



SCHEDULE OF NEGOTIATIONS AND POWERS SOUGHT (TRACKED)

Drax Bioenergy with Carbon Capture and Storage

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 – Regulation 5(2)(h); Planning Act 2008

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1. INTRODUCTION

- 1.1.1. The Schedule of Negotiations and Powers Sought document (application Document Ref. 4.1.1) has been prepared on behalf of Drax Power Limited (the 'Applicant'), to sit alongside the document reference 4.1 - Statement of Reasons. The Statement of Reasons 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.
- 1.1.2. This document previously formed Appendix 1 to the Statement of Reasons, but is provided as a separate document [has been](#)~~which will be~~ updated during the Examination to track progress in negotiations undertaken.
- 1.1.3. This document provides a summary of the position in relation to the negotiations undertaken [as at the end of the Examination](#)~~to date~~ with affected land interests and statutory undertakers. The Applicant's updates are provided in Chapter 2 of this document.

2. SCHEDULE OF NEGOTIATIONS AND POWERS SOUGHT

2.1. INTRODUCTION

- 2.1.1. This chapter provides the Applicant's update on the position regarding negotiations with affected owners, occupiers and others, set out in **Table 2-1**, and with statutory undertakers in **Table 2-2**, below.
- 2.1.2. The information provided below sets out the position at the time of writing, and [has been](#)~~will be~~ updated throughout the Examination, as appropriate.
- 2.1.3. The Tables set out the following for each affected party:
- a. Name of the party;
 - b. Plot Numbers (from the Book of Reference (Document 4.3));
 - c. Category of Interest (identifying the nature of the affected party's interest with reference to the categories in section 44 of the Planning Act 2008);
 - d. Work Numbers (identifying the purpose for which the plots are sought by reference to the Work Numbers in Schedule 1 of the DCO);
 - e. Reason for acquisition or possession; and
 - f. Negotiations (summary of contact with party and progress made).
- 2.1.4. Please note that **Table 2-1** of this Schedule does not include entries for the parties listed below or the Applicant's own interests. These parties all provide some form of service to, or are a customer of Drax at the Existing Power Station and have service agreements or similar arrangements with Drax. As this involves some form of occupancy of land, there is the potential for there to be a landlord and tenant arrangement between the Applicant and the company. As such, each company has been identified as having a Category 1 interest as a precaution (and will be subject to Works 1-4). The Applicant does not seek powers to acquire land or new rights with respect to this interest. Powers sought relate only to extinguishing existing rights which would interfere with the construction and operation of the Proposed Scheme. The Applicant will be managing the interface with these parties through the existing contractual arrangements between the parties.
- Alfred Bagnall And Sons Limited
 - Altrad Support Services Limited
 - Amco Giffen Limited
 - C-Capture Limited
 - Costain Group Plc
 - Crowle Wharf Engineers Limited
 - Denman Instrumentation Limited
 - Diamond Power Limited

- East Midlands Instrument Company Limited
- Hargreaves (Uk) Services Limited
- Howden Uk Limited
- Ipsum Limited
- Oceaneering International Services Limited
- Philford Design Engineers Limited
- Protec Fire Detection Public Limited Company
- Rotork P.L.C.
- Schenck Process (Clyde) Limited
- Severn Unival Limited
- Sewell Construction Limited
- Siemens Public Limited Company
- Team Industrial Services (Uk) Limited
- Tei Limited
- Veolia Bioenergy Uk Limited
- Xylem Water Solutions Uk Limited

2.1.5. **Table 2-2** sets out the latest position regarding negotiations with statutory undertakers.

