

# **STATEMENT OF REASONS (CLEAN)**

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

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 - Regulation 5(2)(h)

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**Applicant:** Drax Power Limited

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Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

# Drax Bioenergy with Carbon Capture and Storage

## Statement of Reasons

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Rev 06	06 July 2023	Document updated in response to Examining Authority's Rule 17 request, dated 22 June 2023, to provide an updated SoR which fully takes account of the extension of time sought by the Applicant in which to exercise Compulsory Acquisition powers

# EXECUTIVE SUMMARY

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## PURPOSE AND STRUCTURE OF THIS STATEMENT OF REASONS

This Statement of Reasons relates to the Application for a development consent order made by the Applicant to the Secretary of State under the Planning Act 2008 for powers to construct, operate (including maintenance) and decommission the Proposed Scheme.

This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

## DESCRIPTION OF THE PROJECT (SECTION 2)

The Proposed Scheme is set out in detail at **Schedule 1 to the Order (REP8-005)**, and the areas in which each component (the Work Nos.) may be constructed are shown on the **Works Plans (AS-106)**.

The Proposed Scheme is split into 8 Work Nos. as follows:

- i. **Work No. 1** – carbon capture plant as an extension to an existing generating station comprising: works to modify and upgrade the existing generating station water pre-treatment plant (Work No. 1A), works to modify, upgrade and extend the existing generating station cooling water system (Work No. 1B), works to modify, upgrade and extend the existing generating station boilers and turbines for the carbon capture plant process steam connection (Work No. 1C), up to two carbon dioxide capture plants for Unit 1 and Unit 2 of the existing generating station (Work No. 1D), carbon dioxide processing and compression plant (Work No. 1E), and integral electrical connections within the existing generating station and carbon capture plant (Work No. 1F);
- ii. **Work No. 2** – infrastructure to transport compressed carbon dioxide from Work No. 1E to storage and transport infrastructure operated by the onshore carbon pipeline operator;
- iii. **Work No. 3** – supporting works in connection with and in addition to Work Nos. 1, 2 and 5;
- iv. **Work No. 4** – works to facilitate construction access to Work Nos. 1 to 5;
- v. **Work No. 5** – temporary construction laydown areas;
- vi. **Work No. 6** – habitat provision area;
- vii. **Work No. 7** – provision of Floodplain Compensation Area; and
- viii. **Work No. 8** – works to facilitate the delivery of abnormal indivisible loads to the site including the diversion of existing electrical 11kV overhead lines (Work No. 8A) and the diversion of existing telecommunications overhead line (Work No. 8B).

In addition, Schedule 1 to the Order lists generic works which may be carried out anywhere within Work Nos. 1 to 8.

In terms of construction access, regular transport of construction materials would be via the road network, with HDVs routing from J36 M62. However, the construction works would include delivery of AIL and it is anticipated that there would be no more than 15 AILs, not including transformers. It is anticipated that AILs would be delivered to the Port of

Goole (Boothferry Terminal) where each AIL would be transferred from water to road. The size and weight of the AILs will vary. The AILs would arrive into the South Entrance of Drax Power Station. During the construction phase, two temporary construction site accesses from the public highway will be created to the East Construction Laydown Area and parking areas.

In order for the AILs to move between the Port of Goole and Drax Power Station, the Applicant would require certain highway powers in order to temporarily remove barriers, street furniture, overhead lines, communication lines, and carry out minor tree surgery including trimming back vegetation and pruning.

Access to the Drax Power Station Site for any operational related traffic, including Heavy Goods Vehicles (HGV) and AIL, will continue to use the existing access junctions off the A645 and New Road, which can accommodate HGV and non-HGV traffic.

Subject to obtaining the necessary consents, construction was anticipated to commence in early 2024, however, as a result of Government announcements made in March 2023 and developments with respect to the transport and storage infrastructure for CO2 from the Proposed Scheme in April 2023, the Applicant anticipates a two year delay to the commencement of construction (until 2026) and has also sought flexibility to commence construction within seven years of the consent being granted (rather than 5 years). Flexibility has also been sought to allow the Proposed Scheme to be delivered within the requirements of contractors delivering it with sufficient scope for value engineering through innovative design and / or construction techniques, at the time of construction.

### **DESCRIPTION OF THE SITES AND ORDER LAND (SECTION 3)**

The Site is approximately 128 ha and is split into the following parcels:

- i. Drax Power Station Site** – the land occupied by the Drax Power Station;
- ii. East Construction Laydown Area** – area required during the construction phase of the Proposed Scheme for temporary works situated to the east of the Drax Power Station, across New Road. (N.B. There are several parcels of land within the Drax Power Station Site which would be used for construction laydown. These areas have been termed ‘Drax Power Station Site Construction Laydown Areas’);
- iii. Habitat Provision Area** – the land within the Order Limits that may be used for environmental mitigation for the Proposed Scheme. This parcel is located to the north and north east of the Drax Power Station;
- iv. Surrounding road network;**
- v. Floodplain Compensation Area (‘FCA’)** – the land required for the provision of floodplain compensation as per the commitment contained at paragraph 7.1.3 of the submitted Flood Risk Assessment (**REP2-039** and **REP2-041**). The confirmed solution comprises an area of grazed land to the north of the existing Drax Power Station site, within the Applicant’s ownership; and
- vi. Relocation of existing overhead lines** – in respect of two electrical lines (11kv overhead line crossing the A645 once, and 11kv overhead line crossing the A614 Rawcliffe Road once, owned by Northern Powergrid) and the telecommunications line crossing the A614 Rawcliffe Road twice, owned by Openreach, are required to be undergrounded or raised up to allow for the delivery of Abnormal Indivisible Loads (AILs) to the Site.

In addition, an Off-site Habitat Provision Area has been identified within land outside of the Order Limits, to the west of the Site, that will be used to provide some of the ecological mitigation and compensation associated with the Proposed Scheme.

## COMPULSORY ACQUISITION POWERS (SECTION 4)

Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.

Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required for the development to which the DCO relates and the land is required to facilitate or is incidental to that development.

The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO.

## NEED FOR THE COMPULSORY ACQUISITION OF LAND AND RIGHTS (SECTION 5)

Under section 122 of the PA 2008, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Proposed Scheme (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.

The CA Guidance related to procedures for the compulsory acquisition of land (DCLG, September 2013) also states that: there must be a clear idea how the land to be acquired is to be used and it must be no more than is reasonably required; there must be compelling evidence that the public benefits would outweigh the private loss from the acquisition; all reasonable alternatives to compulsory acquisition should have been explored; there are reasonable prospects of the required funds for the acquisition being available; and that the purposes for which the land is sought are legitimate and sufficient to justify interfering with the human rights of affected people.

All of these matters are considered in this Statement, other than the availability of funding which is set out in the **Funding Statement (REP6-008)** (which is a consolidated version including updates made to support the first and second Change Applications).

The Applicant requires powers of compulsory acquisition 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.

The powers sought are:

- i. **New rights (Article 20)** – shown shaded blue on the Land Plans (**AS-105**). These areas are required for the installation, construction, operation and maintenance of integral electrical connections within the existing generating station and carbon capture plant (Work No. 1F), supporting works in connection with and in addition to Work Nos. 1, 2 and 5 (Work No. 3), or the habitat provision area (Work No. 6), works to facilitate the delivery of abnormal indivisible loads to the site including the diversion of existing electrical 11kV overhead lines (Work No. 8A) and the diversion of existing telecommunications overhead line (Work No. 8B). The relevant plots are set out in Part 1 of Schedule 8 to the Order, alongside the purpose for which the rights may be acquired. The Order includes the power to impose restrictive covenants for the purposes for which new rights are sought and only so far as set out in Part 1 of Schedule 8.

- ii. Extinguishment and/or suspension of rights (Articles 18 and 21) –** the Applicant has included powers in the Order to ensure that easements, restrictions and other private rights identified as affecting the land can be extinguished or suspended, so as to facilitate the construction and operation of the Proposed Scheme without hindrance. These powers relate to all of the Order land. The land over which the Applicant proposes to only extinguish certain easements, servitudes, and other private rights is shown shaded green on the Land Plans. The land forming part of the Drax Power Station Site is within the ownership of the Applicant, but the title may contain certain easements that could be incompatible with the construction and operation of the Proposed Scheme. The diversion of existing electrical 11kV overhead lines and the diversion of the existing telecommunications overhead line to facilitate the delivery of abnormal indivisible loads to the site will require the removal of sections of existing electrical 11kV overhead line and telecommunications overhead line, and for the latter of these activities, it is proposed to extinguish existing easements. The relevant plots are set out in Part 2 of Schedule 8 to the Order, alongside the purpose for the extinguishment of existing rights.
- iii. Temporary use of land to permit construction or maintenance (Articles 26 and 27) –** shown shaded yellow on the Land Plans. The Applicant can only take temporary possession of the land which is listed in Schedule 10 to the Order, and additionally can take temporary possession of any other land where it has not yet exercised powers of compulsory acquisition in order to facilitate construction.

The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved.

The Applicant does not seek to acquire any land. The Applicant has been seeking to acquire the new rights and temporary use of land by private agreement, in order to ensure implementation of the Proposed Scheme. However, it has not yet been possible to acquire these by agreement. In addition, the Applicant requires certain matters to be suspended, overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Proposed Scheme. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order land that may impede the Proposed Scheme, wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with page 6 of the CA Guidance.

This Statement (alongside the Schedule of Negotiations and Powers Sought which was formerly provided at Appendix 1 and is now a standalone document that has been submitted into the Examination (REP8-008) and which will be updated by the Applicant throughout the Examination) sets out the position in relation to the negotiations undertaken to date with affected owners, occupiers and others.

The Applicant requires the compulsory acquisition of new rights only over plots 01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-08, 01-09, 01-10, 01-11, 01-12, 01-13, 01-20, 01-21, 01-22, 01-23 and 01-25 in order to construct, maintain and operate, elements of the Proposed Scheme relating to integral electrical connections within the existing generating station and carbon capture plant (Work No. 1F), supporting works in connection with and in addition to Work Nos. 1, 2 and 5 (Work No. 3) and the habitat provision area (Work No. 6). The freehold of the majority of these plots is in the Applicant's ownership, subject to

leasehold interests or other interests that could hinder and be incompatible with the Proposed Scheme. Plots 01-20, 01-22, 01-23 and 01-25 are in the ownership of National Grid Electricity Transmission plc (NGET), plots 01-07, 01-12 and 01-21 are adopted public highway and therefore in the freehold ownership of The North Yorkshire Council, and the owner of plot 01-08 is unknown. The Applicant also requires the compulsory acquisition of new rights only over plots 01-45, 01-52, 01-53, 01-54, 01-55, 01-61, 01-66, 01-70, 01-72, 01-74, 01-76, 01-85, 01-86, 01-87, 01-92, 01-93, 01-96, 01-106, 01-108, 01-115, 01-118, 01-121 and 01-122 in order to facilitate the delivery of abnormal indivisible loads to the site including the diversion of existing electrical 11kV overhead lines (Work No. 8A) and the diversion of existing telecommunications overhead line (Work No. 8B). The land required for these diversions is in third party ownership.

The Applicant requires powers for the compulsory extinguishment of private rights or interests only in or over plots 01-17, 01-18, 01-19, 01-24 01-78, 01-80 and 01-90 and more generally over all the Order land in order to construct, operate and maintain all elements of the Proposed Scheme. For plots 01-17, 01-18, 01-19 and 01-24, this relates to the Proposed Scheme on the Drax Power Station Site being the carbon capture plant as an extension to an existing generating station (Work No. 1), infrastructure to transport compressed carbon dioxide from Work No. 1E to storage and transport infrastructure operated by the onshore carbon pipeline operator (Work No. 2), supporting works in connection with and in addition to Work Nos. 1, 2 and 5 (Work No. 3), works to facilitate construction access to Work Nos. 1 to 5 (Work No. 4), temporary construction laydown areas (Work No. 5) and the habitat provision area (Work No. 6). These plots are in the freehold of Drax, but may contain certain easements and private rights that could hinder and be incompatible with the Proposed Scheme. There are existing companies occupying the Drax Power Station Site through services agreements or similar arrangements. The agreements enable the companies to occupy parts of these plot. Given the potential for the agreement in place to establish a landlord and tenant arrangement between the Applicant and the company, each company has been identified as having a Category 1 interest. The Applicant does not seek powers to acquire land or new rights with respect to those interests. Powers sought relate only to extinguishing existing rights. For plots 01-78, 01-80 and 01-90, this relates to works to facilitate the delivery of abnormal indivisible loads to the site specifically the diversion of existing telecommunications overhead line (Work No. 8B) which requires the extinguishment of existing rights for sections of the existing telecommunications overhead line which are proposed to be removed. The Applicant also seeks powers to extinguish and/or suspend rights and override easements and other rights in the Order land to the extent that they would conflict with the Scheme.

The Applicant requires temporary possession of plots 01-16 and 01-27. These plots are required for works to facilitate construction access to Work Nos. 1 to 5 (Work No. 4) and temporary construction laydown areas (Work No. 5) on the East Construction Laydown Area. The Applicant also requires temporary possession of plots 01-43, 01-48, 01-60, 01-62, 01-63, 01-67, 01-68, 01-71, 01-73, 01-75, 01-77, 01-79, 01-81, 01-82, 01-83, 01-88, 01-89, 01-91, 01-94, 01-97, 01-98, 01-102, 01-103, 01-110, 01-112, 01-116, 01-119, 01-120, 01-123, 01-124 and 01-125 to facilitate construction laydown and construction access to Works Nos. 8A and 8B.

In order to acquire the rights required for the Proposed Scheme by way of agreement, the Applicant has identified affected owners and occupiers and has engaged with them for negotiations.

The Applicant has set out the main reasons for the options selected for the Proposed Scheme and the reasons for not opting to select the other alternatives considered, including the “do nothing” Scenario. Given the nature and requirements of the Proposed

Scheme, geographically distant alternative power station sites were not considered a viable option and have therefore not been considered further.

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.

The Applicant is seeking to acquire the necessary rights by agreement but has not yet been able to do so. Whilst Drax will continue to seek to acquire the rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the rights required to construct and operate the Proposed Scheme, in order to realise its very significant public benefits.

## **JUSTIFICATION FOR THE USE OF THE POWERS OF COMPULSORY ACQUISITION (SECTION 6)**

The principal justification for the use of powers of compulsory acquisition arises from the following, that the Proposed Scheme (including the facilitation of access to the site in order to deliver the Proposed Scheme):

- i. meets an urgent need for new energy infrastructure;
- ii. is a form of economic development that is suitable in its local context;
- iii. minimises or mitigates adverse impacts to an acceptable degree; and
- iv. is compliant with NPS EN-1, NPS EN-3, Draft NPS EN-1 and Draft NPS EN-3 and in accordance with other decision-making factors specified in Section 104 of the PA 2008.

