



# **STATEMENT OF REASONS ADDENDUM IN RELATION TO THE SECOND CHANGE APPLICATION**

## **Drax Bioenergy with Carbon Capture and Storage**

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulation 5(b)(ii)

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# 1. INTRODUCTION

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## 1.1. BACKGROUND

- 1.1.1. This Statement of Reasons Addendum (this 'Addendum') relates to an application for development consent ('DCO Application') made by Drax Power Limited (the 'Applicant') on 23 May 2022 to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy via the Planning Inspectorate ('PINS').
- 1.1.2. The DCO Application was submitted under section 37 (2) of the Planning Act 2008 ('PA2008') for a Development Consent Order ('DCO'), and if made would grant consent for the Drax Bioenergy with Carbon Capture and Storage Project (the 'DCO Application').
- 1.1.3. The DCO Application was accepted for examination by PINS on 20 June 2022.
- 1.1.4. A Changes Application ('PCA1') to provide a Flood Compensation Area (Proposed Change 01 ('PC-01')) and for works to overhead lines ('OHLs') necessary to facilitate the delivery of Abnormal Indivisible Loads ('AILs') to the Site (Proposed Change 02 ('PC-02')) was submitted on 5 December 2022 and accepted into the Examination by the Examining Authority ('ExA') on 13 December 2022. Details of PC-01 and PC-02 are available in the Proposed Changes Application Report ('PCAR1') (AS-045).
- 1.1.5. The Examination commenced in Q1 2023.
- 1.1.6. The DCO Application requests powers of compulsory acquisition of rights and easements pursuant to section 122(2)(a) and section 122(2)(b) of the PA2008, to ensure that the Proposed Scheme can be built, maintained and operated, and so that the Government's policies in relation to achieving ambitious net zero targets are met.
- 1.1.7. In a letter to PINS dated 13 April 2023 (REP5-021), the Applicant gave advance notice of their intention to submit a Second Change Application ('SCA'). The SCA proposes minor changes to the DCO Application, to reduce the overall area of land required to enable works to overhead electricity lines (OHL1 and OHL2) and telecommunication line (TCL1) and alter some of the land powers over compulsory acquisition land ('CA Land') previously sought in relation to Work No. 8.
- 1.1.8. In particular, the SCA includes an upgrade to the powers sought over some plots to facilitate new routing of the electrical and telecommunication OHL (such land being 'the CA Land').
- 1.1.9. To date, consents have not been able to be obtained from all persons with an interest in the CA Land (although discussions are ongoing) meaning that the Infrastructure Planning (Compulsory Acquisition) Regulations 2020 ('the CA Regulations') are engaged.
- 1.1.10. The CA Regulations contain a prescribed procedure that must be followed where it is proposed to include in a DCO a provision authorising the compulsory acquisition of rights over 'additional land' where a person with an interest in the additional land does not consent to the inclusion of the provision. As discussed in the Applicant's letter to PINS dated 13 April 2023 (REP5-021), this Addendum forms part of a suite of

documents accompanying the SCA which are submitted to meet the requirements of Regulation 5 of the CA Regulations. The prescribed procedure includes the submission of the following information:

- a. an updated Book of Reference (Applicant document reference 4.3 Rev 08 which replaces the previously submitted version REP5-006) and a version with tracked changes (document reference 4.3 Rev 08 which replaces the previously submitted version REP5-007). This document accounts for all of the changes to the land powers sought within the Proposed Change, not just the CA Land;
- b. an update to the Land Plans (Applicant document reference 2.2 Rev 03 which replaces the previously submitted version AS-072) to identify the amended land and change in rights sought for the SCA. This document accounts for all of the changes to the land powers sought within the Proposed Change, not just the CA Land;
- c. an Addendum to the Funding Statement in respect of the SCA (Applicant document reference 4.2.1); and
- d. this Addendum to the Statement of Reasons (Applicant document reference 4.1.2) which justifies the powers of compulsory acquisition that are sought in respect of the additional land.

1.1.11. Based on the above, this Addendum should be read in conjunction with the abovementioned documents, and the Statement of Reasons submitted with the DCO Application (REP2-012) and Statement of Reasons Addendum in relation to PCA1 (AS-063).

