



The Sizewell C Project

3.1 Seventh Draft Development Consent Order Addendum - Proposed Changes to the Draft Development Consent Order

September 2021

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

Revision: 1.0
Applicable Regulation: Regulation 5(2)(q)
PINS Reference Number: EN010012





HERBERT
SMITH
FREEHILLS

**SIZEWELL C (NUCLEAR GENERATING STATION) ORDER
SCHEDULE OF CHANGES TO THE DRAFT DEVELOPMENT CONSENT ORDER (Deadline 7)
FROM REV 7.0 TO REV 8.0**

Abbreviations

AW – Anglian Water

DfE – Department for Education

EA – Environment Agency

ENGL – EDF Energy Nuclear Generation Limited

ESC – East Suffolk Council

ExA – Examining Authority

Magnox – Magnox Limited

MCA – Maritime and Coastguard Agency

MMO – Marine Management Organisation

NDA – Nuclear Decommissioning Authority

NR – Network Rail

SCC – Suffolk County Council

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Art 2	SCC	Definitions of "appeal parties" and "requirement consultee" moved to Schedule 23 as these terms are only used in Schedule 23.	Correction	Rev 8
Art 2	Applicant	Definition of "Construction Method Statement" updated as it is now a standalone document.	To respond to the ExA's comments that locating the Construction Method Statement within the Environmental Statement was difficult.	Rev 8
Art 2	Applicant	Definition of "deed of adherence" deleted as the Applicant has now moved away from a deed of adherence approach to binding transferees/lessees under article 9.	Amendment made in accordance with ExA's commentary on draft DCO in relation to articles 9, 9A and 9B.	Rev 8
Art 2	Applicant	Amendments made to the definition of "Deed of Obligation" to include reference to (i) "modifications" rather than "variations" and (ii) any deeds of covenant or other agreements entered into pursuant to the Deed of Obligation.	Amendments made in accordance with DCO Drafting Note 12 which is Appendix A to the Response to ExA's Comments on dDCO and Other Documents [REF].	Rev 8
Art 2	NDA / Magnox	Addition of definition of "Estate".	Amendment made in connection with the newly included NDA/Magnox protective provisions in Schedule 18	Rev 8
Art 2	SCC	Definition of "footpath implementation plan" changed to "public rights of way implementation plan"	Update made in response to the SCC's desire to clarify that this/these plan(s) will not be limited to rights of way on foot. All other references in the DCO to this term have been similarly revised.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Art 2	SCC	Addition of definition of "NMU".	Amendment made at the request of SCC because the term is used in the schedules to the DCO.	Rev 8
Art 2	SCC	Insertion of "Archaeological" before "Written" in the definition of Overarching Written Scheme of Investigation.	Correction.	Rev 8
Art 4	ExA / SCC / ESC	Article redrafted to make express reference to each relevant Work No. and the Approved Plans and Parameter Plans.	Responds to concerns of the ExA and ESC/SCC that it was no clear enough that the Parameter Plans and Approved Plans control the parameters of the authorised development.	Rev 8
Arts 8, 9, 9A and 9B	ExA	Various amendments made to update approach to the provisions relating to consent to transfer the benefit of the Order, enforcement of the Deed of Obligation, and modification and discharge of the Deed of Obligation.	Amendments made in accordance with DCO Drafting Note 12 which is Appendix A to the Response to ExA's Comments on dDCO and Other Documents [REF].	Rev 8
Art 12	SCC	Deletion of reference to "without consent of the street authority" in paragraph (1) and narrowing of list of street works.	Responds to comments from SCC.	Rev 8
Art 14	SCC	Drafting clarification to make clear that reference to change in status relates to a change in status of the highway.	Requested by SCC.	Rev 8
Art 16	SCC	Inclusion of new paragraph (1A) to make clear that the powers in article	Requested by SCC.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
		16(1) are without prejudice to article 19(1)(b).		
Art 19	SCC	Replacement of the term "agreement" with "approval"	Requested by SCC.	Rev 8
Art 20(4)	SCC	Cross-reference corrected.	Correction.	
Art 21(1)(c)	SCC	Insertion of "viaduct, underpass, overpass or" before "bridge" and deletion of (old) article 21(2)(c).	Requested by SCC to remove apparent duplication of articles 21(1)(c) and (old) 21(2)(c)	Rev 8
Art 21(2)(c)	Applicant / SCC	Drafting inserted to make reference to agreements made pursuant to section 278 and 38 of the Highways Act 1980.	Added to provide clarity as to the matters which may be included in agreements made pursuant to article 21.	Rev 8