There is clear national planning policy support for major energy infrastructure, CCS and reliable renewable energy supplies which can help us to reach net zero. This culminates in an overarching need for the use of BECCS technology and the Proposed Scheme. The Overarching National Policy Statement (EN-1) recognises the contribution CCS can make to meeting emissions targets.

This is a game-changing negative emissions technology that permanently removes CO<sub>2</sub> from the atmosphere and will be needed globally to meet climate targets. This is an opportunity for the UK to become a global leader in developing climate-saving technologies, led by Drax Power Limited who have been trialling this technology and are ready to deploy it at an industrial scale. Drax Power Station is the largest power station in the UK, and can be modified to create negative emissions and renewable energy using BECCS, as a first step towards the development of a global negative emissions industry.

The first phase of BECCS at Drax will permanently remove at least 8 million tonnes of CO<sub>2</sub> from the atmosphere each year, making Drax Power Station the world's largest single site carbon capture project.

The Proposed Scheme will accelerate clean growth, protect British industries across the Humber, create thousands of new green jobs.

Without BECCS at Drax in the 2020s, the cost for the UK to deliver net zero will soar. There is an urgent need for this type of project, as set out in the Needs and Benefit Statement (APP-033) and the Project Updates Arising From Government Publications on Energy Matters in March 2023 (REP5-029) demonstrate the significant benefits which would arise should the application be approved.

## **POLICY SUPPORT (SECTION 7)**

Given the urgency of the need for new CCS in order to decarbonise the power sector in the UK to meet the legally binding target of net zero by 2050, the Applicant considers that



the benefits of the Proposed Scheme significantly outweigh the limited harm. The Applicant therefore considers that the Proposed Scheme is acceptable in planning terms and that a DCO should be made by the SoS for the Proposed Scheme.

To ensure that the Proposed Scheme can be built, operated and maintained, and so that the Government's policy in relation to the timely provision of new CCS and meeting net zero targets within a reasonable timescale, the Applicant requires the acquisition of a number of property interests in third party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land. In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order limits, uncertainty will continue to prevail and the Applicant considers that its objectives and those of Government policy would not be achieved.

## **SPECIAL CONSIDERATIONS (SECTION 8)**

Crown Land had been identified within the Order Limits as shown by plots 01-83,01-87 and 01-122 on the Crown Land Plan (REP5-005). Discussions with National Highways have confirmed that the Secretary of State for Transport, whilst showing as holding the title to these plots, by virtue of the de-trunking of the A614 and s265 of the Highways Act 1980, transferred the ownership of the highway and subsoil of the A614 to the local highway authority. However, National Highways have confirmed that the transfer of registered proprietorship is an administrative exercise that has not yet been undertaken, even though the maintenance and responsibility for the operation of this road transferred to the local highway authority (East Riding of Yorkshire) when the road was de trunked. As such, as a result of the Land Registration Act 2002, the Secretary of State for Transport is still considered to be the legal owner of the land. As such the Applicant has begun the process of seeking to obtain the relevant consents under section 135 of the PA2008.

There is no Special Category Land (open space) included within the Order limits. Special Category Land previously identified within the Order Limits has now been removed.

There is no common land or fuel or field garden allotment interests affected by the Proposed Scheme.

Various land or apparatus of statutory undertakers or other utility providers is affected by the Proposed Scheme. Drax has included protective provisions within Schedule 12 of the **Order (REP8-005)** and separately is seeking to agree these or alternative terms with each statutory undertaker.

## **OTHER CONSENTS AND ORDERS (SECTION 9)**

The Applicant requires various other consents, as well as a DCO, in order to build and operate the Proposed Scheme. These include:

- i. Environmental Permit variation;
- ii. Greenhouse gas permit;
- iii. Permit for transport of abnormal loads;
- iv. Temporary Traffic Regulation Order
- v. Protected species licence
- vi. Hazardous Substances Consent; and
- vii. Energy licence modification application.

The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the

Proposed Scheme proceeding. Further details on these are set out in the **Other Consents and Licences (REP5-010)**.

### **HUMAN RIGHTS (SECTION 10)**

The Order has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the Drax DCO.

The Applicant considers that there would be very significant public benefit arising from the making of the Drax DCO. That benefit can only be realised if the Drax DCO includes compulsory acquisition powers, and the purpose for which rights are sought (to build and operate the Proposed Scheme) is legitimate.

The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Drax DCO, including the compulsory acquisition powers sought.

### **FURTHER INFORMATION (SECTION 12)**

Owners and occupiers of property affected by the Drax DCO who wish to negotiate a sale or discuss matters of compensation should contact Sean Carroll of WSP (telephone – [REDACTED] email [REDACTED]@wsp.com).

Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.

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# 1 INTRODUCTION

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## 1.1 OVERVIEW

- 1.1.1 This Statement of Reasons has been prepared on behalf of Drax Power Limited (the '**Applicant**'). It forms part of the application (the '**DCO Application**') for a Development Consent Order (a '**DCO**'), that has been submitted to the Secretary of State for Business, Energy and Industrial Strategy ('**Secretary of State**'), under section 37 of 'The Planning Act 2008' (the '**PA 2008**').
- 1.1.2 The DCO Application was accepted for examination by PINS on 20 June 2022. The Examination is due to commence in Q1 2023.
- 1.1.3 The Applicant is seeking development consent to install post combustion Carbon Capture technology on up to two of the existing 660-megawatt electrical ('Mwe') biomass power generating units at the Drax Power Station in Selby, North Yorkshire (the '**Proposed Scheme**'). The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas, resulting in overall negative emissions of greenhouse gases. A DCO is required for the Proposed Scheme as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a '**NSIP**') under sections 14(1)(a) and 15 of the PA 2008. The DCO, if made by the Secretary of State, would be known as the 'Drax Bioenergy with Carbon Capture and Storage Order' (the '**Drax DCO**' or the '**Order**', a draft of which has been submitted with the DCO Application (**REP8-005**)).
- 1.1.4 A **Glossary (AS-069)** has been submitted as a standalone document with the Application which incorporates all terms used within submission documents.

## 1.2 THE APPLICANT

- 1.2.1 The Applicant is Drax Power Limited (company number 04883589), a company registered in England and Wales. The Applicant is part of the Drax corporate group of companies (the '**Drax Group**'). Drax Group plc ('**DG plc**') (incorporated in England and Wales with number 05562053) is the ultimate parent company for the Drax Group and the indirect parent of the Applicant. DG plc is listed on the Main Market of the London Stock Exchange under stock ticker DRX, and is part of the FTSE 250 Index.
- 1.2.1 More information on the corporate structure of the Applicant and its financials is presented in the **Funding Statement (REP6-008)** (which is a consolidated version including updates made to support the first and second Change Applications).

## 1.3 THE SITE

- 1.3.1 The Site refers to the land within which the Proposed Scheme would be located. The Order limits are shown on the Site Location Plan (**AS-104**) and refer to the outer perimeter of the Site, including the maximum extent of all potential permanent and temporary works required as part of the Proposed Scheme, but excluding the Off-site Habitat Provision Area, detailed in below. The Order limits are also shown on the **Land Plans (AS-105)** and **Works Plans (AS-106)**.

- 1.3.1 The Site is approximately 128 ha and is split into the following parcels:
- **Drax Power Station Site** – the land occupied by the Drax Power Station;
  - **East Construction Laydown Area** – area required during the construction phase of the Proposed Scheme for temporary works situated to the east of the Drax Power Station, across New Road. (N.B. There are several parcels of land within the Drax Power Station Site which would be used for construction laydown. These areas have been termed ‘**Drax Power Station Site Construction Laydown Areas**’);
  - **Habitat Provision Area** – the land within the Order limits that may be used for environmental mitigation for the Proposed Scheme. This parcel is located to the north and north east of the Drax Power Station;
  - **Surrounding road network**;
  - **Floodplain Compensation Area (‘FCA’)** – the land required for the provision of floodplain compensation as per the commitment contained at paragraph 7.1.3 of the submitted **Flood Risk Assessment (REP2-039 and REP2-041)**. The confirmed solution comprises an area of grazed land to the north of the existing Drax Power Station site, within the Applicant’s ownership; and
  - **Relocation of existing overhead lines** – in respect of two electrical lines (11kv overhead line crossing the A645 once, and 11kv overhead line crossing the A614 Rawcliffe Road once, owned by Northern Powergrid) and the telecommunications line crossing the A614 Rawcliffe Road twice, owned by Openreach, are required to be undergrounded to allow for the delivery of Abnormal Indivisible Loads (AILs) to the Site.
- 1.3.1 In addition, an Off-site Habitat Provision Area has been identified within land outside of the Order limits, to the west of the Site, that will be used to provide some of the ecological mitigation and compensation associated with the Proposed Scheme. This area is shown on **Figure 1.3 (Off-Site Habitat Provision Area) (APP-058)**. The provision of these works are secured via a development consent obligation under section 106 (see completed section 106 agreement **(REP8-025)**).
- 1.3.2 Drax Power Station is surrounded by the villages of Drax, approximately 700 m to the south east of the Order Limits, Long Drax approximately 1.3 km north east, Hemingbrough approximately 1.2 km north and Camblesforth approximately 1.5 km south west. Larger towns in the vicinity of the Drax Power Station are Selby approximately 6 km north west and Goole approximately 8 km south east of the Drax Power Station Site. The Order limits are within the administrative areas of The North Yorkshire Council and East Riding of Yorkshire Council.
- 1.3.3 Information about the Site, including the current land use and any environmental sensitivities, is provided in greater detail in **Chapter 2 (Site and Project Description)** of the **Environmental Statement (‘ES’) (APP-038)**, and in **Chapter 2** of the **Proposed Changes Application Report (AS-045)** and in **Chapter 2** of the **Second Change Application Report (AS-126)**.

## 1.4 Project Description

1.4.1 The Applicant is proposing to install post combustion Carbon Capture technology to capture carbon dioxide from up to two of the existing 660 MWe biomass power generating units (Unit 1 and Unit 2) at the Drax Power Station in Selby, North Yorkshire. The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 are part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. This has been designed to remove approximately 95% of the carbon dioxide from the flue gas, resulting in overall negative emissions of greenhouse gases.

1.4.2 The Proposed Scheme includes the following elements (references to 'Work No.' is to the corresponding work number in Schedule 1 to the **draft DCO (REP8-005)** and as shown on the **Works Plans (AS-106)**:

- **Work No. 1** – carbon capture plant as an extension to an existing generating station comprising:
  - works to modify and upgrade the existing generating station water pre-treatment plant (Work No. 1A);
  - works to modify, upgrade and extend the existing generating station cooling water system (Work No. 1B);
  - works to modify, upgrade and extend the existing generating station boilers and turbines for the carbon capture plant process steam connection (Work No. 1C);
  - up to two carbon dioxide capture plants for Unit 1 and Unit 2 of the existing generating station (Work No. 1D);
  - carbon dioxide processing and compression plant (Work No. 1E); and
  - integral electrical connections within the existing generating station and carbon capture plant (Work No. 1F);
- **Work No. 2** – infrastructure to transport compressed carbon dioxide from Work No. 1E to storage and transport infrastructure operated by the onshore carbon pipeline operator;
- **Work No. 3** – supporting works in connection with and in addition to Work Nos. 1, 2 and 5, including new pipelines, surface water collection and drainage pipe works to discharge to cooling towers, modification to and refurbishment of existing electrostatic precipitators of Unit 1 and Unit 2 of the existing generating station, replacement of the main generator transformers for Unit 1 and Unit 2 of the existing generating station, ground raising and ground preparation works, utilities, security and site lighting infrastructure, tree and hedge removal, hard and soft landscaping, internal roadways, car parking, site drainage and waste management infrastructure;
- **Work No. 4** – works to facilitate construction access to Work Nos. 1 to 5, being road modifications and temporary removal or reinstatement of structures, features and landscaping;
- **Work No. 5** – temporary construction laydown areas;

- **Work No. 6** – habitat provision area including soft landscaping, landscape and biodiversity enhancement measures, and security fencing, gates, boundary treatment and other means of enclosure;
- **Work No. 7** – provision of Floodplain Compensation Area; and
- **Work No. 8** – works to facilitate the delivery of abnormal indivisible loads to the site including:
  - diversion of existing electrical 11kV overhead lines (Work No. 8A)
  - diversion of existing telecommunications overhead line (Work No. 8B).

1.4.3 In addition, Schedule 1 to the Order lists generic works which may be carried out anywhere within Work Nos. 1 to 8, including surface water drainage systems, utility connections, landscaping, biodiversity measures, security measures, site establishments and preparation works, temporary construction laydown and contractor facilities, vehicle parking and cycle storage, accesses, roads and pedestrian and cycle routes, and tunnelling, boring and drilling works.

1.4.4 A more detailed description of the Proposed Scheme is provided at Section 2 of this Statement, Schedule 1 'Authorised Development' of the **Drax DCO (REP8-005)** and **Chapter 2 (Site and Project Description)** of the **ES (APP-038)**, and in **Chapter 2** of the **Proposed Changes Application Report (AS-045)** and in **Chapter 2** of the **Second Change Application Report (AS-126)** and the areas within which each of the main components of the Proposed Scheme are to be built are shown by the coloured and hatched areas on the **Works Plans (AS-106)**.

## 1.5 The purpose and structure of this document

1.5.1 This statement is one of a number of documents required to support the DCO Application submitted to the Secretary of State and should be read together with those documents.

1.5.2 The purpose of this document is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the DCO Application to acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Proposed Scheme, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

1.5.3 This document has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, Regulations 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) (the '**CA Guidance**').

1.5.4 This Statement should be read alongside the other DCO Application documents that relate to the compulsory acquisition powers sought by the Applicant and the need for the Proposed Scheme and Examination documents, including:

- Land Plans (**AS-105**);
- Works Plans (**AS-106**);

- The draft Drax DCO (**REP8-005**);
- Explanatory Memorandum (**REP4-023**);
- Other Consents and Licences (**REP5-009**);
- Funding Statement (**REP6-008**) (which is a consolidated version including updates made to support the first and second Change Applications);
- Book of Reference (**REP7-007**);
- Planning Statement (**APP-032**);
- Need and Benefits Statement (**APP-033**);
- Planning Statement Addendum (**REP2-019**);
- National Policy Statement Compliance Tracker (**REP5-026**); and
- Project Updates Arising from Government Publications on Energy Matters in March 2023 (**REP5-029**).