1.1.12. For the avoidance of doubt, whilst the abovementioned documents include information on additional land that is required for both temporary possession only, and land over which powers of compulsory acquisition of rights and easements are sought, it is considered that it is only the latter plots that should be considered to form part of the 'proposed provision' of additional land, for the purposes of the CA Regulations.

1.1.13. Additionally, a detailed description of the changes proposed is provided in the Second Change Application Report ('SCAR') (Applicant document reference 8.15), and a summary of the changes proposed is provided in Section 2 of this Addendum.

## **1.2. THE DRAX BIOENERGY WITH CARBON CAPTURE AND STORAGE PROJECT**

1.2.1. A full description of the Proposed Scheme for which consent is sought through the DCO Application is included in Section 2 of the Statement of Reasons (REP2-012). The extent and nature of compulsory acquisition powers sought in the DCO are detailed in the Executive Summary of the Statement of Reasons (REP2-012). Detail of all land interests affected by the compulsory acquisition and temporary possession powers sought by the Applicant in the DCO Application are set out in the Schedule of Negotiations and Powers Sought (Applicant document reference 4.1.1 Rev 05 submitted on 21 April 2023).



- 1.2.2. The SCA will primarily seek to reduce the third-party land take within the Order Limits. However, it addresses the position that some plots shown on the Land Plans (Applicant document reference 2.2 Rev 03) that had previously been proposed to be subject to powers of extinguishment of existing rights only, will also now need to be proposed for the compulsory acquisition of rights over the land. This will invoke the requirements of the CA Regulations.
- 1.2.3. The SCA therefore includes a request for the SoS to grant powers of compulsory acquisition of rights and easements under sections 122(2) and 122(3) of the PA2008 over the CA Land.
- 1.2.4. The CA I Land is required to enable the long term access and maintenance of apparatus installed as a consequence of diversions (including undergrounding) to existing Overhead Lines ('OHLs'), that are part of the Proposed Scheme. These diversions are required to allow for the delivery of multiple Abnormal Indivisible Loads ('AILs') to the site required for the construction of the Proposed Scheme.

### **1.3. SCOPE OF THIS STATEMENT OF REASONS ADDENDUM**

- 1.3.1. The compulsory acquisition powers sought relate to works required on land not owned by the Applicant only. This Addendum therefore relates to land required to undertake and maintain works to the OHLs and TCL1 only.
- 1.3.2. In Section 2, this Addendum identifies the following:
- a. The extent of proposed land to be included and excluded from within the Order Limits, including identifying whether the land is 'additional land' for the purpose of the CA Regulations;
  - b. The powers sought over each plot of land in the DCO; and
  - c. The reasons compulsory acquisition or temporary possession powers are sought (noting that the latter are not the subject of the CA Regulations but are included in this Addendum for completeness).
- 1.3.3. The Applicant has sought to identify landowners or persons with an interest in the CA Land and persons with a potential claim for compensation as a result of work proposed on the CA I Land through a process of diligent inquiry.
- 1.3.4. The Applicant has undertaken discussions with the relevant landowners identified and is seeking to agree the rights and easements required voluntarily.
- 1.3.5. These discussions are ongoing, and are not yet complete. A summary of engagement with landowners and tenants to date is detailed within the Schedule of Negotiations and Powers Sought document (Applicant document reference 4.1.1 Rev 05 which is an updated version of REP4-001) submitted with the SCA.

## **2. PROPOSED CHANGES TO THE DCO APPLICATION**

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### **2.1. THE PROPOSED CHANGES TO THE APPLICATION**

- 2.1.1. Since submitting the PCA1, the Applicant has identified amendments to the land required for Work No. 8 of the draft DCO (Applicant document reference 3.1 Rev 07 which is an updated version of REP4-022) which have arisen due to the refinement of the detail and scope of the proposed works in discussion with the asset owners.
- 2.1.2. The asset owners for overhead electricity lines OHL1 and OHL2, Northern Powergrid, have confirmed that the undergrounding of the lines is not feasible via Horizontal Directional Drilling ('HDD') due to existing constraints and infrastructure. Therefore, the undergrounding of these two lines oversailing the highway will be undertaken via an open cut trench installation method.
- 2.1.3. The asset owners to TCL1, BT Openreach, have confirmed that the conflict between the telecommunications line and AIL can be resolved by raising the height of the line over the A614 rather than undertaking undergrounding works. Further details on the scope and extent of proposed works to lines is set out in section 2 of the SCAR (Applicant document reference 8.15).
- 2.1.4. A detailed description of the proposed changes and justification for them are set out in the SCAR (Applicant document reference 8.15) submitted with the SCA, and at Section 2.3 of this Addendum.