Art 22(1)	SCC	Deletion of "Subject to the provisions of this article" at the start of this article.	Deleted to reflect the intention that the traffic authority's consent should not be required for the specific traffic regulation orders listed in schedule 14.	Rev 8
Art 22(2)	SCC	Deletion of "in respect of streets within and outside the Order limits".	Deleted at SCC's request on the basis that this drafting is unnecessary.	Rev 8
Art 22(4) and (5)	SCC	"and" replaced with "or".	Requested by SCC.	Rev 8
Art 22(5)	SCC	Insertion of "and the instrument by which it is effected".	Correction.	Rev 8
Art 23(7)	Applicant	Insertion of "106 of" before "the Water Industry Act 1991".	Correction.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Art 26(1)(a)	Applicant	Deletion of "and described in the Book of Reference" after "permanent limits".	Drafting unnecessary.	Rev 8
Art 26(2) and Schedule 15, Part 1	Applicant	Provisions deleted.	No longer required because protective provisions are now agreed with the land owners who had previously been protected by this drafting and Part 1 of Schedule 15.	Rev 8
Art 30(1)	Applicant	Provision redrafted and made subject to article 30(2)	Updated drafting included in light of response to ExQ2 CA.2.2	Rev 8
Art 30(2)	Applicant	Consequential updates made.	n/a	Rev 8
Art 37(12)	SCC / DfE	New provision which makes clear that nothing in article 37 affects any requirement for the consent of the Secretary of State for any change of use of a playing field under section 77 of the School and Standards Framework Act 1998.	Added at the request of SCC and DfE to address concerns over temporary possession of Alde Valley Academy playing fields to carry out sports facility works and the shared use by the school, public and workers thereafter.	Rev 8
Art 79(3)	ESC	Insertion of new provision requiring the undertaker to obtain ESC approval (not to be unreasonably withheld or delayed) before it may exercise the powers in article 79(1) in respect of any tree outside the Order limits.	Responds to ESC concern about the extent of the use of the power outside the Order limits.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Art 86	ESC / MMO	Article 86 deleted.	Article deleted in connection with ongoing discussions with ESC and MMO regarding DCO drafting and jurisdictional points.	Rev 8
Art 87	Applicant	New article 87 (Security in respect of the payment of compensation etc.) inserted	Responds to matters arising from Compulsory Acquisition Hearing 1, as explained in 'Written Submissions Arising from CAH1' [REF].	Rev 8
Schedule 1, Work Nos. 1A, 1E, 3	Applicant	Amendments made to the detail and structure of certain sub-works within these Work Nos.	Amendments made to better align works descriptions with the relevant Approved Plans and Parameter Plans.	Rev 8
Schedule 1, Work No. 13	ExA / Applicant	Formatting amendments.	Correction in response to paragraph 3.6 of the ExA's Commentary on the dDCO and Other Documents [REF]	Rev 8
Schedule 2, paragraph 1(4)	ESC / SCC	Amendments made to the interpretation provision which defines what is meant by in "general accordance"	Amendments agreed following engagement with ESC and SCC.	Rev 8
Schedule 2, Requirement 3	ESC / SCC	Minor amendments to wording of requirement.	At the request of ESC / SCC	Rev 8
Schedule 2, Requirement 4	AW / SCC	Minor amendments to wording of requirement.	At the request of AW / SCC	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Schedule 2, Requirement 5C	Applicant	Requirement added to secure implementation of and compliance with the Estate Wide Management Plan.	Requirement added to secure the Estate Wide Management, which is submitted at Deadline 7 [REF] and provides an overarching framework of how the Estate (as defined in the DCO) will be managed to deliver the landscape vision set out within the Application.	Rev 8
Schedule 2, Requirement 6	ESC / SCC	Deletion of the word "general" before "accordance".	Amendment agreed with ESC and SCC.	Rev 8
Schedule 2, Requirements 7, 7A, 14A and 25	ExA	Reference to the relevant draft plans inserted into these Requirements.	Amendment requested by the ExA to ensure that any plans or strategies secured by the Requirements are in general accordance with their drafts.	Rev 8
Schedule 2, Requirement 8(1)	ESC	Part (1) of this Requirement amended.	To respond to ESC's comments that this Requirement did not clearly apply to all construction works carried out within Work No. 1.	Rev 8
