Siemens SGT5-9000HL machines. This is a new generation gas turbine, which operates at a higher combustion temperature than machines currently in operation in the UK. This results in higher efficiency electricity production and lower emissions of CO_2 per MW, particularly when used in conjunction with the existing steam turbines in combined cycle mode.

2.5.2 As a new product, and as a project to repower older, existing units, there are bespoke engineering solutions being developed as well as advancements made by the technology suppliers themselves. Therefore, by keeping design parameters open and not being prescriptive in terms of technology, this allows for flexibility to include the most advanced design possible once the approval process are completed.

2.6 Timing of construction

2.6.1 Unit X and Unit Y will be constructed in stages which are referred to as Stages 1 and 2. During Stage 1, Unit X will be constructed. Once Unit X is ready for connection into the steam turbine, one existing coal-fired unit will be turned off so as to allow the steam turbine to be used for Unit X. At this point, there would be one remaining coal-fired unit in operation. During Stage 2, Unit Y will be constructed while Unit X is operational as a gas-fired unit. Again, once Unit Y is ready for connection into the steam turbine, the remaining coal-fired unit will be turned off so as to allow the steam turbine to be used for Unit Y. At this point, there would no remaining coal-fired units in operation at the Existing Drax Power Station Complex.

2.6.2 Each construction stage will take approximately 34 months followed by commissioning. It is anticipated that the two construction stages will be separated by up to a year, but this could be longer depending on commercial considerations. The overall programme will last at least 83 months including commissioning of the second unit. The Gas Pipeline and the building to house the battery storage facilities (in connection with Units X and Y) will be constructed within the first half of this programme (Stage 1). The battery storage would be

installed in two phases as each unit is repowered (that is, during Stage 1 in connection with Unit X, and during Stage 2 in connection with Unit Y).

2.6.3 It is assumed that construction of Unit X will commence in 2019/2020 with OCGT capability by 2021/2022 and CCGT ready by 2022/2023. If both Unit X and Unit Y are built, the construction of Unit Y would likely commence in 2024 and be completed in 2027.

2.7 Summary

2.7.1 There are a number of features of the Proposed Scheme that cannot be confirmed until the tendering process for the construction contract. As various aspects of the Proposed Scheme have not been fixed, their exact location and scale may vary. The design of the Proposed Scheme therefore incorporates a degree of flexibility by setting (and assessing) maximum parameters, or the "Rochdale Envelope Approach" (Ref. 2). Maximum parameters have therefore been provided to accommodate the above variables. These parameters are secured by the requirements in Schedule 2 to the Order. The maximum parameters are set out below (and in Schedule 13 to the Order).

Design Parameters

Table 2-4 – Temporary Construction Parameters

Component	Work No.	Maximum length (m)	Maximum width (m)	Maximum height (m AGL)	(5) Maximum height (m AOD)
Pedestrian Bridge	9A(iii)	33	10	11.5	17

Table 2-5 – Unit X Maximum Parameters

Component	Work No.	Maximum length (m)	Maximum width (m)	Maximum height (m AGL)	Maximum height (m)
Turbine hall building	1A(ii)	87	23	28	34
Heat recovery steam generator building (up to two)	1A(iv)	55	29	49	55

Component	Work No.	Maximum length (m)	Maximum width (m)	Maximum height (m AGL)	Maximum height (m)
Exhaust gas emission flue stacks (up to two)	1A(iv)	-	-	123	129
Bypass stack (up to two) (excluding supporting structures)	1A(v)	-	-	123	129
Transformers	1A(vi)	36	20	11	17
Gas turbine air inlet house filter	1A(vii)	26	27	35	41
Power control centre	1A(viii)	17	17	6	12
Turbine outage store building (up to two)	1A(xiv)	113	43	28	34
Fuel gas station	1A(xvi)	26	19	7	13
Main pipe rack	1B(i)	600	12	25	31
Battery storage facility including any structure (where constructed in its entirety in a single stage, being stage 1)	3A	180	60	10	16

Component	Work No.	Maximum length (m)	Maximum width (m)	Maximum height (m AGL)	Maximum height (m)
Battery storage facility including any structure (where constructed in two stages, being stage 1 and stage 2)	3A	90	60	10	16
Gas insulated switchgear banking building	4A	18	12	11	17
Control room building for gas insulated switchgear	4A	26	12	11	17
Gas receiving facility (GRF) Compound	5	85	86	10	16
Pig Trap Facility (Launching) Compound	6B	30	30	5	10
Minimum Offtake Connection	6A	30	30	5	10
Re-instatement of sludge lagoon	12A	82	55	-	-

Table 2-6 – Unit X Minimum Parameters

Component	Work No.	Minimum height (m AGL)	Minimum height (m)
Exhaust gas emission flue stacks (up to two)	1A(iv)	122.5	128.5
Bypass stack (up to two) (excluding supporting structures)	1A(v)	122.5	128.5

Table 2-7 – Unit Y Maximum Parameters

Component	Work No.	Maximum length (m)	Maximum width (m)	Maximum height (m AGL)	Maximum height (m)
Turbine hall building	2A(ii)	87	23	28	34
Heat recovery steam generator building (up to two)	2A(iv)	55	29	49	55
Exhaust gas emission flue stacks (up to two)	2A(iv)	-	-	123	129
Bypass stack (up to two) (excluding supporting structures)	2A(v)	-	-	123	129
Transformers	2A(vi)	36	20	11	17
Gas turbine air inlet house filter	2A(vii)	26	27	35	41
Power control centre	2A(viii)	17	17	6	12
Fuel gas station	2A(xv)	26	19	7	13
Main pipe rack	2B(i)	1100	12	25	31

Component	Work No.	Maximum length (m)	Maximum width (m)	Maximum height (m AGL)	Maximum height (m)
Battery storage facility including any structure (where constructed in two stages, being stage 1 and stage 2)	3B	90	60	10	16
Gas insulated switchgear banking building or extension to 4A building	4B	18	12	11	17
Sludge lagoon (up to two)	12B	82	55	-	-
Cable Sealing End Compound	8B(ii)	35	28	20	26

Table 2-8 – Unit Y Minimum Parameters

Component	Work No.	Minimum height (m AGL)	Minimum height (m)
Exhaust gas emission flue stacks (up to two)	2A(iv)	122.5	128.5
Bypass stack (up to two) (excluding supporting structures)	2A(v)	122.5	128.5

2.8 Carbon Capture Ready

2.8.1 In accordance with the requirements of NPS EN-1 the plant is being designed to be Carbon Capture Ready (CCR). 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 (Examination Library Reference APP-067, although note that the Applicant has revised the CCR Statement in response to representations made by the Environment Agency. The revised Statement has been submitted into the Examination at Deadline 3).

