
STATUTORY INSTRUMENTS

2024 No. 70

INFRASTRUCTURE PLANNING

**The Drax Power Station Bioenergy with Carbon
Capture and Storage Extension Order 2024**

Made - - - - 16th January 2024

Coming into force 7th February 2024

**THE DRAX POWER STATION BIOENERGY WITH CARBON
CAPTURE AND STORAGE EXTENSION ORDER 2024**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by this Order
4. Maintenance of authorised development
5. Operation of authorised development
6. Benefit of the Order
7. Consent to transfer benefit of the Order
8. Application and modification of statutory provisions

PART 3

STREETS

9. Street Works
10. Power to alter layout, etc., of streets
11. Construction and maintenance of altered streets
12. Temporary closure of public rights of way
13. Access to works
14. Agreements with street authorities

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PART 4

SUPPLEMENTAL POWERS

15. Discharge of water
16. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

17. Power to override easements and other rights
18. Time limit for exercise of authority to acquire rights compulsorily
19. Compulsory acquisition of rights
20. Private Rights
21. Application of the 1981 Act
22. Acquisition of subsoil only
23. Modification of Part 1 of the Compulsory Purchase Act 1965
24. Rights under or over streets
25. Temporary use of land for constructing the authorised development
26. Temporary use of land for maintaining the authorised development
27. Statutory undertakers
28. Apparatus and rights of statutory undertakers in affected streets
29. Recovery of costs of new connections
30. Compulsory acquisition of land – incorporation of the mineral code

PART 6

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31. Felling or lopping of trees and removal of hedgerows
32. Protective works to buildings

PART 7

MISCELLANEOUS AND GENERAL

33. Protective provisions
34. Application of landlord and tenant law
35. Operational land for purposes of the 1990 Act
36. Defence to proceedings in respect of statutory nuisance
37. Certification of plans and documents, etc.
38. Service of notices
39. Procedure in relation to certain approvals etc
40. Arbitration
41. Guarantees in respect of payment of compensation
42. Electronic communications
43. Crown rights
Signature

SCHEDULES

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SCHEDULE 2 — REQUIREMENTS

1. Commencement of the authorised development
2. Phasing of the authorised development
3. Notice of date of full commissioning
4. Requirement for written approval
5. Approved details and amendments to them
6. Detailed design approval
7. Provision of landscape and biodiversity mitigation and enhancement
8. External lighting during operation
9. Highway accesses during construction
10. Surface water drainage
11. Flood risk mitigation
12. Ground conditions
13. Archaeology
14. Construction environmental management plan
15. Construction traffic management plan
16. Construction worker travel plan
17. Control of noise during operation
18. Decommissioning environmental management plan
19. Decommissioning traffic management plan
20. Local liaison committee
21. Local employment plan

SCHEDULE 3 — LEGISLATION TO BE DISAPPLIED

1. The following provisions do not apply in so far as...

SCHEDULE 4 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 5 — ALTERATION OF STREETS

PART 1 — TEMPORARY ALTERATION OF LAYOUT

PART 2 — PERMANENT ALTERATION OF LAYOUT

SCHEDULE 6 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED

SCHEDULE 7 — ACCESS TO WORKS

PART 1 — TEMPORARY MEANS OF ACCESS TO WORKS

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SCHEDULE 8 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED OR IN WHICH RIGHTS MAY BE EXTINGUISHED

PART 1 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

1. Interpretation

PART 2 — LAND IN WHICH RIGHTS MAY BE EXTINGUISHED

SCHEDULE 9 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIVE COVENANTS

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

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SCHEDULE 10 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 11 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. Interpretation
2. Applications made under requirement
3. Further information and consultation
4. Fees
5. Appeals

SCHEDULE 12 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part of this Schedule—“alternative apparatus” means alternative...
3. This Part of this Schedule does not apply to apparatus...
4. Regardless of the temporary prohibition or restriction of use of...
5. Regardless of any provision in this Order or anything shown...
6. (1) If, in the exercise of the powers conferred by...
7. (1) Where, in accordance with the provisions of this Part...
8. (1) Not less than 28 days before starting the execution...
9. (1) Subject to the following provisions of this paragraph, the...
10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. Nothing in this Part of this Schedule affects the provisions...
12. Where the execution of works is required pursuant to paragraphs...

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

13. (1) For the protection of any operator, the following provisions...
14. The exercise of the powers of article 27 (statutory undertakers)...
15. (1) Subject to sub-paragraphs (2) to (4), if as the...
16. This Part of this Schedule does not apply to—
17. Nothing in this Part of this Schedule affects the provisions...
18. The undertaker must not exercise the powers granted under this...

PART 3 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER

19. Application
20. Interpretation
21. On Street Apparatus
22. Apparatus of National Grid in affected streets
23. Protective works to buildings
24. Acquisition of land
25. Removal of apparatus
26. Facilities and rights for alternative apparatus
27. Retained apparatus: protection
28. Expenses
29. Indemnity
30. Enactments and agreements
31. Co-operation
32. Access
33. Arbitration
34. Notices

PART 4 — FOR THE PROTECTION OF NATIONAL HIGHWAYS LIMITED

35. Application etc.

36. Interpretation
37. General
38. Notwithstanding the limits of deviation permitted pursuant to article 3...
39. References to any standards, manuals, contracts, regulations and directives including...
40. Works outside the Order limits
41. Prior approvals and security
42. Construction of the specified works
43. Payments
44. Provisional Certificate
45. Opening
46. Final condition survey
47. Defects Period
48. Final Certificate
49. Security
50. Commuted sums
51. Insurance
52. Indemnity
53. Maintenance of the specified works
54. Land
55. Expert Determination

SCHEDULE 13 — DOCUMENTS AND PLANS TO BE CERTIFIED

SCHEDULE 14 — DESIGN PARAMETERS

PART 1 — DESIGN PARAMETERS ASSOCIATED WITH THE CARBON CAPTURE PLANT FOR UNIT 1

PART 2 — DESIGN PARAMETERS ASSOCIATED WITH THE CARBON CAPTURE PLANT FOR UNIT 2

PART 3 — DESIGN PARAMETERS ASSOCIATED WITH THE COMMON INFRASTRUCTURE REQUIRED FOR BOTH THE CARBON CAPTURE PLANT FOR UNIT 1 AND THE CARBON CAPTURE PLANT FOR UNIT 2

Explanatory Note