## 2 DESCRIPTION OF THE SCHEME

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### 2.1 Overview

- 2.1.1 This section provides further detail on the components of the Proposed Scheme. The development to which the Drax DCO applies is set out at Schedule 1 to the Drax DCO, and is called the 'authorised development' in that document. The **Works Plans (AS-106)** show the areas in which the parts of the Proposed Scheme may be constructed.
- 2.1.2 The Proposed Scheme would involve the installation of post-combustion carbon capture technology to capture carbon dioxide from up to two existing 660 MWe biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 are part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units.
- 2.1.3 The carbon dioxide captured will undergo processing and compression before being transported via a proposed new pipeline for storage under the southern North Sea. Transport and storage infrastructure will be consented through separate applications submitted by other parties (not the Applicant).
- 2.1.4 Core items of the existing infrastructure at the Drax Power Station would be utilised by installing and integrating the Carbon Capture Plant with existing infrastructure including existing power generating units (Units 1 and 2) for extraction of steam, re-using the cooling water systems, Main Stack and electrical connections.
- 2.1.5 The Proposed Scheme is made up of the following:
- a. Up to two Carbon Capture Plants (one associated with Unit 1 and one associated with Unit 2) (Work No. 1D as described in Schedule 1 of the Order), each made up of:
    - i. Flue gas pre-treatment section (includes flue gas booster fans (Work Nos. 1D(v) and (vi)), Gas / Gas Heat Exchangers (Work Nos. 1D(v) and (vi)) and Quench Columns (Work Nos. 1D(i) and (ii)));
    - ii. One Absorber Column (Work Nos. 1D(i) and (ii));
    - iii. Solvent Regeneration System (to include up to two Regenerators) (Work Nos. 1D(iii) and (iv)); and
    - iv. Rich Solvent / Lean Solvent Heat Exchangers (Work Nos. 1D(iii) and (iv));
  - b. Additional Common Plant infrastructure and modification works to the Drax Power Station that are required to support and integrate with one or both Carbon Capture Plants including:

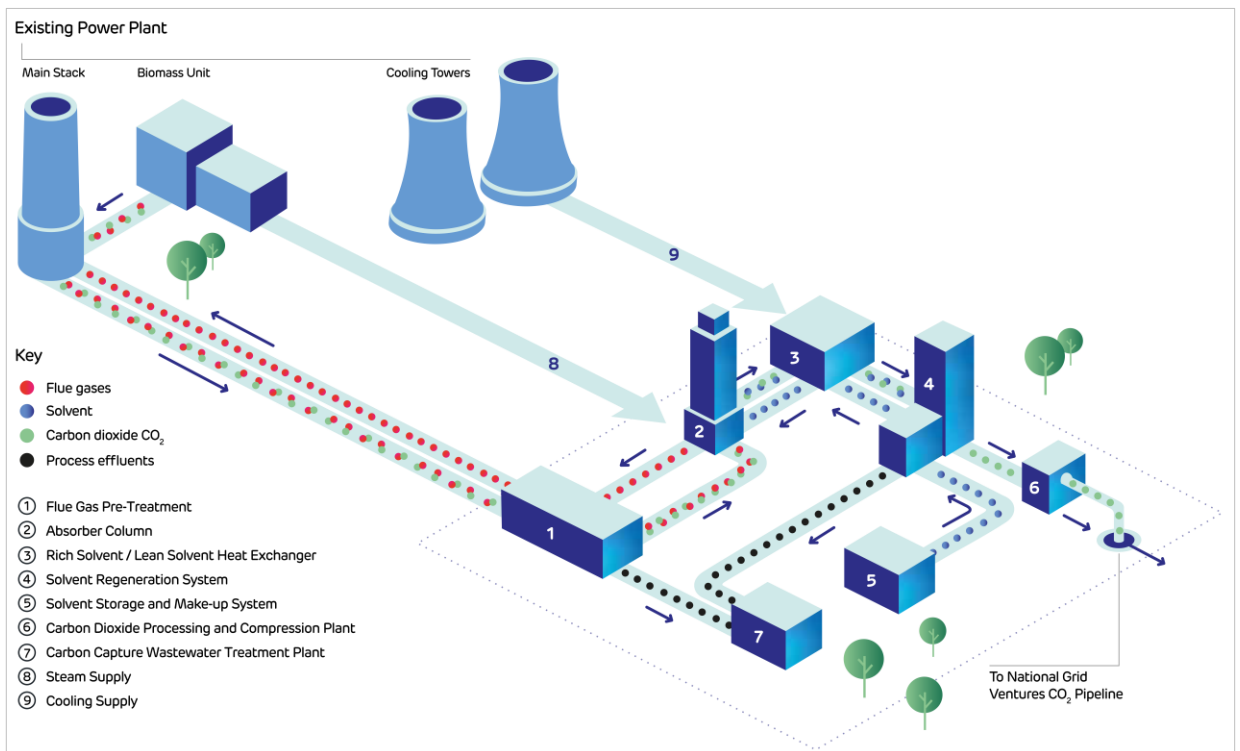
- i. Solvent Storage and Make-up System (comprising up to four banded solvent storage compounds) (Work No. 1D(vii) in Schedule 1 of the Order);
  - ii. Carbon Capture Wastewater Treatment Plant (Work No. 1D(viii) in Schedule 1 of the Order);
  - iii. Carbon Dioxide Processing and Compression Plant (Work No. 1E in Schedule 1 of the Order);
  - iv. Modification to the existing water pre-treatment plant (Work No. 1A in Schedule 1 of the Order);
  - v. Modification, upgrade and extension of the existing cooling system and distribution of cooling water to the Proposed Scheme (Work No. 1B in Schedule 1 of the Order);
  - vi. Modifications to existing electrostatic precipitators (Work No. 3 in Schedule 1 of the Order);
  - vii. Modifications, upgrade and extension to existing power generating units, boilers and turbines for steam extraction and new steam processing infrastructure for distribution of process steam and electricity supply to the Proposed Scheme (Work No. 1C and Work No. 1F in Schedule 1 of the Order); and
  - viii. Integral electrical connections within the existing generating station and Carbon Capture Plant including upgrades to the existing electrical infrastructure and new electrical infrastructure for the secondary electrical supply to the Proposed Scheme (Work No. 1F in Schedule 1 of the Order);
- c. Infrastructure to transport compressed carbon dioxide from the Carbon Dioxide Processing and Compression Plant to storage and transport infrastructure operated by the onshore carbon pipeline operator (Work No. 2 in Schedule 1 of the Order);
  - d. Minor vegetation and street furniture management and other works to facilitate access during construction (Work No. 4 in Schedule 1 of the Order);
  - e. Additional supporting infrastructure and other works for the Proposed Scheme as set out in Section 2.2.49 (Work No. 3 in Schedule 1 of the Order);
  - f. Temporary construction laydown areas (Drax Power Station Site Construction Laydown Areas and the East Construction Laydown Area) (Work No. 5 in Schedule 1 of the Order);
  - g. Habitat Provision Area (Work No. 6 in Schedule 1 of the Order);
  - h. Provision of floodplain compensation as per the commitment contained at paragraph 7.1.3 of the submitted **Flood Risk Assessment (REP2-039 and REP2-041)**. The confirmed solution comprises an area of grazed land to the

north of the existing Drax Power Station site (Work No. 8A in Schedule 1 of the Order); and

- i. Relocation of existing overhead lines – in respect of two electrical lines (11kv overhead line crossing the A645 once, and 11kv overhead line crossing the A614 Rawcliffe Road once, owned by Northern Powergrid) and the telecommunications line crossing the A614 Rawcliffe Road twice, owned by Openreach, are required to be undergrounded to allow for the delivery of Abnormal Indivisible Loads (AILs) to the Site (Work No. 8B in Schedule 1 of the Order).

2.1.1. A process block flow diagram showing a schematic of the Proposed Scheme is provided in **Plate 2.1 (Process Block Flow Diagram for the Proposed Scheme)** below. To help describe the process, a Carbon Capture Plant associated with a single unit has been shown, alongside common plant which would support both a Carbon Capture Plant for each of Unit 1 and Unit 2. The diagram is a schematic for illustrative purposes only, including the main process components and does not represent the scale or number of equipment items anticipated for the Proposed Scheme.

**Plate 2.1 – Process Block Flow Diagram for the Proposed Scheme**



## 2.2 ACCESSES

2.2.1 Regular transport of construction materials would be via the road network, with HDVs routing from J36 M62. However, the construction works would include delivery of AIL and it is anticipated that there would be no more than 15 AILs, not including transformers.

- 2.2.2 It is anticipated that AILs would be delivered to the Port of Goole (Boothferry Terminal) where each AIL would be transferred from water to road. The size and weight of the AILs will vary.
- 2.2.3 From the Port of Goole, the AIL route would travel west along the A161. At the A161 Andersen Road / A161 Normandy Road roundabout, the AIL would bear right using the eastbound circulatory carriageway. The AIL route would continue west along the A161 using the full width of the highway crossing over the South Railway Bridge and North Railway Bridge.
- 2.2.4 At the A161 / Andersen Road signal-controlled junction, the AIL route would continue west along the A161. The AIL route would continue west along the A161 to the A161 / Tom Pudding Way roundabout where it would use the westbound part of the circulatory carriageway and part of the central island.
- 2.2.5 The next section of the A161 includes a highway improvement scheme which includes a signal-controlled junction and link road to the west of the A161 and it is anticipated that it will be constructed in Autumn 2022. At this point, the AIL would use the northbound section of the A161 dual carriageway until it reaches the M62 Junction 36 Dumbbell roundabout.
- 2.2.6 There are two AIL route options to cross the M62 as follows, both of which would require up to 15 night-time closures of the M62:
- a. Option 1 – travel along the westbound carriageway of the M62 and cross the vehicle over the central reserve to change to the eastbound carriageway of the M62 and travel up the eastbound exit slip to the M62 Junction 36. Clearance of vegetation and pruning would be required on the slip road.
  - b. Option 2 – travel along the westbound carriageway in an easterly direction. Similar to the first option, there is a central reserve to change to the eastbound carriageway travelling west.
- 2.2.7 On the north side of the M62, the AIL route would continue west at the A614 /Airmyn Road using the westbound section of the circulatory carriageway and the full width of the highway on the A614.
- 2.2.8 At the A614 / A645 roundabout, the AIL route would use the eastbound section of the circulatory carriageway and then continue west on the A645 using the full width of the highway boundary.
- 2.2.9 The AIL route would use the full width of the A645 carriageway and the Newlands Bridge over the River Aire. At the A645 / New Road roundabout, the AIL would travel west and then right into the South Entrance of Drax Power Station.
- 2.2.10 During the construction phase, two temporary construction site accesses from the public highway will be created to the East Construction Laydown Area and parking areas.
- 2.2.11 In order for the AILs to move between the Port of Goole and Drax Power Station, the Applicant would require certain highway powers in order to temporarily remove barriers, street furniture, overhead lines, communication lines, and carry out minor tree surgery including trimming back vegetation and pruning. The **Proposed Changes Application Report (AS-045)** and the **Second Change**

**Application Report (AS-126)** provide more information as to this is proposed to be undertaken in respect of key overhead lines that would be affected by those movements.

- 2.2.12 The operation and maintenance of the Proposed Scheme will follow in line with how the Existing Drax Power Station currently operates, with the requirement for disposal of process wastes in line with existing site waste management systems and replenishment of process chemicals. Access to the Drax Power Station Site for any operational related traffic, including Heavy Goods Vehicles (HGV) and AIL, will continue to use the existing access junctions off the A645 and New Road, which can accommodate HGV and non-HGV traffic.

## 2.3 Flexibility

- 2.3.1 Flexibility has been sought to allow the Proposed Scheme to be delivered within the requirements of contractors delivering it with sufficient scope for value engineering through innovative design and / or construction techniques. The **Drax DCO (REP8-005)** and supporting **Works Plans (AS-106)** therefore propose a degree of flexibility to allow the most optimal and efficient layout and design of the Proposed Scheme within the Drax Power Station Site at the time of construction.
- 2.3.2 It has not been possible for the Applicant to fix all of the design details of the Proposed Scheme prior to submission of the Application. Therefore, the Applicant seeks to incorporate a degree of flexibility within the layout and design of the Proposed Scheme. In order to accommodate this flexibility and ensure a robust EIA of the Proposed Scheme, the Applicant has adopted a flexible approach and has assessed a number of maximum design parameters, as set out within the **draft Order (Schedule 14) (REP8-005)** and explained in **Chapter 2 (Site and Project Description)** of the **ES (APP-038)**, and in **Chapter 2** of the **Proposed Changes Application Report (AS-045)** and in **Chapter 2** of the **Second Change Application Report (AS-126)**. This is in accordance with the Rochdale Envelope.
- 2.3.3 PINS Advice Note nine: 'Using the 'Rochdale Envelope' provides guidance regarding the degree of flexibility that may be considered appropriate within an application for development consent under the PA 2008. The Advice Note acknowledges that there may be parameters of a proposed development's design that are not yet fixed and, therefore, it may be necessary for the ES to assess likely worst-case variations to ensure that the likely significant effects of the Proposed Scheme have been assessed.
- 2.3.4 As noted above, flexibility is sought to allow the Proposed Scheme to be delivered within the requirements of contractors delivering it with sufficient scope for value engineering through innovative design and / or construction techniques. This is for example to allow for unforeseeable technological advancements and efficiencies to be incorporated in the final design. Flexibility is also required to allow for the future connection to the Zero Carbon Humber cluster. Flexibility is required in relation to Work No. 2 area as shown on the **Works Plans (AS-106)** to allow for either the onshore carbon pipeline operator's new carbon dioxide delivery terminal compound (Work No. 2(a)) to be provided within the area of Work No. 2, or for it to be located elsewhere outside of the Order limits, with the Proposed Scheme pipeline running to the edge of the Order limits (Work No. 2(b)). This

flexibility is set out in Schedule 1 (Authorised Development) of the **draft Order (REP8-005)**. The design of the Proposed Scheme therefore requires a necessary degree of flexibility to allow for the future selection of the preferred technology in the light of prevailing policy, regulatory and market conditions once a DCO is made.

- 2.3.5 Further detail is also provided in the **Explanatory Memorandum (REP4-023)** to the draft Drax DCO in respect of the flexibility sought and how the draft Drax DCO secures the outputs of the ES.

## 2.4 Timing of construction

- 2.4.1 It is currently anticipated that, subject to development consent being granted, construction work will commence in early 2026. Two options are being considered for the construction of the Proposed Scheme:

c. Option 1: The Carbon Capture Plant associated with Unit 2 is programmed to be constructed first along with the Common Plant, with the Carbon Capture Plant associated with Unit 1 to follow sequentially.

d. Option 2: The Carbon Capture Plant associated with Unit 1 and Unit 2 as well as the Common Plant to be constructed at the same time.

- 2.4.2 In both options the first unit would be operational by the end of 2030, with the second unit operational by the end of 2032. For the purposes of the EIA the worst case construction programme for each topic may differ, therefore the construction programme option which has been assessed is set out in each individual topic chapter of the ES, along with an explanation of the approach taken to optionality more broadly.

- 2.4.3 The **draft Drax DCO (REP8-005)** contains a requirement in Schedule 2 that requires the Applicant to submit for approval to the relevant planning authority (being The North Yorkshire Council) a written scheme setting out the phasing of construction of the Proposed Scheme. The phasing scheme must confirm that the construction of any part of the authorised development would not occur in parallel with any part of the demolition of the redundant flue gas desulphurisation plant that is currently on site. The Proposed Scheme must then be constructed in accordance with that approved scheme.

