



# The Sizewell C Project

## 3.1 Draft Development Consent Order (Draft DCO)

---

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

---

May 2020

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



**20[X] No. 0000**

**INFRASTRUCTURE PLANNING**

**The Sizewell C (Nuclear Generating Station) Order 202[ ]**

*Made* - - - - - \*\*\*

*Coming into force* - - - - - \*\*\*

**CONTENTS**

**PART 1**

**General provisions**

**Preliminary**

1.	Citation and commencement	6
2.	Interpretation	6

**PART 2**

**PRINCIPAL POWERS**

3.	Development consent etc granted by Order	13
4.	Vertical limits of deviation	13
5.	Effect of the Order on the Sizewell B relocated facilities permission	13
6.	Maintenance of authorised development	14
7.	Authorisation of use	14
8.	Benefit of Order	14
9.	Consent to transfer benefit of Order	14
10.	Defence to proceedings in respect of statutory nuisance	15

**PART 3**

**STREETS**

11.	Power to alter layout, etc., of streets	16
12.	Street works	16
13.	Application of the 1991 Act	17
14.	Permanent stopping up of streets and extinguishment of private means of access	17
15.	Status of footpaths created or improved	18
16.	Benefit of permanent private means of access and private rights of way created	18
17.	Temporary stopping up of streets and private means of access	19
18.	Use of private roads for construction	20
19.	Access to works	20
20.	Construction and maintenance of new and altered streets	20
21.	Agreements with street authorities	21

22.	Traffic regulation measures	21
-----	-----------------------------	----

## PART 4 SUPPLEMENTAL POWERS

23.	Discharge of water	23
24.	Protective work to buildings	23
25.	Authority to survey and investigate the land	25

## PART 5 POWERS OF ACQUISITION AND POSSESSION OF LAND

26.	Compulsory acquisition of land	26
27.	Compulsory acquisition of land – incorporation of the mineral code	26
28.	Statutory authority to override easements and other rights	26
29.	Time limit for exercise of authority to acquire land compulsorily	27
30.	Compulsory acquisition of rights and imposition of restrictive covenants	27
31.	Private rights of way	27
32.	Application of the 1981 Act	28
33.	Acquisition of subsoil and airspace only	29
34.	Acquisition of part of certain properties	29
35.	Modification of the 1965 Act	31
36.	Rights under or over streets	31
37.	Temporary use of land for carrying out authorised development	32
38.	Time limit for exercise of authority to temporarily use land for carrying out the authorised development	34
39.	Temporary use of land for maintaining authorised development	34
40.	Statutory undertakers	35
41.	Apparatus and rights of statutory undertakers in stopped-up streets	35
42.	Recovery of costs of new connections	36
43.	No double recovery	37
44.	Protective provisions	37
45.	Use of airspace within the Order limits	37

## PART 6 HARBOUR POWERS

46.	Incorporation of the Harbours, Docks and Piers Clauses Act 1847	38
47.	Further powers as to works and extinguishment of rights	38
48.	Harbour authority	39
49.	Agreements entered into by the undertaker	39
50.	Application of Pilotage Act 1987	39
51.	Limits of harbour	39
52.	Application of Marine and Coastal Access Act 2009	39
53.	Obstruction of work	40
54.	Obstruction of officers	40
55.	Power to dredge	40
56.	Abatement of works abandoned or decayed	40
57.	Survey of marine works	41
58.	Lights on marine works etc. during construction	41



PART 1 — BEING A STREET TO BE STOPPED UP OR PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED	92
PART 2 — BEING A PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED	98
SCHEDULE 11 — Status of footpaths created or improved	99
SCHEDULE 12 — Benefit of permanent private means of access and private rights of way created	102
SCHEDULE 13 — Streets and private means of access to be temporarily stopped up and extinguished	103
PART 1 — BEING STREETS TO BE TEMPORARILY STOPPED UP OR EXTINGUISHED FOR WHICH A SUBSTITUTE IS NOT SPECIFIED	103
PART 2 — BEING STREETS AND PRIVATE MEANS OF ACCESS TO BE TEMPORARILY STOPPED UP OR EXTINGUISHED FOR WHICH A SUBSTITUTE IS SPECIFIED	103
SCHEDULE 14 — Traffic Regulation Measures	106
SCHEDULE 15	115
PART 1 — LAND WHICH MAY NOT BE COMPULSORILY ACQUIRED	115
PART 2 — LAND IN RESPECT OF WHICH ONLY RIGHTS ETC MAY BE ACQUIRED	115
SCHEDULE 16 — Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants	116
SCHEDULE 17 — Land of which only temporary possession may be taken	120
SCHEDULE 18 — Protective Provisions	122
PART 1 — PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS	122
PART 2 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS NETWORKS	126
SCHEDULE 19 — Limits of the Harbour	129
SCHEDULE 20 — Deemed Marine Licence under Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009	130
PART 1 — INTRODUCTION	130
PART 2 — LICENSED ACTIVITIES - GENERAL	131
PART 3 — CONDITIONS	135
PART 3 — DURING CONSTRUCTION, OPERATION AND MAINTENANCE	136
PART 4 — CO-ORDINATES	141
SCHEDULE 21 — Removal of important hedgerows	144
SCHEDULE 22 — Certified Documents	146
SCHEDULE 23 — Procedure for approvals, consents and appeals	147
SCHEDULE 24 — Miscellaneous Controls	150



An application has been made to the Secretary of State under section 37 of the Planning Act 2008 (the “2008 Act” **(a)**) and in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 **(b)** for an Order under sections 114, 115 and 120 of the 2008 Act.

The application was examined by a Panel of [     ] members (“the Panel”) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules **(c)**.

The Panel, having considered the application together with the documents that accompanied it and the representations made and not withdrawn, has submitted a report to the Secretary of State setting out its findings, conclusions and recommendations in respect of the application.

The Secretary of State, having considered the report and recommendations of the Panel, has decided to make an Order granting development consent for the development described in the application [with modifications which in the opinion of the Secretary of State do not make any substantial change to the proposals comprised within the application].

The Secretary of State in exercise of the powers conferred by section 114, 115 and 120 of the 2008 Act, makes the following Order:

---

**(a)** 2008 c.29. Section 37 was amended by section 173(5) of, and paragraph 5 of Schedule 13 to the Localism Act 2011 (c.20). Parts 1 to 7 were amended by Chapter 6 of, and Part 1 of Schedule 13 to the Localism Act 2011 (c.20).  
**(b)** S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/1659, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2014/2381, S.I. 2015/1682, S.I. 2017/524 and S.I. 2017/572.  
**(c)** S.I. 2010/103, amended by S.I. 2012/635.

# PART 1

## General provisions

### Preliminary

#### Citation and commencement

1. This Order may be cited as the Sizewell C (Nuclear Generating Station) Order 20[ ] and comes into force on [ ].

#### Interpretation

2.—(1) In this Order, unless the context requires otherwise—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(a);

“the 1961 Act” means the Land Compensation Act 1961(b);

“the 1965 Act” means the Compulsory Purchase Act 1965(c);

“the 1980 Act” means the Highways Act 1980(d);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(e);

“the 1984 Act” means the Road Traffic Regulation Act 1984(f);

“the 1990 Act” means the Town and Country Planning Act 1990(a);

- 
- (a) 1847 c. 27. Sections 35 and 39 were amended by section 46 of the Criminal and Justice Act 1982 (c.48). There are other amendments made to the 1847 Act which are not relevant to this Order.
- (b) 1961 c. 33. Part 1 was amended by S.I. 2009/1307. Section 4A was inserted by the Housing and Planning Act 2016 (c.22). There are other amendments to the 1961 Act which are not relevant to this Order.
- (c) 1965 c. 56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c. 34), section 192(2) of the Housing and Planning Act 2016 (c.22) and S.I. 2009/1307. Section 11 was amended by sections 186, 187(2) and 188 of, paragraph 3 of Schedule 16 to and paragraph 6 of Schedule 14 to the Housing and Planning Act 2016 (c.22) and S.I. 2009/1307. Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c. 23). Section 13 was amended by section 139 of, paragraph 28 of Schedule 13 and paragraph 1 of Schedule 23 of the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c. 39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (d) 1980 c. 66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c. 22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c. 51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 (1), (2) and (3) of the Greater London Authority Act 1999 (c. 29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by section 64(1), (2) and (3) of the Transport and Works Act (c. 42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c. 51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 64 was amended by section 102 of and Schedule 17 to the Local Government Act 1985 (c.51) and paragraph 1 of Schedule 9 to the New Roads and Street Works Act 1991 (c.22). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15). There are other amendments to the 1980 Act which are not relevant to this Order.
- (e) 1981 c.66
- (f) 1984 c.27. Section 32 was amended by sections 1, 2 and 8(1) and paragraph 4(6)(d) of Schedule 5 to the Local Government Act 1985 (c.51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the 1991 Act. There are other amendments to the 1984 Act which are not relevant to this Order.

