
STATUTORY INSTRUMENTS

2024 No. 70

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

PART 2

PRINCIPAL POWERS

Application and modification of statutory provisions

8.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction, operation or maintenance of any part of the authorised development—

- (a) section 23 (prohibition of obstructions, etc, in watercourses) of the Land Drainage Act 1991(1);
- (b) any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991(2);
- (c) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order; and
- (d) the provisions of the Neighbourhood Planning Act 2017(3) insofar as they relate to temporary possession of land under articles 25 (temporary use of land for carrying out the authorised development) and 26 (temporary use of land for maintaining the authorised development) of this Order.

(2) As from the date on which the authorised development (including the permitted preliminary works) is commenced any approval, grant, permission, authorisation or agreement made under the Town and Country Planning Act 1947(4), the Town and Country Planning Act 1962(5), the Town and Country Planning Act 1971(6), the 1990 Act or the 1989 Act prior to that date is hereby excluded and does not apply but only insofar as such approval, grant, permission, authorisation or agreement relates to the Order limits and is inconsistent with the authorised development and anything approved under the requirements.

(3) As from the date on which this Order takes effect the undertaker must not commence, or to the extent already commenced must not continue to carry out, any works consented by the Drax Power (Generating Stations) Order 2019 other than as set out in this Order.

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- (1) 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.
 - (2) Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 (c. 21).
 - (3) 2017 c. 20.
 - (4) 1947 c.51 as repealed by the Town and Country Planning Act 1962 and the Planning (Consequential Provisions) Act 1990 (c. 11).
 - (5) 1962 c.38 as repealed by the Town and Country Planning Act 1971 and the Planning (Consequential Provisions) Act 1990 (c. 11).
 - (6) 1971 c. 78 as repealed by the Planning (Consequential Provisions) Act 1990 (c. 11).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The carrying out of Work No. 8A shall not be regarded as conflicting with or constituting non-compliance by any person with, any conditions of a planning permission granted under section 57(f) (requirement of planning permission) of the 1990 Act which relate to plots 01-108, 01-110 and 01-115 of the land plans or land adjacent to those plots outside of the Order limits.