Table 2-1 – Schedule of Negotiations and Powers Sought – Land Interests

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
<p>Amir Hussain</p>	<p>01-43, 01-45, 01-48, 01-52</p>	<p>1</p>	<p>8A</p>	<p>8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.</p>	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant issued survey access requests on 1 November 2022, and carried out site visits (door knocking) throughout October and November to chase Request for Information responses, signed consent forms, and survey access permissions from Mr Hussain.</p> <p>The Applicant met the interested party, Mr Hussain, when visiting the site in October/November. The Applicant received a signed survey access letter from Mr Hussein at the site visit, and Mr Hussain also verbally confirmed his land ownership, but confirming his Request for Information and consent form is sitting with his land agent.</p> <p>The Applicant is continuing to engage with this party and attended a site meeting with the party on 10th February 2023 to discuss the potential works and obtain feedback. The party was generally supportive of the proposals and indicated that the works on his land would likely to be acceptable, subject to providing sufficient prior notification and liaison to ensure the site is available for works to take place and cleared of obstructions. The Applicant confirmed to this party they will be in contact again once responses from the asset owners have been received and more details of the nature of the works are available.</p> <p>The Applicant met with this party on 21/04/23 and explained the changes included in the Second Change Application and the effects on this party’s land. Mr Hussain verbally confirmed that he was happy with the changes, and requested that he is given plenty of notice in advance of the works being undertaken to ensure that the relevant parts of his land can be cleared in time to facilitate easy access for the works.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 24/05/23, the Applicant provided the proposed Heads of Terms for an agreement between the parties for consideration.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>On 06/06/23 and 13/06/23 the Applicant emailed Mr Hussain to check progress on the consideration of the HoTs.</p> <p>On 29 June, the Applicant advised Mr Hussain of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p> <p>On 06/07/23, the Applicant telephoned Mr Hussain to check on progress. Mr Hussain confirmed that he will sign and return the HoTs and has no queries regarding the matters arising from the communication of 29/06/23.</p> <p>The Applicant is awaiting a response from Mr Hussain regarding the HoTs and will continue engagement with this party in the post-examination stage to seek a voluntary agreement.</p>
David Eric Roustoby	01-70, 01-71, 01-72, 01-73, 01-74, 01-75, 01-119, 01-121	1	8A, 8B	<p>8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.</p> <p>8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.</p>	<p>The Applicant was advised by ERYC of this party's agricultural tenancy on 20/03/23, and subsequently made contact with this tenant and served a s102 notification to provide further details to this party regarding the proposed works affecting their interests being in respect of OHL1 and TCL1.</p> <p>The Applicant will continue to engage with this party, particularly once responses have been received from Northern Powergrid and Openreach regarding the design of the works to their assets at OHL1 and TCL1. The Applicant confirmed to this party on 20/03/23 that they will be in contact again once responses from the asset owners have been received.</p> <p>The Applicant made contact with Mr Roustoby on 21 April 2023 by telephone to provide an update on the Second Change Application. The party was generally supportive of the changes and asked whether the landowner, ERYC had been updated. The Applicant confirmed that ERYC had been informed. The Applicant requested an email address to send further details and plans to enable discussions to progress with this party. Further information was subsequently emailed to this party. On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 04/05/23, the Applicant approached the party to progress Heads of Terms regarding works in relation to OHL1.</p> <p>On 18/05/23, the Applicant sent proposed Heads of Terms for an agreement between the parties for consideration.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>Additionally, these details were sent to Mr Roustoby's agent, Mrs Copeland at Brown & Co/JH Walter of Lincoln on 19/05/23.</p> <p>On 01/06/23 the Applicant emailed Mrs Copeland to check progress on the consideration of the HoTs.</p> <p>On 05/06/23, Mrs Copeland returned the signed HoTs to the Applicant on behalf of Mr Roustoby.</p> <p>On 29 June, the Applicant advised Mr Roustoby and Mrs Copeland of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p>
David Watson	01-01	1	6	6 Habitat Provision Area	<p>Drax Power Limited has been in correspondence with the land interest since September 2021.</p> <p>Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.</p> <p>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.</p>
	01-03	1	6	6 Habitat Provision Area	
	01-04	1	6	6 Habitat Provision Area	
	01-05	1	6	6 Habitat Provision Area	
	01-06	1	6	6 Habitat Provision Area	
	01-10	1	6	6 Habitat Provision Area	
	01-16	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
Department for Transport (DfT)	01-83	1	8B	8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.	<p>Since the submission of the First Change Application, the Applicant has been in discussions with DfT and ERYC regarding these plots of land. Whilst DfT are the registered owners of the land, under s265 following a De-Trunking Order, the responsibility for this land was transferred to the local highway authority ERYC.</p> <p>Discussions with DfT in Spring 2023 culminated in a request for a letter from a named Officer at ERYC that it was</p>
	01-87	1	8B	8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
	01-122	1	8B	8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.	<p>agreeable to the Applicant's proposals, and the Applicant requested this from ERYC.</p> <p>On 03/07/23, Richard Alderson (ERYC Highways) and Debbie Wesselby ERYC Legal Team) confirmed the extent of which plots of land were confirmed as highway land, and confirmed it would provide correspondence from ERYC in relation to agreeing to proposed works and the use of Order powers on land still owned by DfT to enable DfT to give Crown consent to the Applicant .</p> <p>On 06/07/23 ERYC wrote to DfT (as requested by DfT) to confirm that ERYC had no objection to the inclusion of relevant plots in the Order, to enable the Crown to then issue consent. A copy of this letter is included at Appendix A to this document. The Applicant will progress discussions with DfT on this matter in light of this and in doing so, will refer to the changed implementation period.</p> <p>On 17/07/23 the DfT confirmed consent for the use of Crown Land as part of the scheme. A copy of the letter confirming this is included at Appendix B.</p>
East Riding of Yorkshire Council ('ERYC')	01-53, 01-54, 01-55, 01-60, 01-61, 01-62, 01-63, 01-66, 01-67, 01-68, 01-70, 01-71, 01-72, 01-118, 01-102, 01-103, 01-112, 01-116	1	8A	8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant issued survey access requests on 1 November 2022.</p> <p>ERYC corresponded via email to grant survey access. Further to this, ERYC submitted Relevant Representations on 14 November 2022 in response to the non-statutory consultation, and submitted a similar objection in the formal Relevant Reps following the notification under the CA Regs on 13 January 2023. ERYC's Representations objected to the changes proposed to the DCO Application on the basis that more information should be provided relating to the following:</p> <ul style="list-style-type: none"> • Cable route and depth; • Soil management; • Field drainage; • Future rights; • Works compound and access; and • Impact of undergrounding telecommunication line.
	01-73, 01-74, 01-75, 01-76	1	8A, 8B	<p>8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.</p> <p>8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.</p>	
	01-77, 01-78, 01-79, 01-80, 01-81,	1	8B	8B Works to facilitate the delivery of abnormal indivisible loads to the	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
	01-82, 01-83, 01-85, 01-86, 01-87, 01-88, 01-89, 01-90, 01-91, 01-92			site including diversion of existing telecommunications overhead line.	<p>The Applicant notes ERYC's comments on the abovementioned matters and will ensure they are taken into consideration as the proposal is developed further.</p> <p>With regard to concerns raised relating to 'future rights,' these are the subject of ongoing discussions with the relevant asset owners (Northern Powergrid and Openreach) to confirm the detailed design of the proposed works. The Applicant anticipates receipt of the detailed design from the asset owners shortly, following the submission of the C4 design and cost estimate request to both asset owners. Until such details are known, it is difficult for the Applicant to confirm precise cable routes. At this stage, the Proposed Changes Application Report (AS-045), alongside the appended Statement of Reasons (AS-063) and DCO updates (AS-061) sets out what is anticipated to be the maximum area of land that could be affected by proposed works and the rights required. However, the scale of works may reduce once asset owners provide their detailed designs.</p> <p>Whilst ERYC's RR of 13/02/23 advised that the Applicant had not been in touch since January 2023, this RR was written prior to the further engagement set out below.</p> <p>The Applicant will continue to engage with this party, particularly once responses have been received from Northern Powergrid and Openreach regarding the design of the works to their assets at OHL1, OHL2 and TCL1. The Applicant confirmed to this party on 10th February 2023 that they will be in contact again once responses from the asset owners have been received.</p> <p>The Applicant (via WSP's Land Referencing team and the Land Agent appointed by Drax) has tried to engage with ERYC since Deadline 2, but has not been successful at making contact with ERYC or Mr James Cowling (the tenant farmer) to date.</p> <p>The Applicant had discussions with ERYC on 15/03/23, and was advised of a further tenant of some of the land, Mr David Roustoby. The Applicant subsequently also spoke to Mr Roustoby (see further details above).</p> <p>The Applicant welcomes the Council's preference that these various matters be dealt with by negotiation between the parties. The Applicant intends to have substantive discussions with ERYC as soon as the detailed responses have been received from NPG and Openreach. The Applicant notes that the conclusion of such discussions would be subject to formal Council approval.</p> <p>On 19/04/23, the Applicant provided further details to ERYC by email to explain the scope and extent of changes</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>proposed in the Second Change Application and the implications for the Council's land interests.</p> <p>On 21/04/23, the Applicant contacted ERYC by telephone to check receipt of the updated information. ERYC confirmed receipt and that the details were being considered. ERYC were generally positive regarding the changes, but will respond in detail in due course. ERYC also confirmed their hope that a consensual agreement will be reached without the need to rely on compulsory powers.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application (SCA).</p> <p>On 18/05/23, the Applicant sent proposed Heads of Terms for an agreement between the parties for consideration.</p> <p>On 22/05/23, the Applicant contacted ERYC by email to request feedback on the SCA and whether the changes made address the concerns previously raised and offered a meeting to discuss matters.</p> <p>On 24/05/23, the Applicant emailed ERYC seeking confirmation that, following the A614 De-Trunking Order, both the ownership and responsibility for the section of the highway covered by plots 01-102, 01-116, 01-118 and 01-124 have been transferred to the local authority (East Riding of Yorkshire Council).</p> <p>On 24/05/23, the Applicant called to follow up on previous emails, and requested a call back from the relevant Officer.</p> <p>On 02/06/23, ERYC attended a Teams Meeting to discuss outstanding matters. The Applicant encouraged Adam Milner (ERYC) to confirm the Council's response on the amended design of the works to overhead lines as set out in the Second Change Application, via the submission of Relevant Representations to the ExA by the deadline on 11/06/23. ERYC provided some feedback on the proposed HoTs at the meeting. Further discussion re ERYC's response to confirm whether the highway authority had any concerns regarding impact of works to overhead lines on land owned by DfT or NH but maintained by ERYC were held, and these matters are being followed up.</p> <p>The Applicant has sought an update from Mr Milner via email on several occasions since the meeting on 02/06/23, and notes that ERYC did not submit Relevant Representations on the Second Change Application to the ExA.</p> <p>On 15/06/23, the Applicant sent an updated HoTs document incorporating an additional clause, as requested by ERYC.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>Following a request from Mr Milner on 16/06/23, the Applicant provided shapefiles to enable ERYC to overlay them with the existing estate plans.</p> <p>On 26 June, the Applicant received a response from Mr Milner confirming that changes were required to the draft HoTs to ensure appropriate protection and compensation for agricultural land holdings to ensure that all concerns could be resolved, and that ERYC suggest a Licence would be an appropriate mechanism for an agreement between the parties.</p> <p>On 29 June, the Applicant advised Mr Milner of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p> <p>On 30/06/23, the Applicant provided Mr Milner with a revised draft HoTs document to reflect discussions regarding amendments to the previous version, and to assist in preparing a suitable licence as requested by ERYC.</p> <p>On 6 July, EYRC indicated that they would be in contact with the Applicant post Deadline 9 to confirm the position on this matter to be reflected in the SoCG between the Parties, and submitted REP9-028 to confirm no outstanding concerns with proposed works to OHLs arising from the SCA.-</p> <p>At the close of the Examination, ERYC have not yet provided a response on the updated HoTs or a draft licence. The Applicant will continue engagement with this party in the post-examination stage to seek a voluntary agreement.</p>
EOF Holdings Limited	01-98	1	8A	8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to access to works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant carried out site visits (door knocking) throughout October and November to chase Request for Information responses, signed consent forms, and survey access permissions.</p> <p>The Applicant met the interested party on site in October/November 2022 where the Applicant obtained verbal confirmation of EOF Holdings Limited's land interest. In addition, the interested party presented the Applicant with</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>completed Request for Information documents and consent form.</p> <p>Correspondence granting survey access permissions was confirmed to the Applicant via email.</p> <p>The Applicant is endeavouring to obtain further engagement from this party to determine whether an agreement can be reached.</p> <p>The Applicant met with Mr Pickering of the Consortium and Mr Andrews of JRS Leeds on 13/04/23 and followed this meeting with an email providing the scope and extent of changes proposed in the Second Change Application and the implications for the Consortium and EOF Holdings.</p> <p>Following this meeting, the Applicant provided the party with a copy of the topographic survey which accurately plotted the location of boundaries, fences, position of poles, stays and access routes.</p> <p>Mr Roger Pickering provided an updated response by E-mail on 20/04/23 on behalf of the Consortium and EOF Holdings confirming that at the current time they see no concerns or issues which cannot be resolved.</p> <p>A further email was received from Mr Pickering on behalf of the Consortium and EOF Holdings Limited on 21/04/23, which confirmed the following:</p> <p><i>Further to our meeting last week when you presented updated plans showing amendments to the areas within our boundary requiring “permanent” and “temporary” access to facilitate the under-grounding of current overhead cables we comment as follows:-</i></p> <ul style="list-style-type: none"> • <i>The amendments indicate that there is no significant change to areas requiring permanent access while there is a reduction in temporary access areas. Neither we nor Elite have any objections at this stage to these proposals including the additional amendment regarding the “bell-mouth” to the access gate.</i> • <i>It should be noted that our understanding of the existing underground cable route has been in error and only came to light when you showed us the Northern Powergrid plan ENQ23117461. I have had brief discussions with [REDACTED] of Northern Powergrid and he has indicated that he is willing to meet me on site to clarify the routing. Although it does not alter our position with regard to the granting of rights indicated above we need to formalise with Northern Powergrid the presence of cables under our land. I</i>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p><i>will keep you informed of any relevant information which comes to light.