“the 1991 Act” means the New Roads and Street Works Act 1991**(b)**;

“the 2008 Act” means the Planning Act 2008**(c)**;

“the 2009 Act” means the Marine and Coastal Access Act 2009**(d)**;

“the 2015 Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015**(e)**;

“address” includes any number or address used for the purposes of electronic transmission;

“apparatus” unless otherwise provided for, has the same meaning as in Part 3 of the 1991 Act;

“appeal parties” means the discharging authority, the requirement consultee and the undertaker;

“Approved Plans” means the drawings certified as such by the Secretary of State under article 80 and identified in Schedule 7 of this Order or approved pursuant to a requirement;

“area of seaward construction activity” means the area of the sea within the Order limits shown on the Works Plans;

“Associated Development Design Principles” means the document certified by the Secretary of State as such under article 80;

“authorised development” means the development and associated development described in Schedule 1 (Authorised development) and any other development authorised by this Order which is development within the meaning of section 32 of the 2008 Act;

“Book of Reference” means the document certified by the Secretary of State as such under article 80;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the meaning given in section 329 of the 1980 Act (interpretation);

“Code of Construction Practice” means the document certified by the Secretary of State as such under article 80;

“commence” means beginning to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the purposes, of the authorised development other than operations consisting of—

- (a) site preparation and clearance works;
- (b) pre-construction archaeological works;
- (c) environmental surveys and monitoring;
- (d) removal of hedgerows, trees and shrubs;
- (e) investigations for the purpose of assessing ground conditions;
- (f) diversion or laying of services;
- (g) remedial work in respect of any contamination or adverse ground conditions;
- (h) receipt and erection of construction plant and equipment;
- (i) the temporary display of site notices and advertisements; and

- 
- (a) 1990 c. 8. Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34). Section 106 was substituted, and section 106A inserted, by section 12(1) of the Planning and Compensation Act 1991. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. Sections 272 to 274 and section 279 were amended by section 406(1) of, and paragraph 103 of Schedule 17 to, the Communications Act (c. 21), and section 280 was amended by section 406(1) of, and paragraph 104 of Schedule 17 to, that Act. Sections 272 to 274 were also amended by S.I. 2011/741 and S.I. 2012/2590. Section 282 was amended by S.I. 2009/1307. There are other amendments to the 1990 Act which are not relevant to this Order.
  - (b) 1991 c. 22. Section 48(3A) and Section 50 was inserted by section 124 of the Local Transport Act 2008 (c. 26). Part 3 of the 1991 Act was amended by Part 4 of the Traffic Management Act 2004 (c. 18) S.I. 2007/1890, S.I. 2007/1951 and S.I. 2007/3174. Section 74 was amended, and sections 74A and 74B inserted, by sections 255 and 256 of the Transport Act 2000 (c. 38). There are other amendments to the 1991 Act but they are not relevant to this Order.
  - (c) 2008 c. 29
  - (d) 2009 c. 23
  - (e) S.I. 2015/596



- (j) erection of temporary buildings and structures (which for the purpose of this definition does not include Work No. 9(a) (northern park and ride), Work No. 10(a) (southern park and ride) or Work No. 13(a) (freight management facility).

the words “commencement” and “commenced” are to be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act (Notice of authorisation of compulsory acquisition);

“Construction Method Statement” means section 3.4 of Chapter 3 of Volume 2 of the Environmental Statement (Book 6.2));

“deemed marine licence” means the marine licence granted by this Order as set out in Schedule 20;

“development” means the carrying out of a material operation, as defined in section 155 of the Planning Act 2008 excluding any operation excluded from the definition of “commencement”;

“discharging authority” means the body responsible for giving any agreement or approval required by a requirement;

“Drainage Strategy” means the document certified by the Secretary of State as such under article 80;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“environmental information” means the Environmental Statement and any information constituting “environmental information” as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to the application for development consent in respect of the authorised development;

“Environmental Statement” means the document certified as such by the Secretary of State under article 80;

“footpath” means a public right of way on foot only, unless otherwise specified;

“footway” has the same meaning as in the 1980 Act;

“footpath implementation plan” means a written plan agreed between the undertaker and the highway authority under article 15 (Status of footpaths created or improved) for creation or improvement of a public right of way to a specified standard;

“general direction” means a direction given by the undertaker under article 65 (General directions to vessels);

“grid works” means Work No. 1A(p), (q) and (s) or any “other associated development” as set out in Schedule 1 which is necessary to facilitate the carrying out of these works;

“harbour” means the harbour as comprised within the harbour limits and to be constructed by the undertaker in pursuance of the powers conferred on it by this Order, and all other works, land, buildings, ancillary works, plant, property and conveniences connected with it, as from time to time existing within the harbour limits;

“harbour authority”, in relation to a harbour, means the harbour authority that has a statutory duty to manage, maintain or improve the harbour;

“harbour limits” means the limits of the harbour as specified in article 51 (Limits of harbour) and identified in Schedule 19 (Limits of harbour);

“harbour master” means the person appointed as such by the undertaker and includes that person’s deputies and assistants and any other person for the time being authorised by the undertaker to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour undertaking” means the harbour undertaking of the undertaker as authorised from time to time;

“highway”, “highway authority” and “local highway authority” have the same meanings as in the 1980 Act;

“land” includes land covered by water, any interest in land or right in, to or over land;

“Land Plans” means the plans certified as such by the Secretary of State under article 80 and identified in Schedule 3 (Land Plans);

“level of high water” means the level of mean high water springs;

“level of low water” means the level of mean low water neaps;

“Lighting Management Plan” means the document certified by the Secretary of State as such under article 80;

“local planning authority” means East Suffolk Council and its successors in title as local planning authority as defined in the 1990 Act;

“main development site” means the land within which Work No. 1 may be constructed as shown on the Works Plans;

“Main Development Site Operational Siting and Height Parameters” means the maximum building heights and siting zones specified in Tables 2.1, 2.2, 2.3, 2.5 and 2.7 of Chapter 2 of Volume 2 of the Environmental Statement and the zones shown on Main Development Site Operational Parameter Plan - Operational Platform (SZC-SZ0100-XX-100-DRW-100043);

“maintain” includes inspect, repair, adjust, alter, remove or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental information, and any derivative of “maintain” is to be construed accordingly;

“marine works” means Work Nos. 1A(m), 1A(n), 1A(o), 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K and 2L described in Schedule 1 and any other works below mean high water springs authorised by this Order or, as the case may require, any part of those works and “marine work” refers to any one of the marine works;

“Maritime and Coastguard Agency” means the executive agency of the Department for Transport;

“master” in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time, unless otherwise agreed with Marine Management Organisation;

“National Grid” means National Grid Electricity Transmission plc. (Company No. 02366977) and its successors in title, assigns and any other person exercising its powers or performing the same functions;

“new Sizewell B relocated facilities permission” means any planning permission granted under the 1990 Act in respect of the works comprised in Work No. 1D;

“operational period” means the period of time that the relevant part of the authorised development is in operation after construction and commissioning is complete pursuant to the relevant construction contract or contracts and “operation” and “operational” should be construed accordingly;

“Order land” means the land identified by plot numbers on the Land Plans and described in the Book of Reference;

“Order limits” means the limits shown on the Works Plans within which the authorised development may be carried out;

“Ordnance Datum” means Ordnance Datum (Newlyn);

“other associated development” means works authorised by Part 2 of Schedule 1 of this Order;

“Outline Landscape and Ecology Management Plan” means the document certified by the Secretary of State as such under article 80;

“Overarching Archaeological Written Scheme of Investigation” means the document certified by the Secretary of State as such under article 80;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(a) (interpretation);

“Parameter Plans” means the plans certified as the parameter plans by the Secretary of State under article 80 and identified in Schedule 6 (Parameter Plans);

“Peat Strategy” means the document certified by the Secretary of State as such under article 80;

“permanent development site” means the land within the permanent development site boundary as shown on plan SZC-SZC0100-xx-100-DRW-100089 (Main Development Site, Main Platform, Proposed General Arrangement (Operational));