- 2.4.4 In March 2023 the Department for Energy Security and Net Zero announced the selection of the eight projects to be included within the initial Track 1 of the Cluster Sequencing Programme, and which will proceed to negotiations with the Government for price support through the relevant Business Models. Whilst the Proposed Scheme was assessed as meeting the minimum Track 1 criteria, the list announced by the Government did not include any CCS projects in the Humber region (see Applicant's Project Updates Arising From Government Publications on Energy Matters in March 2023 **(REP5-029)** for more details). In addition, in April 2023 it was announced that NGV (National Grid Ventures) were in commercial discussions with Northern Endurance Partnership (NEP) partners on the sale of the Humber onshore pipeline proposals. Subject to completion of the discussions, NGV will transition the Humber onshore CO<sub>2</sub> system assets to the NEP which will continue to serve carbon capture projects across Teesside and the Humber. As a result of both these developments, the Applicant (i) anticipates construction work will begin in 2026 (as opposed to early 2024, as

included in the Applicant's Environmental Statement), and (ii) has sought an extension to the time sought in which to implement the Proposed Scheme from five to seven years following the grant of consent to allow further flexibility for the timeframe in which construction of the Proposed Scheme can commence. These developments since submission do not impact the environmental impacts of the Proposed Scheme, as assessed in the Applicant's Environmental Statement or the Habitat Regulations Assessment.

## **2.5 Summary**

2.5.1 The Proposed Scheme would involve the installation of post-combustion carbon capture technology to capture carbon dioxide from up to two existing 660 Mwe biomass power generating units at the Drax Power Station (Unit 1 and Unit 2). The installation of this technology constitutes an extension to the Existing Drax Power Station (of which biomass Units 1 and 2 are part) and is referred to as post-combustion carbon capture as the carbon dioxide is captured from the flue gas produced during the combustion of biomass in Units 1 and 2. The Proposed Scheme is designed to remove approximately 95% of the carbon dioxide from the flue gas from these two Units. Subject to obtaining the necessary consents, construction is anticipated to commence in early 2026, although flexibility has been sought to commence construction within seven years of the grant of consent. Flexibility has also been sought to allow the Proposed Scheme to be delivered within the requirements of contractors delivering it with sufficient scope for value engineering through innovative design and / or construction techniques, at the time of construction.

### 3 DESCRIPTION OF THE SITES AND ORDER LAND

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#### 3.1 OVERVIEW

3.1.1 The maximum area of land required for the construction, operation (including maintenance), and decommissioning of the Proposed Scheme is shown on the **Land Plans (AS-105)**. The land within the Order limits has been refined as the Proposed Scheme design has progressed, taking into account environmental and technical factors, and consultation responses.

3.1.2 The Site is approximately 128 ha and is split into the following parcels:

- a. **Drax Power Station Site** – the land occupied by the Drax Power Station;
- b. **East Construction Laydown Area** – area required during the construction phase of the Proposed Scheme for temporary works situated to the east of the Drax Power Station, across New Road. (N.B. There are several parcels of land within the Drax Power Station Site which would be used for construction laydown. These areas have been termed ‘**Drax Power Station Site Construction Laydown Areas**’);
- c. **Habitat Provision Area** – the land within the Order Limits that may be used for environmental mitigation for the Proposed Scheme. This parcel is located to the north and north east of the Drax Power Station;
- d. **Surrounding road network**;
- e. Floodplain Compensation Area – the land required for the provision of floodplain compensation as per the commitment contained at paragraph 7.1.3 of the submitted **Flood Risk Assessment (REP2-039 and REP2-041)**. The confirmed solution comprises an area of grazed land to the north of the existing Drax Power Station site, within the Applicant’s ownership; and
- f. Relocation of existing overhead lines – in respect of two electrical lines (11kv overhead line crossing the A645 once, and 11kv overhead line crossing the A614 Rawcliffe Road once, owned by Northern Powergrid) and the telecommunications line crossing the A614 Rawcliffe Road twice, owned by Openreach, are required to be undergrounded to allow for the delivery of Abnormal Indivisible Loads (AILs) to the Site.

3.1.3 In addition, an Off-site Habitat Provision Area has been identified within land outside of the Order Limits, to the west of the Site, that will be used to provide some of the ecological mitigation and compensation associated with the Proposed Scheme.

#### 3.2 DRAX POWER STATION SITE

3.2.1 Drax Power Station was originally built, owned and operated by the Central Electricity Generating Board. It had a capacity of just under 2,000 megawatts (‘MW’) when Phase 1 was completed in 1975, increasing to 4,000 MW from six coal-fired units after the construction of Phase 2 in 1986.



- 3.2.2 It is now owned and operated by the Applicant. Four of the six main generating units (units 1 to 4) run on biomass, making Drax Power Station the UK's largest single site renewable power generator.
- 3.2.3 The two remaining coal units (units 5 and 6) stopped generating electricity commercially in March 2021 and will cease operations prior to works to construct the Proposed Scheme commencing.
- 3.2.4 The Existing Drax Power Station is characterised by a number of large structures, including the main generating station buildings housing the four biomass units (retrofitted sequentially at Drax Power Station since 2013) and two coal units, a main emissions stack of 259 m in height, 12 cooling towers each of 116.5 m in height (six to the north and six to the south of the generating station buildings), offices, storage buildings and ash handling facilities, as well as overhead electricity cables and rail infrastructure.
- 3.2.5 Three Public Rights of Way ('PRoW') run adjacent to the Drax Power Station Site. PRoW 35.47/6/1 runs from New Road along part of the northern edge of the Drax Power Station Site (eastern side) and connects to PRoW 35.6/12/1. PRoW 35.6/12/1 also runs along part of the northern edge of the Drax Power Station Site (western side) and connects PRoW 35.47/6/1 with PRoW 35.47/10/1. PRoW 35.47/10/1 runs along the western boundary of the Drax Power Station Site and connects with PRoW 35.6/11/1 and part of PRoW 35.47/11/1. Further detail is shown on **Figure 2.1 (Environmental Constraints) (APP-059)**.

### **3.3 CONSTRUCTION LAYDOWN AREAS**

- 3.3.1 The construction laydown areas for the Proposed Scheme are made up of the East Construction Laydown Area, which is situated to the east of the Drax Power Station, across New Road and the Drax Power Station Site Construction Laydown Areas, which are several parcels of land within the Drax Power Station Site.
- 3.3.2 PRoW 35.47/1/1 runs adjacent to the northern boundary of the East Construction Laydown Area.

### **3.4 HABITAT PROVISION AREA**

- 3.4.1 Land to the north and north east of the Drax Power Station Site within the Order limits consists of mainly agricultural fields. New Road landfill site, an historic landfill, is located to the north east of the Drax Power Station Site, partially within the Order limits.
- 3.4.2 Drax Augustinian Priory Scheduled Monument, Foreman's Cottage and Drax Abbey Farm fall outside of the Habitat Provision Area but are either partially or entirely bounded by it.
- 3.4.3 One PRoW runs within the Habitat Provision Area. PRoW 35.47/6/1 runs from New Road along part of the Habitat Provision Area, to be used for access for planting and maintenance on proposed hedgerows. PRoW 35.47/1/1 runs adjacent to the southern boundary of the Habitat Provision Area, to the south of Pear Tree Avenue.

### 3.5 OFF-SITE HABITAT PROVISION AREA

- 3.5.1 The Off-Site Habitat Provision area sits outside of the Order Limits, to the west of the Drax Power Station Site, and is shown on **Figure 1.3 (Off-Site Habitat Provision Area) (APP-058)**. This land consists of a northern section, referred to as 'Arthurs Wood' and a southern section referred to as the 'Fallow Field'. The Off-Site Habitat Provision Area is situated partially within the Skylark Centre and Nature Reserve, established and run by the Applicant.
- 3.5.2 The Off-Site Habitat Provision Area within Arthurs Wood comprises broadleaved woodland. An access track forming part of the Nature Reserve runs along the eastern boundary and Park Lane is to the North. Stable Road bounds the area to the west.
- 3.5.3 Fallow Field is made up of rank grassland and former arable land which has recently fallen out of agricultural production, separated by a ditch and a native hedgerow. A PRoW (35.6/6/1) runs through the southern half of Fallow Field entering from agricultural land to the west and running approximately south to the southern boundary of the Off-Site Habitat Provision Area.

### 3.6 SURROUNDING ROAD NETWORK

- 3.6.1 Minor vegetation and street furniture management required to construct the Proposed Scheme within the Order limits in relation to the transportation of construction materials via the road network. These works would take place along the A645 along the southern boundary of the Order limits.

### 3.7 FLOODPLAIN COMPENSATION AREA (FCA)

- 3.7.1 The land on which the FCA is proposed to be located is to the north of the Drax Power Station Site. The FCA is currently used for sheep grazing, however upon completion of the works, the FCA would be reinstated as grassland and form part of the **Outline Landscape and Biodiversity Strategy (OLBS) (REP6-017)**. The FCA will be accessed via the Drax Power Station Materials Handling Gatehouse Access via New Road, and then via the internal Drax Power Station access road to the track providing access to the south-west corner of the field via an existing field gate.

### 3.8 RELOCATION OF EXISTING OVERHEAD LINES

- 3.8.1 Two electrical 11kV overhead lines (OHL1 and OHL2) and a telecommunications overhead line (TCL1) currently cross the proposed AIL route from the Port of Goole to Drax Power Station, north of the M62.
- 3.8.2 One 11kv overhead line crosses the A645 (OHL1), and the other 11kv overhead line crosses the A614 Rawcliffe Road (OHL2). They are both owned by Northern Powergrid and are required to be undergrounded to allow for the delivery of Abnormal Indivisible Loads (AILs) to the Site.
- 3.8.3 The telecommunications overhead line crosses the A614 Rawcliffe Road twice and is owned by BT Openreach. The asset owners of TCL1 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.

### 3.9 SURROUNDING AREA

- 3.9.1 Environmental constraints are shown in **Figure 2.1 (Environmental Constraints) (APP-059)**. Drax Power Station is surrounded by the villages of Drax, approximately 700 m to the south east of the Order limits, Long Drax approximately 1.3 km north east, Hemingbrough approximately 1.2 km north and Camblesforth approximately 1.5 km south west. Larger towns in the vicinity of the Drax Power Station are Selby approximately 6 km north west and Goole approximately 8 km south east of the Drax Power Station Site.
- 3.9.2 Rusholme Wind Farm is located approximately 3 km to the east of the Order Limits and Drax Golf Club is across the A645 to the south. There is an industrial site adjacent to the south west of the Order Limits to the. Drax Skylark Centre and Nature Reserve are located to the north west.
- 3.9.3 The nearest major surface water feature is the River Ouse, located adjacent to the north east of the Order Limits. Approximately 6.2 km downstream from this location, the River Ouse forms part of the Humber Estuary Ramsar site, Special Area of Conservation ('SAC'), Special Protection Area and Site of Special Scientific Interest. The River Derwent is the closest SAC, approximately 450 m to the north of the Order Limits. There are various other sites designated for their biodiversity value within the area. All distances are measured from the Order Limits.
- 3.9.4 PRow run adjacent to the western and northern borders of the Drax Power Station Site and to the north of the East Construction Laydown Area. There is also a PRow which runs to the north of the Order Limits northwest of the junction of the A645 and the A614 Rawcliffe Road. A PRow network extends across much of the surrounding area, with a high concentration between the village of Drax and the River Ouse. The Trans-Pennine trail long distance path and the Sustrans Route 65 run along the eastern bank of the River Ouse.
- 3.9.5 The road network adjacent to the Order Limits includes the A1041, the A645, and the A614 Rawcliffe Road, which connect the Drax Power Station to the wider road network including the M62 Junction 36, approximately 6 km south east. Minor roads connect the Drax Power Station to the villages of Drax, Newland and isolated properties.

## 4 COMPULSORY ACQUISITION POWERS

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### 4.1 OVERVIEW

- 4.1.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 4.1.2 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the DCO Application, is satisfied that the land is:
- a. required for the development to which the development consent relates;
  - b. required to facilitate or is incidental to that development; or
  - c. replacement land for commons, open spaces, etc.
- 4.1.3 The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO. This is required by section 122(3).
- 4.1.4 This Statement of Reasons provides the information that will enable the Secretary of State to comply with section 120 and section 122.

## **5 NEED FOR THE COMPULSORY ACQUISITION OF LAND AND RIGHTS**

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### **5.1 THE MATTERS TO WHICH THE SECRETARY OF STATE MUST HAVE REGARD**

- 5.1.1 As noted above, under section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) are met. The conditions to be met are that:
- a. the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see paragraph 5.2 onwards below); and
  - b. there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The Secretary of State must be persuaded that the public benefits from the compulsory acquisitions will outweigh the private loss suffered by those whose land is to be acquired (see Sections 6 and 7 below).
- 5.1.2 In respect of the section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 11 of the CA Guidance) states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 5.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 5.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:
- a. that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Scheme) have been explored – see section 3 above in relation to how the Applicant has selected aspects of the Sites, and more generally paragraph 5.4 onwards;
  - b. that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate – see the remainder of this section, and Section 10 below;
  - c. that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire – Sections 2 and 3 above describe the Sites and the

Proposed Scheme, and this section describes the nature of the interest sought and the purposes for which areas are to be acquired or used;

- d. that there is a reasonable prospect of the requisite funds for the acquisition becoming available – see the **Funding Statement (REP6-008)** (which is a consolidated version including updates made to support the first and second Change Applications); and
- e. that the purposes for which compulsory acquisition of land powers are included in the Drax DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected – see Section 10.

5.1.5 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied.

## **5.2 NEED FOR COMPULSORY ACQUISITION OF LAND AND RIGHTS (SECTIONS 122(2) AND (3))**

5.2.1 To ensure that the Proposed Scheme can be built, maintained and operated, and so that the Government's policies are met in relation to meeting net zero carbon emissions targets for 2050, the Applicant requires the acquisition of a number of rights affecting third party land interests, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.

5.2.2 There are three categories of land powers included in the **Order (REP8-005)** – two of these are powers of compulsory acquisition of interests and the third is a power to occupy land temporarily. Each is introduced briefly below, followed by further information on the necessity of the powers sought and the purpose for which the Applicant requires the land. These powers in the draft DCO relate to the Order land only, which is all the land shown on the **Land Plans (AS-105)** and identified in the **Book of Reference (REP7-007)**. It is noted that whilst there are small areas shown white on the Land Plans and within the Book of Reference, those plots are included as part of the Order land because, whilst no rights or temporary possession are sought over those plots, powers to carry out protective works to buildings are sought over these plots (on a precautionary basis and pursuant to Article 33 of the draft DCO). This section also provides information on the status of negotiations to acquire these interests by agreement.

