



# The Sizewell C Project

## 3.1Ad 5 Fifth Draft Development Consent Order Addendum - Proposed Changes to the Draft Development Consent Order (DCO)

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Revision: 1.0  
Applicable Regulation: Regulation 5(2)(q)  
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Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009





HERBERT  
SMITH  
FREEHILLS

**SIZEWELL C (NUCLEAR GENERATING STATION) ORDER  
SCHEDULE OF CHANGES TO THE DRAFT DEVELOPMENT CONSENT ORDER (Deadline 5)  
FROM REV 4.0 TO REV 5.0**

**Abbreviations**

**ESC – East Suffolk Council**

**ExA – Examining Authority**

**MMO – Marine Management Organisation**

**SCC – Suffolk County Council**

**ExQ1 – The ExA's first set of written questions**

**ISH – Issue Specific Hearing**

<b>DCO Ref (Art/Sched)</b>	<b>Stakeholder/ Applicant</b>	<b>Change made</b>	<b>Comment from stakeholder/rationale</b>	<b>DCO Version</b>
Art 2	MMO and EA	Definition of 'capital dredging' added	Added in response to the EA's and MMO's responses to ExQ1 DCO 1.62.	Rev 5

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Art 2	SCC	Addition of wording - excepting the removal of important hedgerows identified in Schedule 1 from the exception from the definition of "commence" which applies to the 'removal of hedgerows'	Added in response to SCC's D3 response to ExQ1 DCO 1.2 to clarify that the exception at paragraph (a) also applies at paragraph (d).	Rev 5
Art 2	Applicant	Addition of the words 'or any variation to it' to the definition of a 'deemed marine licence'	To ensure that future variations to the deemed marine licence are also covered by the provisions in the dDCO relating to the deemed marine licence	Rev 5
Art 2	Applicant	Addition of a definition of 'deed of adherence'	Used in article 9 in relation to the transfer of the benefit of the Order and the binding of those to whom the undertaking is transferred to the Deed of Obligation	Rev 5
Art 2	Applicant	Addition of the words 'and any variations to it made from time to time pursuant to article 9A or 9B' to the definition of the Deed of Obligation	To ensure that any variations to the Deed of Obligation are also subject to the duty on transferees in relation to being bound via a deed of adherence in article 9	Rev 5
Art 2	Applicant	Correction of typo in respect of company name: 'EDF Energy Nuclear Generation Limited'; and deletion of duplicate definition	Correction	Rev 5
Art 2	Applicant	Reference corrected to Requirement '6A' rather than '5A' in definition of 'footpath implementation plan'	Correction	Rev 5

DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Art 4(1)(a) and (b)	Applicant	Replacement of reference to Work No. '4C' with '4B'	Correction	Rev 5
Art 5(6)	Application	Art 9(6) and 9(7) – Corrected to refer to 'Sizewell B relocated facilities permission 1' and 'Sizewell B relocated facilities permission 2', which are the correct defined terms	Correction	Rev 5
Art 9(2)	Applicant	Addition of: '(2) The undertaker may not authorise the operation or use of the power station by another person without transferring the benefit of the Order to that person'	Added to prevent operation by a person other than undertaker so that the Deed of Obligation will always bind future operators of the power station via deed of adherence required by art 9. See paragraph 9.3 of the "Obligations Enforcement Note" (Appendix 26A) [REP3-047] submitted at deadline 3.	Rev 5
Art 9(5)(b)	Applicant	Replacement of 'the deed of obligation completed pursuant to this Order, and any variation to it at the date of transfer or grant, shall be enforceable against the transferee or lessee as they would against the transferee' with 'a deed of adherence shall be entered into by a transferee or lessee with East Suffolk Council and Suffolk County Council prior to any transfer or grant being made in accordance with this Order'	This change to the drafting was committed to by the Applicant in 'Obligations Enforcement Note' (Appendix 26A) [REP3-047] at deadline 3	Rev 5
Art 9A	Applicant	This new article makes provision for the enforcement of the Deed of Obligation.	This drafting was originally put forward in the 'Obligations Enforcement Note' (Appendix 26A)	Rev 5