“permanent limits” means the limits of land for the purpose of article 26 (compulsory acquisition of land) as shown shaded pink on the Land Plans;

“rail works” means Work No. 4A, 4B, 4C or 4D, or any “other associated development” as set out in Schedule 1 which is necessary to facilitate the carrying out of these works;

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement;

“requirement” means a requirement set out in Schedule 2 (Requirements), and a reference to a numbered requirement is a reference to the requirement set out in the paragraph of the same number in that Schedule;

“Rights of Way Plans” means the plans certified as such by the Secretary of State under article 80 and identified in Schedule 5 (Rights of Way Plans);

“Secretary of State” means the Secretary of State for Business, Energy and Industrial Strategy or successor department with responsibility for energy, except that in article 76 (Removal of human remains) Secretary of State means the Secretary of State for Justice;

“Sizewell B relocated facilities permission” means the planning permission granted by East Suffolk Council on 13 November 2019, with reference number DC/19/1637/FUL;

“Sizewell B relocation works” means Work No. 1D and any other associated development related to such work described in Schedule 1 of this Order or, as the case may require, any part of those works, and reference to “SZC relocation site” means the area within the boundary of Work No. 1D as shown on the Works Plans;

“Sizewell C Main Development Site Design and Access Statement” means the document certified by the Secretary of State as such under article 80 and identified in Schedule 22 for the purposes of this Order;

“SZC construction works” means construction activities associated with the construction of Work Nos. 1A, 1B, 1C and 1D;

“special direction” means a direction given by the harbour master under article 65 (Special directions to vessels);

“specific associated development works” means Work No. 4B, 4D, 9, 10 and 13;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act (Statutory undertakers’ land) and includes a public communications provider as defined in section 151(1) of the Communications Act 2003(b);

“street” means, irrespective of whether it is a thoroughfare, the whole or any part of any highway, road, lane, footway, alley, passage, square, court and any land laid out as a way whether it is for the time being formed as a footpath or not, together with land on the verge of a street or between two carriageways, and includes part of a street and any bridge, viaduct, overpass or underpass which a street passes over;

---

(a) 1981. c.67; The definition of “owner” in section 7 was amended by the Planning and Compensation Act 1991 (c.34), Schedule 15, paragraph 9. Part III of Schedule 2 was amended by S.I. 2009/1307. There are other amendments to the Acquisition of Land Act 1981 which are not relevant to this Order.

(b) 2003 c.21. The definition of “the electronic communications code” and section 106 were amended by sections 4(3) and (4) of the Digital Economy Act 2017 (c.30). There are amendments to this Act which are not relevant to this Order.

“street authority”, in relation to a street, has the meaning given in Part 3 of the 1991 Act (The street authority and other relevant authorities);

“subsoil” means any stratum of land that is below the surface of the ground;

“traffic sign” has the meaning given to the term in section 64(1) of the Road Traffic Regulation Act 1984

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“tree preservation order” has the meaning given in section 198 of the 1990 Act (power to make tree preservation orders);

“undertaker” means NNB Generation Company (SZC) Limited (company number 09284825) or any person who has the benefit of this Order in accordance with articles 8 (Benefit of Order) and 9 (Consent to transfer benefit of Order);

“undertaking” mean the generation of electricity by the undertaker as authorised from time to time;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“Work” means a numbered work identified as part of the authorised development in Schedule 1 and includes any other associated development related to that work;

“Works Plans” means the plans certified by the Secretary of State as such under article 80 and identified in Schedule 4 of this Order;

“working days” means Monday to Friday excluding bank holidays and other public holidays;

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictions are references to restrictive covenants over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a Work comprised in the authorised development and shown on the Works Plans or Rights of Way Plans are to be taken to be measured along that Work.

(4) All areas described in square metres in the Book of Reference are approximate.

(5) References to any statutory body includes that body’s successor bodies from time to time that have jurisdiction over the authorised development.

(6) A reference in this Order to a Work designated by a number, or by a combination of letters and numbers (for example, “Work No. 4A”), is a reference to the Work so designated in Schedule 1 and reference to—

- (a) Work No.1 includes Work Nos. 1A, 1B, 1C, and 1D;
- (b) Work No.2 includes Work Nos. 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K and 2L;
- (c) Work No. 4 includes Work Nos. 4A, 4B, 4C and 4D;
- (d) Work No. 11 includes Work Nos. 11A, 11B and 11C;
- (e) Work No. 12 includes Work Nos. 12A, 12B, 12C and 12D;
- (f) Work No. 14 includes Work Nos. 14A and 14B;

(7) A reference in the Schedules to a “relevant site” is a reference to the site of that name shown in the Works Plans, Rights of Way Plans and Land Plans.

(8) References in the Schedules to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the Rights of Way Plans or Land Plans.

(9) In this Order, the expression “includes” or “include” is to be construed without limitation.

(10) The definitions in paragraph (1) do not apply to Schedule 20 (deemed marine licence under Part 4 (Marine licensing) of the 2009 Act).

## PART 2

### PRINCIPAL POWERS

#### **Development consent etc granted by Order**

3. Subject to the provisions of this Order and Schedule 2 (Requirements), the undertaker is granted development consent for the authorised development, to be carried out within the lines or situations shown on the Works Plans.

#### **Vertical limits of deviation**

4.—(1) Subject to Schedule 2 (Requirements) articles 11 (Power to alter layout etc of streets) and 12 (Street works) the undertaker must construct and maintain the authorised development within the Order limits and –

- (a) in constructing or maintaining the authorised development (except for Work No. 4C, Work No. 11 and Work No. 12) the undertaker may deviate vertically to any extent found necessary or convenient; and
- (b) in constructing or maintaining Work No. 4C, Work No. 11 and Work No. 12, the undertaker may deviate vertically from the levels shown or noted on the Approved Plans to a maximum of 1 metre upwards or 1 metre downwards.

#### **Effect of the Order on the Sizewell B relocated facilities permission**

5.—(1) If the undertaker serves a notice on the local planning authority that it intends to commence Work No. 1D—

- (a) the undertaker must cease to carry out development under the Sizewell B relocated facilities permission and any new Sizewell B relocated facilities permission; and
- (b) the conditions of the Sizewell B relocated facilities permission and any new Sizewell B relocated facilities permission will be unenforceable, except in respect of any breach that occurred prior to the undertaker serving notice under this paragraph.

(2) The undertaker may not carry out Work No. 1D under this Order until notice has been served under paragraph (1).

(3) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of any part of the authorised development prior to or following service of notice under paragraph (1).

(4) Without prejudice to the generality of paragraph (3), the undertaker may discharge any requirement in Schedule 2 of this Order at any time prior to or following the service of notice under paragraph (1).

(5) Where details, plans works or any other matters have been approved or agreed by the local planning authority pursuant to a condition of the Sizewell B relocated facilities permission in column (2) of Schedule 8 (Deemed approval of requirements relating to Sizewell B relocation permission) prior to the date on which the undertaker serves notice under paragraph (1) the corresponding requirement to that condition in column (4) of Schedule 8 (Deemed approval of requirements relating to Sizewell B relocated facilities permission) will be deemed to have been approved insofar as it relates to Work No.1D.

(6) Where details, plans (except for those plans which are also Approved Plans relating to Work No. 1D) works or any other matters have been imposed as a condition, or approved or agreed pursuant to a condition, of any new Sizewell B relocated facilities permission prior to the date on which the undertaker serves notice under paragraph (1), the local planning authority and the undertaker will agree which details, documents, plans, works or other matters under the new



Sizewell B relocated facilities permission will be deemed to have been discharged, approved, agreed, obtained or undertaken for the purposes of the requirement relating to Work No. 1D.

### **Maintenance of authorised development**

6. The undertaker may at any time maintain the authorised development, except to the extent that this Order or an agreement made under this Order provides otherwise.

### **Authorisation of use**

7. —(1) The undertaker is authorised to operate and use the authorised development for which development consent is granted by this Order.

(2) Paragraph (1) does not relieve the undertaker of any duty to obtain any permit, licence or other obligation under any other legislation that may be required from time to time to authorise the operation of any part of the authorised development.

### **Benefit of Order**

8. Subject to article 9 (Consent to transfer benefit of Order), the provisions of this Order have effect solely for the benefit of the undertaker.

### **Consent to transfer benefit of Order**

9.—(1) The undertaker may, with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (including the deemed marine licence, in whole or in part) and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (including the deemed marine licence, in whole or in part) and such related statutory rights as may be so agreed,

except where paragraph (7) applies in which case no consent is required from the Secretary of State.

