



The Sizewell C Project

3.1 Third Draft Development Consent Order Addendum - Proposed Changes to the Draft Development Consent Order (DCO)

January 2021

Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Revision: 1.0
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**SIZEWELL C (NUCLEAR GENERATING STATION) ORDER
SCHEDULE OF CHANGES TO THE DRAFT DEVELOPMENT CONSENT ORDER**

Abbreviations

ESC – East Suffolk Council

MMO – Marine Management Organisation

SSC – Suffolk County Council

RSPB – Royal Society for the Protection of Birds

NE – Natural England

dDCO – Draft Development Consent Order

DML – deemed marine licence

DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 2(1)	Applicant	Definitions of the following added: Fen Meadow Strategy, Main Development Site Water Monitoring and Response Strategy, and Public Rights of Way Strategy	Definitions updated to reflect additional documents referred to in the updated Requirements, which will be certified documents.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 2(1)	ESC and MMO Applicant	Deletion of Work No. 1A(o) (being the hard coastal defence feature) from the definition of 'marine works'; and Addition of Work No. 1(bb) (being the new temporary beach landing facility).	Updated to reflect the ongoing discussions with ESC and MMO about which body will have jurisdiction in respect of the approval and enforcement of the hard coastal defence feature. Reference has been added to the new temporary beach landing facility as this is one of the proposed changes to the Application (Proposed Change 2)	3
Art 2(1)	Applicant	Addition of 'or Work No. 1E, or any part of them' to the definition of 'new Sizewell B relocated facilities permission'.	One of the proposed changes to the Application (Proposed Change 3) is to seek authority to construct a revised version of the Sizewell B relocated facilities works, which would utilise the Sizewell A land. We refer to this revised version of the Sizewell B relocated facility works in the updated dDCO (Doc Ref. 3.1(B)) as Work No. 1E. SZC Co has also submitted an application for the revised Sizewell B relocated facilities scheme under the Town and Country Planning Act 1990. The revised version of article 5 has been updated to enable switching between either planning permission and the equivalent	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
			works under the DCO. We note, however, that a decision has yet to be made by ESC in relation to the new planning application for these works submitted by the undertaker.	
Art 2(1)	Applicant	Definition of permanent limits revised to include not just the land identified in pink on the land plans (land over which powers of compulsory acquisition of all freehold and leasehold interests is sought), but also the land identified in orange (highway land over which compulsory acquisition of all freehold and leasehold interests is sought) and blue (over which compulsory acquisition of rights only is sought).	This is a correction to the drafting in the original dDCO [APP-059] . Art 26 authorises the 'compulsory acquisition of land'. The definition of 'land' in Art 2 is: 'includes land covered by water, any interest in land or right in, to or over land', and Art 26 is subject to the provisions of a number of other articles, including Art 30 (compulsory acquisition of rights). Art 26, therefore, acts as an 'umbrella' provision authorising compulsory acquisition both of all freehold and leasehold interests in land (the pink and orange land shown on the land plans) and of rights only (the blue land shown on the land plans). It is, therefore, correct that the definition of 'permanent limits' refers to both the pink, orange and blue land on the land plans (but not the land shown on those plans as being subject only to temporary	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
			possession, being the yellow and green land).	
Art 2(1)	Applicant	Definition of 'Sizewell B relocated facilities permission' revised to refer to 'Sizewell B relocated facilities permission 1' and to include reference to any variations made to it under the Town and Country Planning Act 1990.	Since the Applicant is now seeking planning permission for a revised version of the original Sizewell B relocated facilities permission, it is necessary to distinguish in the dDCO (Doc Ref. 3.1(B)) between the two permissions for the purpose of Art 5.	3
Art 2(1)	Applicant	New definition added ('Sizewell B relocated facilities permission 2') to refer to the new planning permission which the Applicant hopes will be granted pursuant to its application to ESC for planning permission for a version of the Sizewell B relocated facilities application which utilises the Sizewell A land, and any future variations to that permission	Since the Applicant is now seeking planning permission for a revised version of the original Sizewell B relocated facilities permission, it is necessary to distinguish in the dDCO (Doc Ref. 3.1(B)) between the two permissions for the purpose of Art 5.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 2(1)	Applicant	New definition added: 'Sizewell B relocation works 2'	This refers to the new Work No. 1E provided for in the updated dDCO (Doc Ref. 3.1(B)) (Proposed Change 3), which is referred to in Art 5.	3
Art 2(1)	Applicant	Definition of 'Sizewell B relocation works' updated to refer to 'Sizewell B relocation facilities works 1'	This refers to Work No. 1D. It is necessary in order to distinguish it from 'Sizewell B relocation works 2' (being Work No. 1E)	3
Art 2(1)	Applicant	Definition of 'traffic authority' added	Added as this term is used in the dDCO [APP-059] but was not previously defined.	3
Art 2(6)(a)	Applicant	Reference to Work No. 1E added to definition of 'Work No. 1'	Added as this definition is intended to capture all works within the main development site (save for rail works)	3
Art 5	Applicant	Changes made to this article to reflect the fact that the Applicant has made an application to ESC for a varied version of the Sizewell B relocated facilities permission, which would utilise the Sizewell A land. The Applicant is also seeking consent for this version of the Sizewell B	The proposed drafting changes apply the same principles to the new Work (Work No. 1E) as applied to Work No. 1D in the original dDCO [APP-059] . The drafting enables the Applicant to switch between the planning permissions for these two sets of works, and the versions of these works consented under the DCO. The updated Explanatory	3