### **2.2. AMENDMENTS TO THE ORDER LIMITS AND/OR POWERS SOUGHT**

- 2.2.1. If the SCA is accepted by the Examining Authority, the following amendments are required to the Order Limits:
  - a. 6305 sqm of land will be removed from the Order Limits, which comprises a reduction in:
    - ~ 1620 sqm of land that was proposed to be subject to the compulsory acquisition of rights and easement powers sought to enable the construction, maintenance, and access to electrical infrastructure; and
    - ~ 4685 sqm of land that was proposed to be subject to the temporary possession powers sought to enable access to the land required to undertake works to electrical infrastructure.
- 2.2.2. Table 2-1 in section 2.3 below details each plot of land for which the compulsory acquisition or extinguishment of rights is required to enable the SCA works to be undertaken, and for any existing assets to be maintained.
- 2.2.3. As discussed in 2.3 of the SCAR, it is only land for which powers of compulsory acquisition or rights and easements are sought that is considered to form additional land for the purposes of the CA Regulations. Table 2-1 in section 2.3 below also deals with temporary possession plots to provide clarity to the ExA as to why those powers are required to assist in its consideration of the SCA in a wider sense. Table 2-1 also sets out which previously identified plots will be removed from the Order Limits.

## 2.3. REQUIREMENT FOR LAND TO BE INCLUDED OR COMPULSORY ACQUISITION OF RIGHTS TO BE AMENDED IN THE SCA

- 2.3.1. The Applicant is seeking to acquire only the minimum area of land to undertake the works comprised within Work No. 8, which is why the proposed changes comprise the exclusion of some plots of previously identified CA Land and an overall reduction in the area of land enclosed within the Order Limits. The proposed changes also result in the need to upgrade the powers sought over some CA Land plots to facilitate new routing of the electrical and telecommunication OHL.
- 2.3.2. The extent of rights over CA Land sought is detailed in Table 2-1 below. Table 2-1 also identifies CA Land plots no longer required following ongoing discussions with the relevant statutory undertakers regarding detailed design of the works.

**Table 2-1 – Changes to plots shown on the Land Plans**

Plot No.	Powers Previously Sought	Description of change to plot	'Additional land' as defined by the CA Regulations
01-39	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-40	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-41	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-42	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-43	Order land - Temporary use of land and in relation	Plot acquisition type changed from new	No

Plot No.	Powers Previously Sought	Description of change to plot	'Additional land' as defined by the CA Regulations
	to which it is proposed to suspend easements, servitudes and other private rights.	rights to temporary possession. Area now encompasses part of old plots 01-42, 01-44, 01-45, 01-46, 01-49, and 01-56.	
01-44	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Merged into 01-43	N/A
01-45	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Change to plot shape and area. Part of plot has been changed to temporary possession and merged into 01-43. The remainder of the plot now encompasses old plots 01-47, 01-50, and 01-57.	Yes (in part for the land which previously formed part of 01-47 and 01-57)
01-46	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Merged into 01-43	N/A
01-47	Order Land - Permanent extinguishment of rights.	Plot acquisition type changed from extinguishment of rights to new rights and merged into 01-45.	Yes
01-48	Order land - Temporary use of land and in relation to which it is proposed to suspend easements,	No change	No



<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
	servitudes and other private rights.		
01-49	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot acquisition type changed from new rights to temporary possession and merged into 01-43.	N/A
01-50	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Merged into 01-45	N/A
01-51	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-52	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	No
01-53	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements,	No change	No

Plot No.	Powers Previously Sought	Description of change to plot	'Additional land' as defined by the CA Regulations
	servitudes and other private rights.		
01-54	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	No
01-55	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	No
01-56	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Merged into 01-43	N/A
01-57	Order Land - Permanent extinguishment of rights.	Plot acquisition type changed from extinguishment of rights to new rights and merged into 01-45.	Yes
01-58	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-59	Order Land - New rights to be compulsorily acquired and restrictive covenants	Plot removed, now shown as 'number not	N/A