</i></p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 24/05/23, the Applicant sent emails and proposed Heads of Terms for an agreement between the parties for consideration.</p> <p>On 06/06/23 the Applicant emailed the Mr Jowett of EOF to check progress on the consideration of the HoTs.</p> <p>On 19/06/23, Mr Jowett confirmed by email that consent was provided for the Applicant to use plot 01-98 forming part of Elite Road, to provide temporary access during the period of works for the undergrounding of OHL2.</p> <p>On 29 June, the Applicant advised Mr Jowett of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p> <p>The Applicant has been made aware of the intention for EOF Holdings Limited to purchase the 'Consortium's' land in the future.</p> <p>EOF and the Consortium contacted the Applicant on 03/07/23 to advise (for the first time to the Applicant) that they had concerns about the location of the temporary access route from Elite Road to the area for works to OHL2 through the Consortium's land. The Applicant requested details of the location of their preferred route to investigate opportunities for resolving this matter.</p> <p>On 06/07/23, the Consortium provided the Applicant with a plan of a suggested alternative route, which would move the temporary access route for undertaking works to the west of the existing route, on land currently outside the Order Limits</p> <p>The Applicant's initial analysis of this route identifies a need to undertake traffic analysis to ensure that the suggested alternative route would provide suitable space for necessary vehicle movements during the works to underground OHL2. Furthermore, there may be environmental constraints that need to be managed given the presence of the adjacent IDB ditch ('Town Drain'). It also appears that part of the route is within land holdings owned by other third parties, which the Applicant would need to get agreement to. Given the lack of</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>time remaining in Examination to ensure these matters can be satisfactorily resolved, the Applicant is not able to change the DCO plans to resolve this matter during the remaining Examination period.</p> <p>However, given that the land requirements relate specifically only to construction vehicle routing rather than 'works' requiring planning permission, the Applicant is comfortable that this matter is something that can be agreed between the parties outside of the DCO process, whilst still enabling the OHL works to take place. To that end, the Applicant has updated item PH3 of the Register of Environmental Actions and Commitments, to include a firm commitment that the Applicant must agree the construction route for construction vehicles to OHL2 with the affected land interests. The Applicant considers that this action will provide the time to agree, with proper consideration of all necessary design issues, and the route to be taken.</p> <p>In the REAC, item PH3 has been amended to read as follows:</p> <p>"The Main Contractor will be required to undertake on-going liaison with owners and/or operators of land holdings to coordinate access requirements during the undertaking of Work No. 8. In respect of OHL 2, the Applicant must agree the construction route for construction traffic to be taken from Elite Road with the landowners of the land to the south of Elite Road".</p> <p>On 14/07/23, Mr Jowett confirmed that the wording in the REAC responded to their concerns.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
Harry Dickinson	01-93, 01-94	1	8B	8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant issued survey access requests on 1 November 2022, and carried out site visits (door knocking) throughout October and November to chase Request for Information responses, signed consent forms, and survey access permissions.</p> <p>The Applicant met the interested party on site on 15 November 2022 where the Applicant obtained a completed Request for Information, a signed consent form and a signed survey access permission from the interested party.</p> <p>The Applicant is progressing negotiations with BT Openreach on the works for TCL1, and will progress discussions with Mr Dickinson once the scope and extent of necessary works are confirmed.</p> <p>The Applicant met with this party on 20/04/23 to explain the changes proposed in the Second Change Application and the effects on this party's interest. Mr Dickinson was happy about the changes and the proposed works being carried out in due course.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 24/05/23, the Applicant contacted Mr Dickinson to request an email address to send the draft HoT documents to.</p> <p>On 31/05/23, the Applicant sent Mr Dickinson proposed Heads of Terms for an agreement between the parties for consideration.</p> <p>On 13/06/23, the Applicant emailed Mr Dickinson to check progress on the consideration of the HoTs.</p> <p>On 29 June, following a previous telephone call, the Applicant advised Mr Dickinson of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p> <p>On 30/06/23, Mr Dickinson confirmed he wished to proceed with the HoTs, and the Applicant awaits the signed Heads of Terms.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					On 03/07/23, Mr Dickinson returned the signed Heads of Terms document.
James Cowling (Tenant)					Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant issued survey access requests on 1 November 2022, and carried out site visits (door knocking) throughout October and November to chase Request for Information responses, signed consent forms, and survey access permissions.
	01-120, 01-121	1	8A, 8B	<p>8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.</p> <p>8B Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line.</p>	<p>The Applicant met the interested party on site where the Applicant obtained a signed letter to confirm survey access permission, and the interested party also verbally confirmed their land interest.</p> <p>The Applicant is progressing negotiations with BT Openreach on the works for TCL1, and with Northern Powergrid for OHL1 and OHL2, and will progress discussions with Mr Cowling once the scope and extent of necessary works are confirmed.</p> <p>As noted in the row above relating to ERYC, the Applicant (via WSP's Land Referencing team and the Land Agent appointed by Drax) has tried to engage with ERYC since Deadline 2, but has not been successful at making contact with ERYC or Mr James Cowling (the tenant farmer) to date.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>The Applicant made contact with Mr Cowling in March 2023, to explain the broad nature of the proposed changes, and again on 21 April 2023 by telephone to provide an update on the Second Change Application. The party was supportive of the changes, and the Applicant requested an email address to send further details and plans to enable discussions to progress with this party. Further information was subsequently emailed to this party.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 04/05/23, the Applicant approached the party and their land agent to progress Heads of Terms regarding works in relation to TCL1.</p> <p>On 18/05/23, the Applicant sent proposed Heads of Terms for an agreement between the parties for consideration to Mr Cowling's advisor, Mr Townend of Townend Clegg & Co.</p> <p>On 02/06/23, Mr Townend returned the signed HoTs on behalf of his client.</p> <p>On 29 June, the Applicant advised Mr Cowling of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p>
John Pricket (Tenant)	01-27	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	<p>Drax Power Limited has been in correspondence with the land interest since September 2021, and has confirmed their interests within the land.</p> <p>On 06/07/23, the Applicant advised Mr Pricket of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p>
John Valentine Shaw, Roger John Vincent Pickering, Stephen Butterworth, Terence John Fisher (Collectively known	01-96, 01-118, 01-123, 01-124	1	8A	8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant issued survey access requests on 1 November 2022, and carried out site visits (door knocking) throughout October and November to chase Request for Information responses, signed consent forms, and survey access permissions.</p> <p>The Investors in Court House Farm/Delta Enterprise Park (represented by Mr Pickering) submitted Relevant</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
<p>as Investors in Court House Farm/Delta Enterprise Park)</p>					<p>Representations following the notification under the CA Regs in January 2023 and identifies concerns regarding the following matters:</p> <ul style="list-style-type: none"> • boundary issues which have come to light; • the extent position and scale of sections of "Order Land" (permanent) coloured blue on plan; • the extent and position of sections of "Order Land" (temporary) coloured yellow on the plan; and • the timescale for completion of this aspect of the project. <p>The Applicant notes the parties' comments on the abovementioned matters and will ensure they are taken into consideration as the proposal is developed further following further feedback from Northern Powergrid and BT Openreach. As set out in the REAC, the Applicant is committed to engaging with this party throughout the development of these works to ensure that impacts are minimised.</p> <p>The Applicant has had discussions and a meeting with the parties to discuss the works associated with the undergrounding of OHL2. The Consortium have provided the Applicant with updated information on land ownership boundaries and details of further undergrounded electric cables within the plots, which was different from the information provided by the official C2 search. This information was used to update a C4 request for a detailed design cost estimate of works to OHL2 from the asset owner – Northern Powergrid.</p> <p>The Applicant welcomes the positive engagement that has been ongoing with these parties, and will continue to engage with these parties, particularly once a response has been received from Northern Powergrid regarding the design of the works.</p> <p>The Applicant met with Mr Pickering of the Consortium on 13/04/23 to explain the scope and extent of changes proposed in the Second Change Application and the implications for the Consortium.</p> <p>Following this meeting, the Applicant provided the party with a copy of the topographic survey which accurately plotted the location of boundaries, fences, position of poles, stays and access routes. Mr Roger Pickering provided an updated response by E-mail on 20/04/23 on behalf of the Consortium and Elite Furniture confirming that at the current time they see no concerns or issues which cannot be resolved.</p> <p>A further email was received from Mr Pickering on behalf of the Consortium and EOF Holdings Limited on 21/04/23, which confirmed the following:</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p><i>Further to our meeting last week when you presented updated plans showing amendments to the areas within our boundary requiring “permanent” and “temporary” access to facilitate the under-grounding of current overhead cables we comment as follows:-</i></p> <ul style="list-style-type: none"> • <i>The amendments indicate that there is no significant change to areas requiring permanent access while there is a reduction in temporary access areas. Neither we nor Elite have any objections at this stage to these proposals including the additional amendment regarding the “bell-mouth” to the access gate.</i> • <i>It should be noted that our understanding of the existing underground cable route has been in error and only came to light when you showed us the Northern Powergrid plan ENQ23117461. I have had brief discussions with [REDACTED] of Northern Powergrid and he has indicated that he is willing to meet me on site to clarify the routing. Although it does not alter our position with regard to the granting of rights indicated above we need to formalise with Northern Powergrid the presence of cables under our land. I will keep you informed of any relevant information which comes to light.</i> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 10/05/23, following an email to Mr Butterworth, it was identified that this party’s address was changing, and the Applicant was advised to resend the CA Regs Notification to an alternative address. Mr Butterworth confirmed that he is aware of progress on the Drax BECCS scheme in discussion with other members of the consortium, but would have no further comments to make regarding the Second Change Application and is in support of the scheme.</p> <p>On 18/05/23, the Applicant sent proposed Heads of Terms (HoTs) for an agreement between the parties for consideration.</p> <p>On 29 June, the Applicant advised Mr Pickering of the reasons for and implications of their intention to extend the</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p> <p>The Applicant is in ongoing discussions with Mr Pickering regarding the HoTs, and has been made aware of the intention for EOF Holdings Limited to purchase the 'Consortium's' land in the future.</p> <p>EOF and the Consortium contacted the Applicant on 03/07/23 to advise (for the first time to the Applicant) that they had concerns about the location of the temporary access route from Elite Road to the area for works to OHL2 through the Consortium's land. The Applicant requested details of the location of their preferred route to investigate opportunities for resolving this matter.</p> <p>On 06/07/23, the Consortium provided the Applicant with a plan of a suggested alternative route, which would move the temporary access route for undertaking works to the west of the existing route, on land currently outside the Order Limits</p> <p>The Applicant's initial analysis of this route identifies a need to undertake traffic analysis to ensure that the suggested alternative route would provide suitable space for necessary vehicle movements during the works to underground OHL2. Furthermore, there may be environmental constraints that need to be managed given the presence of the adjacent IDB ditch ('Town Drain'). It also appears that part of the route is within land holdings owned by other third parties, which the Applicant would need to get agreement to. Given the lack of time remaining in Examination to ensure these matters can be satisfactorily resolved, the Applicant is not able to change the DCO plans to resolve this matter during the remaining Examination period.</p> <p>However, given that the land requirements relate specifically only to construction vehicle routing rather than 'works' requiring planning permission, the Applicant is comfortable that this matter is something that can be agreed between the parties outside of the DCO process, whilst still enabling the OHL works to take place. To that end, the Applicant has updated item PH3 of the Register of Environmental Actions</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>and Commitments, to include a firm commitment that the Applicant must agree the construction route for construction vehicles to OHL2 with the affected land interests. The Applicant considers that this action will provide the time to agree, with proper consideration of all necessary design issues, and the route to be taken.</p> <p>In the REAC, item PH3 has been amended to read as follows: <i>“The Main Contractor will be required to undertake on-going liaison with owners and/or operators of land holdings to coordinate access requirements during the undertaking of Work No. 8. In respect of OHL 2, the Applicant must agree the construction route for construction traffic to be taken from Elite Road with the landowners of the land to the south of Elite Road”.</i></p> <p>On 14/07/23, Mr Pickering confirmed that the wording in the REAC responded to the Consortium’s concerns.</p> <p>At the end of the Examination, the Applicant has not received signed HoTs from the Consortium. The Applicant will continue to engage with this party in the post-examination stage to seek a voluntary agreement.</p>