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		relocated facilities works via the dDCO, in the form of the newly defined Work No. 1E (Proposed Change 3).	Memorandum further describes the effect of this revised drafting.	
Art 10(1)(a)(iii)	Applicant	Reference added to the 'Main Development Site Design and Access Statement'	This contains the additional lighting commitments which the Applicant must comply with and, therefore, it is appropriate that it is referred to here as a defence to statutory nuisance.	3
Art 14(1), (2) and (3)	SCC	Reference to 'change of status' added in Art 14(1) and (2), (4) and new Part 3 of Schedule 10. Art 14(3) sets out the conditions to be met before a street may change its status.	SCC informed that Applicant that where existing highways are changing status, from a highway open to all traffic to a highway only open to non-motorised users, they would prefer the dDCO to show this as a change in the status of the highway, rather than a stopping up of the existing highway and a re-dedication with more limited highway rights. We have, therefore, adopted this approach, and revised the drafting of this Article accordingly, as well as adding a Part 3 to Schedule 10 where these highways changing in status are listed.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 14(1)	Applicant	Reference added to 'or private means of access extinguished' in Art 14(1) and to 'or, in the case of a footpath created pursuant to article 15 (status of footpaths created or improved), to the standard specified in a footpath implementation plan'	Clarification in the interests of good drafting.	3
Art 15	SCC	The definition of 'footpath' in Art 2 is expanded to include any other public rights of way, for the purpose of this article	In this revision of the DCO, the particular type of public right of way has now been specified in Schedule 11 (Status of footpaths created or improved), and since some are bridleways or cyclepaths, the definition has been expanded to reflect this.	3
Art 16(1)	Applicant	'Order limits' replaced with 'permanent limits'.	This change narrows the operation of this Article, such that the right to create private means of access can only operate in respect of land which is subject to powers of compulsory acquisition under the dDCO, and not also land over which purely temporary possession powers are granted.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 37(1)(a)(ii)	Applicant	Replacement of 'of the Order land' with 'within the permanent limits'	This is a correction, to distinguish art 37(1)(a)(ii) (which sets out by reference to Schedule 17 the limited purposes for which land which may only be temporarily possessed may be used) from Art 37(1)(a)(i) (which provides a power of temporary possession in respect of land over which powers of compulsory acquisition have been granted)	3
Art 37(2)	Applicant	Replacement of '3 months' to '14 days'	To assist project delivery and to reflect drafting in more recently granted DCOs.	3
Art 41A	Applicant	New drafting added to give effect to new Schedule 17A (Acquisition of wayleaves, easements and other rights).	For a description of the purpose of this drafting see the updated Explanatory Memorandum.	3
Art 46(1)(g)	MMO	'vessel' defined by reference to Article 2(1) rather than Article 49(1)	Correction	3
Art 51	Applicant	Reference to 'Schedule 21' corrected to 'Schedule 19'	Correction	3
Art 62	Applicant	'A' deleted next to article number	Correction	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 64(2)(c) and (4)	MMO	Addition of text requiring byelaws to be published 'on a website managed by the undertaker or the harbour authority'. And reference to '28 days' rather than 'a month' as the minimum period of inspection prior to confirmation.	To enhance accessibility, and to clarify period of time during which the byelaws will be available for inspection.	3
Art 66	MMO	Addition of requirement to publish 'on a website managed by the undertaker or the harbour authority'	To enhance accessibility.	3
Art 71	MMO	Replacement of 'his' with 'their'	To ensure gender neutrality.	3
Art 73	Applicant	Revised to refer to 'beach landing facilities' (plural)	To ensure this restriction on the use of beach landing facilities (Proposed Change 2) applies also to the new temporary beach landing facility as well as the permanent beach landing facility.	3
Art 75A	Applicant	Inclusion of new article, referring to new Schedule 20A (Appeal procedure in relation to deemed marine licence).	The new schedule provides a procedure for appeal in relation to the discharge of conditions by the MMO.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Art 82(6)	MMO	Provides expressly that arbitration shall not be used in relation to consents and approvals required from the MMO under the dDCO.	To address a request from the MMO.	3
Art 86	MMO/ESC	Revised to provide that the MMO has jurisdiction in respect of land seaward of 'high' water springs (rather than 'low' water springs) and in respect of the area within the limits of deviation for Work No.1A(m), Work No.1A(n) and Work No.1(bb).	The revised drafting reflects the ongoing discussions with the MMO and ESC on which body will have jurisdiction in relation to the enforcement of matters relating to the construction of the permanent and temporary beach landing facilities, and in respect of the soft coastal defence feature and the hard coastal defence feature.	3
Schedule 1 Work No. 1A	Applicant	<ul style="list-style-type: none">(1) Deletion of 'associated structure and plant' throughout(2) Work No. 1A(l) – 'causeway' replaced with 'bridge'(3) Work No. 1A(m) – 'permanent' added in front of the words 'beach landing facility'	<ul style="list-style-type: none">(1) Not needed as Such matters would be authorised where needed by Schedule 1 Part 2(2) In order to reflect Proposed Change 6 (change to the Site of Special Scientific Interest (SSSI) crossing design to a single span bridge).(3) In order to distinguish it from the newly proposed 'temporary beach landing	3