- a. **New rights (Article 20)** – shown shaded blue on the **Land Plans (AS-105)**. These areas are required for the installation, construction, operation and maintenance of integral electrical connections within the existing generating station and carbon capture plant (Work No. 1F) and supporting works in connection with and in addition to Work Nos. 1, 2 and 5 (Work No. 3), or the habitat provision area (Work No. 6), works to facilitate the delivery of abnormal indivisible loads to the site including the diversion of existing electrical 11kV overhead lines (Work No. 8A) and the diversion of existing telecommunications overhead line (Work No. 8B). The relevant plots are set out in Part 1 of Schedule 8 to the Order, alongside the purpose for which the rights may be acquired. The Order includes the power to impose restrictive covenants for the purposes for which new rights are sought and only so far as set out in Part 1 of Schedule 8.

- b. **Extinguishment and/or suspension of rights (Articles 18 and 21)** – the Applicant has included powers in the Order to ensure that easements, restrictions and other private rights identified as affecting the land can be extinguished or suspended, so as to facilitate the construction and operation of the Proposed Scheme without hindrance. These powers relate to all of the Order land. The land over which the Applicant proposes to only extinguish certain easements, servitudes, and other private rights is shown shaded green on the Land Plans. The land forming part of the Drax Power Station Site is within the ownership of the Applicant, but the title may contain certain easements that could be incompatible with the construction and operation of the Proposed Scheme. The diversion of existing electrical 11kV overhead lines and the diversion of the existing telecommunications overhead line to facilitate the delivery of abnormal indivisible loads to the site will require the removal of sections of existing electrical 11kV overhead line and telecommunications overhead line over which it is proposed to extinguish existing easements. The relevant plots are set out in Part 2 of Schedule 8 to the Order, alongside the purpose for the extinguishment of existing rights.
- c. **Temporary use of land to permit construction or maintenance (Articles 26 and 27)** – shown shaded yellow on the Land Plans. The Applicant can only take temporary possession of the land which is listed in Schedule 10 to the Order, and additionally can take temporary possession of any other land where it has not yet exercised powers of compulsory acquisition in order to facilitate construction.

- 5.2.3 In all cases the plots of land shown on the Land Plans are described in the **Book of Reference (REP7-007)**.
- 5.2.4 The Applicant does not seek to acquire any land. The Applicant has been seeking to acquire the new rights and temporary use of land by private agreement, in order to ensure implementation of the Proposed Scheme. However, it has not yet been possible to acquire these by agreement. In addition, the Applicant requires certain matters to be suspended, overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Proposed Scheme.
- 5.2.5 The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved.
- 5.2.6 Whilst seeking compulsory purchase powers, the Applicant will continue to seek to acquire rights and the temporary use of land by agreement, as well as secure the removal of matters affecting the Order land that may impede the Proposed Scheme, wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with page 6 of the CA Guidance.
- 5.2.7 The Applicant's justification for seeking compulsory purchase powers, in accordance with the provisions of the PA 2008, is to secure the temporary use of land, the rights and other interests required to enable it to construct, operate and maintain the Proposed Scheme within a reasonable commercial timeframe.

5.2.8 The inclusion of powers of compulsory acquisition in the Order is sought in order to ensure that this can be achieved. The relevant powers, and interests sought together with the land required for temporary use, are no more than is required to facilitate the Proposed Scheme, its construction and future maintenance.

### **5.3 USE OF THE ORDER LAND AND STATUS OF NEGOTIATIONS**

5.3.1 The Applicant does not seek any powers to acquire land compulsorily.

5.3.2 The Applicant requires the compulsory acquisition of new rights only over plots 01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-08, 01-09, 01-10, 01-11, 01-12, 01-13, 01-20, 01-21, 01-22, 01-23 and 01-25 in order to construct, maintain and operate, elements of the Proposed Scheme relating to integral electrical connections within the existing generating station and carbon capture plant (Work No. 1F), supporting works in connection with and in addition to Work Nos. 1, 2 and 5 (Work No. 3) and the habitat provision area (Work No. 6). The freehold of the majority of these plots is in the Applicant's ownership, subject to leasehold interests or other interests that could hinder and be incompatible with the Proposed Scheme. Plots 01-20, 01-22, 01-23 and 01-25 are in the ownership of National Grid Electricity Transmission plc (NGET), plots 01-07, 01-12 and 01-21 are adopted public highway and the freehold owner is therefore identified as being The North Yorkshire Council, and the owner of plot 01-08 is unknown. Mr Richard Watson and Mr David Watson hold interests in plots 01-01, 01-03, 01-04, 01-05, 01-06, and 01-10. The Applicant also requires the compulsory acquisition of new rights only over plots 01-45, 01-52, 01-53, 01-54, 01-55, 01-61, 01-66, 01-70, 01-72, 01-74, 01-76, 01-85, 01-86, 01-87, 01-92, 01-93, 01-96, 01-106, 01-108, 01-115, 01-118, 01-121 and 01-122 in order to facilitate the delivery of abnormal indivisible loads to the site including the diversion and undergrounding of existing electrical 11kV overhead lines (Work No. 8A) and the diversion and undergrounding of existing telecommunications overhead line (Work No. 8B). The land required for these diversions is in third party ownership. The relevant land interests and status of negotiations are set out in the Schedule of Negotiations and Powers Sought, which in previous versions of this Statement of Reasons has been included at Appendix 1. The Schedule of Negotiations and Powers Sought is now a stand alone document that has been submitted into the Examination and which will be updated by the Applicant throughout the Examination. Further information on the powers sought is also set out in Schedule 8 of the draft DCO.

5.3.3 The Applicant requires powers for the compulsory extinguishment of private rights or interests only in or over plots 01-17, 01-18, 01-19, 01-24, 01-78, 01-80 and 01-90, and more generally in all the Order land in order to construct, operate and maintain all elements of the Proposed Scheme. For plots 01-17, 01-18, 01-19 and 01-24, this relates to the Proposed Scheme on the Drax Power Station Site being the carbon capture plant as an extension to an existing generating station (Work No. 1), infrastructure to transport compressed carbon dioxide from Work No. 1E to storage and transport infrastructure operated by the onshore carbon pipeline operator (Work No. 2), supporting works in connection with and in addition to Work Nos. 1, 2 and 5 (Work No. 3), works to facilitate construction access to Work Nos. 1 to 5 (Work No. 4), temporary construction laydown areas (Work No. 5) and the habitat provision area (Work No. 6). These plots are in the freehold of Drax, but may contain certain easements and private rights that could hinder and be incompatible with the Proposed Scheme. There are existing companies



occupying the Drax Power Station Site through services agreements or similar arrangements. The agreements enable the companies to occupy parts of these plots. Given the potential for the agreement in place to establish a landlord and tenant arrangement between the Applicant and the company, each company has been identified as having a Category 1 interest. The Applicant does not seek powers to acquire land or new rights with respect to those interests. Powers sought relate only to extinguishing existing rights. For plots 01-78, 01-80 and 01-90, this relates to works to facilitate the delivery of abnormal indivisible loads to the site specifically the diversion of existing telecommunications overhead line (Work No. 8B) which requires the extinguishment of existing rights for sections of the existing telecommunications overhead line which are proposed to be removed. The Applicant also seeks powers to extinguish and/or suspend rights and override easements and other rights in the Order land to the extent that they would conflict with the Scheme.

- 5.3.4 The Applicant requires temporary possession of plots 01-16 and 01-27. These plots are required for works to facilitate construction access to Work Nos. 1 to 5 (Work No. 4) and temporary construction laydown areas (Work No. 5) on the East Construction Laydown Area. The Applicant also requires temporary possession of plots 01-43, 01-48, 01-60, 01-62, 01-63, 01-67, 01-68, 01-71, 01-73, 01-75, 01-77, 01-79, 01-81, 01-82, 01-83, 01-88, 01-89, 01-91, 01-94, 01-97, 01-98, 01-102, 01-103, 01-110, 01-112, 01-116, 01-119, 01-120, 01-123, 01-124 and 01-125 to facilitate construction laydown and construction access to Works Nos. 8A and 8B.
- 5.3.5 In order to acquire the rights required for the Proposed Scheme by way of agreement, the Applicant has identified affected owners and occupiers and has engaged with them for negotiations. The Schedule of Negotiations and Powers Sought (which was previously included at Appendix 1, and which is now a stand alone document that has been submitted into the Examination and which will be updated by the Applicant throughout the Examination) includes all plots in the Book of Reference and land interests where the Applicant has been involved in negotiations to reach voluntary agreement with landowners. For each plot in the Schedule of Negotiations and Powers Sought describes the party's interest by reference to the Work Nos. set out in Schedule 1 to the Drax DCO and shown on the Works Plans, and by plot number as referenced in the Book of Reference and Land Plans, with plots grouped together for each interested party. The Schedule of Negotiations and Powers Sought should be read together with those documents. Some plot numbers appear in more than one row in the Schedule of Negotiations and Powers Sought, indicating that there is more than one interest in the relevant plot.
- 5.3.6 The Schedule of Negotiations and Powers Sought also sets out the position in terms of the Applicant's negotiations to acquire rights or to take possession of land required for the Proposed Scheme by agreement. The position in relation to statutory undertakers' apparatus within the Order limits is set out at Section 8 below.
- 5.3.7 The key plots where the Applicant seeks new rights are set out below, with a summary of the current status of negotiations:

- a. **Mr Richard Watson & Mr David Watson (current interest in plots 01-01, 01-03, 01-04, 01-05, 01-06, 01-10 and 01-16)** – Since early 2021, Drax has

been in discussions and negotiations with Mr Richard Watson (on behalf of both Mr Richard Watson and Mr David Watson) regarding the sale of land owned by Drax at that time, known as Drax Abbey Farm (which Mr R Watson and Mr D Watson occupied as tenant under an agricultural tenancy). The sale of the land to Mr R Watson was completed in Q3 2022. The contract of sale with Mr R Watson includes (with respect to the Habitat Provision Area forming part of the Proposed Scheme) the right for Drax to undertake the relevant hedgerow planting (together with associated rights). Other aspects of the Proposed Scheme forming part of the contract of sale with Mr R Watson include access points and arrangements in order to undertake the hedgerow planting and maintenance activities. The Applicant is seeking compulsory acquisition powers as a fall-back position in case the landowner is unable to give Drax the required rights pursuant to the agreement reached;

- b. **National Grid Electricity Transmission plc (freehold owner of plots 01-20, 01-22, 01-23 and 01-25)** – The freehold in the land on which the 132 kV air insulated switchgear and 400 kV substation is situated is owned by NGET (WN1F and supporting works in WN3), subject to certain rights over such land that Drax has the benefit of. Drax requires additional rights in the land on which the substation is located to enable Drax to install and maintain the electrical connection upgrade works. These additional rights are being sought through the DCO, but Drax is also discussing these rights with NGET to seek to reach a voluntary agreement. Discussions with NGET and NGET commenced in late 2021 to introduce them to the Proposed Scheme. Drax has submitted a Modification Application to NGET, which will enable NGET to instruct NGET to conduct system studies to determine the exact upgrades required on both the 132 kV air insulated switchgear and 400 kV substation to enable an increase in import capacity. Discussions between parties are ongoing. This application will likely be determined post the Examination of the Application; and
- c. **Remaining plots where the Applicant seeks new rights** – These are mainly plots where the freehold is owned by the Applicant, with the exception of plots 01-07, 01-12 and 01-21 which are adopted public highway in the ownership of The North Yorkshire Council, plot 01-08, whose freeholder owner is unknown, and the plots affected by Work No. 8. Other interests are held by parties such as Selby Area Internal Drainage Board, the Environment Agency, and various statutory undertakers. The Schedule of Negotiations and Powers Sought (formerly provided at Appendix 1 and now a standalone document that has been submitted into the Examination and which will be updated by the Applicant throughout the Examination) records the discussions had to date with these parties in relation to how the Proposed Scheme may impact on their apparatus, assets and any other interests. The Applicant expects that agreement can be reached with these parties in terms of the interaction between the Proposed Scheme, new rights that are needed, and the interests of these parties.

- 5.3.8 There are a number of interests identified in the **Book of Reference (REP7-007)** where it has not been possible to identify ownership. The statement “Unknown” is given in the Book of Reference when diligent enquiry has been carried out and it has still not been possible to obtain information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been erected and will continue to be monitored on site to seek to identify unknown

landowners or persons with an interest in the land (further detail is provided in the **Consultation Report (APP-018)**).

## **5.4 ALTERNATIVES TO COMPULSORY ACQUISITION**

- 5.4.1 The Proposed Scheme requires the acquisition of / creation of rights to secure the rights needed to build and operate the Proposed Scheme. Accordingly, there is no alternative but to seek to the acquisition of / creation of rights and the temporary use of land to allow the Proposed Scheme to be constructed, operated and maintained.
- 5.4.2 Drax Power Station currently operates on four biomass units (units 1 to 4). The two coal units (units 5 and 6) stopped generating electricity commercially in March 2021 and will cease operations entirely prior to works to construct the Proposed Scheme commencing. In the “do nothing” scenario, the biomass units 1 to 4 would continue as currently configured to generate electricity from sustainable biomass without the addition of post combustion Carbon Capture technology. Biomass absorbs carbon dioxide as it grows and releases carbon dioxide when it is combusted to fuel the electricity generation process. Drax’s commitment to responsible biomass sourcing from sustainable sources means that the units are currently and would continue to be producing sustainable, renewable electricity.
- 5.4.3 The generation of electricity through the combustion of biomass using the existing Units 1 and 2 is renewable. The Proposed Scheme, however, would produce negative emissions and therefore has the potential to deliver a net decrease of approximately nine million tonnes of atmospheric carbon dioxide each year compared to the “do nothing” scenario.
- 5.4.4 This would be in line with the UK Government’s Net Zero Strategy which deems BECCS essential for balancing the amount of greenhouse gases produced and the amount removed from the atmosphere, thereby achieving net zero carbon emissions, by 2050 by supporting the offset from hard-to-decarbonise sectors through negative emissions. As such, in the “do nothing” scenario the Applicant would make a less significant contribution to the shift to a net zero society in the UK.
- 5.4.5 Given the nature of the Proposed Scheme, i.e. retrofitting post combustion Carbon Capture technology to existing biomass generating units, geographically distant alternative power station sites were not considered viable and have therefore not been considered further as options for the Proposed Scheme. Furthermore, with respect to electrical connection, Drax Power Station is strategically positioned within the National Grid electricity network to meet electricity demand in the north and south of England and is also close to the Port of Goole.
- 5.4.6 The Applicant has previously considered developments adjacent to the Drax Power Station Site, for example, the White Rose Carbon Capture Project which was proposed to the north of the Drax Power Station Site. These sites which had been considered previously were not considered as suitable for the Proposed Scheme as the Drax Power Station Site, which was selected by the Applicant on the basis of the following:
- a. The Drax Power Station Site is within the ownership of the Applicant;

- b. There is a long history of power generation on this site and the site is currently used for this purpose. The addition of post-combustion capture technology would mean there would be little material change to the land use;
- c. The majority of the Order limits consists of brownfield land, whilst impacts to existing agricultural land would be temporary and only during construction;
- d. The Site has existing electrical and transport connections;
- e. It allows for core items of the existing infrastructure at the Drax Power Station to be re-used by installing Carbon Capture technology onto existing power generating units (Units 1 and 2), re-using the cooling water systems, Main Stack and electrical connections;
- f. The Site provides a suitable location for connection into the National Grid Transport and Storage Infrastructure that is to be part of the Zero Carbon Humber project. (It is noted that this infrastructure is to be consented under a separate DCO);
- g. The location of the Drax Power Station Site in relation to the proposed National Grid Transport and Storage Infrastructure and also the amount of carbon dioxide available from the Drax Power Station Site provides operational advantages for the Zero Carbon Humber network as it enables the network to be purged from one end of the network with the large volume of carbon dioxide that is required. Other carbon dioxide supply sites will not be able to do this as easily and as quickly as the Drax Power Station Site; and
- h. The large and consistent volume of carbon dioxide available from the Drax Power Station Site provides a continuous supply into the Zero Carbon Humber network and consequently alleviates the operational impacts from more fluctuating supplies from other carbon dioxide supply sites.

