

Planning Act 2008 – section 92

Application by Drax Power Limited for an Order Granting Development Consent for the Drax Bioenergy with Carbon Capture and Storage Project (Case ref: EN010120)

Agenda for Compulsory Acquisition Hearing 1 (CAH1) dealing with matters relating to Compulsory Acquisition (CA) and Temporary Possession (TP)

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 1 (CAH1)	Thursday 23 March 2023 Hearing starts at 10:00am Seating available at venue from 9:15am and virtual Arrangements Conference from 9:15am	The Parsonage Hotel & Spa, Escrick, York YO19 6LF and By virtual means using Microsoft Teams

Notification of the date, time, location and attendance instructions for CAH1 was provided in the Examining Authority’s (ExA) [Rule 8 letter dated 24 January 2023](#).

Agenda

1. Welcome, introductions, arrangements for the hearing

2. Purpose of the Compulsory Acquisition Hearing

The ExA will explain the purpose of the hearing.

3. The Applicant’s case for CA and TP

The ExA will ask the Applicant to briefly present and justify its case for CA and TP including addressing the following matters:

- Identification of the powers sought and their purposes.
- Relevant draft Development Consent Order (dDCO) provisions.
- How the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s122, s123, s127, s132 and s138) and Department for Communities and Local Government guidance related to CA would be met.
- The Applicant’s strategy/ criteria for determining whether to seek powers for CA of land, CA of rights or TP of land.

- Consideration of alternatives to CA/ TP.
- Human rights considerations.

The ExA will invite submissions from Affected Persons (AP) who wish to raise general matters in relation to the Applicant's case for CA and TP. However, site-specific submissions will be reserved to agenda items 4 and 5.

4. Site-specific issues for the Applicant

The ExA will ask the Applicant to provide an update on the progress of negotiations with APs and the timetable for their conclusion.

The ExA will ask questions of the Applicant about negotiations and matters arising from written and oral submissions.

5. Site-specific representations by APs

The ExA will ask APs to briefly set out any outstanding concerns in relation to CA/ TP for the land in which they have an interest that have not been addressed by the Applicant.

The ExA may ask questions of APs about matters arising from written and oral submissions.

6. Statutory Undertakers

The ExA will ask the Applicant to summarise any outstanding matters arising from representations by Statutory Undertakers.

Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.

The ExA may ask questions of the Statutory Undertaker or other relevant body, and the Applicant, about matters arising from written and oral submissions.

7. Funding

The ExA will ask the Applicant to briefly summarise, and advise of any updates to, the Funding Statement.

The ExA may ask questions around funding matters.

8. Review of issues and actions arising

9. Any other business

10. Closure of the hearing

Purpose of CAH1

A Compulsory Acquisition Hearing (CAH) is being held to:

- ensure adequate examination of the provisions within the dDCO seeking to authorise the CA of land and/ or rights over land;
- assess whether the conditions relating to the land and/ or rights being required for the Proposed Development or required to facilitate or be incidental to that development are met; and
- assess whether there is a compelling case in the public interest for the land to be acquired compulsorily.

Attendance at the hearing

All APs are invited to attend the CAH. Each AP is entitled to make oral representations at the CAH, however this is subject to the ExA's power to control the hearing. Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

The ExA would find it helpful if the following parties could attend this hearing:

- **Applicant.**
- **Any Affected Persons**, who wish to discuss CA/ TP matters.
- **Statutory Undertakers.**

Anyone wishing to participate in the hearing who has not already advised the Case Team of this should do so as soon as possible (and by **Monday 13 March 2023 at the latest**). Please email: DraxBECCS@planninginspectorate.gov.uk to confirm attendance, and provide all the requested information set out in Annex C of the ExA's [Rule 8 letter](#), including confirmation of whether you wish to participate in person or virtually.

If you are experiencing any COVID-19 symptoms, please do not attend the hearing in person. Please contact the Case Team using the details at the bottom of this agenda to ensure that you have access to the hearing virtually.

Participation in a blended hearing

The ExA is conducting this hearing as a blended event, comprising both in-person and virtual participation. The hearing venue will be open 45 minutes prior to the start of the hearing to enable a prompt start.

Parties who have registered to attend the hearing (both in person and virtually) will receive an email shortly before the hearing containing a joining link, telephone number and instructions to enable virtual participation (as necessary). If attending virtually, please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements

Conference allows procedures to be explained and will enable the hearing to start promptly.

The event will also be livestreamed and recorded, and a link to watch the livestream will be published on the [project webpage of the National Infrastructure Planning website](#) closer to the event date.

Procedure at the CAH

Guidance under the PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an Interested Party has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions. Please note that this agenda was based on submissions up to and including Deadline 2. Nevertheless, CAH1 will address any relevant submissions made at Deadline 3.

May we draw your attention to **Deadline 4** in the Examination Timetable (**Tuesday 28 March 2023**) and our request to receive full summaries of all oral submissions given at this hearing by that date by those who made them.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: DraxBECCS@planninginspectorate.gov.uk.

Tel: 0303 444 5000.