2.8.2 In accordance with CCR requirements, the Proposed Scheme 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 Scheme. Therefore, the design of the Proposed Scheme will be developed with consideration for the possible future retrofitting of carbon capture technology at some future date.

2.8.3 The CCR Statement (Examination Library Reference APP-067, a revised version of which is submitted at Deadline 3) 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 (Ref 3). The Carbon capture readiness reserve space (Work No. 10 and the corresponding area shown on the Works Plans (Examination Library Reference REP2-007)), will be partly used for construction laydown in connection with construction of the Power Station Site (Work No. 9), following which it will be reserved for CCR purposes. This safeguarding of the Carbon capture readiness reserve space, and regular reporting on the feasibility of carbon capture and storage, are both secured by requirements in Schedule 2 of the Order. During the reservation of the Carbon capture readiness reserve space, the land can be utilised, provided that the use and occupation does not hinder Drax from preparing the land for carbon capture should the technology proof feasible and viable.

3 DESCRIPTION OF THE SITE AND ORDER LAND

3.1 Overview

3.1.1 The Site is approximately 71.41 ha and lies approximately 4 m Above Ordnance Datum (AOD).

3.1.2 The Site Boundary (depicted with a red line on the Site Location Plan (submitted at Deadline 2, Applicant's Examination Library Ref REP2-005)) represents the maximum extent of all potential permanent and temporary works required as part of the Proposed Scheme.

3.1.3 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, Chapter 1 (Introduction) of the ES Volume 1 (Examination Library Reference APP-069):

Table 3-1 – Description of Development Parcels within the Power Station Site, the Carbon capture readiness reserve space and Pipeline Area

Development Parcel	Description
Power Station Site and the Carbon capture readiness reserve space	
A (Carbon capture readiness reserve space)	Agricultural land owned by the applicant and leased to third parties for agricultural purposes
B (Power Station Site and Carbon capture readiness reserve space)	Scrub land within the curtilage of the Existing Drax Power Station Complex
C (Power Station Site)	Area of hardstanding within the curtilage of the Existing Drax Power Station Complex
D (Power Station Site)	Roadway from North Gate Entrance
E (Power Station Site)	Scrub land within the curtilage of the Existing Drax Power Station Complex
F (Power Station Site)	Units 5 and 6 (including, associated infrastructure), stores, contractors facilities (including, car park), sludge lagoon and National Grid substation within the curtilage of the Existing Drax Power Station Complex
G	*Drax jetty - no longer part of Proposed Scheme*
H	Site Reconfiguration Works – no longer part of the Proposed Scheme
Pipeline Area	
I	Agricultural land
J	Agricultural land
K	Agricultural land
L	Agricultural land

3.1.4 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, and these are discussed below.

3.1.5 The land over which compulsory acquisition powers are sought in respect of the **freehold** is shown shaded pink on the Land Plans (plots 9, 9b, 57 and 62). Article 19 of the Order is relied upon in this respect. The land over which compulsory acquisition powers are sought in respect of the **leasehold** is also shown shaded pink on the Land Plans (plots 2, 4, 6, 8, 10, 13 and 15), the freehold of which is owned by Drax (Article 19 of the Order is also relied upon in this respect). The land is described in more detail in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005). A summary of the status of negotiations, together with the reason for the acquisition, is set out in the Schedule of Negotiations (Examination Library Reference REP2-036).

3.1.6 The freehold of plots 9 and 9b is needed in order to construct and operate the permanent 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).

3.1.7 The freehold of plots 57 and 62 is needed in order to construct and operate the 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).

3.1.8 The leasehold interests in land are needed in order to construct and operate elements of the Proposed Scheme relating to the electricity generating stations (Work Nos. 1 and 2), battery storage facilities (Work No. 3), gas insulated switchgear (GIS) banking buildings (Work No. 4), electrical connections (Work No. 8), construction laydown areas (Work No. 9), Carbon capture readiness space and associated landscaping and diversion of PRoWs (Work No. 10), decommissioning/demolition and construction of sludge lagoons (Work No. 12), and removal of 132 kilovolt overhead line (Work No. 13). These plots are in the freehold of Drax, but are also the subject to leasehold interests (or other interests that could amount to landlord and tenant arrangements through service contracts with Drax) that could hinder and be incompatible with the Proposed Scheme.

3.1.9 Drax requires the **compulsory acquisition of new rights only** over plots 5, 9a, 12, 14, 18, 24, 25, 27, 33, 37, 40, 42, 43, 47, 49, 50, 56, 58, 59, 61, 65, 66 and 67. This land is shown shaded blue on the Land Plans. These areas are predominantly 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), but also include areas required for the electrical connections on the existing National Grid 400 kilovolt substation (plot 5, and Work No. 8); construction of the pedestrian bridge over the highway (plot 14, and Work No. 9A); 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, 6B or 7A); the Gas Pipeline and other connections to go under the highway connecting between the Power Station Site and the GRF (plot 9a, and part of Work Nos. 1C and D and 2C and D); and various works including connection to existing equipment, lighting, drainage, landscaping and fencing. The Pipeline Operational Area, over which new rights are sought, include both the corridors within which the Gas Pipeline and any connections are to be constructed and installed, and, where necessary, routes along the Gas Pipeline by which Drax can gain access to the relevant corridor for maintenance. A summary of the status of negotiations, together with the reason for the acquisition, is set out in the Schedule of Negotiations (Examination Library Reference REP2-036). Article 22 of the Order is relied upon in respect of this land. For the plots shown shaded blue on the Land Plans which are either highway or a Public Right of Way, over which rights are sought to enter the subsoil under the highway or Public Right of Way or (with respect plot 14) the airspace over the highway, Article 27 of the Order is also relied upon.

3.1.10 Drax requires the **compulsory extinguishment of private rights or interests** in or over plots 3 and 7 in order to construct and operate elements of the Proposed Scheme relating to the construction laydown areas (Work No. 9A), Carbon capture readiness reserve space and associated landscaping and diversion of PRoWs (Work No. 10), and retained and enhanced landscaping (Work No. 11). These plots are in the freehold of Drax, but may contain certain easements and private rights that could hinder and be incompatible with the Proposed Scheme. Articles 20 and 23 of the Order are relied upon in this respect, and where the interest is held by a statutory undertaker or utility provider, Article 30 of the Order is also relied upon in respect of this land.