5.4.7 Off-site solutions were not selected on the basis of the following:

- a. That they would not be within the Applicant's ownership and would therefore require the compulsory purchase of significant areas of land to create a feasible solution;
- b. Off-site locations may have required the use of greenfield sites, resulting in additional environmental impacts on those sites and along the route of any infrastructure to connect in with the Drax Power Station Site; and
- c. An off-site location would need to provide infrastructure, such as cooling water systems and electrical connections, which would need to be built as there would be no existing infrastructure to connect into.

5.4.8 As a result of the reasons outlined above, the Drax Power Station Site was selected as the location for the Proposed Scheme.

5.4.9 Alternative layouts and technologies within the Drax Power Station Site have been considered as detailed **Chapter 3 (Consideration of Alternatives) of the ES (APP-039)**, however, as these options are within the operation site, owned by the Applicant, the consideration of those alternatives has limited relevance in terms of avoiding compulsory acquisition.

- 5.4.10 A number of refinements have been made to the extent of the Order limits; the areas which have been removed from the Order limits or refined, and the reasons for this, are set out below.

#### **Habitat Provision Area**

- 5.4.11 The Habitat Provision Area has been drawn up to include areas of land which are already within the Applicant's ownership, avoiding compulsory acquisition of land. Furthermore these areas are located within close proximity to the Drax Power Station Site and the habitats affected by the Proposed Scheme and therefore enable enhancements close to the identified potential impacts of the Proposed Scheme. The following refinements have since been made to this area:
- a. Removal of an approximately 30 m strip along the northern boundary of the Habitat Provision Area to avoid potential impacts in relation to the River Ouse;
  - b. Significant refinement of the Habitat Provision Area to remove large areas of arable land in order to minimise impacts to existing agricultural land;
  - c. Removal of a block of woodland in the south-eastern corner of the Habitat Provision Area given the limited opportunities for mitigation in the existing woodland; and
  - d. Inclusion of a permanent area to the north of the East Construction Laydown Area, formerly included as temporary land take for construction laydown purposes, to maximise benefits gained through mitigation on what is considered to be poor quality agricultural land.

#### **East Construction Laydown Area**

- a. Removal of a strip along the southern boundary of the East Construction Laydown Area to avoid impacts to existing trees adjacent to Carr Lane; and
- b. Removal of the northern part of the East Construction Laydown Area to avoid temporary impacts to a PRow and to provide additional areas for habitat provision to the north (as noted above).

#### **Drax Power Station Site**

- a. Removal of land around the southern cooling towers, railway loop and biofuel storage area which are no longer required for engineering purposes.

#### **Overhead Line Works**

- a. The Applicant has explained in the Proposed Changes Application Report (AS-045) and the Second Change Application Report (AS-126) how the proposals for Work No. 8 have developed and that the proposed road access which affects the overhead lines cannot be avoided. The Second Change Application Report explains how the design of these works has been able to be refined to minimise the extent of third party land take required.

## Conclusion on Alternatives

- 5.4.12 The Applicant has set out the main reasons for the options selected for the Proposed Scheme and the reasons for not opting to select the other alternatives considered, including the “do nothing” Scenario. Given the nature and requirements of the Proposed Scheme, geographically distant alternative power station sites were not considered a viable option and have therefore not been considered further.
- 5.4.13 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.
- 5.4.14 The Applicant is seeking to acquire the necessary rights by agreement but has not yet been able to do so. Whilst Drax will continue to seek to acquire the rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the rights required to construct and operate the Proposed Scheme, in order to realise its very significant public benefits.

## 5.5 AVAILABILITY OF FUNDS FOR COMPENSATION

- 5.5.1 The **Funding Statement (REP6-008)** (which is a consolidated version including updates made to support the first and second Change Applications) confirms that the Applicant has the ability to procure the financial resources required for the Proposed Scheme, including the cost of acquiring any rights and the payment of compensation, as applicable. The Applicant has included an article in the **draft DCO (article 42) (REP8-005)** which requires it to put in place financial security before exercising any powers of compulsory acquisition.
- 5.5.2 The Applicant is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due.
- 5.5.3 The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

## 6 JUSTIFICATION FOR THE USE OF THE POWERS OF COMPULSORY ACQUISITION

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### 6.1 THE COMPELLING CASE

6.1.1 A **Planning Statement (APP-032)**, the **Planning Statement Addendum (REP2-019)**, the **National Policy Statement Compliance Tracker (REP6-030)**, the **Project Updates Arising from Government Publications on Energy Matters in March 2023 (REP5-029)**, and the **Need and Benefits Statement (APP-033)** accompanies the DCO Application. These documents explain how the Proposed Scheme (and therefore the land required to deliver it or facilitate its delivery):

- a. meets an urgent need for new energy infrastructure;
- b. is a form of economic development that is suitable in its local context;
- c. minimises or mitigates adverse impacts to an acceptable degree; and
- d. is compliant with NPS EN-1, NPS EN-3, Draft NPS EN-1 and Draft NPS EN-3; and
- e. is consistent with recent Government publications on energy matters which were published in March 2023.

6.1.2 The **Planning Statement** and accompanying **Addendum**, the **National Policy Statement Compliance Tracker (REP6-030)**, the **Project Updates Arising from Government Publications on Energy Matters in March 2023** and **Need and Benefits Statement** provide an extensive review of these matters which are summarised in the following section.

### 6.2 THE NEED FOR THE PROPOSED SCHEME

#### NATIONAL POLICY STATEMENTS

6.2.1 NPS EN-1 states that energy is vital to economic prosperity and social well-being and, as such, it is important to ensure that the UK has secure and affordable energy (EN-1, 2011, paragraph 2.1.2). Government policy recognises that this requires a significant amount of infrastructure and in order to cut GHG emissions this requires major investment in new technologies.

6.2.2 The government is committed to reduce GHG emissions in order to mitigate the worst impacts of climate change – more frequent extreme weather events like floods and droughts, increased global instability, conflict, public health-related deaths and migration of people to levels beyond any recent experience (EN-1, 2011, paragraph 2.2.7).

6.2.3 The UK is choosing to largely decarbonise its power sector by adopting low carbon sources quickly. The government relies upon the private sector to deliver this necessary new infrastructure and the policy framework seeks to facilitate such proposals which constitute sustainable development. The government would like industry to bring forward many new low carbon developments (EN-1, 2011, paragraph 3.3.5), and recognise it is for industry to propose the specific types of developments that they assess to be viable (EN-1, 2011, paragraph 3.3.6). This is the nature of a market-based energy system.

6.2.4 The government supports the use of biomass as a significant source of renewable and low carbon energy (EN-1, 2011, paragraph 3.4.3). The government also supports CCS which it states has the potential to reduce carbon emissions by up to 90% (EN-1, 2011, paragraph 3.6.4). At the time of its publication in 2011, EN-1 outlined the government's position on CCS as follows:

*“The Government is leading international efforts to develop CCS. This includes supporting the cost of four commercial scale demonstration projects at UK power stations. The intention is that each of the projects will demonstrate the full chain of CCS involving the capture, transport and storage of carbon dioxide in the UK. These demonstration projects are therefore a priority for UK energy policy. The demonstration programme will also require the construction of essential infrastructure (such as pipelines and storage sites) that are sized and located both for the purpose of the demonstration programme and to take account of future demand beyond the demonstration phase. The IPC should take account of the importance the Government places on demonstrating CCS, and the potential deployment of this technology beyond the demonstration stage, in considering applications for consent of CCS projects and associated infrastructure”* (EN-1, 2011, paragraph 3.6.5).

6.2.5 Further detail on nationally significant renewable energy infrastructure was set out in EN-3. This highlighted that the combustion of biomass for electricity generation is likely to play an increasingly important role in meeting the UK's renewable energy targets (EN-3, 2011, paragraph 2.5.1). It identified that biomass generating stations can have CCS technology applied, and highlighted the need for proposed biomass plants at (or over) 300 MW of generating capacity to have Carbon Capture Readiness (EN-3, 2011, paragraph 2.5.28).

6.2.6 The BECCS at Drax project utilises technology which is designed to remove approximately 95% of the CO<sub>2</sub> from the flue gas emitted from Units 1 and 2, which may be able to exceed the expectations set out in EN-1.

### **Emerging National Policy Statements**

6.2.7 The Energy White Paper: Powering our Net Zero Future (December 2020) sets out how the Government can make the transition to clean energy by 2050. This centres upon a shift away from fossil fuels to clean energy technologies, in line with the government's objectives to ensure the UK's supply of energy remains secure, reliable, affordable and consistent with our net zero target. Whilst the need for the energy infrastructure set out in the energy NPSs remains (except in the case of coal-fired generation which is actively being phased-out), the white paper commits to a review of the existing energy NPSs to ensure they reflect current energy policy, and to ensure the planning policy framework can deliver investment in the infrastructure needed for the transition to net zero.

6.2.8 As referred to above, this commitment was delivery upon by the consultation that ran from 6 September 2021 to 29 November 2021 on the revised energy NPSs that support decisions on major energy infrastructure. Updated draft energy NPSs were then published for consultation in March 2023.



- 6.2.9 The emerging NPS cannot be accorded significant weight as it has not yet been adopted. However, as it has been prepared more recently, it indicates the Government's intended direction of travel for future energy policy, and therefore is an important and relevant consideration which the Secretary of State may take into account, and place the appropriate amount of weight on, pursuant to section 104(2)(d) of the PA 2008.
- 6.2.10 Draft EN-1 (2023) provides an update from EN-1 (2011) with the key shift being from the target for a reduction of at least 80% of GHG emissions by 2050, to net zero by 2050, and 78% by 2035, compared to 1990 levels (Draft EN-1, 2021, paragraph 2.2.4).
- 6.2.11 It states that in order to meet this more ambitious target:
- “We need to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes (low carbon hydrogen) and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it”* (Draft EN-1, 2023, paragraph 2.3.6).
- 6.2.12 Draft EN-1 also reinforces the government’s commitment to boost growth and productivity across the whole of the UK, creating new high-quality jobs in the UK’s clean energy industry (Draft EN-1, 2023, paragraphs 2.1.3, 2.3.10).
- 6.2.13 It confirms that our future energy system will come from a range of sources (including renewables, nuclear, low carbon hydrogen) and will use a range of new technologies and innovative infrastructure projects including CCS.
- 6.2.14 In Draft EN-1, the need for biomass with or without CCS is established as urgent. The government also states that new CCS infrastructure will be needed to ensure the transition to a net zero economy (Draft EN-1, 2023, paragraph 3.5.1). It has clarified that CCS infrastructure will be needed to capture and store CO<sub>2</sub> from the use of bioenergy (i.e. BECCS) and that this could be new or re-purposed infrastructure.
- 6.2.15 The UK is well-placed to use BECCS infrastructure, with an estimated 78 billion tonnes of CO<sub>2</sub> storage capacity under the seabed of the UKCS, which is one of the largest potential CO<sub>2</sub> storage capacities in Europe (Draft EN-1, 2023, paragraph 3.5.5).
- 6.2.16 In Draft EN-1, the government states that new CCS infrastructure will be needed to ensure the transition to a net zero economy. This is because it will be difficult to completely decarbonise all sectors of the economy, with aviation and agriculture viewed as particularly challenging. Where sectors are not completely decarbonised, negative emissions will be needed to offset the residual emissions in those sectors. As such, the government consider negative emissions using CCS infrastructure to be essential to meet the net zero target (Draft EN-1, 2021, paragraph 3.5.7). It is noted that the 2023 version of Draft EN-1 does not include this text, but instead sets out how the Committee on Climate Change, International Energy Agency and the Government’s policy documents such as the

Net Zero Strategy and Industrial Decarbonisation Strategy as well as its investor and supply chain roadmaps have all set out that CCS is a necessity, not an option to deliver Net Zero, and is needed to decarbonise a range of energy intensive sectors.

- 6.2.17 Finally, Draft EN-1 also recognises that meeting the Government's energy objectives necessitates a significant amount of energy infrastructure, including the infrastructure needed to capture, transport and store CO<sub>2</sub> (Draft EN-1, 2023, paragraph 2.3.4).

### **Other UK Government support for carbon capture**

- 6.2.18 The Government's commitment to net zero and decarbonisation of the energy sector through carbon capture technologies is reinforced through a number of statements and publications. (see the **Need and Benefits Statement (APP-033)** for further detail in this respect)
- 6.2.19 The Government have been exploring ways to deploy CCUS at scale in the UK since 2007, and committed to further investment to bring forward technology through the public and private sectors working together, as set out in its Clean Growth Strategy. It recognised that such investment can demonstrate international leadership in carbon capture usage and storage (CCUS) and help to make such technologies a viable future option (p.70). The Strategy set out the ambition to support CCUS clusters.
- 6.2.20 The government subsequently published Clean Growth: The UK Carbon Capture Usage and Storage deployment pathway: An Action Plan in 2018 which was designed to enable the development of the first CCUS facility in the UK, commissioning from the mid-2020s. This would help the UK to meet its ambition of having the option to deploy CCUS at scale during the 2030s, subject to costs coming down sufficiently.
- 6.2.21 The government are advised by The Committee on Climate Change ('CCC') (an independent, statutory body established under the Climate Change Act 2008) on setting and meeting carbon budgets and preparing for climate change. In May 2019, CCC published a report Net Zero: The UK's contribution to stopping global warming. It states that to achieve UK net-zero by 2050, CCS is a necessity not an option. The report notes that global progress with regards to CCS has also been slow, and whilst 43 large-scale projects are operating or under development around the world, none are in the UK.
- 6.2.22 The CCC report does raise a challenge presented by land-based GHG removal, such as risks relating to the very large-scale use of BECCS, which may create conflicts with other uses of land such as food production. The report suggests that this can be reduced by using a range of technologies to remove GHGs from the atmosphere and supporting global development patterns that reduce the need for GHG removal. This potential challenge is also raised in the Intergovernmental Panel on Climate Change's ('IPCC') recent report, which notes that, whilst BECCS is an integral part of all widely accepted pathways to holding global temperature rise to 1.5°C, it requires large areas of land which can conflict with the need to produce food and protect biodiversity. This stems from the change of land use for the supply of biomass to feed BECCS technologies as planting trees

in places where they do not naturally grow can have serious environmental impacts. As a project, the Proposed Scheme does not create conflicts with other uses of land. The proposed BECCS technology makes use of the existing power station site and associated biomass supply i.e. is a retrofitting project rather than the construction of a new power station and establishment of a completely new biomass supply chain. Drax Power Station uses sustainably-sourced biomass, primarily sustainable wood pellets from working forests, primarily in the US South but also in Europe, Canada and South America, to generate low-carbon, renewable electricity. These are established sustainably managed working forests and the Applicant monitors trends in forest cover and land use within its catchment areas for sustainable biomass to ensure that biomass demand is not causing a negative climate impact as a result of land use change.