JRS Services (Goole) Limited	01-104, 01-107, 01-108, 01-110, 01-112, 01-115	1	8A	8A Works to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical lines and overhead telecommunications line were issued in September 2022. The Applicant issued survey access requests on 1 November 2022.</p> <p>09 November 2022, the interested party, emailed the Applicant requesting a phone call to discuss the Applicant’s request to enter the premises to conduct surveys on 16 and 17 November 2022. Following discussions with the interested party a signed survey access consent form was received via email on 15 November 2022.</p> <p>The Applicant has visited the site and sought to obtain the Request for Information and consent form signature but has been unable to do so at present.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>A response to the Proposed Changes consultation via email was received from JRS Services (Leeds) Limited (the 'interested party') on 15 November 2022.</p> <p>The response stated:</p> <ul style="list-style-type: none"> • <i>“The area for the proposed OHL would encroach on land that we own, and this land has the benefit of a planning consent for commercial development.</i> • <i>Therefore, this proposed change is unacceptable to us.”</i> <p>The Applicant has taken on board the above comment received and has reviewed the consultee's planning application to understand where the potential overlap positions are (planning application reference 21/03027/STPLF).</p> <p>The Applicant understands that ERYC granted planning approval for an employment development on land south of Rawcliffe Road (A614) on 23 December 2022.</p> <p>Discussions are being progressed with the asset owner (Northern Powergrid) of OHL2 on the design of a solution for undergrounding works and which will seek to minimise the impact on these land interests. In this regard the Applicant is in further detailed discussions with Northern Powergrid to investigate design options to minimise impact.</p> <p>The Applicant will endeavour to minimise impact on the interested party's development site, and welcomes ongoing engagement with the interested party to keep them updated on discussions with Northern Powergrid regarding the detailed design options for the undergrounding works to OHL2.</p> <p>A C4 request for a detailed design and cost estimate of necessary works to underground OHL2 (and OHL1) has been requested from Northern Powergrid, and the parameters for the design requested were revised following the receipt of the interested party's comments and a review of the proposed site layout for the application referred to by the interested party. The updated illustrative design parameters included with the updated request to Northern Powergrid are shown in Plates 6-3 and 6-4 of the Proposed Changes Application</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>Report (AS-045), and in Figure 1 in Annex 1 of Appendix 14 of the PCAR (AS-063).</p> <p>This work has informed the requirement to consider and appraise the impacts of a number of crossing techniques as well as the anticipated maximum land take requirements that formed part of the Proposed Changes Application.</p> <p>The Applicant, and the Applicant's land agent, will progress engagement with the interested party to address the issues raised in the detailed design of the proposed works to OHL2. The Applicant formally commits to the aforementioned engagement, as set out in reference ID G21 of Table 6-2 Register of Environmental Actions and Commitments - Suggested Additions in Relation to PC-02 of the Proposed Changes Application Report (AS-045).</p> <p>Conversation had by telephone between the Applicant and Graham Andrews from JRS (Thursday 2nd March and Monday 27th March). Update provided regarding design expected from Northern Power Grid. Information provided on likely timings of receiving information and looking to discuss the information at the end of March.</p> <p>The Applicant met with Mr Andrews on behalf of JRS Leeds on 13/04/23 to explain the scope and extent of changes proposed in the Second Change Application and the implications for JRS Leeds and the consented employment development.</p> <p>After this meeting, the Applicant provided an updated Overlay plan to show the impact of the changes on the consented employment development.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 18/05/23, the Applicant sent proposed Heads of Terms for an agreement between the parties for consideration.</p> <p>On 01/06/23 the Applicant emailed Mr Andrews to check progress on the consideration of the HoTs. On 05/06/23 Mr Andrews confirmed that he did not see any problems with the amended scheme and that the matter would be discussed by JRS at a property meeting on 08/06/23.</p> <p>On 16/06/23, Mr Andrews confirmed that the HoTs were being reviewed by their legal advisors.</p> <p>In response to further discussions with Mr Andrews, the Applicant is seeking clarification from NPG on whether the recently amended agreement between NPG and JRS</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>Services will need to be updated again to accommodate the proposed works to OHL2.</p> <p>On 29 June, the Applicant advised Mr Andrews of the reasons for and implications of their intention to extend the timescale for the implementation of the Drax BECCS scheme from the current up to 5 years from the date of consent, to up to 7 years from the date of consent.</p> <p><u>The Applicant is in ongoing discussions with Mr Andrews regarding the HoTs. At the end of the Examination, the Applicant has not received signed HoTs from Mr Andrews. The Applicant will continue to engage with this party in the post-examination stage to seek a voluntary agreement.</u></p>
Martin Nunns (Tenant)	01-38	1	7	7 Provision of Floodplain Compensation Area	<p>The Applicant was able to confirm that there had been no change in tenants of this area of land. The interested party, Martin Nunns, corresponded via email to grant survey access.</p> <p>The Applicant intends to terminate its tenancy with Mr Nunns for this land to enable the FCA works to take place on this land.</p>
National Grid Electricity Transmission plc	01-20	1	1F, 3, 4, 5	1F Electrical Connections 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	<p>Drax Power Limited has been in correspondence with the land interest since September 2021.</p> <p>Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.</p> <p>With respect to protective provisions, Drax Power Limited sent correspondence to National Grid Electricity Transmission plc on 24 March 2022 to seek their confirmation of whether they would prefer to provide their own protective provisions for inclusion in the draft DCO or if Drax Power Limited's legal team would be drafting bespoke provisions. Subsequently National Grid Electricity Transmission plc has provided its preferred set of protective provisions, which the parties are currently negotiating, with the intention being to include an agreed set of protective provisions in a future draft of the DCO. Most recently comments were received from National Grid Electricity Transmission on 3 February 2023, which the Applicant is considering. The parties have exchanged various emails with respect to this set of comments, and there are few points remaining outstanding. Parties anticipate reaching agreement during the course of the Examination.</p>
	01-22	1	1F, 3, 4, 5	1F Electrical Connections 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	<p>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.</p> <p>Around 6 months ago discussions with NGESO and NGET commenced to introduce them to the Proposed Scheme. Drax has been asked to submit a Modification Application ('Mod App') and this will be submitted to NG ESO, which will enable NG ESO 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.</p> <p>Discussions between parties are ongoing.</p>
	01-23	1	1F, 3, 4, 5	1F Electrical Connections 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	
	01-25	1	1F, 3, 4, 5	1F Electrical Connections 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
National Highways Limited	01-83, 01-87	1	8B	8B Diversion of Existing Telecommunication Overhead Lines	<p>Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical and telecommunications lines were issued in September 2022.</p> <p>Drax Power Limited has been in discussions with asset owners (BT Openreach and Northern Powergrid) since Autumn 2022 regarding their assets and the proposed works required to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead lines.</p> <p>The Applicant has requested design and cost estimates for necessary works from the asset owners.</p> <p>Once the scope and extent of works are identified, the Applicant will progress discussions with National Highways.</p> <p>The Applicant has agreed is currently negotiating protective provisions with National Highways, and these will be included in the draft DCO submitted at Deadline 10. National Highways has written to the Planning Inspectorate to withdraw its objection on 14 July 2023. National Highways has provided its preferred form of provisions, which the Applicant has commented on. National Highways has responded on 22 February 2023, and the Applicant is currently considering the further amendments proposed by National Highways. It is anticipated agreement will be reached during the course of the Examination, and the dDCO updated to include agreed protective provisions accordingly. As a result, the Applicant considers National Highways would not suffer any serious detriment to the strategic road network as a result of the Proposed Scheme.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 24/05/23, the Applicant emailed National Highways seeking confirmation that, following the A614 De-Trunking Order, both the ownership and responsibility for the section of the highway covered by plots 01-102, 01-116, 01-118 and 01-124 have been transferred to the local authority (East Riding of Yorkshire Council).</p> <p>On 03/07/23, Richard Alderson (ERYC Highways) and Debbie Wesselby ERYC Legal Team) confirmed the extent of which plots of land were confirmed as highway land, and will</p>
	01-102, 01-116, 01-118, 01-124	1	8A	8A Diversion of Existing Electrical 11 kV Overhead Lines	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>provide responses from ERYC in relation to proposed works on land still owned by National Highways.</p> <p>ERYC responded on matters relating to small parts of the southern extent of plots 01-102 01-116 and 01-118 where National Highways are the registered owners but which do not comprise highway land. This land is thus not subject to maintenance by ERYC (due to the stopping up of a small section of the former highway south of Rawcliffe Road).</p> <p>On 06/07/23 ERYC wrote to National Highways (as requested) to confirm that ERYC had no objection to the inclusion of relevant plots in the Order, to enable National Highways to then confirm consent.</p> <p>At the end of the Examination, the Applicant has not received a response from National Highways regarding consent for the use of their land. The Applicant will continue to engage with this party in the post-examination stage to seek a voluntary agreement. The Applicant will progress discussions with NH on this matter.</p>
North Yorkshire Council	01-07	1	6	6 Habitat Provision Area	Drax Power Limited has been in correspondence with the land interest since September 2021.
	01-11	2	6	6 Habitat Provision Area	
	01-12	1	6	6 Habitat Provision Area	Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.
	01-14	1	1A, 2A, 2B, 3, 4, 5, 6	1A Pre-Treatment Plant 2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	<p>During consultation, North Yorkshire County Council have been consulted with regards to assessing the Proposed Scheme's impacts to the public highway. This has included transport scoping discussions comprising the issue of a Transport Scoping Note and associated meetings, EIA Scoping, and preliminary assessment included in the Preliminary Environment Information Report (PEIR). The consultation discussions have informed the assessment set out in the ES, and as a result of the discussion, NYCC is aware of the proposals affecting their road network.</p> <p>The Applicant will continue to engage with NYCC regarding their land interests which are focussed in the highway and so will be minimally affected.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				6 Habitat Provision Area	
	01-19	2	1A, 1B, 1C(i), 1C(ii), 1C(iii), 1D(i), 1D(ii), 1D(iii), 1D(iv), 1D(v), 1D(vi), 1D(vii), 1E(i), 1E(ii), 1F, 2A, 2B, 3, 4, 5, 6	1A Pre-Treatment Plant 1B Cooling Water Connection 1C(i) Process Steam Connection with Unit 1 1C(ii) Process Steam Connection with Unit 2 1C(iii) Process Steam Processing 1D(i) Absorber and Quench System for Unit 1 1D(ii) Absorber and Quench System for Unit 2 1D(iii) Solvent Regeneration System for Unit 1 1D(iv) Solvent Regeneration System for Unit 2 1D(v) Supporting Infrastructure for Unit 1 1D(vi) Supporting Infrastructure for Unit 2 1D(vii) Storage and Make up System 1E(i) Carbon Dioxide Processing and Compression Plant for Unit 1 1E(ii) Carbon Dioxide Processing and Compression Plant for Unit 2 1E(iii) Carbon dioxide Main Vent Stack for Unit 1 1E(iv) Carbon dioxide Main Vent Stack for Unit 2 1F Electrical Connections 2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown 6 Habitat Provision Area	
	01-21	1	1F, 3, 4, 5	1F Electrical Connections 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	
	01-26	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-28	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-29	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-30	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-31	1	4, 5	4 Construction Access	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				5 Temporary Construction Laydown	
	01-32	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-33	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-34	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-35	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-36	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
Richard Watson	01-01	1	6	6 Habitat Provision Area	Drax Power Limited has been in correspondence with the land interest since September 2021.
	01-03	1	6	6 Habitat Provision Area	
	01-04	1	6	6 Habitat Provision Area	Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.
	01-05	1	6	6 Habitat Provision Area	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.
	01-06	1	6	6 Habitat Provision Area	
	01-10	1	6	6 Habitat Provision Area	
	01-16	1	4, 5	4 Construction Access 5 Temporary Construction Laydown	
	01-01	2	6	6 Habitat Provision Area	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
Selby Area Internal Drainage Board	01-03	2	6	6 Habitat Provision Area	<p>Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.</p> <p>Drax Power Limited has been in correspondence with the land interest since November 2021.</p> <p>These discussions have enabled the Applicant and the IDB to agree all matters, as evidenced in the SoCG through ensuing appropriate assessments were undertaken and the inclusion of measures within the REAC.</p> <p>During consultation, Selby Area IDB advised that an appropriate consent from them is required for any works above ground within 7 metres of the edge of the pipe or 7 metres from the edge of the bank top of the open channel watercourse maintained by the IDB or by riparian owners. The requirement for such consents is disapplied in the draft DCO with the IDB given an appropriate role in other parts of the DCO in order to ensure appropriate protection for their interests.</p>
	01-14	2	1A, 2A, 2B, 3, 4, 5	1A Pre-Treatment Plant 2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connection 4 Construction Access 5 Temporary Construction Laydown	
	01-19	2	1A, 1B, 1C(i), 1C(ii), 1C(iii), 1D(i), 1D(ii), 1D(iii), 1D(iv), 1D(v), 1D(vi), 1D(vii), 1E(i), 1E(ii), 1F, 2A, 2B, 3, 4, 5, 6	1A Pre-Treatment Plant 1B Cooling Water Connection 1C(i) Process Steam Connection with Unit 1 1C(ii) Process Steam Connection with Unit 2 1C(iii) Process Steam Processing 1D(i) Absorber and Quench System for Unit 1 1D(ii) Absorber and Quench System for Unit 2 1D(iii) Solvent Regeneration System for Unit 1 1D(iv) Solvent Regeneration System for Unit 2 1D(v) Supporting Infrastructure for Unit 1	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				1D(vi) Supporting Infrastructure for Unit 2 1D(vii) Storage and Make up System 1E(i) Carbon Dioxide Processing and Compression Plant for Unit 1 1E(ii) Carbon dioxide Main Vent Stack for Unit 2 1E(iii) Carbon dioxide Main Vent Stack for Unit 1 1E(iv) Carbon dioxide Main Vent Stack for Unit 2 1F Electrical Connections 2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown 6 Habitat Provision Area	
The Coal Authority	01-01	2	6	6 Habitat Provision Area	Drax Power Limited has been in correspondence with the land interest since September 2021.
	01-02	2	6	6 Habitat Provision Area	
	01-03	2	6	6 Habitat Provision Area	Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.
	01-04	2	6	6 Habitat Provision Area	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
	01-11	2	6	6 Habitat Provision Area	<p>In response to the Statutory Consultation, the interested party confirmed on 08 November 2021 the following: <i>“Whilst the proposed development site falls within the coalfield, it is located outside the Development High Risk Area as defined by the Coal Authority. Therefore, the planning team at the Coal Authority, have no specific comment to make on this Proposed Scheme.”</i></p> <p>The Coal Authority confirmed in an email to the Applicant on 31 January 2023 that the Proposed Changes do not affect any previous comments that were made, notwithstanding that they are now identified as a land interest. They advised that comments dated 08 November 2021 (submitted in relation to the Statutory Consultation) remain valid.</p>
	01-13	2	6	6 Habitat Provision Area	
	01-17	2	2A, 2B, 3, 4, 5, 6	2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown 6 Habitat Provision Area	
	01-18	2	2A, 2B, 3, 4, 5	2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				5 Temporary Construction Laydown	
	01-19	2	1A, 1B, 1C(i), 1C(ii), 1C(iii), 1D(i), 1D(ii), 1D(iii), 1D(iv), 1D(v), 1D(vi), 1D(vii), 1E(i), 1E(ii), 1F, 2A, 2B, 3, 4, 5, 6	1A Pre-Treatment Plant 1B Cooling Water Connection 1C(i) Process Steam Connection with Unit 1 1C(ii) Process Steam Connection with Unit 2 1C(iii) Process Steam Processing 1D(i) Absorber and Quench System for Unit 1 1D(ii) Absorber and Quench System for Unit 2 1D(iii) Solvent Regeneration System for Unit 1 1D(iv) Solvent Regeneration System for Unit 2 1D(v) Supporting Infrastructure for Unit 1 1D(vi) Supporting Infrastructure for Unit 2 1D(vii) Storage and Make up System 1E(i) Carbon Dioxide Processing and Compression Plant for Unit 1 1E(ii) Carbon Dioxide Processing and Compression Plant for Unit 2 1E(iii) Carbon dioxide Main Vent Stack for Unit 1 1E(iv) Carbon dioxide Main Vent Stack for Unit 2 1F Electrical Connections 2A Carbon Dioxide Delivery Compound 2B Carbon Dioxide Delivery Pipeline 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection	