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		<p>(4) Work No.1A(bb) – ‘temporary beach landing facility’ added</p> <p>(5) Work No. 1A(dd) – ‘flood mitigation area and associated habitat’ added</p> <p>(6) Work No. 1A(v) – reference added to ‘temporary marine outfall’</p>	<p>facility’ (Proposed Change 2).</p> <p>(4) In order to reflect Proposed Change 2 (the inclusion of a temporary beach landing facility in addition to the permanent beach landing facility)</p> <p>(5) In order to reflect Proposed Change 5 (provision of flood mitigation measures to lower flood risk).</p> <p>(6) In order to reflect Proposed Change 8 (surface water removed early in the construction process to be discharged to the foreshore via a temporary outfall).</p>	
Schedule 1 Work 1C	Applicant	<p>Addition of reference to: ‘(b) provision of a mammal culvert under Lover’s Lane; and (c) creation of a right turn into Leiston Household Waste Recycling Centre’</p>	These reflect Proposed Change 4 and Proposed Change 5, respectively.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Schedule 1 Work No. 1E	Applicant	New Work description added (Work No. 1E) comprising the version of the SZB relocated facilities works which utilise the Sizewell A land, in respect of which a planning application to ESC has also recently been made (and is yet to be determined).	To reflect Proposed Change 3.	3
Schedule 1 Work No. 4B, 4D, 5, 9, 10, 13, and Part 2 (i)	Applicant	Deletion of the words 'including associated structures and plant'.	Such references are not necessary given that associated plant and structures would be authorised by Schedule 1 Part if required.	3
Schedule 1 Work No. 18	Applicant	Addition of new Work No. 18 (Fen meadow at Pakenham).	In order to reflect Proposed Change 11.	3
Schedule 2 All requirements	ESC/SCC	To all requirements, where previously used, 'local planning authority' changed to 'East Suffolk Council' except in relation to highways (Requirement 22) and archaeology and peat (Requirement 3) where reference is instead made to SCC.	Change made for clarity, at ESC and SCC request.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Schedule 2 Requirement 3 (Project-wide: Archaeology and Peat)	SCC	Revised to: <ul style="list-style-type: none"> - Require approval of a Written Scheme of Investigation by SCC before commencement of any part of the authorised development. - Require approval of a Peat Written Scheme of Investigation by SCC before commencement of the main platform works. 	To provide for an approval of the detail of archaeology and peat written schemes of investigation to ensure protection of archaeology and peat.	3
Schedule 2 Requirement 4 (Project wide: Terrestrial ecology and monitoring plan)	ESC, SCC, RSPB, NE	Addition of reference to need for terrestrial ecology plans in respect of Works 11, 12 and 13, or 'any other defined areas or land or works as may be agreed with ESC'. Addition of duty placed upon ESC to consult with	To provide ESC, the RSPB and NE with further control over the protection of terrestrial ecology for offsite associated developments.	3