- 6.2.23 The government subsequently prepared the aforementioned Energy White Paper: Powering our Net Zero Future. This highlights the government's support for carbon capture, stating the UK is in a strong position to become a global technology leader in CCUS. It outlines the government's ambition to capture 10 Mt of CO<sub>2</sub> a year by 2030 (the equivalent of four million cars' worth of annual emissions) and that the industry could support up to 50,000 jobs in the UK by 2030. The government is therefore investing up to £1 billion to support the establishment of CCUS in four industrial clusters in the UK, one of which is the ECC.
- 6.2.24 It should be recognised that, without planning for any specific technology solution or mix of energy sources, the government state in the Energy White Paper that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar energy. However, they recognise that ensuring the system is also reliable means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when weather conditions mean that wind or solar power is not being generated. This includes CCS.
- 6.2.25 This is considered further in the government's Department for Business, Energy and Industrial Strategy's (BEIS) Modelling 2050: Electricity System Analysis, published in 2020. This comprises an analysis of the electricity system in 2050 to understand the potential impact of decarbonisation on system costs. Electricity will be increasingly important in supporting delivery of net zero, and understanding the ways in which the system can deliver more electricity whilst producing fewer carbon emissions, and the relative cost of doing so, is central to developing an energy strategy to support delivery of net zero. This affirms the view that all low-cost solutions will likely also require other forms of low-carbon generation to provide resilience during extended periods of low wind and solar irradiation. The modelling does not specifically consider certain renewable generation technologies such as BECCS, hydro, wave and tidal albeit all may have a role to play in reaching net zero.
- 6.2.26 This is reflected in the Special Report of IPCC on the impacts of Global Warming of 1.5°C which anticipates that 85% of power will come from renewables, like wind and solar, by 2050. The other 15% will therefore need to come from reliable technologies like sustainable biomass. The use of BECCS therefore ensures renewable energy with negative emissions and a reliable supply.

- 6.2.27 More recently, in March 2021 the government published the Industrial Decarbonisation Strategy which considers how the full range of the UK's industry sectors can reflect the net zero target. The indicative roadmap to net zero UK industry includes a goal to deliver four low carbon capture clusters in the next decade and at least one, which may be the world's first, net zero industrial cluster by 2040. The government will support the deployment of CCUS on industrial sites in clusters to capture and store around 3 MtCO<sub>2</sub> per year by 2030, with the strategy seeking to deliver. It prioritises the delivery of clusters first, which would minimise the cost of the transition, allowing multiple industrial sites to use such infrastructure. The clustering approach allows for locations to access dedicated pipe networks for CO<sub>2</sub> and hydrogen transport and storage, and can decarbonise with CCUS, hydrogen or BECCS. BECCS position as part of the East Coast cluster therefore accords with this strategy.
- 6.2.28 The government plans to publish a Bioenergy Strategy in 2022, which will establish the role which BECCS can play in reducing carbon emissions across the economy. It notes that current evidence strongly suggests that, given limited sustainable biomass supply, the government may need to prioritise the use of biomass where it can be combined with CCS (i.e. BECCS), resulting in negative emissions.
- 6.2.29 The government subsequently published the "Net Zero Strategy: Build Back Greener" (2021) which reinforces the need to fully decarbonise the power system by 2035, subject to security of supply.
- 6.2.30 This Strategy details the government's aim to accelerate decarbonisation in 'clusters'. It outlines that the East Coast Cluster (of which BECCS forms part) will act as an economic hub for green jobs in line with the government's ambition to capture 20-30 Mt CO<sub>2</sub> per year by 2030. The government's investment in CCUS is supported by its commitment for two industrial clusters by mid 2020s (of which the Humber is one), and for four sites by 2030, capturing up to 10 Mt CO<sub>2</sub> emissions per year.
- 6.2.31 In April 2022, the UK Government published the British Energy Security Strategy ('BESS'), in response to the rising global energy costs, pushed higher by the conflict in Ukraine, and the UK's dependence on imported oil and natural gas, which has ultimately resulted in an increase in the cost of living in the UK. The policy paper sets out how the UK Government are "*going to bring clean, affordable, secure power to the people for generations to come*" and "*build a British energy system that is much more self-sufficient*". As part of the '10 Point Plan', the government outlines it will invest in CCUS, which to date has included:
- Committed £1 billion in public investment to decarbonise our industrial clusters;
  - Announced the first 2 clusters in the north-east (Teesside and the Humber) and the north-west (Merseyside); and
  - Launched phase 2 of the Industrial Energy Transformation Fund, allocating £60 million to decarbonisation technologies, with a further £100 million delivered in May and October this year.

- 6.2.32 Regarding oil and gas, the BESS states that the UK must utilise its North Sea reserves in order to reduce reliance on imported fossil fuels, and use the empty caverns for carbon dioxide storage. It also highlighted the objective to deliver CCUS clusters to futureproof the North Sea. The BESS anticipates that 95% of British electricity generation could be low carbon by 2030, and that the target to fully decarbonise Britain's electricity supply by 2035 is still achievable, subject to the security of the supply. The BESS seeks to achieve "20 to 30 MT CCUS target" by 2030, assisted through a £1 billion commitment to delivering four CCUS clusters by 2030. The Proposed Scheme will significantly assist in meeting this objective, permanently removing at least 8 Mt CO<sub>2</sub> from the atmosphere each year i.e. at least 40% of the 20 Mt lower-threshold government target for 2030.
- 6.2.33 Alongside this, the government published the CCUS Investor Roadmap which outlines the joint government and industry commitments to the deployment of CCUS in the UK, and sets out the approach to delivering four CCUS low carbon industrial clusters, capturing 20-30 Mt CO<sub>2</sub> per year across the economy by 2030 to help meet the UK's 2050 net zero target. It highlights how the UK is well-placed to act as a leader for CCUS, including world leading research institutions (the highest density of world class universities), 5.6m people employed in engineering, and an estimated 78 Gt CO<sub>2</sub> storage capacity (one of the largest in Europe and enough to support the UK's demands for hundreds of years).
- 6.2.34 The recently published Powering Up Britain policy paper (2023) sets out the Government's plans to enhance energy security, seize the economic opportunities of the transition, and deliver on the Government's net zero commitments.
- 6.2.35 Of relevance to the Proposed Scheme, the Ministerial Foreword to the document confirms the: 'extraordinary opportunities opening up in technologies like Carbon Capture, Usage and Storage, Floating Offshore Wind Manufacturing, and hydrogen, which will not only help us reach net zero, but also consolidate Britain's position as a global leader in green energy' (Powering Up Britain, Page 3).
- 6.2.36 The Introduction chapter confirms the aim of replacing fossil fuels with cheaper, cleaner, domestic sources of energy: 'We will be powered by renewables including wind and solar, hydrogen, power with carbon capture, usage and storage (CCUS) and new nuclear plants.' The aim of making 'a world-leading commitment to Carbon Capture, Usage and Storage' is set out on Page 7 of the document.
- 6.2.37 The potential for the use of CCUS within the UK is confirmed on Page 11:

*'The UK has one of the greatest CO<sub>2</sub> storage potentials of any country in the world, the UK Continental Shelf, with potential storage capacity estimated at 78 billion tonnes providing substantial opportunities for growth through international trade. The Government will provide up to £20 billion of funding for early deployment of CCUS to unlock private investment and jobs. Government is making an ambitious series of announcements on CCUS, following the £20 billion funding announced at Spring Budget 2023, including announcing the eight projects to progress to negotiations to form the first two CCUS clusters, in the North East and North West. These projects are not the extent of our ambition. Later this year we will set out a process to launch the*

*next expansion of Track-1, and we have now launched Track-2. A major CO2 storage licensing round was launched last year, and we are developing a longer-term vision to set out how CCUS will support net zero.'*

- 6.2.38 The commitment to bring in further projects within the Track-1 clusters by 2030 is confirmed on Page 21: *'This will select additional projects to connect into the HyNet and East Coast Clusters – including the Humber and their associated stores as they become viable, and we will engage the sector shortly on how to deliver this.'*
- 6.2.39 The Energy Security Plan (ESP) sets out the steps the Government is taking to ensure the UK is more energy independent, secure and resilient. The ESP sets out the Government's aim to double Britain's electricity generation capacity by the late 2030s, in support of the government's commitment to fully decarbonise the power sector by 2035, subject to security of supply.
- 6.2.40 Page 39 of the ESP confirms that bioenergy, which is produced from biomass: *'is considered a renewable, low-carbon energy source, because its inherent energy comes from the sun, it removes carbon dioxide from the atmosphere as it grows, and it can be used to directly displace oil, coal and natural gas.'* The ESP confirms that the use of biomass combined with carbon capture and storage *'can deliver negative emissions, which is key to delivering net zero.'*
- 6.2.41 The ESP acknowledges the role that BECCS can play in contributing to net zero goals and confirms the Government's intention of driving the bioenergy agenda forward by publishing a new Biomass Strategy, and incentivising deployment of power BECCS through development of a bespoke business model.
- 6.2.42 Linked to this, the Government published a response to a consultation on business models for power BECCS on the 30 March 2023.
- 6.2.43 At page 9 of that consultation response, which should be read in the context of the rest of the Government's documents, it was noted that:

*"Power BECCS, as one type of BECCS technology, is one of a suite of engineered GGR1 technologies that government believes can play a significant role in meeting the level of engineered GGRs required by the Net Zero Strategy".*

*and*

*"This recognition of the importance of GGRs to meet net zero both internationally and domestically has been supported by both the Intergovernmental Panel on Climate Change (IPCC) and the Climate Change Committee (CCC). The Climate Change Committee (CCC) in their Sixth Carbon Budget Report, set out that BECCS technologies can play a significant role in supporting net zero targets through the delivery of negative carbon emissions".*

- 6.2.44 The NZGP considers CCUS as an emerging industry that is central to decarbonising the UK's economy and reports on the significant progress made in this sector. .

6.2.45 There is evidently a clear direction of travel for the UK Government's support for CCUS and BECCS as part of achieving net zero. The above statements and publications provide a supportive context for BECCS at Drax.

### **6.3 SUMMARY**

- 6.3.1 There is clear national planning policy support for major energy infrastructure, CCS and reliable renewable energy supplies which can help us to reach net zero. This culminates in an overarching need for the use of BECCS technology and the Proposed Scheme. The Overarching National Policy Statement (EN-1) recognises the contribution CCS can make to meeting emissions targets.
- 6.3.2 This is a game-changing negative emissions technology that permanently removes CO<sub>2</sub> from the atmosphere and will be needed globally to meet climate targets. This is an opportunity for the UK to become a global leader in developing climate-saving technologies, led by the Applicant who has been trialling this technology and are ready to deploy it at an industrial scale. Drax Power Station is the largest power station in the UK, and can be modified to create negative emissions and renewable energy using BECCS, as a first step towards the development of a global negative emissions industry.
- 6.3.3 The first phase of BECCS at Drax will permanently remove at least 8 million tonnes of CO<sub>2</sub> from the atmosphere each year, making Drax Power Station the world's largest single site carbon capture project.
- 6.3.4 The Proposed Scheme will accelerate clean growth, protect British industries across the Humber, create thousands of new green jobs.
- 6.3.5 Without BECCS at Drax in the 2020s / early 2030s, the cost for the UK to deliver net zero will soar. There is an urgent need for this type of project and the DCO Application for the Proposed Scheme demonstrates the significant benefits which would arise should the application be approved.

## 7 POLICY SUPPORT

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- 7.1.1 The Proposed Scheme directly responds to and delivers against the objectives of relevant planning and energy policy. It has also taken account of, and accords with, planning policy in its design and siting. A **Planning Statement (APP-032)** and subsequent **Planning Statement Addendum (REP2-019)** has been prepared. This identifies relevant policy and presents a detailed appraisal of compliance of the Proposed Scheme with the policies identified.
- 7.1.2 The Planning Statement provides evidence of the Proposed Scheme's compliance with the relevant prescribed matters and relevant planning policy and other matters the Applicant considers are likely to be important and relevant to the Secretary of State.
- 7.1.3 Section 104(3) of the PA 2008 provides the basis for deciding the DCO Application, requiring that the SoS must decide applications for NSIPs in accordance with the relevant NPSs, except to the extent that certain circumstances apply (such as where deciding the application in accordance with the NPSs would lead to the SoS being in breach of his duty under any enactment). The Applicant considers that Overarching NPS EN-1 and the NPS EN-3 for Renewable Energy are the relevant NPSs under section 104(3). Draft revised NPSs EN-1 and En-3 are also considered important and relevant to the Secretary of State's decision. Further discussion of this point is set out in Appendix 1 to its Summary of Oral Case at Issue Specific Hearing 1 (REP1-028) , which notes that even if it was considered that section 105 applies, the NPSs (both current and emerging) are an important and relevant consideration to the Secretary of State's determination of the application for the Proposed Scheme.
- 7.1.4 The energy NPSs contain policies that need to be taken into account by applicants in preparing applications and also the SoS in decision-making. An assessment of the Proposed Scheme against these policies is provided in chapter 4 of the Planning Statement.
- 7.1.5 An assessment of the Proposed Scheme's compliance with other matters that may be considered important and relevant by the SoS for the purposes of decision-making (section 104(2)(d) or under section 105 of the PA 2008), including the National Planning Policy Framework 2021, local planning policy and emerging draft NPSs, is provided at chapter 5.
- 7.1.6 The policy assessment at chapters 4 and 5 shows that the Applicant has fully taken into account the relevant policy considerations and guidance contained within the NPSs, the NPPF and local planning policy.
- 7.1.7 Chapter 6 of the Planning Statement weighs up the key benefits and disbenefits of the Proposed Scheme and considers the planning balance. The Proposed Scheme has a number of very clear and tangible benefits, including:
- BECCS technology at Drax could ensure the generation of renewable power to millions of UK homes and businesses, whilst capturing 8 million tonnes of carbon from the atmosphere each year at Selby alone. BECCS at Drax has been designed to remove approximately