Plot No.	Powers Previously Sought	Description of change to plot	'Additional land' as defined by the CA Regulations
	imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	used' in the Book of Reference	
01-60	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	No
01-61	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot acquisition type changed from extinguishment of rights to new rights.	Yes
01-62	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	No
01-63	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot area changed and now encompasses old plot 01-64 and 01-65.	
01-64	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Part of plot changed from new rights to temporary possession and merged into 01-63. The remainder of the plot has been removed.	N/A

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
01-65	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Merged into 01-63	N/A
01-66	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot acquisition type changed from extinguishment of rights to new rights.	Yes
01-67	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	No
01-68	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	No
01-69	Number not used	No change	N/A
01-70	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-71	Order land - Temporary use of land and in relation to which it is proposed to suspend easements,	No change	N/A

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
	servitudes and other private rights.		
01-72	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-73	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot area reduced in size and split to form 01-119 situated at the diversion to the telecommunications cables.	No
01-74	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot area reduced in size and split to form 01-121 situated at the diversion to the telecommunications cables.	No
01-75	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot area reduced in size and split to form 01-120 situated at the diversion to the telecommunications cables.	No
01-76	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A



<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
01-77	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-78	Order Land - Permanent extinguishment of rights.	No change	N/A
01-79	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-80	Order Land - Permanent extinguishment of rights.	No change	N/A
01-81	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-82	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-83	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	The plot acquisition type has changed from new rights to temporary possession. The plot has also been split to create new rights plot 01-122.	No
01-84	Order land - Temporary use of land and in relation to which it is proposed to suspend easements,	Plot removed, now shown as 'number not	N/A

Plot No.	Powers Previously Sought	Description of change to plot	'Additional land' as defined by the CA Regulations
	servitudes and other private rights.	used' in the Book of Reference	
01-85	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-86	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-87	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-88	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-89	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
01-90	Order Land - Permanent extinguishment of rights.	No change	N/A
01-91	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-92	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-93	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	No change	N/A
01-94	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	No change	N/A
01-95	Number not used	No change	N/A
01-96	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot shape changed and area reduced in size however this now includes part of two plots previously shown as temporary possession (01-97 and 01-100). The	Yes (in respect of the land that was in 01-097 and 01-100)

Plot No.	Powers Previously Sought	Description of change to plot	'Additional land' as defined by the CA Regulations
		<p>remainder of the plot has now been encompassed into 01-97.</p> <p>The plot shape incorporates land required to enable a new underground connection to be made between an existing underground cable and the new section of underground cable to replace OHL2.</p>	
01-97	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot area increased to now encompass part of plot 01-96 and 01-100.	No
01-98	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot acquisition type changed from new rights to temporary possession.	No
01-99	Number not used	No change	N/A
01-100	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Part of plot changed from temporary possession to new rights (01-96). A small portion of the plot has been merged into 01-123 and the remainder removed. As such this plot now shown as 'number not used' in the Book of Reference.	N/A

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
01-101	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-102	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot shape changed and area increased as this now includes part of old plot 01-111.	No
01-103	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot area reduced in size.	No
01-104	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-105	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-106	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements,	No change	N/A



<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
	servitudes and other private rights.		
01-107	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot removed, now shown as 'number not used' in the Book of Reference	N/A
01-108	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot area reduced in size and split to create new temporary possession plot 01-125 and new rights plot 01-115.	
01-109	Number not used	No change	N/A
01-110	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	Plot area reduced in size and plot now encompasses part of 01-108.	No
01-111	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Part of plot has been encompassed into 01-118 (new rights) and 01-102 (temporary possession). The remainder of the plot has been removed. This plot number will now be shown as 'number not used' in the Book of Reference.	N/A
01-112	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to	Plot acquisition type changed from new rights to temporary possession and area reduced in size.	No

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
	extinguish easements, servitudes and other private rights.		
01-113	Number not used	No change	N/A
01-114	Order Land - Permanent extinguishment of rights	Plot acquisition type changed from extinguishment of rights to new rights and merged into plot 01-118. This plot number will now be shown as 'number not used' in the Book of Reference.	Yes
01-115	Order Land - Permanent Extinguishment of Rights	Plot acquisition type changed from extinguishment of rights to new rights. Plot area increased in size to now encompass part of plot 01-108.	Yes
01-116	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights	Plot area increased to now encompass part of plot 01-97.	No
01-117	Number not used	No change	N/A
01-118	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	Plot area increased to now include part of old plot 01-96 (new rights), 01-97 (temporary possession, and 01-100 (temporary possession).  The plot shape incorporates land required to enable a	Yes (for those added areas that previously constituted 01-97 and 01-100)