3.1.11 Drax may also need to **compulsorily extinguish or suspend certain easements and other private rights** in land within the Order 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 (as well as for the above ‘green' land), meaning that these powers are sought for all the land within the Order Land.

3.1.12 Drax requires the **temporary possession** of plots 11, 19, 21, 26, 28, 32, 35, 39, 41, 44, 45, 46, 48, 51, 52, 53, 54, 55, 58, 60 and 64. These areas are located within the Pipeline Construction Area and are required for the construction of the Gas Pipeline and Above Ground Installation, and construction laydown areas associated with those works (Work Nos. 7B and 6C and D). Temporary possession of plot 64 is required in relation to the creation of a passing place for construction traffic associated with the construction of the Gas Pipeline and AGI on Rusholme Lane (Work No. 14). A summary of the status of negotiations, together with the reason for the temporary possession, is set out in the Schedule of Negotiations (Examination Library Reference REP2-036). Articles 28 (for construction) and 29 (for maintenance) of the Order are relied upon in respect of this land.

3.1.13 Drax may also need the **temporary possession** of land shaded pink, blue and green (except where Drax is the freehold owner and there are no occupiers or leasehold interests (plots 3 and 7)) 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.

3.1.14 Drax has identified statutory undertakers, utility providers or communications operators that may have land or apparatus belonging to them within the Order Land, namely, National Grid Electricity Transmission plc, National Grid Gas plc, Yorkshire Water Limited, Vodafone Limited, Northern Powergrid (Yorkshire) plc, Northern Powergrid Limited and British Telecommunications Plc. Article 30 of the Order is relied upon in respect of statutory undertakers' land or interests, and gives power for the compulsory acquisition of land, extinguishment or suspension of rights, and the creation and compulsory acquisition of new rights, although this article operates subject to protective provisions in Schedule 12 of the Order.

3.1.15 The draft Order (Examination Library Reference REP2-014, revision 3 of which is submitted at Deadline 3) includes protective provisions in respect of relevant types of statutory undertakers, utility providers and communications operators (schedule 12). Yorkshire Water Limited and Openreach (a wholly-owned subsidiary and functional division of British Telecommunications plc) have confirmed their agreement to the protective provisions in schedule 12, and Drax is currently seeking to agree the form of protective provisions with the remaining above companies and is in active discussions.

3.2 The Surrounding Area

3.2.1 Drax Power Station is surrounded by the villages of Drax approximately 700 m to the south, Long Drax 900 m north-east, Hemingbrough approximately 2 km north and Camblesforth approximately 1 km south-west. Larger towns in the vicinity of the Existing Drax Power Station Complex are Selby approximately 5 km north-west and Goole approximately 7.5 km south-east.

3.2.2 Rusholme Wind Farm is located approximately 3.8 km to the east of the Power Station Site and Drax Golf Club just across the A645 to the South. There is an industrial site immediately adjacent to the Power Station Site to the south-west. Drax Skylark Centre and Nature Reserve are adjacent to the north-west of the Power Station Site.

3.2.3 There is an area of probable Roman activity in a field immediately north of the Power Station Site where ditch remains and associated pottery were recovered. Scurff Hall moated site is a scheduled monument to the south of the Pipeline Area and Drax Augustinian Priory is located to the north of the Power Station Site.

3.2.4 The nearest major surface water feature is the River Ouse, located approximately 1.5 km north east of the Existing Drax Power Station Complex. Approximately 3.5 km downstream of the Power Station Site, the River Ouse forms part of the Humber Estuary Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). River

Derwent is the closest SAC being approximately 0.7 km to the north of the Power Station Site. There are various other sites designated for their biodiversity value within the area.

3.2.5 Public Rights of Way (PRoW) run immediately adjacent to the western and northern borders of the Power Station Site, and through Development Parcel A (see Figure 1.3, Chapter 1 of the ES (Examination Library Reference APP-068)). A PRoW network extends across much of the surrounding area (see Figure 3.1c of Chapter 3 of the ES Volume 1 (Examination Library Reference APP-071)), with a high concentration between the village of Drax and the River Ouse to the north. The Trans-Pennine Trail long distance path and Sustrans Route 65 run on the eastern bank of the River Ouse. Further details can be found in Chapter 5 (Traffic and Transport), Chapter 10 (Landscape and Visual Amenity) and Chapter 14 (Socio-Economics) ES Volume 1 (Examination Library References APP-073, APP-078, APP-082).

4 COMPULSORY ACQUISITION POWERS

4.1.1 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.

4.1.2 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).

4.1.3 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.

4.1.4 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).

4.1.5 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 NEED FOR THE COMPULSORY ACQUISITION OF LAND AND RIGHTS

5.1 The matters to which the Secretary of State must have regard

5.1.1 As noted above, under section 122 of the PA 2008, 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 5.2 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 SoS 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 this Section and Sections 6 and 7 below).

5.1.2 In respect of the section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 8, DCLG, September 2013 as amended (Ref 1)), 'the Guidance') states that applicants should be able to demonstrate to the satisfaction of the SoS that the land in question is needed for the development for which consent is sought. The Guidance goes on to say that the SoS will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.

5.1.3 In respect of the section 122(3) condition, the Guidance (at paragraph 13) states that the SoS 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 SoS will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.

5.1.4 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 SoS when justifying an order authorising compulsory acquisition. These are as follows:

- that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Scheme) have been explored - see sections 5.4, 5.5 and 5.6 below;
- 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 sections 5.2 and 5.3 below;
- that Drax 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 Scheme, and Sections 5.2 and 5.3 describe 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 (Examination Library Reference REP2-016); 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 Sections 5.2, 5.3, 6 and 7.

5.1.5 This Statement of Reasons sets out the factors that Drax considers demonstrate that the conditions in Section 122 of the PA 2008, and the considerations set out in the Guidance, are satisfied.

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

5.2.1 To ensure that the Proposed Scheme 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, Drax 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.

5.2.2 There are four categories of land powers included in the Order (Examination Library Reference REP2-014, revision 3 of which is submitted at Deadline 3) - 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 Drax requires the land for. The section also provides information on the status of negotiations to acquire these interests by agreement.

5.2.3 **All interests (including leasehold and freehold)** – the land over which compulsory powers are sought generally (and therefore including the freehold and leasehold interest) is shown shaded pink on the Land Plans (Examination Library Reference REP2-006). In summary, the areas in which freehold acquisition is sought with respect to plots 9 and 9b are for the permanent 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). The areas in which freehold acquisition is sought with respect to plots 57 and 62 are for the permanent 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).