95% of the carbon dioxide from the flue gas emitted from two of the four energy generation from biomass units, becoming the first negative emissions power plant in the UK. With the addition of BECCS technology, Drax Power Station could deliver a significant contribution towards the urgent national need for low carbon electricity generation established in NPS EN-1;

- The existing Drax biomass power generating plant provides a form of renewable energy which is reliable and not dependent upon the weather. IPCC anticipate that by 2050, whilst 85% of power will come from renewables, like wind and solar, the other 15% will need to come from reliable technologies like sustainable biomass. The installation of BECCS technology on existing biomass power generating units will allow the continued use of a reliable and sustainable energy generation technology which also provides a significant contribution to UK negative emissions;
- The Proposed Scheme would connect into and act as an important enabler of the Zero Carbon Humber cluster, and would help deliver Government policies and commitments on Carbon Capture Use and Storage;
- The Proposed Scheme would be the UK's first delivery of BECCS at an existing power plant, which helps reinforce the UK as a key player in the development and delivery of carbon capture technology. This is a scalable technology which can be applied elsewhere with BECCS at Drax creating UK leadership and kick-starting a CCS revolution. This will ensure continued economic growth and investment in the UK power and renewables sector. Otherwise, the UK risks being left behind as other nations pursue carbon capture technologies and attract global investment in the industries of the future;
- Significant beneficial local and regional impacts would result from the direct, indirect and induced employment created by the construction phase of the Proposed Scheme. It is estimated that the Drax BECCS project could generate annual average construction employment of 4,000 direct, 1,600 indirect and 2,500 induced jobs. Once operational, up to 375 Full Time Equivalent ('FTE') employees will be employed at the site (a combination of retained and new jobs), and a total of 960 indirect and 1,800 induced FTE jobs will be created;
- The operational aspects of the Proposed Scheme would be situated on brownfield land making use of an existing power station with existing infrastructure and connections. BECCS currently offers the best value for money in terms of the capture of carbon dioxide compared to direct air capture;
- The parameters within the draft Order (Schedule 14), as assessed in the ES and Application documents, provide an appropriate degree of

flexibility, allowing for the future connection to the Zero Carbon Humber cluster and allowing for unforeseeable technological advancements and efficiencies to be incorporated in the final design; and

- The Proposed Scheme may result in a decrease in surface water runoff from the Drax Power Station. This is because it is expected that surface water from other parts of the Drax Power Station, where feasible, will also be connected into the Northern Cooling Water Reservoir. The collected runoff would then be utilised as cooling water. This presents a more sustainable option than abstracting water from the River Ouse, therefore demonstrating a more sustainable, energy and water efficient practice through design.

7.1.8 As with most developments, the Proposed Scheme would result in some disbenefits relating to traffic and transport, ecology and landscape and visual amenity. These include cumulative impacts upon driver delay (major adverse) and highway safety (minor adverse) at Junction 4 (Junction 36 of the M62), disturbance from construction and/or site and/or vegetation clearance on ecological receptors, and visual impact upon Site fabric due to a change in landscape character (moderate adverse), Landscape Character Area 15: Camblesforth Farmland Viewpoints 1, 2, 3, 6, 7, 9 and 10 (moderate adverse) and visual amenity of nearby residents and PRow users (moderate adverse).

7.1.9 Intra and inter-project cumulative adverse impacts on residential amenity and landscape and visual receptors are also identified and set out in Chapter 18 (Cumulative Effects).

7.1.10 The above adverse effects are set out in **Chapter 19 (Summary of Significant Effects) of the ES (APP-055)**. However, the energy NPSs acknowledge that new energy NSIPs will always have a visual impact; therefore, there is no expectation that proposals for new energy NSIPs will not result in any adverse visual effects. The Proposed Scheme would deliver clear and substantial benefits which, on balance, are considered by the Applicant to outweigh any of the disbenefits identified.

7.1.11 In conclusion, given the urgency of the need for new CCS in order to decarbonise the power sector in the UK to meet the legally binding target of net zero by 2050, the Applicant considers that the benefits of the Proposed Scheme significantly outweigh the limited harm. The Applicant therefore considers that the Proposed Scheme is acceptable in planning terms and that a DCO should be made by the SoS for the Proposed Scheme.

7.1.12 To ensure that the Proposed Scheme can be built, operated and maintained, and so that the Government's policy in relation to the timely provision of new CCS and meeting net zero targets within a reasonable timescale, the Applicant requires the acquisition of rights over a number of property interests in third party ownership, and has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land. In the absence of powers of compulsory acquisition, it might not be possible to assemble all of the land within the Order limits, uncertainty will continue to prevail and the Applicant considers that its objectives and those of Government policy would not be achieved.

## **8 SPECIAL CONSIDERATIONS**

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### **8.1 SPECIAL CATEGORY LAND – OPEN SPACE ETC AND CROWN LAND.**

- 8.1.1 Crown Land had been identified within the Order Limits as shown by plots 01-83,01-87 and 01-122 on the Crown Land Plan (REP5-005). Discussions with National Highways have confirmed that the Secretary of State for Transport, whilst showing as holding the title to these plots, by virtue of the de-trunking of the A614 and s265 of the Highways Act 1980, transferred the ownership of the highway and subsoil of the A614 to the local highway authority. However, National Highways have confirmed that the transfer of registered proprietorship is an administrative exercise that has not yet been undertaken, even though the maintenance and responsibility for the operation of this road transferred to the local highway authority (East Riding of Yorkshire) when the road was de trunked. As such, as a result of the Land Registration Act 2002, the Secretary of State for Transport is still considered to be the legal owner of the land. As such the Applicant has begun the process of seeking to obtain the relevant consents under section 135 of the PA2008.
- 8.1.2 No open space, common land fuel or field garden allotment land is included in the Order Limits or affected by the Proposed Scheme.

### **8.2 STATUTORY UNDERTAKERS' LAND**

- 8.2.1 The Applicant has identified the following statutory undertakers or utility providers that may have land or apparatus belonging to them within the Order Limits:
- a. British Telecommunications plc (Openreach);
  - b. euNetworks Fiber UK Limited;
  - c. National Grid Carbon Limited (it is noted National Grid Carbon Limited is a party who do not yet hold apparatus, a right in apparatus or any land and generally do not yet have a 'statutory undertaking'. National Grid Carbon Limited's interest is in the process of being taken over by The Northern Endurance Partnership, who would be in the same position in terms of not currently holding any apparatus or land and not yet having a "statutory undertaking");
  - d. National Grid Electricity Transmission plc;
  - e. Northern Gas Networks Limited;
  - f. Northern Powergrid (Yorkshire) plc; and
  - g. Yorkshire Water Services Limited.
- 8.2.2 All the above entities were first contacted by the Applicant with respect to protective provisions on or around 24 March 2022 (with the exception of euNetworks who were first contacted in March 2023). The current status of negotiations with undertakers with an identified interest in the Order land is included in the Schedule of Negotiations and Powers Sought (formerly provided at Appendix 1 and now a stand alone document (REP8-008) that has been submitted into the Examination and which will be updated by the Applicant throughout the Examination).

- 8.2.3 The draft **Drax DCO (REP8-005)** includes both protective provisions in respect of these relevant types of statutory undertakers (see Article 34 and schedule 12) and bespoke protective provisions for some statutory undertakers (National Grid Electricity Transmission plc). The Applicant is seeking to agree the form of protective provisions with the relevant statutory undertakers.
- 8.2.4 Article 28 of the draft DCO gives the undertaker certain powers in relation to compulsory acquisition and acquisition of rights in statutory undertakers within the Order Land. That article is subject to the protective provisions included at Schedule 12 of the draft DCO, which provide adequate protection for statutory undertakers' assets. Accordingly, the Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertaking. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.
- 8.2.5 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order land. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order land are included in the Book of Reference. Section 138 of the PA 2008 applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Proposed Scheme.
- 8.2.6 The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 12 to the draft DCO. The protective provisions will be agreed with the relevant statutory undertakers and electronic communications apparatus owners, and will accordingly set out constraints on the exercise of the powers in the DCO, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Proposed Scheme (i.e. the development authorised by the DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.
- 8.2.7 There are no other relevant special considerations in respect of the Site.

## 9 OTHER CONSENTS AND ORDERS

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### 9.1 OTHER PLANNING PERMISSIONS, CONSENTS AND ORDERS

- 9.1.1 The Applicant requires various other consents, as well as a DCO, in order to build, operate and maintain the Proposed Scheme. The **Other Consents and Licences (REP5-009)** sets out the additional consents required and when they will be applied for. The key consents are identified below and reference should be made to the Other Consents and Licences document for the full list and the position as regards the need for and obtaining each consent:
- a. Environmental Permit variation;
  - b. Greenhouse gas permit;
  - c. Permit for transport of abnormal loads;
  - d. Temporary Traffic Regulation Order
  - e. Protected species licence
  - f. Hazardous Substances Consent; and
  - g. Energy licence modification application.
- 9.1.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Scheme proceeding.

## 10 HUMAN RIGHTS

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10.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the '**Convention**'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

10.1.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Drax DCO should be made so as to include powers of compulsory acquisition.

### 10.2 ARTICLE 1 OF THE FIRST PROTOCOL TO THE CONVENTION

10.2.1 This provides the right of everyone to the peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.

### 10.3 ARTICLE 6

10.3.1 This entitles those affected by the powers sought in the Drax DCO to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision making process.

### 10.4 ARTICLE 8

10.4.1 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

### 10.5 OVERVIEW

10.5.1 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.

10.5.2 The Drax DCO has the potential to infringe the human rights of persons who own property or hold interests in the land within the Order land under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:

- a. the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
- b. the interference with the convention right is proportionate.

10.5.3 In preparing the DCO Application, the Proposed Changes Application and the Second Changes Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Drax DCO. The Applicant also seeks that it has seven years in which to exercise compulsory acquisition powers within the Drax DCO. Whilst the Applicant anticipates starting construction in early 2026, flexibility is sought in terms of the period in which the Applicant can both implement the Proposed Scheme and exercise compulsory acquisition powers in

light of Government announcements made in March 2023 and changes to the promoter of the proposed transport and storage infrastructure in April 2023 (as referred to in Section 2.4 above, and explained more fully in the Applicant's Deadline 9 response to the Examining Authority's Rule 17 request dated 22 June 2023). In seeking this extension of time in which to exercise compulsory acquisition powers, the Applicant has considered the potential infringement of the Convention rights and the consideration set out below has had regard to this.

- 10.5.4 The Applicant considers that there would be very significant public benefits arising from the making of the Drax DCO for the Proposed Scheme (as set out in previous sections of this Statement and in the **Planning Statement (APP-032)**, the **Planning Statement Addendum (REP2-019)**, the **National Policy Statement Compliance Tracker (REP6-030)**, the **Project Updates Arising from Government Publications on Energy Matters in March 2023 (REP5-029)**, and the **Needs and Benefits Statement (APP-033)**. Those benefits can only be realised if the Drax DCO includes compulsory acquisition powers, and the purpose for which the rights are sought (to build and operate the Proposed Scheme) is legitimate. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Proposed Scheme.
- 10.5.5 Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 10.5.6 For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The **Funding Statement (REP6-008)** (which is a consolidated version including updates made to support the first and second Change Applications), confirms the availability of funds to meet these liabilities.
- 10.5.7 In relation to Article 8, the Order limits do not include, and the Proposed Scheme does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 10.5.8 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the DCO Application and in response to the Proposed Changes Application and the Second Changes Application. The Applicant has informed affected parties that it has sought an extension to the time period in which to exercise compulsory acquisition powers, from five to seven years. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in section 44 of the PA 2008, which includes owners of land affected and those who may be able to make claims under sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973 or under section 152(3) of the PA 2008, undertaken consultation on the Proposed Changes Application in line with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and undertaken focussed engagement on the Second Changes Application. The beneficiaries of rights overridden by the

exercise of powers in the Drax DCO can make claims under section 10 of the Compulsory Purchase Act 1965.

- 10.5.9 Following acceptance of the DCO Application the Proposed Changes Application and the Second Changes Application, 'relevant representations' have been able to be made in response to the notice which the Applicant is obliged to give pursuant to section 56 of the PA 2008 and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. These are then considered during the examination of the DCO Application (as amended following acceptance of the Proposed Changes Application and the Second Changes Application) by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory acquisition hearing held under section 92 of the PA 2008. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held.
- 10.5.10 Should the Drax DCO be made, any person aggrieved may challenge the Drax DCO in the High Court if they consider that the grounds for doing so are made out, pursuant to section 118 of the PA 2008.
- 10.5.11 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.
- 10.5.12 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Drax DCO of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Section 6 and 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 10.5.13 The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Drax DCO, including the compulsory acquisition powers sought.



# 11 CONCLUSIONS

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- 11.1.1 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the Drax DCO for the purposes of the Proposed Scheme meets the conditions of section 122 of the PA 2008, as well as the considerations in the Guidance.
- 11.1.2 The acquisition of rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required to facilitate or is incidental to the Proposed Scheme. Furthermore, the rights identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the Drax DCO, the Works Plans and other information both in this Statement and in other documents accompanying the DCO Application, the Proposed Changes Application and the Second Changes Application.
- 11.1.3 The need for the Proposed Scheme, suitability of the Site and the policy support for the Proposed Scheme is clearly set out in Sections 6 and 7 of this Statement. It is demonstrated that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 11.1.4 The Applicant is seeking to acquire the necessary land rights by agreement, and is in discussions with the owners of the relevant land or interests in this respect. It has not yet been possible to reach agreement with those parties. The Applicant has been able to minimise the extent of compulsory acquisition powers sought, by siting the Proposed Scheme largely within its own operational Drax Power Station Site, in which it owns the freehold and working with asset owners to refine the land take for overhead line works.
- 11.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Scheme and the support for it found in policy, as well as the suitability of the Order land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 11.1.6 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, namely the Proposed Scheme, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose interests are to be acquired, and therefore justifies interfering with those rights.
- 11.1.7 The Applicant has set out clear and specific proposals for how the Site will be used.
- 11.1.8 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition.

## 12 FURTHER INFORMATION

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### 12.1 NEGOTIATIONS

- 12.1.1 Owners and occupiers of property affected by the Drax Bioenergy with Carbon Capture and Storage project who wish to negotiate a sale or discuss matters of compensation should contact Sean Carroll of WSP (telephone – + [REDACTED] [REDACTED] email – [REDACTED]@wsp.com).

### 12.2 COMPENSATION

- 12.2.1 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government.
- a. Booklet No. 1 – Compulsory Purchase Procedure;
  - b. Booklet No. 2 – Compensation to Business Owners and Occupiers;
  - c. Booklet No. 3 – Compensation to Agricultural Owners and Occupiers;
  - d. Booklet No.4 – Compensation for Residential Owners and Occupiers; and
  - e. Booklet No.5 – Reducing the Adverse Effects of Public Development: Mitigation Works.
- 12.2.2 Copies of these booklets are obtainable, free of charge, from:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>