(2) The Secretary of State shall determine an application under this article within a period of no more than eight weeks commencing on the date the application is received by the Secretary of State, unless otherwise agreed with the undertaker.

(3) The Secretary of State must consult the Marine Management Organisation before giving consent to the transfer or grant to another person of the whole of the benefit of the provisions of the deemed marine licence.

(4) Where the Secretary of State is minded to refuse an application for consent made under this article and notifies the undertaker accordingly, or the Secretary of State fails to determine the application for consent under this article within the period prescribed in paragraph (2), the undertaker may refer the matter for determination in accordance with article 82 (Arbitration)

(5) Where a transfer or grant has been made in accordance with this article, references in this Order to the undertaker, except in paragraph (2), (4), (6), (7) and (8) include references to the transferee or the lessee.

(6) Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit, under paragraph (1) –

- (a) the benefit transferred or granted (“the transferred benefit”) includes any rights that are conferred and any obligations that are imposed, by virtue of the provisions to which the benefit relates;
- (b) the transferred benefit resides exclusively with the transferee or, as the case may be, the lessee and the transferred benefit is not enforceable against the undertaker; and

- (c) the exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations (including development consent obligations within the meaning of section 106 of the 1990 Act (Planning obligations)) as would apply under this Order if those benefits or rights were exercised by the undertaker.

(7) The undertaker may make a transfer or grant under paragraph (1) without the consent of the Secretary of State:

- (a) where the transferee or lessee is the holder of a licence under section 3 of the Nuclear Installations Act 1965 (grant and variation of nuclear site licences);
- (b) in respect of any rail works, where the transferee or lessee is Network Rail or its statutory successor; and
- (c) in respect of any grid works, where the transferee or lessee is National Grid or its statutory successor.

(8) Where paragraph (7) applies the undertaker must notify the Secretary of State in writing before transferring or granting any benefit referred to in paragraph (1).

### **Defence to proceedings in respect of statutory nuisance**

**10.**—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (Summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraphs (d), (fb), (g) or (ga) of section 79(1) of that Act (statutory nuisances and inspections thereof) no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—

- (a) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out or use of the authorised development in accordance with—
  - (i) a notice served under section 60 (control of noise on construction site);
  - (ii) a consent given under section 61 (prior consent for work on construction site); or
  - (iii) the controls and measures relating to noise, vibration, dust or lighting as described in the Construction Method Statement, Code of Construction Practice, Lighting Management Plan, and Outline Landscape and Ecology Management Plan or in accordance with noise and lighting levels set out in an environmental permit relating to the construction maintenance or operation of the authorised development; or
- (b) is a consequence of the construction, maintenance or operation of the authorised development and that it cannot reasonably be avoided.

(2) Sections 61(9) of the Control of Pollution Act 1974(b) (consent for work on construction sites) as it relates to proceedings under section 82 of the Environmental Protection Act 1990 (Summary proceedings by persons aggrieved by statutory nuisance) will not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

(3) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990.

---

(a) 1990 c. 43. Section 79(1)(fb) was inserted by section 102 of the Clean Neighbourhoods and Environment Act 2005 (c.16). There are amendments to this Act which are not relevant to this Order.

(b) 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 15 to, the Environmental Protection Act 1990 (c.43), and paragraph 1 of Schedule 24 to the Environment Act 1995 c.25. Section 61(2) was amended by section 133 of and Schedule 7 to the Building Act 1984 (c.55). There are other amendments to the 1974 Act which are not relevant to the Order.

## PART 3

### STREETS

#### **Power to alter layout, etc., of streets**

**11.**—(1) The undertaker may, subject to paragraph (3), for the purposes of constructing, operating and maintaining the authorised development, enter onto and alter the layout of or carry out any works on any street whether or not within the Order limits and, without limiting the scope of this paragraph, the undertaker may—

- (a) alter the level or increase the width of any kerb, street, footpath, footway, cycle track or verge or central reservation;
- (b) make and maintain passing place(s);
- (c) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, verge, or central reservation within the street;
- (d) reduce the width of the carriageway of the street;
- (e) execute any works to widen or alter the alignment of pavements;
- (f) execute any works of surfacing or re-surfacing of the street; and
- (g) execute any works necessary to alter existing facilities for the management and protection of pedestrians.

(2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(3) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority which may not be unreasonably withheld or delayed.

(4) If a street authority that receives an application for consent under paragraph (3) fails to notify the undertaker of its decision within 56 days beginning with the date on which the application was made, that authority will be deemed to have granted consent.

#### **Street works**

**12.**—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in column (2) of Schedule 9 as is within the Order limits for the relevant site specified in column (1) of Schedule 9 without the consent of the street authority and—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street or carry out works to strengthen or repair the carriageway;
- (c) place or keep apparatus in the street;
- (d) maintain, renew or alter apparatus in or on the street or change its position;
- (e) demolish, remove, replace and relocate any bus shelter and associated bus stop infrastructure or other street furniture;
- (f) execute any works to provide or improve sight lines;
- (g) execute and maintain any works to provide hard and soft landscaping;
- (h) carry out re-lining and placement of road markings;
- (i) removal and installation of temporary and permanent signage; and
- (j) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (i).

(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent must not be unreasonably withheld or delayed, the undertaker may, for the purposes of the authorised development, enter on so much of any other

street whether or not within the Order limits, for the purposes of carrying out the works set out at paragraph (1) above.

(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 56 days beginning with the date on which the application was made, that authority will be deemed to have granted consent.

### **Application of the 1991 Act**

**13.—**(1) Where the undertaker carries out works under this Order in relation to a highway which consists of or includes a carriageway and the works carried out are—

- (a) of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works); or
- (b) works which, had they been executed by the highway authority, could have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageway and roundabouts),

the works will be treated for the purposes of Part 3 of the 1991 Act (street works) as if they were major highway works carried out by the highway authority.

(2) The provisions of sections 54 to 106 of the 1991 Act (save insofar as dis-applied through the operation of article 84 (Application, exclusion and modification of legislative provisions) and Schedule 24 (Miscellaneous Controls) apply in relation to the carrying out of street works under that Act and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to—

- (a) carrying out of works under articles 11 (Power to alter layout, etc., of streets) and 12 (Street works);
- (b) the permanent stopping up of a street by the undertaker under article 14 (Permanent stopping up of streets and extinguishment of private means of access); and
- (c) the temporary stopping up, temporary alteration or temporary diversion of a street by the undertaker under article 17 (Temporary stopping up of streets), whether or not the carrying out of the works or the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(3) (Sections 54 and 55 of the 1991 Act have effect as if references in section 57 of that Act to emergency works included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(4) In Part 3 of the 1991 Act, provisions relating to major highway works which refer to the highway authority concerned will, in relation to works which are major highway works by virtue of paragraph (1), be construed as references to the undertaker.

### **Permanent stopping up of streets and extinguishment of private means of access**

**14.—**(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and extinguish each private means access specified in column (2) of Parts 1 of Schedule 10 (streets to be permanently stopped up to the extent specified, by reference to the letters and numbers shown on the Rights of Way Plans, in column (3) of those Parts of that Schedule.

(2) No street or private means of access specified in column (2) of Part 1 of Schedule 10 will be wholly or partly stopped up or extinguished under this article unless—

- (a) the new street or private means of access to be substituted for it, which is specified in column (4) of that Part of that Schedule is open for use, and in the case of a street, has been completed to the reasonable satisfaction of the street authority; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up between the commencement and termination points for the stopping up of the street or extinguishment of the private means of access is

first provided and, in the case of a street, is subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) Where the undertaker provides a substitution under paragraph (2), the new or temporary alternative street or private means of access is not required to be of a higher standard than the stopped up street or extinguished private means of access in column (2) of Part 1 of Schedule 10.

(4) No street specified in column (2) of Part 2 of Schedule 10 will be wholly or partly stopped up under this article unless at least one of the conditions specified in paragraph (5) is satisfied in relation to all the land which abuts on either side of the street to be stopped up or private means of access to be extinguished.

(5) The conditions referred to in paragraph (4) are that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(6) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(7) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article will be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(8) This article is subject to article 41 (apparatus etc. of statutory undertakers).

(9) For the purposes of this article and Schedule 10, the definition of “street” under article 2 (Interpretation) is extended to also include any other public right of way.