5.2.4 In respect of plots 2, 4, 6, 8, 10, 13 and 15, Drax is the freehold owner of these plots but the land is subject to leasehold interests or potential leasehold interests that need to be acquired in order to ensure that the following elements of the

Proposed Scheme can proceed unhindered: the electricity generating stations (Work Nos. 1 and 2), battery storage facilities (Work No. 3), gas insulated switchgear (GIS) banking buildings (Work No. 4), electrical connections (Work No. 8), construction laydown areas (Work No. 9), Carbon capture readiness space and associated landscaping and diversion of PRoWs (Work No. 10), decommissioning/demolition and construction of sludge lagoons (Work No. 12), and removal of 132 kilovolt overhead line (Work No. 13).

5.2.5 Drax has only included powers to compulsorily acquire the freehold and leasehold 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 Scheme. Article 19 of the Order is relied upon in respect of this land.

5.2.6 **New rights** – the land over which compulsory powers are sought in respect of the creation of new rights is shown shaded blue on the Land Plans (plots 5, 9a, 12, 14, 18, 24, 25, 27, 33, 37, 40, 42, 43, 47, 49, 50, 56, 58, 59, 61, 65, 66 and 67). These are predominantly areas 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), but also include areas required for the electrical connections on the existing National Grid 400 kilovolt substation (plot 5, and Work No. 8); construction of the temporary pedestrian bridge (plot 14, and Work No. 9A); 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); the Gas Pipeline and other connections to go under the highway connecting between the Power Station Site and the GRF (plot 9a, and part of Work Nos. 1C and D and 2C and D); and various works including connection to existing equipment, lighting, drainage, landscaping and fencing. The Pipeline Operational Area over which new rights are sought include both the corridors within which the pipeline and any connections are to be constructed and installed, and where necessary, routes along which Drax can gain access to the relevant corridor for maintenance. Article 22 of the Order is relied upon in respect of this land. The area of land the subject of Article 22 has been reduced as far as possible; for example the rights required to install, use and maintain the Gas Pipeline (Work No. 7) is restricted to 15m (see Schedule 8 of the Order).

5.2.7 The powers sought relate to a number of rights (including restrictive covenants) to facilitate Drax and all persons authorised on behalf of Drax to construct, use and maintain at all times during the construction and post construction periods the Proposed Scheme. Schedule 8 to the Order identifies the plots and the rights to be acquired.

5.2.8 **Extinguishment (etc) of rights** – in addition, Drax has included land which it owns (shown shaded green on the Land Plans, and being plots 3 and 7) 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 Scheme without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting all land within the Order land which also need to be extinguished in order to facilitate the construction and

operation of the Proposed Scheme. Articles 20 and 23 of the Order are therefore relied upon in respect of plots 3 and 7, and all other land within the Order land.

5.2.9 **Temporary use** – the land for which powers of temporary use are sought is shown shaded yellow on the Land Plans (plots 11, 19, 21, 26, 28, 32, 35, 39, 41, 44, 45, 46, 48, 51, 52, 53, 54, 55, 60, 64). Articles 28 and 29 of the Order are relied upon in respect of this land, and as such no compulsory acquisition is sought. Article 28 permits temporary use in two ways:

- Firstly, the land identified in Schedule 10 to the Order (which are the plots listed immediately above) may only be temporarily possessed (i.e. Drax 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 28 permits Drax 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 construction of the Gas Pipeline (Work No. 7) (the Pipeline Construction Area), and once it has carried out detailed surveys, to acquire new rights (pursuant to the powers in Article 20, as set out above) in a 15 metre wide strip only within that overall corridor (being the Pipeline Operational Area). Such an approach has precedent amongst other DCOs including the Thorpe Marsh Gas Pipeline Order 2016.

5.2.10 Drax has included specific powers to use land temporarily to construct the Proposed Scheme (i.e. that shaded yellow on the Land Plans) where it does not require any interest in the land on a permanent basis. These areas relate to the proposed Gas Pipeline (Work No. 7), the proposed AGI (Work No. 6), and the proposed passing place on Rusholme Lane (Work No. 14). In addition, Article 29 of the Order provides for the temporary possession of the Order Land during the "maintenance period", which is limited to a five year period beginning with the date that numbered work 1A (being Unit X) is fully commissioning except where the maintenance required is in respect of landscaping, in which case "the maintenance period" means such period as set out in the landscape and biodiversity strategy which is approved by the relevant planning authority pursuant to requirement 7 of the draft Order (Examination Library Reference REP2-017).

5.2.11 The construction working width allowed for along the Gas Pipeline is generally 30 metres. The working width is wider in places 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. The area at Rusholme Lane will be required to create a passing place to facilitate construction access to the Gas Pipeline.

5.2.12 Further information on the method of construction of the Gas Pipeline, AGI and the passing place can be found in Chapter 3 of the Environmental Statement (Examination Library Reference APP-071).

5.2.13 In respect of the land shaded pink, blue and yellow, Drax may need to extinguish or suspend certain easements and other private rights to ensure that the Proposed Scheme can proceed unhindered. Articles 20 and 23 are relied upon in this respect.

5.2.14 In all cases the plots of land shown on the Land Plans are described in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005).

5.2.15 Drax has been seeking to acquire the relevant freehold and leasehold interests, new rights and temporary use of land by private treaty, in order to ensure the implementation of the Proposed Scheme. However, it has not yet been possible to acquire all of these by agreement. In addition, Drax 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 Scheme.

5.2.16 In the absence of powers of compulsory acquisition, the Order Land may not be assembled, uncertainty will continue to prevail and Drax considers that its objectives and Government policy objectives would not be achieved. 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, as well as secure the removal of matters affecting the Order Land that may impede the Proposed Scheme, 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 (Ref 1).

5.2.17 Drax's justification for seeking compulsory acquisition and temporary possession powers, in accordance with the provisions of the PA 2008, is to secure land, the temporary use of land, the rights and other interests required to enable Drax to construct, operate and maintain the Proposed Scheme within a reasonable commercial timeframe.

5.2.18 The inclusion of powers of compulsory acquisition and temporary possession 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 Scheme, its construction and future maintenance.

5.3 Use of the Order Land and Status of Negotiations

5.3.1 The intended purpose for which land is subject to the proposed powers of compulsory acquisition and to possess land temporarily (as per Articles 19, 20, 22, 23, 28 and 29) is summarised in the Schedule of Negotiations (Examination Library Reference REP2-036), which document will continue to be updated throughout the Examination.

