

DRAX BIOENERGY WITH CARBON CAPTURE AND STORAGE PROJECT

DEADLINE 1

WRITTEN REPRESENTATION

22 FEBRUARY 2023

1. INTRODUCTION

- 1.1 We act for National Grid Electricity Transmission plc (**NGET**).
- 1.2 The draft DCO (**dDCO**) for the Drax Bioenergy with Carbon Capture and Storage Project (**the Project**) being promoted by Drax Power Limited (the **Promoter**) contains development which may affect NGET's apparatus.
- 1.3 NGET is the holder of an electricity transmission licence (the **Transmission Licence**), granted pursuant to section 6 of the Electricity Act 1989 (the **1989 Act**). NGET owns, manages and operates the electricity transmission network in England and Wales, with day-to-day responsibility for balancing supply and demand. NGET has a statutory duty (under Section 9 of the 1989 Act) to maintain 'an efficient, co-ordinated and economical' system of electricity transmission.
- 1.4 This submission is made on behalf of NGET in response to the Examining Authority's (**ExA**) examination timetable.
- 1.5 For the purposes of the Planning Act 2008 and section 127, NGET is a statutory undertaker and the land included within the order limits is statutory undertakers' land. NGET require the protective provisions secured within the dDCO to be in their preferred form to ensure that there is no serious detriment to the carrying on of NGET's undertaking.
- 1.6 We make this submission further to NGET's relevant representation dated 1 September 2022. NGET set out its requirements for adequate protection in that response.

2. NGET'S APPARATUS

- 2.1 NGET has a number of substations and associated apparatus and a high voltage electricity overhead transmission line within or in close proximity to the proposed Order Limits including overhead lines and substations.
- 2.2 The details of the electricity assets are as follows:
 - 2.2.1 Substations: Drax 400kV Substation; Drax 132kV substation; Associated cable fibre; and Associated 400kV cables.
 - 2.2.2 Overhead Lines: 4VH001 AND SPAN 400kV Drax – Keadby – Thorpe Marsh Drax – Thorpe Marsh; 4VC341 AND SPAN 400kV Drax to Thornton 1 and 2; and 4VJ001-4VJ003A AND SPAN 400kV Drax to Eggborough 1 and 2
- 2.3 As noted in NGET's relevant representation, the DRAX4 (400kV) Substation (**the Drax Substation**) has been designated as a Critical National Infrastructure (**CNI**) site.
- 2.4 NGET is promoting the Scotland to England Green Link 2 (SEGL2) project, a 2 GW electricity transmission network connection which proposes to increase the capability of our network between Scotland and the rest of the UK with a link between Peterhead and Drax.

- 2.5 NGET has submitted a planning application (ref: 2022/0711/EIA) to Selby District Council and a planning application (ref: 22/01990/STPLFE) to East Riding of Yorkshire Council for the delivery of the SEGL2 project. The SEGL2 project also connects to the Drax Substation.
- 2.6 NGET wishes to ensure that there is no impact on the delivery of their SEGL2 project from the Project, in addition to protecting its existing infrastructure.
- 2.7 The need for SEGL2 was set out in NGET's relevant representation. Ofgem has approved the initial needs case and the final needs case for the SEGL2 Project, with the final needs case approved in the Eastern HVDC – Conditional Decision: Final Needs Case dated 8 July 2022 (the **Ofgem FNC Decision**). In the Ofgem FNC Decision, Ofgem confirmed that the SEGL2 Project is necessary and will deliver significant benefits for consumers by allowing additional renewable generation to connect to the network and reduce constraint costs. There is a national need for the SEGL2 project.

3. PROTECTIVE PROVISIONS

- 3.1 As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.
- 3.2 As such, NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits.
- 3.3 As noted, NGET's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.
- 3.4 NGET will require protective provisions to be included within the draft Development Consent Order (the **Order**) for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. The draft Order includes protection for NGET's apparatus and the electricity transmission network. However, it does not include the specific protection provisions that NGET requires to prevent serious detriment to his undertaking.
- 3.5 NGET is liaising with the Promoter in relation to such protective provisions, along with any supplementary agreements which may be required. NGET expects to reach agreement with the Promoter in due course.

4. COMPULSORY ACQUISITION POWERS

- 4.1 As noted, where the Promoter intends to acquire land or rights, or interfere with any of NGET interests in land, NGET will require further discussion with the Promoter. The Promoter cannot be authorised to acquire NGET's land or rights over NGET's land, or interfere with NGET's existing interests and other rights (including rights of access).
- 4.2 In particular, NGET has concern over the extent of Work No. 1F on the works plans and the land included within Plot 01-23 on the Land Plans. Plot 01-23 extends over the entirety of the Drax Substation site. This work and the extent of the land in Plot 01-23 is disproportionate and includes more land than NGET consider is necessary to connect to the Drax Substation. NGET do not consider that this meets the tests for compulsory acquisition pursuant to the Planning Act 2008 and requests that the Promoter reconsider this.

- 4.3 Plot 01-23 houses existing operational assets belonging to NGET and should not, therefore, be subject to the proposed powers of compulsory acquisition. NGET requests that the extent of Plot 01-23 is reduced so as to avoid interference with NGET's existing operational assets.
- 4.4 Whilst the dDCO includes plot 01-23 in Schedule 8 the extent of the rights that the Promoter is proposing to acquire over Plot 01-23 are so broad that, in effect, they amount to the acquisition of the land; they allow the Promoter to remove buildings and apparatus, and this is disproportionate in respect of an electrical connection to NGET's infrastructure. This would cause serious detriment to NGET's undertaking. The same considerations apply to plots 01-20, 01-22 and 01-25.
- 4.5 NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Promoter with a view to reaching a satisfactory agreement.

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22 February 2023