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
		new underground connection to be made between an existing underground cable and the new section of underground cable to replace OHL2.	
01-119	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	New plot created due to the split in old plot 01-73 (temporary possession).	No
01-120	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	New plot created due to the split in old plot 01-75 (temporary possession).	No
01-121	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	New plot created due to the split in old plot 01-74 (new rights).	No
01-122	Order Land - New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.	New plot created due to the split in old plot 01-83 (new rights).	No
01-123	Order land - Temporary use of land and in relation to which it is proposed to suspend easements,	New plot created due to the change in old plot 01-100 (temporary possession).	No

<b>Plot No.</b>	<b>Powers Previously Sought</b>	<b>Description of change to plot</b>	<b>'Additional land' as defined by the CA Regulations</b>
	servitudes and other private rights.		
01-124	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	New plot created due to the change in old plots 01-96 (new rights) and 01-100 (temporary possession).	No
01-125	Order land - Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.	New plot created due to the split in plot 01-108 (new rights).	No

### **3. CASE FOR COMPULSORY ACQUISITION**

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#### **3.1. REQUIRED FOR THE DEVELOPMENT OF THE PROPOSED SCHEME**

- 3.1.1. As explained in Section 2 of this Addendum, the CA A Land is required for the development of the Proposed Scheme, or required to facilitate it, or is incidental to it, in accordance with section 122(2)(a) and (b) of the PA2008.
- 3.1.2. Notwithstanding this, the Applicant continues to liaise with the land interests to negotiate settlements if at all possible. An update on ongoing consultation and engagement with affected parties describing the consultation that has been carried out by the Applicant, is set out in the Schedule of Negotiations and Powers Sought, and summarised in section 4 of this report.

#### **3.2. COMPELLING CASE IN THE PUBLIC INTEREST**

- 3.2.1. Section 6.1 of the Statement of Reasons (REP2-012) sets out in detail the reasons the Applicant considers there to be a compelling case in the public interest for the compulsory acquisition powers required for the Project.
- 3.2.2. The principles detailed in the Statement of Reasons (REP2-012) equally apply to the CA Land identified in this SCA which is required to facilitate construction of the Proposed Scheme. Without the ability to provide replacement assets and access to them to maintain them in the future, the OHLs would not be able to be moved; and construction of the Proposed Scheme would therefore be under threat.
- 3.2.3. The Applicant is seeking compulsory acquisition of new permanent rights for long-term access and maintenance to enable the relevant statutory undertakers to access the new electrical and telecommunications infrastructure to carry out any inspection and/or maintenance that may be required.

#### **3.3. ALTERNATIVES**

- 3.3.1. Section 5.4 of the Statement of Reasons (REP2-012) comprises a summary of the alternatives considered for the project, and ultimately concludes that none of the alternatives would provide the compelling benefits that the Proposed Scheme will, or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.
- 3.3.2. As described in the Application and in PCA1, the use of the road route that the OHLs and TCL1 are located on is the most appropriate route for delivery of AILs to the site, so they cannot be avoided. As evidenced by the on-going development from PCA1 to this SCA, the Applicant has been working hard with the affected asset owners to minimise the land take required and explore the best course of action to deal with the interface with their apparatus. This has led to a reduction in landtake, and in the case of TCL1 a change in engineering approach. As such, the Applicant considers that the remaining land required has been minimised as far as is possible at this stage of design development in order to deliver these critical works.
- 3.3.3. Works will be designed to minimise the area of land affected by the temporary works, and to install new below and above ground electrical and telecommunications



infrastructure in locations which minimise impact on land. Detailed designs and cost estimates have been requested from the asset owners taking into account comments received from interested parties (see section 3 of the SCAR).

### **3.4. LEGITIMATE PURPOSE, NECESSARY AND PROPORTIONATE**

- 3.4.1. The Applicant is satisfied that the proposed interference with the rights of those with an interest in the CA Land is for a legitimate purpose and is necessary and proportionate – namely to ensure that construction movements to the Proposed Scheme are able to be completed and to ensure that statutory undertaker's apparatus can continue to operate and be accessed and maintained.