5.3.2 The use of the land in the Schedule of Negotiations is described by reference to the Work Nos. set out in Schedule 1 to the Order and shown on the Works Plans (Examination Library Reference REP2-007), and by plot number as referenced in the Book of Reference (Examination Library Reference REP2-017, a revised

version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005) and Land Plans (Examination Library REP2-006). Some plot numbers appear in more than one row in the Schedule, indicating that there is more than one interest in the relevant plot.

5.3.3 For each interest in a plot in the Schedule, the powers sought in the Order, and the reason for acquisition or possession, are set out. As explained earlier, powers to extinguish certain easements etc. or to take temporary possession are sought for most, if not all, land within the Order Land. However, these powers are only referenced in the Schedule of Negotiations where the power sought for a plot is only to take temporary possession or is only to extinguish certain easements. Where powers of compulsory acquisition of land or rights are sought, these additional powers are not mentioned. The full detail of the powers sought for each plot and interest is set out in the Book of Reference (Examination Library Reference REP2-017, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.3, Rev. 005) and the Compulsory Acquisition Schedule (Examination Library Reference REP2-019, a revised version of which is submitted at Deadline 3, Applicant's document reference 4.4, Rev. 004).

5.3.4 Plot 2 is part of the Existing Drax Power Station Complex and is land in which Drax owns the freehold. As noted in the Schedule of Negotiations, there are companies which currently occupy plot 2 and who provide services to Drax, pursuant to a services agreement. Given the potential for the services agreement to establish a landlord and tenant arrangement between Drax and the company, each company has been identified as having a Category 1 interest, and rights to acquire a leasehold interest are therefore sought in relation to those interests.

5.3.5 The Schedule also sets out the position in terms of Drax's negotiations to acquire interests in land or to take possession of land required for the Proposed Scheme by agreement.

5.4 Alternatives to Compulsory Acquisition

5.4.1 The Proposed Scheme requires the acquisition of land and the acquisition of/creation of rights to secure the land and rights needed to build, operate and maintain the Proposed Scheme. Although the Proposed Scheme represents the most economical use of existing infrastructure and operational land at the Existing Drax Power Station Complex (compared with the alternatives considered), there is no alternative but to seek to acquire some additional land, acquire and create rights over land, and the temporary use of land to allow the Proposed Scheme to be constructed, operated and maintained.

5.4.2 In accordance with DCLG's Guidance related to procedures for compulsory acquisition of land (Ref 1), Drax has explored all reasonable alternatives to compulsory acquisition.

5.4.3 Drax's consideration of alternatives has been carried out in the context of wanting to achieve the following objectives at the Existing Drax Power Station Complex:

A. Reducing the reliance of Drax Power Station on coal as a source of power for electricity generation and replace that source with one that meets the Government's aims of creating a diverse energy mix that maintains security

of supply as well as providing flexible back up for intermittent renewable energy.

B. Ensuring that Drax Power Station maintains its position as one of the UK's main power generators, playing an important role in helping the UK transition to a low carbon economy through the re-utilisation of as much existing infrastructure as possible (such as cooling systems, cooling towers and steam turbines) which would otherwise be potentially redundant despite the infrastructure remaining within its operating life and capable of contributing to more efficient energy production and a lower carbon footprint (given it is already constructed).

C. Utilising as much existing operational land within the Existing Drax Power Station Complex as possible so as to maximise the use and efficiency of existing infrastructure.

D. Maximising the efficiency of Drax Power Station; and

E. Increasing the flexible, response generating capacity of Drax Power Station to meet increasing demand across the UK by:

a) providing additional support services to manage the stability of the national grid, such as frequency response and inertia, to support weather-dependent renewables like wind and solar; and

b) increasing reliable large scale capacity on the system (i.e. large amount of capacity that can be called on at any time).

5.4.4 Realistic alternatives that could potentially achieve these objectives are considered in Chapter 4 of the ES (Examination Library Reference APP-072):

- Do nothing scenario
- Alternative development sites
- Alternative fuels for electricity generation
- Alternative options for the Gas Pipeline route
- Alternative construction transport routes

5.4.5 Further alternatives considered include alternative layouts, technologies, emissions abatement and stack heights. However, it is worth noting that the alternatives considered in Chapter 4 of the ES in relation to alternative layouts for Units X and Y within the Existing Drax Power Station Complex, alternative technologies in particular in relation to the type of HRSGs, and alternative stack heights and configurations, were discounted for reasons which included the additional land that would be required in connection with those alternate options. It was considered that those options were not conducive to accomplishing the efficiency Drax is seeking to achieve because the options did not maximise the re-use of its existing operational land and infrastructure (and therefore did not minimise additional land take) in the way the Proposed Scheme does.

5.4.6 The 'do nothing' scenario was not considered appropriate given the established need for new energy and clean lower carbon energy generation as set out in the

National Policy Statements (NPSs) covering nationally significant energy projects.

5.4.7 In terms of alternative development sites, given the nature and objectives of the Proposed Scheme (i.e. utilising existing operational land and infrastructure), geographically distant alternative power station sites were not considered viable. The Site was selected by Drax because:

- The majority of the Site is currently in the freehold ownership of the Drax.
- There is a long history of power generation on the Existing Drax Power Station Complex and the Power Station Site is currently used for this purpose, meaning there will be little material change to the land use.
- The majority of the Site is brownfield, meaning sterilisation of currently agricultural land will be minimised.
- The Power Station Site has existing electrical and transport connections.
- It allows for the reuse of existing infrastructure, such as steam turbines and existing cooling technology, therefore reducing the cost, carbon footprint and land take of the Proposed Scheme, as well as maximising the efficiency of the Drax Power Station.
- The Power Station Site is in close proximity to the NTS, minimising the length of the Gas Pipeline and therefore land / rights needed for this purpose.
- Utilising the existing 400 kV National Grid substation, which has two spare bays, will avoid the need for a new substation, which in turn avoids the need to acquire further land.
- The Existing Drax Power Station Complex, within which the Power Station Site is located, is specifically set out in the local development plan for further development associated with electricity generation (see section 7 for further details).

5.4.8 Drax assessed alternative fuel types which would allow the reuse of existing infrastructure on the Existing Drax Power Station Complex. These alternative fuel types were biomass and natural gas.

5.4.9 Following the conversion of Unit 4 to biomass in August 2018, biomass was found not to be viable for the remaining coal fired units. This was the result of a response from the UK Government in January 2018 which applies a cap on renewable obligation units (ROCs) at a power station level. This means biomass was not an economically viable option for Units 5 and 6.

5.4.10 Natural gas was assessed as an economically viable fuel choice. Further, gas-fired power generation is in line with national planning policy (as described in section 7).