Schedule 2, Requirement 8(2)	Applicant	The maximum number of spaces has been added to parts (a) and (b).	This further detail was missing at Deadline 6 and is now included.	Rev 8
Schedule 2, Requirement 12B	MMO / ESC	Simplification of part (1) of this Requirement.	Amendment made as a result of ongoing discussions with ESC and MMO regarding DCO drafting and jurisdictional points.	Rev 8
Schedule 2, Requirements	EA	Inclusion of the EA as a consultee to these Requirements	Amendments made at the request of the EA.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
12C, 22 and 22A				
Schedule 2, Requirement 12C	Applicant	Plan revision numbers removed from Requirement.	Amendment made to avoid having to update each time plans are revised. This reflects approach in other requirements. The revision numbers will be stated in the schedule of Approved Plans.	Rev 8
Schedule 2, Requirements 13 and 13A	Applicant	Amendments made to the Work Nos/sub-Works to which these Requirements apply.	Amendments made to better align works descriptions with the relevant Approved Plans and Parameter Plans.	Rev 8
Schedule 2, Requirement 14	Applicant	Inclusion of new part (1) requiring that no part of Work No. 1A must be commenced until an advanced landscape scheme, including an implementation timetable, has been submitted to and approved by ESC with the approved scheme to be implemented as approved.	Requirement 14 has been updated to secure the details and timing of the proposed advanced planting that has been committed to as part of the Deadline 7 submission. The amendment also responds to a question from the ExA in respect of securing planting earlier on in the programme than following Unit 1 entering operation.	Rev 8
Schedule 2, Requirement 14C	Applicant	Inclusion of reference to the Marsh Harrier Habitat Report and addition of square brackets around the Marsh Harrier Compensatory Habitat Report.	Amendments made because the Marsh Harrier Habitat Report sets out the plan for on-site marsh harrier compensatory habitat and the Marsh Harrier Compensatory Habitat Report relates to the Westleton marsh harrier site, which the Secretary of State may decide is not required.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Schedule 2, Requirement 19	ESC / SCC	Deletion of the word "general" before "accordance".	Amendment agreed with ESC and SCC.	Rev 8
Schedule 2, Requirement 20	ExA / ESC	Inclusion of "landscape" in the heading of this Requirement.	To provide clarity that Requirement 20 secures the landscape works set out in the Approved Plans, as per the Applicant's response to ExQ2 LI.2.29.	Rev 8
Schedule 2, Requirement 22A	ESC / SCC	Inclusion of "highway" in the heading of this Requirement.	To clarify that Requirement 22A only relates to Work numbers 11 and 12.	
Schedule 2, Requirement 25	Applicant	Drafting of this Requirement updated to make reference to rail noise and vibration more generally rather than specific reference to exceedances of SOAEL.	This level of detail is not necessary in the requirement because it is included in the draft Rail Noise Mitigation Strategy which is now secured by the Requirement.	Rev 8
Schedule 7	Applicant	Amendments to revision numbers and other minor typographical updates.	To reflect updates to plans since the schedule was last updated.	Rev 8
Schedule 8	ESC	Removal of condition 12 in Parts 1 and 2.	Deleted in response to ESC's comments.	Rev 8
Schedule 10, Part 1	SCC	Minor updates to Part 1 title and column (2) heading.	Amendments made at the request of SCC.	Rev 8
Schedule 10, Part 2	SCC	Minor update to Part 2 title.	Amendment made at the request of SCC.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Schedule 10, Part 3	SCC	Minor update to Part 3 title, deletion of interpretation wording as definition of "NMU" is now included in Art 2, and "SLR" changed to "Sizewell link road".	Amendments made at the request of SCC.	Rev 8
Schedule 10	Applicant	Various typographical errors corrected.	Corrections.	Rev 8
Schedule 11	Applicant	Various typographical errors corrected.	Corrections.	Rev 8
Schedule 12	SCC	Typographical error corrected.	Correction.	Rev 8
Schedule 13, Part 2	SCC / Applicant	Typographical errors corrected.	Corrections.	Rev 8
Schedule 15, Part 1	Applicant	Table deleted.	No longer required because protective provisions are now agreed with the land owners who had previously been protected by article 26(2) and this part of Schedule 15.	Rev 8
