

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)			
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
	21 April 2023	19 May 2023	26 April 2023
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 seek the compulsory acquisition of additional rights over land within the Order Limits to enable the re-routing of overhead and telecommunications lines. The plots subject to the additional rights are considered to be affected by a proposed provision authorising the compulsory acquisition of additional land for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, and the affected plots will therefore be referred to as ‘additional land’ in this document.</p> <p>Paragraph 1.1.8 (f.) of the Applicant’s Second Change Application (SCA) Report [AS-126] states:</p> <p><i>“Given that the SCA involves an upgrade to the powers sought over some plots to facilitate new routing of The Lines (such land being ‘the CA Land’) ... the Infrastructure Planning (Compulsory Acquisition) Regulations 2020 (‘the CA Regulations’) are engaged and, as such, the information prescribed by Regulation 5 of the CA Regulations ... [has] also been submitted as part of this Second Change Application</i></p>		

	<i>alongside this report“.</i>
(b) a person with an interest in the additional land does not consent to the inclusion of the provision	Paragraph 1.1.8 (f.) of the Applicant’s SCA Report [AS-126] confirms that consents to the inclusion of the provision have not been received from all persons with an interest in the additional land: <i>“to date, consents have not been able to be obtained from all persons with an interest in the CA Land (although 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-116] and tracked change [AS-117] amendment to the previously submitted Book of Reference (Rev 7) [REP5-006], rather than a supplement.
(b) be accompanied by— (i) a 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-105] was submitted as part of the Applicant’s change request. This does not specifically identify the additional land separately from other land plots, however Table 2-1 of addendum to the Applicant’s Statement of Reasons [AS-114] identifies and itemises the relevant changes and therefore this is sufficient to identify the proposed changes. The updated Land Plan also demonstrates an increase in the land sought for temporary possession on Sheet 4 in comparison to the previously submitted Land Plan [AS-072], though these changes are not considered by the Applicant to engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The Applicant has addressed this in paragraph 2.1.8 of its SCA Report [AS-126]. An addendum to the Applicant’s Statement of Reasons [AS-114] was submitted as part of the Applicant’s change request and sets out why

	<p>the additional land is required.</p> <p>An addendum to the Applicant’s Funding Statement [AS-115] 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.</p>
<p>Summary – Regulation 5</p>	<p>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.</p> <p>The 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.</p> <p>The information provided is considered to satisfy the requirements of Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.</p>

Case Manager

George Harrold

George Harrold

Signed

Date: 26 April 2023

Lead member of the Examining Authority

Caroline Jones

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Signed

Date: 26 April 2023