5.4.11 Consideration has been given to the transportation of materials to site during construction. The use of the River Ouse and an existing Drax owned jetty was considered for the transportation of large plant and equipment up to 200 tonnes. However, this construction transport route was discounted following the PEIR and consultation. Works including the location of at least one mobile crane landside of the jetty, associated security lighting, fencing, storage and welfare

facilities, laydown areas and dredging would have been required to make the jetty suitable for use. These works would have given rise to significant environmental effects, particularly resulting from the dredging activity. Further, the works would have been cost prohibitive and had limited benefit as a result of tidal restrictions. For these reasons transportation of materials by road was considered preferable.

5.4.12 None of the alternatives considered would achieve Drax's objectives, and the alternatives studied either do not provide the compelling benefits that the Proposed Scheme will provide, or they would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations. As has been explained above, a key aspect of Drax's objectives is the re-use of as much of its existing operational land and infrastructure as possible, in order to achieve greater efficiency and limit the scheme's carbon footprint, and minimising the requirement for the acquisition of new land and rights is part of that.

5.4.13 Drax has sought to acquire the necessary land and rights through agreement, and is continuing to actively engage with all affected persons, however it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required in order to construct and operate the Proposed Development.

5.5 Consideration of Alternative Gas Pipeline Routes

5.5.1 Feasibility studies have been undertaken to consider how to connect the proposed gas fired units to the National Gas NTS. The potential to connect to the Local Transmission System was also considered and discounted as the connection route would be considerably longer than a connection to the NTS, and it is highly unlikely that the gas flows required could be achieved without significant reinforcement works.

5.5.2 Six pipeline routes were initially considered and these were subject to a gas pipeline feasibility study. After the preliminary analysis of technical and environmental constraints, two final Gas Pipeline route options were selected. Following a detailed route selection exercise, taking into account the potential environmental impacts, engineering considerations, as well as responses received during statutory consultation, the chosen route (known as 'Option A' with a connection to Feeder 29) was selected.

5.5.3 The six routes initially considered were:

- **Route 1:**

This option would have started at the Feeder 7 block valve south of the River Ouse. It would have taken a westerly approach to the Power Station Site utilising in part a corridor of Drax owned land surrounding Carr Lane and Redhouse Lane.

- **Route 2:**

This option would have started at the Feeder 7 block valve south of the River Aire. It would have paralleled the A645 before taking a northerly turn to approach the Power Station Site.

- **Route 3:**

This option would have started at the same block valve as Route 1 and followed the same route up to Redhouse Lane where it would have split and provided a more rural, northerly approach to the Power Station Site.

- **Route 4:**

This option (later known as Option A with a connection to Feeder 7) would have started at the same block valve as Route 1 and followed the same route before splitting and taking a more rural, southerly approach to the Power Station Site. An option for this route to connect into Feeder 29 was later added to the route options. This was the final route chosen connecting to Feeder 29.

- **Route 5:**

This option (later known as Option B) would have started at Feeder 29, just east of Brier Lane, head towards the Power Station Site in a north westerly direction before sharing the route south of Carr Lane with Route 4.

- **Route 6:**

This option would have started at Feeder 29, north of where it crosses the A645, utilising in parts a similar as Route 2 only with a connection at Feeder 29 instead of Feeder 7.

5.5.4 A possible route option which was primarily routed in Drax land was deemed not feasible and as such not considered further. The reason for not choosing the pipelines which routed along Drax's land included the route having to be built over a local footpath, being in close-proximity to a high speed road during construction and being built underneath overhead electric lines on the Existing Drax Power Station Complex.

5.5.5 The two route options consulted on (and assessed in the PEIR) were:

- Option A (Connection to Feeder 7 with an Above Ground Installation off Rusholme Lane, or connection to Feeder 29 with an Above Ground Installation off Rusholme Lane); and
- Option B (Connection to Feeder 29 with an Above Ground Installation off Brier Lane)

5.5.6 During geophysical investigations, significant environmental constraints associated with archaeological heritage assets along route Option B were identified. In addition, the route for Option B had a greater potential to impact on the environment including impacting on bats and the visual character of the area. Option A with a connection to Feeder 7 was discounted due to an engineering preference to connect to Feeder 29. The preferred route was therefore identified as Option A, connecting to Feeder 29.

5.5.7 Further refinements have been made to the pipeline route since consultation, in particular, to avoid a woodland protected by a Tree Preservation Order along the disused railway south of Carr Lane.

5.5.8 Further analysis of pipeline route Options A and B is provided in Chapter 4 of the ES (Examination Library Reference APP-072).

5.6 Conclusion on Alternatives

5.6.1 Drax has undertaken a detailed options assessment to assess alternatives to the Proposed Scheme (including alternative fuels for electricity generation and alternative Gas Pipeline routes). The alternatives considered would have either resulted in additional environmental impacts, technical difficulties, or land take, or would have delivered neither Drax's objectives for the Proposed Scheme nor the benefits associated with it, in particular the provision of much needed electricity generating capacity as set out in the relevant NPSs.

5.6.2 Where land required for the Proposed Scheme is not already in Drax's ownership, Drax has sought to acquire the required land or land rights by way of agreement but has not yet been able to do so. In accordance with DCLG guidance (Ref 1), Drax will continue to reach agreements with the affected land owners, however, in order to obtain the certainty needed to deliver and operate the Proposed Scheme, Drax requires the powers of compulsory acquisition.

5.7 Availability of Funds for Compensation

5.7.1 The Funding Statement (Examination Library Reference REP2-016) 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 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 Drax has sufficient funds to meet any compensation due.

5.7.2 Drax therefore considers that the SoS can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

6 JUSTIFICATION FOR THE USE OF THE POWERS OF COMPULSORY ACQUISITION

6.1 Compelling Case

6.1.1 A Planning Statement (Examination Library Reference APP-062) accompanies the Application. This explains how the Proposed Scheme:

- 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 PA 2008.

6.1.2 The Planning Statement provides an extensive review of these matters which are summarised in the following section.

6.2 The need for new electricity generating capacity

6.2.1 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.

6.2.2 The NPSs of most direct relevance to the Proposed Scheme include EN-1, EN-2, EN-4 and EN-5. Of these, EN-1 sets out the 'need' that exists for new energy infrastructure.

6.2.3 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.

6.2.4 Drax as a company, accounts for an approximate total of 18,500 direct and indirect jobs through its employment on the Existing Drax Power Station Complex through to supporting services and technology companies who work with Drax. As of 2016, this represented £1.67 bn as a contribution to the UK GDP. In Yorkshire and the Humber specifically, this equated to 3,650 jobs supported and economic impact of £419.2m according to data from Oxford Economics (Ref 4).