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		the RSPB and NE before approving any such plans.		
Schedule 2 Requirement 5 (Surface and foul water drainage)	ESC/SCC	Revised to provide that ESC is the body which has responsibility for approving details of surface and foul water drainage submitted by the undertaker, following consultation with the relevant Statutory Nature Conservation Body, the relevant Internal Drainage Board, the Lead Local Flood Authority and the drainage authority but that the undertaker may not commence works until SCC has endorsed details of the approved management and maintenance arrangements and means of pollution control.	To clarify the respective roles of ESC and SCC in relation to the control of surface and foul water drainage, recognising the importance of both.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Schedule 2 Requirement 6A (Main development site: public rights of way)	SCC/ESC	New requirement requiring that new and diverted footpaths within Work No.1A must be carried out in general accordance with the Public Rights of Way Strategy in the Environmental Statement.	To ensure public rights of way affected by the authorised development on the main site are dealt with as assessed in the Environmental Statement.	3
Schedule 2 Requirement 7 (Main development site: Water Monitoring and Response Strategy)	SCC/ESC/EA/RSPB	Revised to require a water monitoring plan for Work No. 1A to be prepared in general accordance with the Main Development Site Water Monitoring and Response Strategy in the Environmental Statement. The monitoring plan would be approved by ESC, following consultation with the EA, RSPB, the relevant Statutory Nature Conservation Body and the Internal Drainage Board and Local Lead Flood Authority.	To ensure compliance with the assessment carried out in the Environmental Statement and the involvement of the RSPB, the relevant Statutory Nature Conservation Body and the Internal Drainage Board and Local Lead Flood Authority (as well as ESC and the EA, whose involvement was provided for in the requirement as originally drafted).	3
Schedule 2 requirement 7A (Main development site: coastal	ESC/EA/NE/MMO	New requirement which requires the approval of a coastal processes monitoring and mitigation	To ensure that coastal processes are appropriately monitored and mitigation measures agreed.	3