### **Status of footpaths created or improved**

**15.** With effect from the date on which the highway authority has confirmed that the footpaths specified in column (2) of Schedule 11 (Status of footpaths created or improved) have been created or improved to the standard specified in a footpath implementation plan, the footpaths in question will be deemed to have the status specified in column (3) of that Schedule.

### **Benefit of permanent private means of access and private rights of way created**

**16.** (1) Where the undertaker extinguishes a private means of access or private rights of way by virtue of article 14 (permanent stopping up of streets and extinguishment of private means of access or private rights of way) or article 31 (private rights of way), or where the undertaker considers it necessary in order to facilitate access to land by land owners who would otherwise be prejudiced by the authorised development, the undertaker may create private means of access or private rights of way over land within the Order limits without acquiring such land.

(2) A new private means of access or private right of way will be created by virtue of this article 28 days after service of notice by the undertaker on all occupiers of the affected land, specifying—

- (a) the location of the new private means of access or private right of way;
- (b) the benefitted land

and the undertaker will as soon as possible following the creation of such private means of access or private right of way inform all owners of the benefitted land.

(3) Unless otherwise specified by the undertaker in the notice served pursuant to sub-paragraph (2), the new private means of access or private right of way created will include the right to pass and re-pass on foot, with livestock, with vehicles, and with plant and machinery.

(4) Without prejudice to the generality of sub-paragraph (1), the private means of access or private right of way specified in column (3) of Schedule 12 (Benefit of permanent private means of access and private rights of way created) affecting the Land Registry title specified in column (2) of that Schedule may be created by service of notice under this article for the benefit of the benefitted land specified in column (1) of Schedule 12.

(5) Any person who suffers loss by the creation of a permanent private means of access or private right of way under this article will be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) In this article—

- (a) “affected land” means the land over which the route of the new private means of access or new private right of way will be situated; and
- (b) “benefitted land” means the land for whose benefit the new private means of access or new private right of way is created.

### **Temporary stopping up of streets and private means of access**

**17.—**(1) The undertaker, during and for the purposes of carrying out or operating the authorised development, may temporarily stop up, alter or divert any street temporarily extinguish each private means of access and may for any reasonable time—

- (a) divert the traffic from the street and prevent access via the private means of access; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limiting on the scope of paragraph (1), the undertaker may use as a temporary working site any street or private means of access which has been temporarily stopped up, altered or diverted under the powers conferred by this article.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in column (2) Part 1 of Schedule 13 (Streets and private means of access to be temporarily stopped up or extinguished) to the extent specified, by reference to the letters and numbers shown on the Rights of Way Plans, in column (3) of that Schedule, and may provide a temporary diversion.

(5) The undertaker must not temporarily stop up, alter or divert—

- (a) any street specified as mentioned in paragraph (4) without first consulting the street authority; and
- (b) any other street without the consent of the street authority, which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld or delayed.

(6) No street or private means of access specified in column (2) of Part 2 of Schedule 13 (Streets and private means of access to be temporarily stopped up or extinguished) may be wholly or partly stopped up or extinguished under this article unless—

- (a) the new temporary street or temporary private means of access to be substituted for it, which is specified in column (4) of that Part of that Schedule, is open for use, and in the case of a street, has been completed to the reasonable satisfaction of the street authority; or
- (b) an alternative temporary alternative route for the passage of such traffic as could have used the street or private means of access to be temporarily stopped up between the commencement and termination points for the temporary stopping up of the street or temporary extinguishment of the private means of access is first provided and, in the case



of a street, is subsequently maintained by the undertaker to the reasonable satisfaction of the street authority until the opening of the new temporary street in accordance with paragraph (a) or the re-opening of the street temporarily stopped up.

(7) Where the undertaker provides a temporary diversion under paragraph (4), the new or temporary alternative route is not required to be of a higher standard than the temporarily stopped up street or extinguished private means of access in column (2) of Part 1 or Part 2 of Schedule 14.

(8) Prior to the reopening of any street or private means of access temporarily stopped up or extinguished under paragraphs (4) or (6), the undertaker must remove all temporary works and restore the street or private means of access to its previous condition.

(9) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in the case of dispute, under Part 1 of the 1961 Act.

(10) If a street authority that receives an application for consent under paragraph (5)(b) fails to notify the undertaker of its decision within 56 days of receiving the application, that street authority will be deemed to have granted consent.

(11) For the purposes of this article and Schedule 14, the definition of “street” under article 2 (Interpretation) is extended to also include any other public right of way.

### **Use of private roads for construction**

**18.—**(1) The undertaker may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.

(2) The undertaker must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 of the 1961 Act.

### **Access to works**

**19.—**(1) The undertaker may, for the purposes of the authorised development—

- (a) form and lay out means of access, or improve existing means of access identified on the Rights of Way Plans; and
- (b) with the agreement of the street authority after consultation with the highway authority (such agreement not to be unreasonably withheld), form and lay out means or access or improve existing means of access at such other locations within the Order limits as the undertaker reasonably requires.

(2) If a street authority that receives an application for approval under paragraph (1)(b) fails to notify the undertaker of its decision within 56 days of receiving the application, that authority will be deemed to have granted approval.

### **Construction and maintenance of new and altered streets**

**20.—**(1) Any street to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and must, unless otherwise agreed between the undertaker and the highway authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered part of the street must, when completed to the reasonable satisfaction of the highway authority, unless otherwise agreed, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(3) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(4) For the purposes of a defence under paragraph (4), the court will in particular have regard to the following matters—

- (a) the character of the street including the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed;

but for the purposes of such a defence it is not relevant that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the undertaker had given that person proper instructions with regard to the maintenance of the street and that those instructions had been carried out.

#### **Agreements with street authorities**

**21.**—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) the construction of any new street authorised by this Order;
- (b) any stopping up, alteration or diversion of a street authorised by this Order;
- (c) the maintenance of the structure of any bridge carrying a street over or under any part of the authorised development;
- (d) the carrying out in the street of any of the works referred to in articles 11 (Power to alter layout, etc., of streets) or 12 (Street works); and
- (e) such works as the parties may agree.

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) specify a reasonable time for the completion of the works;
- (c) make provision for the maintenance of the structure of any viaduct, underpass, overpass or bridge carrying a street; and
- (d) contain such terms as to payment and other matters as the parties consider appropriate.

#### **Traffic regulation measures**

**22.**—(1) Subject to the provisions of this article, the undertaker may at any time, for the purposes of the authorised development make provision, in respect of those streets specified in column (2) and (3) of Schedule 14 (Traffic regulation measures), as to the speed limit of those streets as specified in column (4) of that Schedule.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent (such consent not to be unreasonably withheld) of the traffic authority in whose area the street is situated, which consent may be subject to reasonable

conditions, the undertaker may, for the purposes or in connection with the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the undertaker under this article;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road;
- (e) permit or prohibit vehicular access to any road; and
- (f) place traffic signs on or near a street (including on private land), subject to and in conformity with the directions issued by the Secretary of State pursuant to powers conferred by section 64, 65 and 85 of the 1984 Act, and in particular where such traffic signs are required for the safe design, management or operation of level crossings upgraded as part of Work Nos. 4B or 4C.

either at all times or at times, on days or during such periods as may be specified by the undertaker, in respect of streets within and outside the Order limits.

(3) Before complying with the provisions of paragraph (4) the undertaker must consult the chief officer of police and the traffic authority in whose area the street is situated.

(4) The undertaker must not exercise the powers in paragraphs (1) and (2) unless it has—

- (a) given not less than 28 days' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the street is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of the undertaker's intention as provided for in subparagraph (a).

(5) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1) and (2) has effect as if duly made by—

- (a) the traffic authority in whose area the street is situated as a traffic regulation order under the 1984 Act; or
- (b) Suffolk County Council as an order under section 32 of the 1984 Act (Power of local authorities to provide parking places) **(a)**, and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 14) to which the prohibition, restriction or other provision is subject,

is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004 (Road traffic contraventions subject to civil enforcement)**(b)**.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(7) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2), that authority is deemed to have granted consent.

---

**(a)** 1984 c.27 . Section 32 was amended by sections 1, 2 and 8(1) and paragraph 4(6)(d) of Schedule 5 to the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the 1991 Act.

**(b)** 2004 c.18. Schedule 7 was amended by S.I. 2013/362 and S.I. 2018/488. There are other amendments made to the Traffic Management Act 2004 which are not relevant to this Order.

## PART 4

### SUPPLEMENTAL POWERS

#### **Discharge of water**

**23.**—(1) Subject to paragraphs (2) and (3), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, operation or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld or delayed.