6.2.5 Section 2.2 of NPS EN-1 '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.

6.2.6 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.

6.2.7 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.

6.2.8 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.

6.2.9 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.

6.2.10 As such, the need that exists for new energy infrastructure is not open to debate or interpretation and is clearly confirmed by EN-1.

6.2.11 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.

6.2.12 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.

6.2.13 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).

6.3 The role of fossil fuel generating stations

6.3.1 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 or power and so helps to ensure security of supply… the different types of electricity generation have different characteristics which can complement each other…."

6.3.2 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…"

6.3.3 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.

6.3.4 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."

6.3.5 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 as 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.

6.3.6 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.

6.3.7 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…"

6.3.8 This paragraph of EN-1 highlights the fact that a move to low carbon fuel is an important change in UK energy provision upheld by Government policy. Gas fuel will produce less carbon than using coal, thus providing the opportunity for Drax Power Station to completely move away from coal and generate more electricity but at a lower amount of carbon per unit of electricity – achieving a diversity of supply that has less carbon output.

6.4 Summary

6.4.1 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.

6.4.2 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.

6.4.3 For the above reasons Drax considers that:

- the Proposed Scheme 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 POLICY SUPPORT

7.1 National Policy Statements

7.1.1 The PA 2008 grants the SoS 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 PA 2008 requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs, unless this would:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the SoS;
- be unlawful;
- the adverse impacts of the development outweigh its benefits; or
- be contrary to any regulations that may be made prescribing other relevant conditions.

7.1.2 Section 6 above summarises NPS EN-1's assessment of the urgent need for new energy infrastructure, such as the Proposed Scheme.

7.1.3 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by applicants, PINS and the SoS 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 SoS 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 PA 2008 (noted above) apply.

7.1.4 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 SoS 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.

7.1.5 Paragraph 4.1.4 continues by stating that within this context the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.

7.1.6 Other assessment principles include the matters considered in the ES; the Conservation of Habitats and Species Regulations 2017; 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 regulations; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.

7.1.7 Part 5 of EN-1 lists a number of 'generic impacts' that relate to most types of energy infrastructure, which both applicants and the SoS 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 SoS should take into account in decision-making.

7.1.8 In addition to a number of the assessment principles and generic impacts covered by NPS EN-1, NPS EN-2, NPS EN-4 and NPS 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)

7.1.9 Taken together with EN-1, EN-2 provides the primary basis for decisions on applications for fossil fuel electricity generating stations, including gas-fired power stations. The document provides additional policy guidance against which to assess such proposals.

7.1.10 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 stations 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*."

7.1.11 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)

7.1.12 Section 2.19 of EN-4 provides guidance on the assessment of applications for new gas pipelines. The Proposed Scheme includes the Gas Pipeline between the Power Station Site and the National Transmission System for gas. The Gas 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 Unit X and Unit Y.

7.1.13 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 Drax took into account, where relevant, in considering the route of the Gas Pipeline (see further in Section 5.5 above).

The NPS for Electricity Networks Infrastructure (EN-5)

7.1.14 EN-5 outlines principles on which the SoS will apply to applications for new electricity transmission lines as well as associated infrastructure, such as substations. It should be noted that the Proposed Scheme will involve relatively small scale underground electricity connection cable to the existing National Grid substation which is located within the Existing Drax Power Station Complex.

7.1.15 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 Drax took into account, albeit as an underground cable in the context of the existing and proposed power stations the works are not significant.

Other Matters that may be 'Important and Relevant'

7.1.16 As noted above, in making decisions on applications for NSIPs, section 104 of the PA 2008 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.

7.1.17 EN-1 is clear (reflecting the terms of the PA 2008), 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)

7.1.18 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. Revisions to the NPPF were published in July 2018. The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014.

7.1.19 The revised 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 5 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 PA 2008 and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 5 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 Scheme, therefore, has had regard to the relevant policies of the NPPF as part of the overall framework of national policy.

7.1.20 Paragraph 7 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 8 identifies three overarching objectives of sustainable development for the planning system: economic, social and environmental. It states that these objectives for the planning system need to be pursued as follows:

- an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-

designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.1.21 Paragraph 8 emphasises that these roles should not be undertaken in isolation, and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives.

7.1.22 Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 11. For decision-making, this means approving applications that accord with an up-to-date development plan without delay.

7.1.23 NPPF policies of particular relevance include promoting sustainable transport; promoting healthy and safe communities; making effective use of land; achieving well-designed places; meeting the challenge of climate change, flooding and coastal change; and conserving and enhancing the natural and historic environment.

The Statutory Development Plan

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

7.1.25 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).

7.1.26 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 Drax Power Station Complex 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.

7.1.27 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 that Drax Power Station is a major employer, supporting:

"potential for future development of renewable and low carbon energy", and that Selby DC recognises *"a need for further investment in energy infrastructure in line with national policy as a prominent contributor to economic prosperity",* specifically: *"reinvigorating, expanding, and modernising the District's economy".*

7.1.28 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 Scheme. These include:

- **Core Strategy (2013):**
  - SP1 'Presumption in Favour of Sustainable Development';
  - SP2 'Spatial Development Strategy';
  - SP13 'Scale and Distribution of Economic Growth';
  - SP15 'Sustainable Development and Climate Change'; o SP 16 'Improving Resource Efficiency';
  - SP17 'Low-Carbon and Renewable Energy';
  - SP18 'Protecting and Enhancing the Environment'; and
  - SP19 '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'.

7.1.29 In undertaking the EIA for the Proposed Scheme, Drax has had regard to these policies.

7.1.30 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 Scheme. 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.

7.1.31 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 arising from major new development proposals.

7.1.32 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.

7.1.33 NYCC (along with the City of York and the North York Moors National Park Authority) is preparing a Minerals and Waste Joint Plan. This was submitted to the Secretary of State in November 2017, with hearings taking place in February – March 2018. The Authorities are currently working on a series of proposed main modifications to be consulted on in due course.

7.1.34 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. However, given the new generating assets - being Unit X and Unit Y and the battery facilities - are to be located within the Existing Drax Power Station Complex, it is considered that the principle of the Proposed Scheme is accepted and in compliance with the policy. Any new generating station that requires connection to the NTS would need to have a gas pipeline, and Drax considers that its proposed route represents the least intrusive in terms of affecting minerals safeguarding.