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
				3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown 6 Habitat Provision Area	
	01-24	2	1F, 3, 4, 5	1F Electrical Connections 3 All combined 3 (related to 1A) - Pre-Treatment Plant 3 (related to 1B) - Cooling Water Connection 3 (related to 1C) - Process Steam Connection 3 (related to 1D) - Carbon Capture Auxiliaries 3 (related to 1F) - Electrical Connections 4 Construction Access 5 Temporary Construction Laydown	
The Environment Agency	01-03	2	6	6 Habitat Provision Area	<p>Drax Power Limited has been in correspondence with the land interest since September 2021.</p> <p>Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.</p> <p>During consultation, the Environment Agency advised that an environmental permit is needed for works located within 16m of flood defences and in undefended areas of Flood Zone 3. The Environment Agency also advised that an environmental permit will be required for tree planting if it is in undefended area of Flood Zone 3 and within 16m of flood defences, or if tree planting is associated with ground raising. These comments have all been taken on board in the design of the Proposed Scheme.</p>

Contact Name	Plot Number	Category of Interest	Works Number(s)	Reason of Acquisition or Possession	Negotiations
					<p>The Applicant confirmed in their response to Relevant Representations (PDA-002) that no works are proposed within 16 m of the toe of the landward side of the defences adjacent to the River Ouse, as detailed in Chapter 2 (Site and Project Description) of the ES (APP-038), which states that “a 30m offset from the River Ouse has been implemented to avoid impacts related to the watercourse” which demonstrates that there would not be a requirement for an EA Permit as described above.</p> <p>The Applicant understands that this matter has been agreed by the EA, and it is no longer an outstanding matter to be agreed in the Statement of Common Ground with the EA.</p>