(3) The undertaker must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld or delayed; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(4) Where the person to whom the sewer or drain belongs receives an application for consent under paragraph (2) or approval under sub-paragraph (3)(a) and fails to notify the undertaker of its decision within 28 days of receiving an application, that person will be deemed to have granted consent or given approval, as the case may be.

(5) The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river, save where such damage or interference is required for the purpose of carrying out Works authorised under this Order.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) will be determined as if it were a dispute under section the Water Industry Act 1991 (Right to communicate with public sewers) (a).

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to the Environment Agency, an internal drainage board, a local authority or a sewerage undertaker; and
- (b) except as provided in article 2 (Interpretation), other expressions used both in this article and in the Water Resources Act 1991(a) have the same meaning as in that Act.

(9) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016(b).

#### **Protective work to buildings**

**24.**—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient.

---

(a) 1991 c.56. Section 106 was amended by section 35(8)(a) and 43(2) and paragraph 1 of Schedule 2 of the Compensation and Service (Utilities) Act 1992 (c.43) and sections 36(2) and 99 of the Water Act 2003 (c.37). Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c.37) and paragraph 90 of Schedule 7 to the Water Act 2014 (c.21). Section 104 was amended by section 96(4) of and paragraph 1 of Part 3 of Schedule 9 to the Water Act 2003 (c.37) and section 42(3) of the Flood and Water Management Act 2010 (c.29). There are other amendments to this section which are not relevant to this Order.

(b) S.I. 2016/1154

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised, the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage, and place on, leave on, and remove from the building any apparatus and equipment for use in connection with the survey.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter and survey any building and any land within its curtilage and place on, leave on or remove any apparatus or equipment;
- (c) a right under sub-paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under sub-paragraph (4)(b) to enter land,

the undertaker will, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (d), the notice must specify the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 80 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker will compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article will relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (Further provision as to compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) will be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) Subject to paragraph (6), section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto, or possession of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125(b) (application of compulsory acquisition provisions) of the 2008 Act.

(12) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

### **Authority to survey and investigate the land**

**25.—**(1) The undertaker may, for the purposes of this Order, enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land;
- (b) without limiting sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limiting sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed on, left on, or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required on entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes will be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority

but such consent must not be unreasonably withheld or delayed.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) If either a highway authority or street authority which has received an application for consent under paragraph (4) fails to notify the undertaker of its decision within 28 days of receiving the application, that authority is deemed to have granted the consent.

(7) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto, or possession of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

---

(a) As amended by sections 62(3) and 139(4)-(9) of, paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 223 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(b) As amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).



## PART 5

### POWERS OF ACQUISITION AND POSSESSION OF LAND

#### **Compulsory acquisition of land**

**26.**—(1) The undertaker may—

- (a) acquire compulsorily so much of the land within the permanent limits and described in the Book of Reference as is required for the construction, operation or maintenance of the authorised development or to facilitate it, or as is incidental to it; and
- (b) use any land so acquired for the purposes authorised by this Order or for any other purposes in connection with or ancillary to the undertaking.

(2) Nothing in paragraph (1) authorises the undertaker—

- (a) to acquire compulsorily any interests in land specified in column (2) of Part 1 of Schedule 15 (Land which may not be compulsorily acquired or in which only rights etc. may be acquired) which are held by the party mentioned in the column (3); or
- (b) to extinguish or over-ride any rights over the land specified in column (2) of Part 1 of Schedule 15 which relate to the operation of Sizewell B power station without first having provided or procured the provision of an alternative, equivalent right to ensure continued operation of Sizewell B power station.

but the undertaker may acquire by agreement any part of those lands, or rights over them, and use them for the purposes set out in paragraph (1).

(3) This article is subject to article 29 (time limit for exercise of authority to acquire land compulsorily), article 30 (compulsory acquisition of rights), article 33 (acquisition of subsoil only), article 36 (rights under or over streets), article 37 (temporary use of land for carrying out the authorised development), and article 85 (Crown rights).

#### **Compulsory acquisition of land – incorporation of the mineral code**

**27.**—(1) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (minerals) are incorporated in this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” substitute “the undertaker”; and
- (c) for “undertaking” substitute “authorised development”.

#### **Statutory authority to override easements and other rights**

**28.**—(1) The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised for the purpose specified in section 158(2) of the 2008 Act (nuisance: statutory authority), notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract.

(2) The undertaker will pay compensation to any person whose land is injuriously affected by—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract,

authorised by virtue of this Order and the operation of section 158 of the 2008 Act.

(3) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(4) Subsection (2) of section 10 of the 1965 Act applies to paragraph (2) by virtue of section 152(5) of the 2008 Act (compensation in case where no right to claim in nuisance).

(5) Any rule or principle applied to the construction of section 10 of the 1965 Act applies to the construction of paragraph (2) (with any necessary modifications).

### **Time limit for exercise of authority to acquire land compulsorily**

**29.**—(1) After the end of the period of five years beginning on the day on which this Order is made—

- (a) no notice to treat may be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 of the 1981 Act as applied by article 32 (Application of the 1981 Act)(a),

in relation to any part of the Order land.

### **Compulsory acquisition of rights and imposition of restrictive covenants**

**30.**—(1) The undertaker may acquire compulsorily the existing rights, create and acquire the new rights and impose such restrictive covenants described in the Book of Reference and shown on the Land Plans.

(2) In the case of the Order land specified in column (2) of Part 2 of Schedule 15 (Land which may not be compulsorily acquired or in respect of which only rights etc may be acquired), the undertaker's powers of compulsory acquisition are limited to the acquisition of such new rights and the imposition of such restrictive covenants as may be required for the purpose specified in relation to that land in column (3) of that Schedule.

(3) Subject to section 8 of the 1965 Act (Provisions as to divided land), as substituted by article 33 (Acquisition of part of certain properties), where the undertaker acquires an existing right over land under paragraph (1), the undertaker will not be required to acquire a greater interest in that land.

(4) Schedule 16 (Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(5) In any case where the acquisition of rights or imposition of a restrictive covenant under paragraph (1) is required for the purposes of diverting, replacing or protecting the apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose restrictive covenants to the statutory undertaker in question.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (4) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

### **Private rights of way**

**31.**—(1) Subject to the provisions of this article, and article 14 insofar as it relates to private means of access, all private rights of way over land subject to compulsory acquisition under this Order will be extinguished—

---

(a) 1981 c.66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Sections 10 and 11 and Schedule 1 were amended by S.I. 2009/137. Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c. 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of, and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, and article 14 insofar as it relates to private means of access, all private rights of way over land owned by the undertaker which, being within the Order limits, is required for the purposes of this Order are extinguished on the appropriation of the land by the undertaker for any of those purposes.

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order will be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article will be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 138 of the 2008 Act (Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or where article 40 (statutory undertakers) applies.

(6) Paragraphs (1) to (3) have effect subject to—

(a) any notice given by the undertaker before—

- (i) the completion of the acquisition of the land,
- (ii) the undertaker's appropriation of it,
- (iii) the undertaker's entry onto it, or
- (iv) the undertaker's taking temporary possession of it,

that any or all of those paragraphs do not apply to any right of way specified in the notice; and

(b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.

(7) Where an agreement referred to in sub-paragraph (6)(b)—

- (a) is made with a person in or to whom the right of way is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

the agreement is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(8) This article does not apply to any loss suffered under article 14 (Permanent stopping up of streets and extinguishment of private means of access).

### **Application of the 1981 Act**

**32.—**(1) The 1981 Act applies as if this Order were a compulsory purchase order.

(2) The 1981 Act, as applied, has effect with the following modifications.

(3) In section 1 (Application of act) for subsection (2) there is substituted—

“(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”

(4) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.

- (5) Omit section 5A(a) (Time limit for general vesting declaration).
- (6) In section 5B(b) (Extension of time limit during challenge)—
- (a) For “section 23 of the Acquisition of Land Act 1981 (Application to High Court in respect of compulsory purchase order)” substitute “section 118 of the Planning Act (Legal challenges relating to applications for orders granting development consent)”; and
  - (b) For “the three year period mentioned in section 4” substitute “the five year period mentioned in article 29 (Time limit for exercise of authority to acquire land compulsorily) of the Sizewell C (Nuclear Generating Station) Order 202[\*]”.
- (7) In section 6(c) (Notices after execution of declaration) for subsection (1)(b) there is substituted—
- “(1) (a) on every other person who has given information to the acquiring authority with respect to any of that land further to the invitation published and served under section 134 of the Planning Act 2008.”
- (8) In section 7(d) (Constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (9) In Schedule A1(e) (Counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).
- (10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 of the 2008 Act (Application of compulsory acquisition provisions) to the compulsory acquisition of land under this Order.