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			[REP3-047] submitted at deadline 3. Minor changes to the drafting as originally proposed are set out in Appendix C (Enforcement under the Evolving Approach) to the Written Submissions arising from ISH1 (Doc Ref. 9.48)	
Art 9B	Applicant	This new article makes provision for the modification and discharge of obligations in the Deed of Obligation	The explanation for this drafting is set out in Appendix C (Enforcement under the Evolving Approach) to the Written Submissions arising from ISH1 (Doc Ref. 9.48)	
Art 21(1)	Applicant	Re-worded from 'A street authority and the undertaker may enter into agreements with respect to..' to 'A street authority may enter into agreements with the undertaker in respect to'	This small change reflects the fact that the undertaker (as a private company) does not need statutory authority to enter into an agreement – only street authorities, as public bodies, require such statutory authority.	Rev 5
Art 21(3)	Applicant	New sub-paragraph (3), which commits the undertaker not to commence any highway works until agreements under art 21 have been entered into setting out the specification of the works and making related provisions in relation to maintenance and adoption.	The justification for this addition is set out in the Herbert Smith Freehills' note entitled 'Summary of the Control and Approval of Highway Matters in the Sizewell' (Appendix A to SZC Co. Comments on Submissions from Earlier Deadlines) (Doc ref 9.54)	Rev 5
Art 52	Trinity House	Replacement of 'Article 46 (Incorporation of the 1847 Act) to 74 (Saving provision for Trinity House)' with 'The exercise of any powers	Amendment for clarity following Trinity House's response to ExQ1 DCO 1.38	Rev 5

DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
		conferred upon the undertaker by this Part 6'		
Art 53(a) and (b)	ExA	Replacement of 'marine works or authorised development' with reference to the 'harbour limits'/'harbour' and the two beach landing facilities	Response to issue raised by the ExA at ISH1 in relation to the legality of applying criminal sanctions beyond the harbour itself under the Planning Act 2008	Rev 5
Art 82	ExA	Addition of text clarifying that matters which fall to be determined by a tribunal or are subject to enforcement action under Part 8 of the 20008 Act are not subject to arbitration	Responds to suggestion of the ExA that the drafting in art 48 of the Northampton Gateway DCO is adopted	Rev 5
Schedule 1, Work No.1A(p)	National Grid	Text clarifying that National Grid 'plant, equipment and apparatus' is included in Work No. 1A and not simply alterations to the existing National Grid substation building and a new National Grid substation	Requested by National Grid	Rev 5
Schedule 1, Work No.9(b)	ExA	Clarification that 'cessation of operational use' refers to 'Work No.9(a)'	Response to ExQ1 DCO 1.66	Rev 5
Schedule 1, Work No.13	ExA, ESC	Correction to numbering and positioning of text referring to the Work Plan sheet number.	Response to ESC's response to ExQ DCO 1.95	Rev 5
Schedule 2 Paragraph 1(4)	ESC	New interpretation provision defining what is meant by 'in general accordance'	Response to ESC's response to ExQ1 DCO 1.158	Rev 5

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Schedule 2, requirement 2	ExA and ESC	Deletion of the word 'general' before the word 'accordance'	Response to views of the ExA and ESC	Rev 5
Schedule 2, requirement 3	SCC	Revised drafting of requirement relating to archaeology and peat	Response to SCC's response to ExQ1 DCO 1.154	Rev 5
Schedule 2, requirement 4	EA	Addition of duty on ESC to consult the EA	Requested by the EA	Rev 5
Schedule 2, requirement 5	Applicant	Carve out of highway works from this requirement dealing with approval of surface and foul water drainage	Requirements 22 and 13A instead deal with drainage approvals for highways	Rev 5
Schedule 2, requirement 5A	SCC	Amendment made to require submission of a construction emergency plan 'no less than 8 weeks prior to commencement' of the authorised development, and duty to implement it as approved	Response to comments from SCC	Rev 5
Schedule 2, requirement 7A	MMO	Addition of text requiring the coastal processes monitoring and mitigation plan to include 'details concerning the appropriate timing for a monitoring and mitigation cessation report to be prepared'	Response to engagement with the MMO	Rev 5
Schedule 2, requirement 8	ExA and ESC	Text clarified to state that the temporary construction-related development must be in accordance with the parameter plans listed.	To reflect feedback from the ExA and ESC that it was unclear the Applicant intended to be constrained by these parameters	Rev 5