Table 2-2 – Schedule of Negotiations and Powers Sought – Statutory Undertakers

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
British Telecommunications plc (Openreach)	01-78, 01-80, 01-86, 01-90, 01-92, 01-93, 01-116, 01-118, 01-121	Telecommunications	Rights to be extinguished and relevant apparatus to be moved. Diversions works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	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 (defined in the dDCO to include public communications providers). That article is subject to the protective provisions included at Schedule 12 of the draft DCO. Part 2 of Schedule 12 of the draft DCO includes provisions for the protection of operators of electronic communications code networks. The Applicant's position is that these provisions provide adequate protection for British Telecommunications plc's assets. Accordingly, the Applicant considers that British Telecommunications plc (Openreach) will not suffer serious detriment to the carrying on of its undertaking, and the tests set out in section 138 of the PA 2008 are therefore satisfied. (British Telecommunications plc (Openreach) is not a statutory undertaker for the purposes of section 127)	Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical and telecommunications lines were issued in September 2022. Drax Power Limited has been in discussions with BT Openreach since Autumn 2022 regarding their assets and the proposed works required to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead line. The Applicant has requested and obtained a design and cost estimate for necessary works to the Openreach telecommunications lines (TCL1) and is in discussions regarding the detail of the works. The Applicant will continue to progress discussions with	No	No representation received

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
					<p>Openreach to identify the scope and extent of works necessary to facilitate the delivery of abnormal indivisible loads to the site. Once the scope and extent of works are identified, the Applicant will continue negotiations with other parties affected by these works.</p> <p>Openreach have confirmed the scope and design of works to their asset (TCL1) and the details of the design have been incorporated in to the changes proposed in the Second Change Application submitted on 21/04/23. The Applicant continues to engage with Openreach.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p>		
euNetworks Fiber UK Limited	01-112, 01-116	Telecommunications	TBC	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 (defined in the dDCO to include public communications providers).	Drax Power Limited have been in discussion with euNetworks Fiber UK Limited's asset team since Autumn 2022 regarding the proposed works to facilitate the delivery of abnormal indivisible loads to the	No	

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				<p>That article is subject to the protective provisions included at Schedule 12 of the draft DCO. Part 2 of Schedule 12 of the draft DCO includes provisions for the protection of operators of electronic communications code networks. The Applicant's position is that these provisions provide adequate protection for euNetworks Fiber UK Limited's assets.</p> <p>Accordingly, the Applicant considers that euNetworks Fiber UK Limited will not suffer serious detriment to the carrying on of its undertaking, and the tests set out in section 138 of the PA 2008 are therefore satisfied. (euNetworks Fiber UK Limited is not a statutory undertaker for the purposes of section 127)</p>	<p>site including diversion of existing overhead telecommunications lines.</p> <p>Discussions between the Applicant and the interest confirmed that the overhead line at TCL1 was not one of EU Fiber Networks' assets, The scope and extent of works to OHL1, OHL2 and TCL1 have been confirmed by the asset owners and the Applicant will continue discussions with EU Fiber Networks on this basis.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p>		
National Grid Carbon Limited	01-32	Gas distribution	Rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	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. The Applicant has been negotiating bespoke protective provisions with National Grid Carbon Limited, in anticipation	The Applicant has been negotiating draft protective provisions with National Grid Carbon Limited. For the reasons set out in the column to the left, the Applicant's expectation had been that those negotiations would no longer be progressed, although the response received from NGCL's legal representatives on 9 May	No	Ongoing negotiations

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				<p>of including agreed provisions in Schedule 12 of the draft DCO.</p> <p>In April 2023 NGCL (part of NGV) confirmed a decision to leave the Northern Endurance Partnership (NEP) in order for National Grid to focus on its existing portfolio of projects. On 23 April 2023, the NEP confirmed changes to its equity partner structure, including the relinquishment of equity holdings by NGV and Shell, and the acquisition of those equity holdings by bp and Equinor. The NEP now comprises bp, Equinor and TotalEnergies. NGV are in commercial discussions with NEP partners on the sale of Humber onshore pipeline proposals. Subject to completion of the discussions, NGV will transition the Humber onshore carbon dioxide system assets to the NEP which will continue to serve carbon capture projects across Teesside and the Humber. bp would assume sole operatorship of the full end-to-end NEP carbon dioxides transport and storage system.</p> <p>The Applicant therefore does not consider protective provisions are required to be included in the dDCO for the protection of NGCL, and sought this confirmation from NGCL's legal representatives. It is noted</p>	<p>2023 indicates that NGCL is still willing to negotiate protective provisions. The Applicant does not consider protective provisions for National Grid Carbon Limited are required to be included in the dDCO. The Applicant has however indicated to NGCL that it will continue to negotiate the protective provisions on a without prejudice basis to assist the ExA and Secretary of State.</p> <p>The Applicant has returned amended PPs to NGCL's legal representatives on 22 June 2023, and these are being considered by NGCL currently.</p>		

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				<p>that the Applicant received a response from NGCL's legal representatives on the afternoon of 9 May 2023, indicating that NGCL would be still seeking protective provisions. The Applicant has since confirmed its position to NGCL's legal representatives that it does not consider protective provisions are required, and it has been confirmed on NGCL's behalf on 23 May 2023 that it will continue to seek the inclusion of its preferred provisions.</p> <p>The Applicant has also sought to progress discussions with the NEP and bp to confirm whether NEP or bp require protective provisions to be included in the dDCO, however, those discussions cannot be progressed until the new arrangements are in place.</p> <p>In any event, the Applicant considers that NEP and bp (taking over the interest of National Grid Carbon Limited in this plot) would not suffer serious detriment to the carrying on of its undertaking, given standard protective provisions included in Part 1 of Schedule 12 of the dDCO for the protection of electricity, gas, water and sewerage undertakers, which would apply were NEP or bp to become a statutory undertaker falling</p>			