7.1.35 Selby District Council and North Yorkshire County Council have agreed with the Applicant that the principle of the Proposed Scheme is supported by local (and national) planning policy (see paragraph 3.4.18 of the agreed draft Statement of Common Ground submitted at Deadline 1, Examination Library Reference REP1-006).

7.2 Summary

7.2.1 The NPSs form the primary basis for decisions by the SoS 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 SoS 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.

7.2.2 The Application includes a detailed assessment of the Proposed Scheme, 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 3 of the ES (Examination Library Reference APP-071), and the Planning Statement (Examination Library Reference APP-062), and policy specific to each topic assessed in the ES is considered in the relevant technical chapters (chapters 5-17, Volume I, Examination Library References APP-073 – APP085). In summary,

the Planning Statement concludes that the Proposed Scheme is in accordance with the relevant NPSs, the NPPF and the development plan and, the benefits of the Proposed Scheme clearly outweigh the impacts and, as such, there is no reason why development consent should not be granted. A summary of the effects of the Proposed Scheme is set out in Chapter 18 of the Environmental Statement (Examination Library Reference APP-086) that supports this conclusion.

8 SPECIAL CONSIDERATIONS

8.1 Special Category Land - Open Space etc.

8.1.1 No Crown Land, open space, common land, fuel or field garden allotment is included in the Order Limits or affected by the Proposed Scheme.

8.2 Statutory Undertakers' Land

8.2.1 Drax has identified statutory undertakers, utility providers or communication operators that may have land or apparatus belonging to them within the Order Limits, namely, National Grid Electricity Transmission plc, National Grid Gas plc, Yorkshire Water Limited, Vodafone Limited, Northern Powergrid (Yorkshire) plc, Northern Powergrid Limited, and British Telecommunications plc.

8.2.2 The draft Order (Examination Library Reference REP2-014) includes protective provisions in respect of these relevant types of statutory undertakers, utility providers and communication operators (see article 30 and schedule 12). Yorkshire Water Limited and Openreach (a wholly-owned subsidiary and functional division of British Telecommunications plc) have confirmed their agreement to the protective provisions in schedule 12, and Drax is currently seeking to agree the form of protective provisions with the remaining above listed companies.

9 OTHER CONSENTS

9.1.1 Other consents are required in order for the Proposed Scheme to be constructed and subsequently operate. Other Consents and Licences (Examination Library Reference REP2-020, a revised version of which is submitted at Deadline 3) 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:

- Environmental Permit
- Greenhouse Gas Permit
- Hazardous Substances Consent
- Gas Transporter Licence
- Generators Licence

- Fire Notice
- Permit for Transport of Abnormal Loads (to the extent not included in the Order)
- Building Regulations Approval
- Licence under the Protection of Badgers Act 1992
- Land Drainage Consent (to the extent not included in the Order)
- Section 61 Construction Noise Consent
- Bilateral Connection Agreement and construction agreement for connection to the NTS at the existing NG 400 kv substation (entered into in relation to Unit X on 12 July 2018)
- Surface Water Abstraction Licence (to the extent not included in the Order)
- Borehole Abstraction Licence (if required)
- Standard Rules Environmental Permits
- Planning and Advanced Reservation of Capacity Agreement (Completed and approved by National Grid for capacity for Unit X on 12 October 2018)
- NTS Connection Application
- Pipeline Safety Notification
- Flood Risk Activity Permit (to the extent not included in the Order)
- Temporary Dewatering Consents

9.1.2 Drax 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 Scheme shortly after grant of the Order and subject to a final investment decision having been made.

10 HUMAN RIGHTS

10.1 Overview

10.1.1 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.

10.1.2 The following Articles of the Convention are relevant to the SoS'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

10.1.3 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

10.1.4 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

10.1.5 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.

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

- 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.

10.1.7 In preparing the Application, Drax has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Order. Drax 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 (Examination Library Reference APP-062). The benefits will only be realised if the Order is accompanied by the grant of powers of compulsory acquisition. Drax 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 Scheme.

10.1.8 For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The Funding Statement (Examination Library Reference REP2-016) confirms the availability of funds to meet these liabilities.

10.1.9 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 PA 2008, Drax has consulted with persons set out in the categories contained in Section 44 of the PA 2008, 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.

10.1.10 Following acceptance of the Application on 26 June 2018, there was an opportunity to make 'relevant representations' in response to the notice which Drax was obliged to give pursuant to Section 56 of the PA 2008. These are then considered during the examination of the Application by the examining authority, in the written representations procedure the examining authority decided to hold

or at the compulsory acquisition hearing to be held under Section 92 of the PA 2008. There have been and continue to be 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.

10.1.11 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 PA 2008.

10.1.12 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.

10.1.13 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 Sections 5, 6 and 7 of this Statement, Drax considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

10.1.14 Drax considers that it would, therefore, be appropriate and proportionate for the SoS to make the Order, including the grant of compulsory acquisition powers.

11 FURTHER INFORMATION

11.1 Negotiations

11.1.1 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.

11.2 Compensation

11.2.1 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.

11.2.2 Copies of these booklets are obtainable, free of charge, from: https://www.gov.uk/government/collections/compulsory-purchase-system-guidance

12 CONCLUSIONS

12.1.1 Drax 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 Scheme meets the conditions of section 122 of the PA 2008, as well as the considerations in the Guidance (Ref 1).

12.1.2 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 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 (Examination Library Reference REP2-014), the Land Plans (Examination Library Reference REP2-006) Works Plan (Examination Library Reference REP2-007) and other information both in this Statement and in other documents accompanying the Application.

12.1.3 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.

12.1.4 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.

12.1.5 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.

12.1.6 Drax has set out clear and specific proposals for how the Site will be used.

12.1.7 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.

REFERENCES

- Ref. 1: Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, Department for Communities and Local Government, September 2013
- Ref. 2: Advice note nine: Rochdale Envelope, The Infrastructure Planning Commission, February 2011 accessed online: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2011/02/Advice-note-9.-Rochdale-envelope-web.pdf
- Ref. 3: Carbon Capture Readiness (CCR): A Guidance Note for Section 36 Electricity Act 1989 Consent Applications, Department of Energy and Climate Change, November 2009, as reviewed by Assessment of the validity of —Approximate minimum land footprint for some types of CO2 capture plant‖ provided as a guide to the Environment Agency assessment of Carbon Capture Readiness in DECC's CCR Guide for Applications under Section 36 of the Electricity Act 1989, Imperial College, London 2010
- Ref. 4: Independent analysis from Oxford Economics that quantifies Drax's economic footprint in every region of the UK, Drax Power website. http://draximpact.co.uk/#/?_k=s18rsf