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		Limitations placed on the number of car parking spaces on the main development site during construction of the authorised development, by reference to Work No. 9 and 10 becoming operational (the park and ride sites)		
Schedule 2, requirement 9	ExA	Deletion of 'general' prior to the word 'accordance'	Response to comments from the ExA	Rev 5
Schedule 2, requirement 11	Applicant	Reference added to 'Work No. 1A(q)'	To reflect the fact that pylons have now been applied for in detail in the dDCO, and therefore moved from requirement 13	Rev 5
Schedule 2, requirement 12	ESC	Reference to the need for details to be in accordance with 'Chapter 7' of the main development site design and access statement	Response to ESC's response to the ExQ1 DCO 1.84	Rev 5
Schedule 2, requirement 12A	Applicant	Deletion of '2'	Correction	Rev 5
Schedule 2, requirement 12B	EA	Addition of duty on ESC to consult the EA	Response to request from EA	Rev 5
Schedule 2, requirement 12C	EA	Requirement substantially redrafted to refer to indicative plans listed, and to refer to scale of key dimensions (crest, soffit, and span), as well as provision of	Responds to the EA's written representation submitted at deadline 3	Rev 5



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		a timetable to return temporary SSSI land		
Schedule 2, requirement 13	Applicant, National Grid	Removal of reference to Work No. 1A(r)	Reflects the fact that Work No 1A(q) (pylons) has now been moved to requirement 11	Rev 5
Schedule 2, requirement 13A	SCC	Requirement redrafted	Reflects discussions with SCC, to enable SCC to approve the detailed design of these highway works (Work No. 1B and 1C) including drainage. The approval of design of other highway works is addressed in requirement 22.	Rev 5
Schedule 2, requirement 14	ExA	Amended to refer to Unit 1 'or Unit 2 comprising Work No. 1A(a), whichever is earlier'	Requested at ISH1	Rev 5
Schedule 2, requirement 14A	ExA	Deletion of 'in connection with Work No.1A'	Requested by the ExA at ISH7	Rev 5
Schedule 2, requirement 14C	Applicant	New requirement relating to marsh harriers, providing that no part of Work No1A may be commenced until a marsh harrier implementation plan has been approved by ESC in consultation with NE.	To secure the mitigation required by the Marsh Harrier Compensatory Habitat Report	Rev 5
Schedule 2, requirement 18	Applicant	'(save for Work No.4A(c))' added	To reflect the fact that Work No.4A(c) is now dealt with in requirement 22	Rev 5

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Schedule 2, requirement 21	ESC	Correction of reference to sub-paragraphs of Work No1D	Correction made in response to ExQ1 DCO 1.95	Rev 5
Schedule 2, requirement 22	Applicant, ESC and SCC	Requirement substantially redrafted to provide SCC (and ESC as consultee) with greater control over the approval of highway works design.	Responds to discussions with SCC and ESC	Rev 5
Schedule 2, requirement 24	ExA and Heveningham Hall Estate (HHE)	Addition of a provision requiring a scheme for the land restoration to be approved by ESC	Responds to comments made by HHE and ESC at ISH5	Rev 5
Schedule 3 (Land Plans)	Applicant	Corrections to scale numbers	Corrections	Rev 5
Schedule 4 (Works Plans)	Applicant	Correction to drawing number and revision number	Corrections	Rev 5
Schedule 5 (Rights of Way Plans)	Applicant	Correction to drawing number and revision number, and addition of reference to the right of way plan for Pakenham	Corrections	Rev 5
Schedule 7 (Approved Plans)	Applicant	<ul style="list-style-type: none"> <li>- Inclusion of plan numbers for SZB relocated facilities plans</li> <li>- Inclusion of SSSI crossing plans referred to in the updated SSSI requirement</li> </ul>	Update	Rev 5