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processes monitoring and mitigation plan)		plan by the MMO (in consultation with ESC, the relevant Statutory Nature Conservation Body and the EA) before construction of Work No. 1A(n) (soft coastal defence feature) or Work No. 1A(o) (hard coastal defence feature) may commence.		
Schedule 2 requirement 11 (Main development site: Approved buildings, structure and plant)	Applicant	Reference now also included to Work No. 1E, now that the dDCO seeks consent for an alternative version of the Sizewell B relocated facilities works.	To ensure that the construction of building, structure and plant comprising Work No. 1E are controlled in the same way as those for Work No. 1D.	3
Schedule 2 requirement 12 (Main development site: Reserved matters)	ESC/SCC/National Trust/Suffolk Coast and Heaths Area of Outstanding National Beauty Partnership	Names of buildings comprising Work No.1A(f) and (g) added in brackets for clarity. Reference included to the visitor centre comprised within the new Work No.1E. Duty placed upon ESC to consult with the National Trust, Suffolk Coast and Heaths Area of Outstanding National	Changes made in the interests of drafting clarity, to recognise the addition of Work No.1E to the dDCO (Doc Ref. 3.1(B)) and to ensure all relevant bodies are involved in the mitigation provided by this requirement.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
		Beauty Partnership when discharging this requirement.		
Schedule 2 requirement 12A (Sports facilities: reserved matters)	ESC	New requirement added to require details of the layout, scale and external appearance of the buildings comprised within Work No. 5 and associated landscaping to be approved by ESC.	To ensure control over the details of this development.	3
Schedule 2 requirement 12B (Main development site: Coastal defence)	MMO and ESC	New requirement requiring that the hard coastal defence feature must not be commenced until its details have been approved by ESC, in consultation with the MMO.	To ensure control over the details of this development by ESC and the MMO.	3
Schedule 2 requirement 13 (Main development site: Ancillary structures, other buildings and plant)	Applicant	Addition of reference to Work No. 1E(f) to (h).	To ensure that these ancillary structures, buildings and plant forming part of new work No.1E are controlled this requirement in the same way that Work No. 1D is.	3
Schedule 2 requirement 13A (Main development	SCC	New requirement requiring Work No. 1B and 1C to be carried out in accordance with the Approved Plans	To ensure that the construction of these works accords with the approved plans while allowing	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
site: Highway works)		(Schedule 7) unless otherwise approved by SCC (within the boundary of the limits of deviation in the Works Plans).	flexibility for revised details to be approved by SCC within limits.	
Schedule 2 requirement 14A (Main development site: fen meadow)	Applicant, ESC, West Suffolk Council and NE	New requirement requiring approval of a fen meadow strategy by ESC for Work No. 6, 7 and 18, in consultation with West Suffolk Council and NE.	To ensure that the proposed new fen meadow sites provide the necessary mitigation as fen meadow habitat.	3
Schedule 2 requirement 14B (Main development site: Wet woodland)	Applicant/ESC and NE	New requirement requiring the approval of a wet woodland strategy by ESC in consultation with NE.	To ensure that the proposed wet woodland provide appropriate mitigation.	3
Schedule 2 requirement 22 (Highway works)	Applicant	Correction of reference from 13(b) to 13(f).	Correction to refer to highways rather than internal roads.	3
Schedule 3 Land Plans	Applicant	Revision and sheet numbers updated, and insertion of new Land Plan for Pakenham (sheet 28).	Updated to reflect new Revisions submitted in January 2021 with request for Proposed Changes.	3
Schedule 4 Works Plans	Applicant	Revision and sheet numbers updated, and insertion of new Works	Updated to reflect new Revisions submitted in January 2021 with request for Proposed Changes.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
		Plan for Pakenham (sheet 28).		
Schedule 5 Rights of Way Plans	Applicant	Revision and sheet numbers updated, and insertion of new Rights of Way Plans for Pakenham (sheet 28).	Updated to reflect new Revisions submitted in January 2021 with request for Proposed Changes.	3
Schedule 6 Parameter Plans	Applicant	Revision numbers updated.	Updated to reflect new Revisions submitted in January 2021 with request for Proposed Changes.	3