### **Acquisition of subsoil and airspace only**

- 33.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of and the airspace over the land referred to in paragraph (1) of article 26 (Compulsory acquisition of land) or article 30 (Compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.
- (2) Where the undertaker acquires any part of, or rights in, the subsoil of, or the airspace over, any land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.
- (3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—
- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
  - (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
  - (c) Section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.
- (4) Paragraph (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

### **Acquisition of part of certain properties**

- 34.**—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—

- 
- (a) 1981 c.66. Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016 (c. 22).
  - (b) 1981 c.66. Section 5B was as inserted by section 202(2) of the Housing and Planning Act 2016 (c. 22)
  - (c) 1981 c.66. Section 6 was amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016 (c. 22).
  - (d) 1981 c.66. Section 7 was amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016 (c. 22).
  - (e) As inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016 (c. 22).

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner is required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner is required to sell only the land subject to the notice to treat shall, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the Lands Chamber of the Upper Tribunal (“the tribunal”).

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, must pay the owner compensation for any

loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

### **Modification of the 1965 Act**

**35.**—(1) Part 1 of the 1965 Act, as applied to this Order by section 125 (Application of compulsory acquisition provisions) of the 2008 Act, is modified as follows—

(2) In section 4 (time limit for giving notice to treat) for “after the end of the period of 3 years beginning the day on which the compulsory purchase order becomes operative” substitute “after the end of the period stated in article 29 (Time limit for exercise of authority to acquire compulsorily) of the Sizewell C (Nuclear Generating Station) Order 2020”.

(3) In section 4A(1)(a) (Extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (Application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (Legal challenges relating to applications for orders granting development consent), the five year period mentioned in article 29 (Time limit for exercise of powers to acquire land compulsorily) of the Sizewell C (Nuclear Generating Station) Order 2020”

(4) In section 11A(b) (Powers of entry: further notice of entry)—

(a) in subsection (1)(a), after “land” insert “under that provision”;

(b) in subsection (2), after “land” insert “under that provision”.

(5) In section 22(2) (Expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 29 (Time limit for exercise of powers to acquire land compulsorily) of the Sizewell C (Nuclear Generating Station) Order 2020[\*]”.

(6) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat) after paragraph 29, end insert—

## **“PART 4**

### **INTERPRETATION**

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under articles 24 (Protective works to buildings), 25 (Authority to survey and investigate land), 37 (Temporary use of land for carrying out the authorised development), 39 (Temporary use of land for maintaining the authorised development), or 45 (Use of airspace within the Order limits) of the Sizewell C (Nuclear Generating Station) Order 2020.”

### **Rights under or over streets**

**36.**—(1) The undertaker may enter on and appropriate and use so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or air-space for those purposes or any other purpose ancillary to the authorised development.

---

(a) 1965 c. 56. Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

(b) 1965 c. 56. Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).



(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (Sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

### **Temporary use of land for carrying out authorised development**

**37.—**(1) The undertaker may, in connection with the carrying out of the authorised development—

- (a) enter on and take temporary possession of—
  - (i) the land specified in column (2) of Schedule 17 (Land of which only temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule; and
  - (ii) any of the Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (Powers of entry) and no declaration has been made under section 4(a) of the 1981 Act (Execution of declaration);
- (b) remove any electric line, electrical plant, structures, apparatus, buildings and vegetation from that land;
- (c) construct temporary or permanent works comprised within the authorised development (including the provision of means of access and buildings or structures on that land);
- (d) construct any works specified in relation to that land in column (2) of Schedule 18, or any other mitigation works; and
- (e) temporarily possess any land (including land specified in Schedule 17) for the temporary diversion of vehicular traffic or the temporary diversion of public and private rights of way or private means of access where required in the exercise of powers under article 14 (Permanent stopping up of streets and extinguishment of private means of access) or article 17 (Temporary stopping up of streets and extinguishment of private means of access), or where otherwise required to avoid prejudice to the use of land within the Order limits by land owners during construction of the authorised development.

(2) Not less than 3 months before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession under this article—

- (a) in the case of land specified in sub-paragraph (1)(a)(i) above, after the end of the period of 1 year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (2) of Schedule 17 unless and to the extent that it is authorised to do so by the acquisition of rights over land or the creation of new rights over land pursuant to article 30 (Compulsory acquisition of rights); or

---

(a) 1981 c.66. Section 4 was amended by section 184 and 185 of, and paragraphs 1 and 2 of Schedule 18 to, the Housing and Planning Act 2016 (c. 22)

- (b) in the case of land referred to in sub-paragraph (1)(a)(ii), after the end of the period of 1 year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must either acquire the land under sub-paragraph (1)(a) or, unless otherwise agreed with the owners of the land, remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, except that the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under sub-paragraph (1)(d);
- (c) restore the land to a condition better than the relevant land was in before temporary possession;
- (d) remove any ground strengthening works which have been placed on the land to facilitate construction, maintenance and operation of the authorised development;
- (e) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development; or
- (f) remove or reposition any apparatus belonging to statutory undertakers or necessary mitigation works.

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article and, for the avoidance of doubt, this will include compensation in respect of any loss or damage further to any ground strengthening works within sub-paragraph (4)(d) carried out by the undertaker in or on that land.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, will be determined under Part 1 of the 1961 Act.

(7) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act<sup>(a)</sup> (Compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under sub-paragraph (5).

(8) The undertaker may not compulsorily acquire under this Order the land referred to in sub-paragraph (1)(a)(i) except that the undertaker is not precluded from—

- (a) acquiring existing and new rights or imposing any restrictive covenants over any part of that land under article 30 (Compulsory acquisition of rights);
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 31 (Acquisition of subsoil only); or
- (c) carrying out a survey of that land under article 25 (Authority to survey and investigate the land).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (Refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (Application of compulsory acquisition provisions).

(11) Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in paragraph (1).

---

(a) 2008 c.29. Section 152 was amended by S.I. 2009/1307.

### **Time limit for exercise of authority to temporarily use land for carrying out the authorised development**

**38.**—(1) Subject to paragraph (2), the authority to enter onto land pursuant to article 37 (Temporary use of land for carrying out the authorised development) ceases to apply to any land after the period of five years beginning on the day on which the Order is made.

(2) Paragraph (1) will not prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

### **Temporary use of land for maintaining authorised development**

**39.**—(1) Subject to paragraph (2), at any time during the operational period relating to any part of the authorised development, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) construct such temporary works (including the provision of means of access) and structures and buildings on the land as may be reasonably necessary for that purpose;
- (c) enter onto any land within the Order limits for the purpose of gaining access as is reasonably required for the purpose of maintain the authorised development.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 3 months before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any of its parts;
- (b) the public; and/or
- (c) the surrounding environment,

and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practicable in the circumstances.

(5) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(7) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, will be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (Further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (Refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (Application of compulsory acquisition provisions).

### **Statutory undertakers**

**40.**—(1) Subject to the provisions of Schedule 18 (Protective provisions), the undertaker may—

- (a) acquire compulsorily the land belonging to statutory undertakers within the Order limits and described in the Book of Reference;
- (b) acquire existing rights, create and acquire new rights and impose restrictive covenants over the land belonging to statutory undertakers within the Order limits and described in the Book of Reference;
- (c) extinguish or suspend the rights of, remove, alter, renew, relocate or reposition the apparatus belonging to statutory undertakers over or within the Order limits; and
- (d) construct the authorised development in such a way as to interfere with any highway or cross underneath or over apparatus belonging to statutory undertakers and other like bodies within the Order limits.

(2) Subject to the provisions of Schedule 18 (Protective provisions), the undertaker may for the purposes of article 12 (Street works) remove or reposition apparatus belonging to statutory undertakers which is laid beneath any of the streets specified in Schedule 9 (Streets subject to street works).

### **Apparatus and rights of statutory undertakers in stopped-up streets**

**41.**—(1) Where a street is stopped up under article 14 (Permanent stopping up of streets and public rights of way and extinguishment of rights), any statutory undertaker whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 14 (Permanent stopping up of streets and extinguishment of rights), any statutory undertaker whose apparatus is under, in, on, over, along or across the street or public right of way may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the statutory undertaker may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker must pay to any statutory undertaker an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street or public right of way; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of

agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory undertaker by virtue of paragraph (3) will be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory undertaker in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 of that Act (Sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and
- (b) the allowable costs must be borne by the undertaker and the statutory undertaker in such proportions as may be prescribed by any such regulations.