### **3.5. USE OF THE ORDER LAND**

- 3.5.1. The Applicant has clearly identified how the CA Land is intended to be used, as detailed in Table 2-1 of this Addendum.

### **3.6. AVAILABILITY OF FUNDS FOR COMPENSATION**

- 3.6.1. The requisite funds are available to deliver the Proposed Scheme, meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition, or for the acquisition of the relevant interests in the CA Land.
- 3.6.2. Please see the Funding Statement Addendum (Applicant document reference 4.2.1) for further details.

### **3.7. HUMAN RIGHTS**

- 3.7.1. In preparing the DCO Application and the proposed changes to it (via PCA1 and the SCA), the Applicant has had regard to the Human Rights Act 1998 and the European Convention on Human Rights.
- 3.7.2. Section 10 of the Statement of Reasons (REP2-012) demonstrates how 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, and that it would therefore be appropriate and proportionate for the SoS to make the DCO, including the compulsory acquisition powers sought.

## 4. ONGOING NEGOTIATIONS

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- 4.1.1. The Applicant is seeking to acquire new permanent rights and temporary use of land for the works outlined in the SCA. No land will be acquired permanently. The Applicant is actively engaging with the landowners affected by the proposed works with a view to acquiring the necessary rights and temporary use of land by agreement. These negotiations are ongoing, and an up to date account of discussions is set out in the Schedule of Negotiations and Powers Sought (Applicant document reference 4.1.1 Rev 05 which is an updated version of REP4-001) submitted with the SCA.
- 4.1.2. The Applicant has previously undertaken diligent inquiry to identify all relevant land interests of land identified in Table 2-1. The diligent inquiry methodology was outlined in the SoR Addendum in PCA1 and the Applicant has been maintaining the information in the BoR throughout the course of the examination, incorporating any necessary changes to the land interests.
- 4.1.3. The exercise has also led to two parties giving their consent to the inclusion of the proposed provision of the Additional Land:
- i. Harry Dickinson, in respect of plot 01-93; and
  - ii. Roger John Vincent Pickering in respect of plot 01-96
- 4.1.4. These consent forms are appended to SoR Addendum in PCA1 Annex 1 (see Annex 1.1). However, as there are other interests in these plots who have not yet issued consent to the inclusion of these plots, it is necessary for the plots to still form part of the Applicant's proposed provision.

## 5. CROWN LAND AND SPECIAL CATEGORY LAND

- 5.1.1. The changes proposed in the SCA comprise only the exclusion of land previously within the Order Limits. This includes removing land that was previously classed as Special Category Land.
- 5.1.2. The changes proposed in the SCA incorporate tweaks to land identified in PCA1 as Crown Land. This is set out in the table below.

**Table 5-1 - Purpose for which compulsory acquisition and temporary possession powers are sought over Crown Land**

New Crown Land plot No.	Rights Sought		New Plot Area following SCA (sqm)	Reason it is Crown Land
01-83	Temporary use of land and in relation to which it is proposed to suspend easements, servitudes and other private rights.		108	The land is registered in freehold title to the Secretary of State for Transport.
01-87	New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish easements, servitudes and other private rights.		9	The land is registered in freehold title to the Secretary of State for Transport.
01-122	New rights to be compulsorily acquired and restrictive covenants imposed, in relation to which it is proposed to extinguish		106	The land is registered in freehold title to the Secretary of State for Transport.

	easements, servitudes and other private rights.			
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- 5.1.3. As a result of the identification of Crown Land, the Applicant is still seeking to obtain the relevant consents under section 135 of the PA2008. The Applicant has been liaising with the Department for Transport and National Highways with a view to obtaining written consent to include the Crown Land in the DCO. The Applicant expects that this consent will be forthcoming before the end of Examination.

## **6. CONCLUSIONS**

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- 6.1.1. This Statement of Reasons Addendum describes the proposed changes to the DCO Application and the consequential inclusion of additional compulsory acquisition and temporary possession powers being sought in the DCO Application, why these amendments are required and why amendments to the compulsory acquisition and temporary possession powers have been sought within the SCA.
- 6.1.2. The Applicant has sought to consult and engage with all known persons affected by the proposed compulsory acquisition and temporary possession powers.