Schedule 7 Approved Plans	Applicant	Revision numbers updated. Plans listed for Work No. 1E. Plan added under new heading 'Sports facilities'	Updated to reflect new Revisions submitted in January 2021 with request for Proposed Changes. The plans for Work No. 1E reflect the newly proposed option for the Sizewell B relocated facilities (Proposed Change 3). The sports facilities plan is referred to a requirement.	3
Schedule 8 Deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2	Applicant	Part 2 table inserted (blank)	This table will be populated in due course, if planning permission for the Sizewell B relocated facilities 2 is granted. Until such time as the conditions which that permission will be granted subject to are	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
			known, we cannot populate this table.	
Schedule 9 Streets subject to street works	Applicant	Addition of full names of roads including previously unnamed roads, corrections of road names, and reference to additional Work Plans showing the relevant streets.	Corrections and updates	3
Schedule 10 Street to be permanently stopped up or private means of access extinguished	Applicant	Deletions and reference to new points or revised reference numbers on the updated Rights of Way Plans submitted in January 2021 with the request for Proposed Changes. New Part 3 (Being a street subject to a permanent change of status).	Many lines of this table which were previously in Part 1 have been moved to the new Part 3. See justification above in relation to Article 14 changes. The substantive changes in Part 1 of this Schedule reflect changes to rights of way connected with Proposed Change 12.	3
Schedule 11 Status of footpaths created or improved	Applicant	Deletions and reference to new points or revised reference numbers on the updated Rights of Way Plans submitted in January 2021 with the request for Proposed Changes.	Column (3) is now specific about the status which the public rights of way will have once created or improved (ie footpath, cyclepath or bridleway). The substantive changes in this Schedule reflect Proposed Change 12, and Proposed Change 15.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Schedule 12 Benefit of permanent private means of access and private rights of way created	Applicant	Two new private means of access added to this Schedule.	Identified as being required to benefit Land Registry Titles SK192536 and SK123879.	3
Schedule 13 Streets and private means of access to be temporarily stopped up and extinguished	Applicant	Minor corrections and clarifications. No substantive changes.	Minor corrections and clarifications. No substantive changes.	3
Schedule 17 Land of which temporary possession may be taken	Applicant	Removal and addition of plots subject to temporary possession.	These changes reflect the changes to the land required to be temporarily possessed as set out in the Applicant's Updated Statement of Reasons provided as part of the January 2021 submission.	3
Schedule 17A Acquisition of wayleaves and easements	Applicant	Addition of a new Schedule which would allow the Applicant to seek compulsory wayleaves, easements and other rights outside the Order limits on behalf of gas, electricity, water, sewerage and	This is bespoke drafting which is not preceded by other DCOs. The effect of this drafting is explained in the Explanatory Memorandum. In terms of justification for these powers, for large infrastructure	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
		telecommunications undertakers.	<p>projects, it can sometimes be necessary to reroute utilities outside the Order limits and outside the boundaries of highways (where the New Roads and Street works Act 1991 provides a procedure for laying within the highway).</p> <p>In such circumstances, it is open to utility companies to exercise whatever statutory powers they possess to acquire the right to lay their utilities in land owned by third parties. However, experience at Hinkley Point C and other infrastructure projects suggests that in practice, utility companies can be reluctant to exercise these powers due to the time and cost involved. This can create difficulties and delays for project promoters.</p> <p>The proposed drafting would still require the proper processes set out in the relevant statutes to be followed (including the need for a future inquiry process etc) before a compulsory easement or wayleave could be granted – in this way safeguarding the interest of land owners. But it would give the undertaker a potentially useful</p>	