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				<p>within the scope of Part 1, Schedule 12 in the future. There is also the ability for protective provisions to be imposed on Drax and the Proposed Scheme via the DCO for the HLCP.</p> <p>The Applicant has previously set out its position that National Grid Carbon Limited are a party who do not yet hold apparatus, a right in apparatus or any land and generally do not yet have a 'statutory undertaking'. As such they are neither a section 127 nor a section 138 party. NEP and bp is in the same position, and the Applicant's view is that those parties are also not section 127 nor 138 parties. The Applicant recognises that they will have future interests and that the Proposed Scheme interlinks with their proposed project, and considers protective provisions for their benefit are more appropriately negotiated and imposed via the HLCP DCO.</p>			
National Grid Electricity Transmission plc	01-10, 01-16, 01-19, 01-27, 01-31, 01-32, 01-37	Electricity transmission	Rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through	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. The protective provisions in Part	The Applicant has received draft protective provisions from National Grid Electricity Transmission plc, which it has exchanged several rounds of commented on. The protective provisions are in agreed form, as included in Part 3 of	No	Agreement close to being reached, at which time NGET anticipate being able to withdraw representation. Ongoing negotiations

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
			C3 design and costing process.	<p>3 of Schedule 12 are agreed with National Grid Electricity Transmission plc. The Applicant's position is that these provisions will provide adequate protection for National Grid Electricity Transmission plc's assets.</p> <p>Accordingly, the Applicant considers that National Grid Electricity Transmission plc will not suffer serious detriment to the carrying on of its undertaking, and the tests set out in sections 127(3), 127(6) and 138 of the PA 2008 are therefore satisfied.</p>	<p>Schedule 12 of the draft DCO. Parties have now also largely agreed a confidential side agreement, and both parties expect this agreement to complete shortly after the close of the Examination. Upon completion of the agreement the Applicant will provide an update to the Secretary of State and it is anticipated NGET will then be in a position to withdraw its representation. The parties are currently negotiating the terms of a confidential side agreement, and it is expected National Grid will be able to withdraw its objection once that agreement is entered into. Parties anticipate reaching agreement during the course of the Examination.</p>		
Network Rail Limited		Operational railway	The Applicant notes that there are no proposed works that would interact with Network Rail Limited's assets, and no rights are sought.	Network Rail Limited has no apparatus or rights that would be affected by the Proposed Scheme. The Applicant has reached agreement with Network Rail Limited and as a result, no protective provisions are necessary to be included in the draft DCO. The parties have instead entered into a Deed of Undertaking and as a result	Parties have agreed there is very limited chance of interaction with Network Rail Limited's assets. The parties have entered into a Deed of Undertaking, and as a result Network Rail has withdrawn its representation.	Yes	Agreement reached. Network Rail withdrew its representation by letter to the Planning Inspectorate dated 15 June 2023

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				<p>Network Rail has withdrawn its representation. The deed ensures Network Rail Limited will not suffer serious detriment to the carrying on of its undertaking.</p> <p>As the dDCO does not seek any powers with respect to land or assets owned or operated by Network Rail Limited, the tests in sections 127(3), 127(6) and 138 of the PA 2008 are not applicable.</p>			
Northern Gas Networks Limited	01-108, 01-110, 01-115, 01-125	Gas distribution	Rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	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. Part 1 of Schedule 12 of the draft DCO includes provisions for the protection of electricity, gas, water and sewerage undertakers. The Applicant's position is that these provisions provide adequate protection for Northern Gas Networks Limited's assets. The Applicant is negotiating a private asset protection agreement with Northern Gas Networks, however the Applicant does not understand NGN to be asking for any alternate protective provisions to be included in the DCO.	Requests for Information (RFIs) in order to confirm their interests within the land alongside consent forms relating to the works required to divert the existing overhead electrical and telecommunications lines were issued in September 2022. Northern Gas Networks Limited kindly provided a response to confirm the location and details of their assets in the vicinity of works to divert the existing overhead electrical and telecommunications lines. Drax Power Limited has been in discussions with asset owners (BT Openreach and Northern Powergrid) since Autumn	No	Representation received 13/06/23 and being considered by Applicant.

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				Accordingly, the Applicant considers that Northern Gas Networks Limited will not suffer serious detriment to the carrying on of its undertaking, and the tests set out in sections 127(3), 127(6) and 138 of the PA 2008 are therefore satisfied.	<p>2022 regarding their assets and the proposed works required to facilitate the delivery of abnormal indivisible loads to the site including diversion of existing telecommunications overhead lines.</p> <p>The scope and extent of works to OHL1, OHL2 and TCL1 have been confirmed by the asset owners, and the Applicant will progress discussions with Northern Gas Networks Limited on this basis.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>On 13/06/23, the Applicant reviewed the Relevant Representation submitted by NGN as published on PINS' website, and contacted PINS to ask for the contact details for the relevant NGN representative in order to follow up on the suggestion for an asset protection agreement.</p>		

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
					<p>The Applicant has subsequently exchanged correspondence with NGN and was provided with its preferred form of asset protection agreement. The Applicant has reviewed this and responded to NGN with comments on 20 June 2023. On 4 July 2023 4 July 2023, the Applicant received an email from NGN advising that it had sent the Applicant the wrong template asset protection agreement and providing an alternate template. NGN instead asked the Applicant to review and comment on the second template agreement. The Applicant has now reviewed this document, and responded to NGN with comments on 12 July 2023.</p>		
Northern Powergrid (Yorkshire) plc	01-10, 01-16, 01-45, 01-61, 01-63, 01-66, 01-67, 01-68, 01-70, 01-72, 01-74, 01-96, 01-97, 01-98, 01-108, 01-110, 01-	Electricity distribution	Rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	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. Part 1 of Schedule 12 of the draft DCO includes provisions	<p>Drax Power Limited has been in correspondence with the land interest since September 2021.</p> <p>Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.</p>	No	

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
	115, 01-118, 01-121			<p>for the protection of electricity, gas, water and sewerage undertakers. The Applicant's position is that these provisions provide adequate protection for Northern Powergrid (Yorkshire) plc's assets. The Applicant has been provided with Northern Powergrid's confidential asset protection agreement including preferred form of protective provisions on 16 May 2023 which it has considered and provided comments on 16 June 2023. Northern Powergrid responded to the Applicant on 12 July 2023, and the Applicant responded on the same day. The Applicant has now reached agreement with Northern Powergrid on the confidential side agreement, and this has been signed by the Applicant and is currently with Northern Powergrid for signature. It is anticipated this agreement will complete shortly after the close of the Examination, and the Applicant will provide an update to the Secretary of State in this respect. It is expected these can be agreed with Northern Powergrid during the course of the Examination. Northern Powergrid has not asked the Applicant to include additional protective provisions in the DCO. at which time the dDCO will be updated to include those agreed provisions.</p>	<p>With respect to protective provisions, Drax Power Limited sent correspondence to Northern Powergrid on 23 March 2022 in relation to protective provisions. The Applicant has received Northern Powergrid's confidential asset protection agreement including preferred form of protective provisions on 16 May 2023, and the Applicant responded with comments on 16 June 2023. The Applicant has now reached agreement with Northern Powergrid on the confidential side agreement, and this has been signed by the Applicant and is currently with Northern Powergrid for signature. It is anticipated this agreement will complete shortly after the close of the Examination. It is expected agreement can be reached during the Examination. In any event the draft DCO includes standard protective provisions for the protection of electricity, gas, water and sewerage undertakers. Drax Power Limited have been in discussion with Northern Powergrid's asset team since Autumn 2022 regarding the proposed works to</p>		

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
				<p>Representations made above with respect to the provisions in Part 1 of Schedule 12 of the dDCO and the protection they provide to Northern Powergrid apply equally to any set of provisions that is agreed with Northern Powergrid.</p> <p>Accordingly, the Applicant considers that with the confidential side agreement in place, and in any event given the protective provisions in Part 1, Schedule 12 of the dDCO, that Northern Powergrid (Yorkshire) plc will not suffer serious detriment to the carrying on of its undertaking, and the tests set out in sections 127(3), 127(6) and 138 of the PA 2008 are therefore satisfied. It is noted in any event no representation has been received from Northern Powergrid (Yorkshire) plc.</p>	<p>facilitate the delivery of abnormal indivisible loads to the site including diversion of existing electrical 11kV overhead lines.</p> <p>This has culminated in the scope and extent of works now having been confirmed by NPG.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>NPG provided a template Wayleave Agreement document to assist the preparation of Head of Terms for affected parties.</p>		
Yorkshire Water Services Limited	01-01, 01-03, 1-14, 1-19, 1-26, 1-29, 1-30, 1-31, 01-54, 01-55, 01-70, 01-71, 01-72, 01-73, 01-74, 01-75, 01-80, 01-82, 01-86, 01-90, 01-91, 01-102,	Utilities	Rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	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. Part 1 of Schedule 12 of the draft DCO includes provisions for the protection of electricity, gas, water and sewerage undertakers. The Applicant's	<p>Drax Power Limited has been in correspondence with the land interest since September 2021.</p> <p>Drax Power Limited has issued Requests for Information (RFIs) in order to confirm their interests within the land.</p> <p>Drax Power Limited sent correspondence to Yorkshire Water Limited</p>	Yes	Concerns discussed and addressed. No outstanding matters regarding protective provisions.