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Schedule 8 (Deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2)	ESC	Changes to the tables showing the requirements deemed to be discharged if corresponding planning conditions have been discharged under the Sizewell B relocated facilities planning permission 1 or 2	Updates made in response to ESC's response to ExQ1 DCO 1.24	Rev 5
Schedule 14 (Traffic Regulation Measures)	Applicant	Corrections to various lines of the table	Corrections	Rev 5
Schedule 18 Part 4 (Anglian Water, protective provisions)	Anglian Water and Applicant	Para 41(10)(b) – addition of 'or such other period of time that Anglian Water and the undertaker may agree in writing'	These Part 4 protective provisions have now been agreed with Anglian Water	Rev 5
Schedule 18, Part 7 (Essex and Suffolk Water))	Essex and Suffolk Water	Para 73 - Addition of 'wells, boreholes, tanks, service reservoirs, pumping stations' and 'structures, tunnels, shafts and treatment works' to definition of 'apparatus'	Changes requested by Essex and Suffolk Water	Rev 5

DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
		<p>Para 81(b) – change from '28 days' to '42 days' in relation to deemed approval.</p> <p>Para 81(c) - addition of: 'any request for agreement or approval of ESW required under these provisions must be sent to companysecretary@nwl.co.uk. or such other address as ESW may from time to time appoint instead for that purpose and notify to the undertaker in writing..'</p>		
Schedule 20 (Deemed Marine Licence)	Applicant	Fuller definition of 'CPMMP'	Clarification	Rev 5
Schedule 20 (Deemed Marine Licence)	Trinity House	Definition added of 'notice to mariners'	Requested by Trinity House	Rev 5
Schedule 20 (Deemed Marine Licence)	Applicant	Definition of 'WSI' clarified to be defined as 'MWSI'	Clarification	Rev 5
Schedule 20 (Deemed Marine Licence)	Trinity House	Paragraph 12 revised to include duty to notify 'Trinity House'	Response to request by Trinity House	Rev 5

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Schedule 20 (Deemed Marine Licence)	MMO	Paragraph 17 – text added to require the CPMMP to include details of the timing for a monitoring and mitigation cessation report	Response to request by MMO	Rev 5
Schedule 20 (Deemed Marine Licence)	Applicant	Paragraph 20 – correction to refer to 'FLCP'	Correction	Rev 5
Schedule 20 (Deemed Marine Licence)	Trinity House	Paragraph 38 – revised condition agreed with Trinity House in relation to aids to navigation	Response to Trinity House	Rev 5
Schedule 20 (Deemed Marine Licence)	Applicant	Paragraph 50 – clarification to give the plan referred to a name in order to distinguish it from other plans referred to ('impingement plan')	Clarification	Rev 5
Schedule 20A (Appeals procedure in relation to deemed marine licence)	Applicant	Paragraph 1 and 2 – reference to 'deemed marine licence' added for clarity, and to ensure that the proposed appeals procedure will apply to variations of the deemed marine licence issued after grant of the DCO (if any)	Clarification and application of appeal process to variations of the deemed marine licence	Rev 5
Schedule 22 (Certified Documents)	Applicant and ExA	Addition of Marsh Harrier Compensatory Habitat Report, Sizewell Link Road Landscape and Ecology	The additional documents are all documents referred to in the requirements which control the authorised development. The Terrestrial Ecology	Rev 5

DCO Ref (Art/Sched)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
		Management Plan, Terrestrial Ecology Monitoring and Mitigation Plan, and Two Village Bypass Landscape and Ecology Management Plan.  Deletion of Rail Noise Mitigation Strategy	Monitoring and Mitigation Plan was added in response to ESC's deadline 3 response to ExQ1 DCO 1.73 and comments made at ISH1  The Rail Noise Mitigation Strategy is deleted as it is not directly secured by the DCO but will be put in place in future	
Schedule 23 (Procedure for approvals, consents and appeals)	Applicant	'endorsement' added to paragraph (1),	To ensure that the Schedule 23 procedures apply to SCC's required endorsement under requirement 5.	Rev 5
Schedule 23 (Procedure for approvals, consents and appeals)	SCC	Paragraph 3(2)(e) - Deletion of 'and within not more than 28 days'	Response to SCC's response to ExQ1 DCO 1.169	Rev 5
Schedule 23 (Procedure for approvals, consents and appeals)	SCC	3(2)(g) – clarification that it is 'working' days referred to	Response to SCC's response to ExQ1 DCO 1.169	Rev 5
Schedule 23 (Procedure for approvals,	SCC	3(10) – deletion of 'within 6 weeks of the date of the appointed person's decision beginning with the date of that decision'	Response to SCC's response to ExQ1 DCO 1.169	Rev 5

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consents and appeals)				