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
			<p>option to pursue in the event that a relevant utility company was content in principle to divert a piece of its infrastructure across a particular piece of land but was unwilling itself to go through the process required to obtain the necessary rights in the face of land owner refusal.</p> <p>With large infrastructure projects, detailed design for any works to existing utilities is not known in advance of works commencing. We believe that the proposed drafting could be useful not only for the Applicant but possibly for the promoters of other large-scale, complex, multiple-site DCOs.</p>	
Schedule 18 Protective Provisions	Applicant and relevant utility providers	Protective provisions added for the protection of Network Rail, National Grid as electricity undertaker, Anglian Water, Cadent.	The Applicant has engaged with all of these statutory undertakers in order to draft these provisions. Negotiations are ongoing and they are not yet fully agreed with all parties.	3
Schedule 20 Deemed marine licence PART 1	MMO/Applicant	(1) Definitions added: CMMP, EIFCA, FLCP, FRR, MEMP, OSPAR and WSI.	(1) These terms are now used in the updated DML.	



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
		<p>(2) Definition of Work No. 1A(m) updated to refer to specifically to the 'permanent' beach landing facility.</p> <p>(3) A definition has been added of 'Work No. 1A(bb)', being the temporary beach landing facility.</p> <p>(4) The definition of 'Work No. 1A(o)' (hard coastal defence feature) has been deleted.</p> <p>(5) Reference added to the need to submit Licence Returns or variations to the Marine Case Management System.</p>	<p>(2) To clarify that this refers to the 'permanent' beach landing facility. This is to distinguish it from the temporary beach landing facility which is now also proposed (Proposed Change 2).</p> <p>(3) This is the newly proposed temporary beach landing facility (Proposed Change 2).</p> <p>(4) The hard coastal defence feature is proposed not to constitute a 'marine work' (governed by the MMO) but rather a work which falls within the jurisdiction of ESC.</p> <p>(5) MMO request.</p>	
Schedule 20 Deemed marine licence	MMO/Applicant	<p>(1) Definition of Work No. 1a(m) (being the permanent</p>	<p>(1) To reflect the strengthening of the beach landing facility</p>	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
PART 2 (Licence Activities – General)		<p>beach landing facility) amended</p> <p>(2) Definition of Work No. 1a(bb) added (being the newly proposed temporary beach landing facility)</p> <p>Other changes to this Part are minor drafting clarifications.</p>	<p>proposed in the Application (Proposed Change 2).</p> <p>(2) To reflect the introduction of this temporary beach landing facility (Proposed Change 2).</p>	
<p>Schedule 20</p> <p>Deemed marine licence</p> <p>PART 3</p> <p>(Conditions)</p>	MMO/Applicant	<p>The amendments made to this Part have been inserted:</p> <ul style="list-style-type: none"> - in response the MMO's relevant representation; - to address the inclusion of the temporary beach landing facility now proposed by the Applicant; or - are minor drafting changes/clarifications. 	<p>The majority of these amendments are (or we expect to be) agreed by the MMO. However, we welcome further engagement with the MMO on outstanding drafting issues.</p> <p>Reference to the Hard Coastal Defence Feature has been deleted as it is now proposed to be within the jurisdiction of ESC rather than the MMO. The MMO will have jurisdiction over the two beach landing facilities and the Soft Coastal defence Feature.</p>	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
Schedule 20A	Applicant	New schedule setting out an appeals procedure for the discharge of deemed marine conditions	This schedule applies the existing appeal legislation in relation to the refusal or non-determination of marine licences to the discharge of licence conditions. This drafting is considered necessary to ensure the undertaker has some control over the discharge of marine licence conditions in order to avoid any delay to the delivery of the project.	3
Schedule 22	Applicant	Fen Meadow Strategy, Main Development Site Water Monitoring and Response Strategy, and Public Rights of Way Strategy added.	These documents are now referred to in the dDCO (Doc Ref. 3.1B)).	3
Schedule 23	ESC/SCC	(1) Paragraph 1(3) added, requiring the discharging authority to have regard to the comments of the body it is required to consult in respect of the Requirements. (2) Paragraph 1(4) added to provide	Both added at the request of ESC/SCC.	3



DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Revision No.
		that where ESC or SCC is the discharging authority in respect of a particular Requirement, they must consult the other authority.		