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
	01-116, 01-118, 01-119, 01-120, 01-121			<p>position is that these provisions provide adequate protection for Yorkshire Water Services Limited's assets.</p> <p>The Applicant received Yorkshire Water Services Limited's policy for apparatus on 4 May 2023 and responded on 10 May 2023 proposing minor amendments to the provisions in Part 1 of Schedule 12 to incorporate Yorkshire Water's policy document. Yorkshire Water has responded to confirm its agreement to the proposed amendments, and these were included in the dDCO submitted for Deadline 8.</p> <p>Accordingly, the Applicant considers that Yorkshire Water Services Limited will not suffer serious detriment to the carrying on of its undertaking, and the tests set out in sections 127(3), 127(6) and 138 of the PA 2008 are therefore satisfied.</p>	<p>on 24 March 2022 to seek their confirmation of whether they would prefer to provide their own protective provisions for inclusion in the draft DCO or if Drax Power Limited's legal team would be drafting bespoke provisions. The Applicant has provided the form of standard protective provisions (included in the dDCO at Schedule 12, Part 1) on several further occasions, most recently on 23 March 2023. The standard protective provisions for electricity, gas, water and sewerage undertakers have been included in the draft DCO.</p> <p>The Applicant has provided a response to this party's representation in relation to its assets in document 8.10.3 – the Applicant's Responses to submissions at Deadline 3. Further details have been sent to this party regarding the Second Change Application changes, and a meeting was held on 28/04/23 to discuss the Applicant's responses to YW comments, the changes</p>		

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
					<p>set out in the SCA and whether there is a need for bespoke protective provisions. As a result of that meeting, Yorkshire Water agreed to send the Applicant further details, and these details were received, and a response given, by the Applicant on 04/05/23.</p> <p>On 03/05/23, the Applicant sent notification to this party in writing under the CA Regulations of the Relevant Rep period for submission of comments on the Second Change Application.</p> <p>The Applicant received Yorkshire Water Services Limited's policy for apparatus on 4 May 2023. On 10/05/23, the Applicant sent an updated version of the draft protective provisions to incorporate Yorkshire Water's policy document for consideration by the party.</p> <p>On 24/05/23, the Applicant obtained a response from Yorkshire Water that the protective provisions appeared to cover all items in their policy document. The Applicant offered a</p>		

Statutory Undertaker Name	Plot Numbers	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Tests in s 127 & s138 can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
					<p>meeting with the party to discuss any concerns, to assist them in confirming a view on the wording of the protective provisions.</p> <p>On 25/05/23 Yorkshire Water confirmed that the protective provisions were agreed, and the Applicant has included the minor amendments in the dDCO for Deadline 8.</p> <p>NOTE: Yorkshire Water asked the Applicant to contact Ben Surtees of Yorkshire Water when the works are programmed and will be going ahead so that they can call in to see work underway/in progress.</p>		

APPENDIX A – LETTER FROM ERYC TO DFT (06/07/23) REGARDING CROWN LAND



EAST RIDING

OF YORKSHIRE COUNCIL

County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone (01482) 393939
www.eastriding.gov.uk

Alan Menzies Executive Director of Planning and Economic Regeneration

Mr Mark Mathews
Head of Estates, Offices and Historical Rail Estates
Department For Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Your Ref:
Our Ref: ASM/TAC01515
Enquiries to: Alan Menzies
E-Mail: [REDACTED]@eastriding.gov.uk
Tel. Direct: [REDACTED]
Date: 5 July 2023

Dear Mr Mathews

Planning Act 2008 (as amended)

Application by Drax Limited (“the Applicant”) for an order granting Development Consent for Drax Bioenergy with Carbon Capture and Storage Project (“Order”).

I write in connection to the above Order and the Applicant’s proposals in relation to land within plot numbers 1-83, 1-87, and 01-122 (‘the Plots’) of the Applicant’s Land Plans. I confirm that these Plots form part of the local highway network.

By operation of section 265 of the Highways Act 1980 and the de-trunking of the A614, it is considered that all interests in the Plots have been transferred from the Secretary of State for Transport to East Riding of Yorkshire Council. However, section 27 of the Land Registration Act 2002 dictates that such a transfer by law does not ‘operate at law’ until land registration requirements are met.

Currently the statutory transfer of land pursuant to the Highways Act 1980 has not yet been registered with the Land Registry, which means that, in law, the Secretary of Transport could still be considered to hold an interest in the Plots. As such, further to section 227 of the Planning Act 2008, the Plots could therefore still be considered to constitute ‘Crown land’.

As a result, consent is required from the Secretary of State for Transport pursuant to section 135 of the Planning Act 2008 that in the event that a Development Consent Order is to be granted by the Secretary of State for Energy Security and Net Zero in respect of the Drax Bioenergy with Carbon Capture and Storage Project, the Secretary of State has no objection and consents to development consent being granted over the Plots and the compulsory acquisition of rights by the Applicant over third party interests existing in the Plots.

We understand that DfT Estates on behalf of the Secretary of State has asked for formal confirmation from East Riding of Yorkshire Council, as the local highway authority responsible for the Plots and the authority to whom the interest in the Plots has transferred, that it has no objection to such consent being given by the Secretary of State for Transport pursuant to section 135. Please accept this letter as formal confirmation from East Riding of Yorkshire Council that there is no objection by the Council to such consent being given.

Caroline Lacey
Chief Executive

East Riding of Yorkshire Council also confirms it has no objection to all other powers contained in the Order applying to the Plots. These consents are given strictly subject to the provisions contained in Part 3 to the Order.

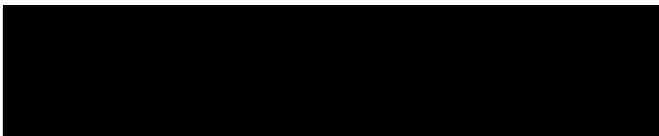
This consent is subject to the Applicant including within the draft DCO the following article (which we understand the Applicant agrees to and which the Applicant has included in the draft DCO):

Crown rights

XX

- (1) *Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or rights of any description—*
 - (a) *identified as Crown land on the Crown land plan;*
 - (b) *belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;*
 - (c) *belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or*
 - (d) *belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.*
- (2) *Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.*
- (3) *A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and is deemed to have been given in writing where it is sent electronically*

Yours sincerely



Alan Menzies
Executive Director of Planning and Economic Regeneration

cc Mr Khasru Ali, Estates and PMO, Corporate Finance and Property Directorate,
Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR

APPENDIX B - LETTER FROM DFT TO APPLICANT (17/07/23) CONFIRMING CONSENT FOR USE OF CROWN LAND



Department
for Transport

Nick Lambert
GROUP PROPERTY
DEPARTMENT FOR TRANSPORT
GREAT MINSTER HOUSE
33 HORSEFERRY ROAD
LONDON SW1P 4DR

17 JULY 2023

Jim Doyle
Drax Power Station
Selby
YO8 8PH

Dear Mr Doyle

Planning Act 2008 (as amended) (the “Act”)

Application by Drax Limited (“the Applicant”) for an order granting Development Consent for Drax Bioenergy with Carbon Capture and Storage Project (“Order”).

I write in connection to the above Order and the Applicant’s proposals in relation to land within plot numbers 1-83, 1-87, and 01-122 (‘the **Plots**’) of the Applicant’s Land Plans.

Whilst it is considered that the interests of the Secretary of State for Transport (SoST) in the Plots are historic, SoST remains at the date hereof the registered freehold proprietor of Title YEA55252 of which the Plots form part, and therefore may constitute Crown land as defined in section 227 of the Act.

On the basis of the above I am authorised on behalf of SoST to confirm the following:

1. The SoST hereby gives consent pursuant to section 135 (1) and 135(2) of the Act to the inclusion of provisions within the Order which would apply to interests in the Plots held otherwise than by or on behalf of the Crown (to the extent that they relate to the detail specified in the application)
2. This consent is subject to the Applicant including within the draft DCO the following article:

Crown rights

XX

(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or rights of any description—

(a) identified as Crown land on the Crown land plan;

(b) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(c) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or

(d) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and is deemed to have been given in writing where it is sent electronically

Yours faithfully

Nick Lambert

Deputy Director, Head of Property Portfolio and Advisory

Department for Transport