Schedule 15, Part 2	Applicant	Correction made to (old) Part 2 to include further plot reference.	Correction to align with Land Plans.	Rev 8
Schedule 17	Applicant	Amendments to column (3) to include correct Work No. references.	Corrections.	Rev 8
Schedule 18, Part 3	Applicant / NR	Various amendments made to NR's protective provisions.	Amendments made to reflect agreement reached with NR.	Rev 8
Schedule 18, Part 8	Applicant / ENGL	ENGL's protective provisions added.	Protective provisions added now that they are in agreed form as between the Applicant and ENGL.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Schedule 18, Part 9	Applicant / NDA / Magnox	NDA/Magnox's protective provisions added.	Protective provisions added now that they are in substantially agreed form as between the Applicant and NDA/Magnox.	Rev 8
Schedule 20, paragraph 1	Applicant	"in respect of the marine works" added to the definition of "undertaker".	Clarification.	Rev 8
Schedule 20, paragraph 3	ExA / Applicant	"save for section 72(7) and 72(8)" inserted at the end of this provision.	Drafting reinstated in response to ExQ2 DCO.2.11.	Rev 8
Schedule 20, paragraphs 12, 13 and 14	MCA	Various minor amendments to these conditions.	Drafting	Rev 8
Schedule 20, paragraph 17(1)	ExA	Reference to the Draft Coastal Processes Monitoring and Mitigation Plan inserted into this condition.	Amendment requested by the ExA to ensure that the plan secured by the condition is in general accordance with its related draft.	Rev 8
Schedule 20, paragraph 17(5)	MMO	Amendments made relating to deemed discharge of condition 17 where the related Requirement 7A is discharged by ESC.	Changes made as a result of ongoing discussions with the MMO on the drafting of the DCO requirements and DML conditions.	Rev 8
Schedule 20, paragraph 25	MMO	"offshore" replaced with "MHWS".	Amendment made in response to MMO comments.	Rev 8
Schedule 20, paragraph 31a	MMO	Inclusion of new condition which requires the undertaker to manage vessels in accordance with the Outline Vessel Management Plan unless otherwise approved by the MMO.	Obligation to comply with this plan added to manage vessel movements to minimise impacts on HRA species.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Schedule 20, paragraph 33	Applicant	"authorised development" replaced with "marine works".	Correction.	Rev 8
Schedule 20, paragraph 40(2)(b) and (c)	ExA	References to the Draft Marine Mammal Mitigation Protocol and Draft Site Integrity Plan added.	Amendment requested by ExA to ensure that the protocol and plan secured by this condition are in general accordance with their related drafts.	Rev 8
Schedule 20, paragraph 45	MMO	Update made to the name of the <i>Sabellaria</i> monitoring plan so that it now reads "Sabellaria reef management and monitoring plan".	Correction at the request of the MMO.	Rev 8
Schedule 20, paragraph 45	ExA	Reference to the Draft <i>Sabellaria</i> Reef Management and Monitoring Plan added.	Amendment requested by ExA to ensure that the plan secured by this condition is in general accordance with its related draft.	Rev 8
Schedule 20, paragraph 45	Applicant	Numbering corrected.	Correction.	Rev 8
Schedule 20, paragraph 50	ExA	Reference to the Draft Fish Entrapment and Impingement Monitoring Plan added.	Amendment requested by ExA to ensure that the plan secured by this condition is in general accordance with its related draft.	Rev 8
Schedule 20, paragraph 51	EA	New Grampian-style condition included which provides that no water abstraction shall commence until a Smelt Monitoring Plan has been submitted to and approved by the MMO in consultation with the EA.	New condition included at the request of the EA.	Rev 8

DCO Ref (Art/Sch)	Stakeholder/ Applicant	Change made	Comment from stakeholder/rationale	DCO Version
Schedule 22	Applicant	Various updates to the list of Certified Documents to reflect inclusion of draft plans at the request of the ExA and other updates made to this revision of the DCO.	Updates and corrections.	Rev 8
Schedule 23, paragraph 3	Applicant / ESC	Inclusion of outline fees provisions	Provisions included in DCO following agreement with ESC that council resourcing provisions will not be included in the Deed of Obligation.	Rev 8
Schedule 23, paragraph 5	Applicant	Inclusion of definitions of "appeal parties", "major detailed requirements", "minor detailed requirements" and "requirement consultee".	Definitions included as they are used in Schedule 23 only.	Rev 8
Schedule 24, paragraph 2(2)	SCC	Provision deleted.	Deleted at the request of SCC.	Rev 8