

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Drax Bioenergy with Carbon Capture and Storage project: proposed provision for the compulsory acquisition of additional land

| Regulation 6(1) | | | |
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| Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application. | Date received | 28-day due date | Date of decision |
| | 5 December 2022 | 2 January 2023 | 13 December 2022 |
| Regulation 6(2) | Planning Inspectorate Comments | | |
| Regulation 4 - Prescribed procedure for compulsory acquisition of land | | | |
| Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where— | | | |
| (a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land; | <p>The proposed changes include the compulsory acquisition of rights over land that is outside the current Order Limits and is not in the ownership of the Applicant. Paragraph 3 of the Applicant’s change request Cover Letter [AS-044] states:</p> <p><i>“This Proposed Change involves land that is outside of the current Order Limits, is not in the ownership of the Applicant and over which it is proposed to compulsorily acquire rights (‘the CA Additional Land’). As such, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (‘the CA Regulations’) are invoked.”</i></p> | | |
| (b) a person with an interest in the additional land does not consent to the inclusion of the provision | <p>The Applicant has not provided all consents from persons with an interest in the additional land as part of its change request submission. Paragraph 1.1.6 of the Applicant’s Proposed Changes Application Report [AS-045] states:</p> <p><i>“... to date, consents have not been able to be obtained from all persons with an interest in the CA Additional Land (although</i></p> | | |

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| | <i>discussions are ongoing)</i> ". |
| Summary – Regulation 4 | The proposed provision is one to which Regulations 5 to 9 of the Infrastructure planning (Compulsory Acquisition) Regulations 2010 apply. |
| Regulation 5 - Proposed Provision | |
| The applicant must send to the Secretary of State details of the proposed provision which must— | |
| (a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book; | An updated Book of Reference was submitted as part of the Applicant's change request. This was in the form of a clean [AS-066] and tracked change [AS-065] amendment to the previously submitted Book of Reference (Rev 2) [AS-002] , rather than a supplement. |
| (b) be accompanied by— (i) land plan identifying the land required as additional land, or affected by the proposed provision; and (ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded. | An updated Land Plan [AS-058] was submitted as part of the Applicant's change request, highlighting the additional plots of land which are affected by the proposed provision. The updated Land Plan includes two additional sheets in comparison to the previous iteration of the Land Plan [APP-009] , however it omits the Key Plan sheet; therefore it is considered a supplement to the Land Plan [APP-009] . An addendum to the Applicant's Statement of Reasons [AS-063] was submitted as part of the Applicant's change request and sets out why the additional land is required. An addendum to the Applicant's Funding Statement [AS-064] was submitted as part of the Applicant's change request and sets out how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded. |
| Summary – Regulation 5 | The updated Book of Reference is in clean and tracked change form rather than a supplement, however this is sufficient to explain the effect of the proposed provision. The Land Plan, Statement of Reasons and Funding Statement are provided as supplemental to the Development Consent Order application. This is not strictly in accordance with Regulation 5(b), but |

is sufficient to explain the proposed provision.

The information provided is considered to satisfy the requirements of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

Case Manager

George Harrold

George Harrold

Signed

Date: 13 December 2022

**Lead member of the
Examining Authority**

Caroline Jones

Caroline Jones

Signed

Date: 13 December 2022