(8) In this article—

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory undertaker” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(a) (Interpretation).

### **Recovery of costs of new connections**

**42.—**(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 40 (Statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 40 (Statutory undertakers), any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewage disposal plant.

---

(a) 2003 c. 21. There are amendments to this Act which are not relevant to this Order.

(3) This article does not have effect in relation to apparatus to which article 38 (apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

“public communications provider” has the meaning given in section 151(1) of the Communications Act 2003; and

“public utility undertaker” has the meaning given in section 329 of the 1980 Act.

### **No double recovery**

**43.** Compensation will not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

### **Protective provisions**

**44.** Schedule 18 (Protective provisions) to this Order has effect.

### **Use of airspace within the Order limits**

**45.—**(1) The undertaker may enter into and use so much of the air-space over any land within the Order limits as may be required for the construction, operation and maintenance of the authorised development and may use the air-space for those purposes or any other purposes ancillary to the authorised development.

(2) The undertaker may exercise any power conferred by paragraph (1) in relation to land without being required to acquire any part of the land or any easement or right in the land.

(3) Subject to paragraph (4), any person who is an owner or occupier of land used under paragraph (1) without the undertaker acquiring any part of that person’s interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act (Sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

## PART 6

### HARBOUR POWERS

#### **Incorporation of the Harbours, Docks and Piers Clauses Act 1847**

**46.**—(1) With the exception of sections 4 to 27, 29 to 34, 36, 40 to 50, 52, 53, 59, 60, 66 to 68, 70 to 72, 77, 79 to 82, 85 to 89, 91 to 102 and 104, the 1847 Act is incorporated in this Order subject to the modifications stated in paragraphs (2) and (9).

(2) Section 28 of the 1847 Act (Exemption of vessels in her Majesty's service, &c. from rates) must have effect as if the words "to charge with rates or duties, or" and the words "without any charge or rate being made for using the same" were removed

(3) Section 35 of the 1847 Act (Masters to report arrival of vessel. Penalty for neglect) must have effect as if the words "liable to rates" were removed.

(4) Section 37 of the 1847 Act (Masters of vessels to give accounts of goods intended to be unshipped within the limits, &c) must have effect as if for the words "collector of rates" were substituted the words "harbour master".

(5) Section 39 of the 1847 Act (Shippers to give an account of goods intended to be shipped) must have effect as if for the words "collector of rates" were substituted the words "harbour master".

(6) Section 62 of the 1847 Act (Penalty for wilfully cutting moorings) must have effect as if for the words "level 1" were substituted the words "level 3".

(7) Section 63 of the 1847 Act (Penalty on vessels lying near the entrance of harbour or dock without permission) must have effect as if for the words from "shall be liable" to the end of the section there were substituted the words "must be liable on summary conviction to a fine not exceeding level 3 on the standard scale."

(8) Section 69 of the 1847 Act (Combustible matter on quays, &c., to be removed) must have effect as if for the words from "shall forfeit" to the end of the section there were substituted the words "must be liable on summary conviction to a fine not exceeding level 3 on the standard scale."

(9) In construing the 1847 Act as so incorporated—

- (a) the expression "the special Act" means this Order;
- (b) the expressions "the Promoters of the undertaking" and "the undertakers" mean the undertaker;
- (c) the expression "the harbour, dock or pier" means the harbour;
- (d) the expressions "limits" and "prescribed limits" mean the harbour limits;
- (e) the expression "near the pier" does not extend beyond the harbour limits;
- (f) the expression "the harbour master", in relation to the harbour, has the meaning given by article 2 (Interpretation); and
- (g) the definition of "vessel" in article 49(1) is substituted for the definition in section 3 of the 1847 Act (Interpretation).

All fines and forfeitures recoverable under the provisions of the 1847 Act as incorporated within this Order may be recovered summarily.

#### **Further powers as to works and extinguishment of rights**

**47.**—(1) The undertaker may, in connection with the construction of the marine works—

- (a) enclose or reclaim from the foreshore and bed of the sea; and

(b) hold and use as part of the marine works,  
so much of the foreshore and bed of the sea as is situated within the limits of Work Nos. 2B, 2D, 2F, 2H, 2J and 2K as shown on the Works Plans and is required for, or in connection with, the construction of the marine works.

(2) As soon as the undertaker exercises the powers under paragraph (1), any right of navigation or other public rights over the part of the sea and the foreshore in respect of which it exercises those powers will be extinguished.

### **Harbour authority**

**48.**—(1) The undertaker is the harbour authority in respect of the harbour.

(2) Without prejudice to any provision of the 1847 Act as incorporated in this Order by article 46 (Incorporation of the 1847 Act), the area within which the harbour authority may exercise its functions under this Order must be the harbour.

### **Agreements entered into by the undertaker**

**49.** Any agreement or undertaking entered into by the undertaker before the coming into force of this Order in connection with the proposed exercise of its function as harbour authority must be binding upon the harbour authority notwithstanding that it was entered into by the undertaker before it was established as a harbour authority by article 48 (Harbour authority).

### **Application of Pilotage Act 1987**

**50.** The undertaker is a competent harbour authority in respect of the harbour for the purposes of the Pilotage Act 1987(a).

### **Limits of harbour**

**51.**—(1) The limits of the harbour within which the undertaker is permitted to exercise jurisdiction as the harbour authority and within which the powers of the harbour master are exercisable are the seaward and the landward areas described in Schedule 21 (Limits of harbour), as shown edged by a green broken line on the Works Plans.

(2) In the event that there is any discrepancy between the description of the seaward area in Schedule 19 and the area shown on the Works Plans, the description in Schedule 19 will prevail.

### **Application of Marine and Coastal Access Act 2009**

**52.**—(1) Articles 46 (Incorporation of the 1847 Act) to 69 (Saving provision for Trinity House) are subject to the provisions of Part 4 of the 2009 Act(b), the deemed marine licence and any other marine licence granted pursuant to that Part and are without prejudice to the powers of the Marine Management Organisation under that Part.

(2) No provision of this Order obviates the need to obtain a marine licence under Part 4 of the 2009 Act in the event that a marine licence is required to carry out the authorised development in addition to the deemed marine licence, or to comply with the conditions of the deemed marine licence or any other marine licence obtained for the purpose of carrying out the authorised development, and nothing in this Order in any way limits the enforcement powers in respect of a marine licence under Part 4 of the 2009 Act.

(3) In the event of any inconsistency between the provisions of this Order and the deemed marine licence, then the terms of the deemed marine licence will take precedence.

---

(a) 1987 c.21.

(b) 2009 c.23. Part 4 was amended by S.I. 2011/405, S.I. 2011/1210, S.I. 2015/664, S.I. 2016/738 and S.I. 2018/942, There are other amendments to the Marine and Coastal Access Act 2009 that are not relevant to this Order.



## **Obstruction of work**

**53.** Any person who—

- (a) intentionally obstructs any person acting under the authority of the undertaker in setting out the lines of, or in constructing, the marine works or authorised development; or
- (b) without reasonable excuse interferes with, moves or removes any pole, stake, station point or bench mark or equipment used in the construction, maintenance or use of the marine works or authorised development,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **Obstruction of officers**

**54.**—(1) Any person who—

- (a) intentionally obstructs an officer of the harbour authority or other person acting in pursuance of this Order or of any enactment relating to the harbour limits;
- (b) without reasonable excuse fails to comply with a requirement properly made by such an officer; or
- (c) without reasonable excuse fails to give such an officer any information or produce any document which he may require for the purpose of performance of his functions,

must be liable on summary conviction of a fine not exceeding level 3 on the standard scale.

(2) Any person who, in giving such information as is mentioned in sub-paragraph (1)(c), makes a statement which he knows to be false, must be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) Nothing in paragraph (1) applies to the harbour master or to any person acting under the authority of the harbour master.

## **Power to dredge**

**55.**—(1) The undertaker may, for the purposes of constructing, maintaining and operating the marine works and of affording access to the marine works by vessels, from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels as lie within the harbour limits and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part 9 of the Merchant Shipping Act 1995<sup>(a)</sup> (salvage and wreck)) from time to time dredged by them.

(2) No such materials may be laid down or deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by the Marine Management Organisation.

## **Abatement of works abandoned or decayed**

**56.**—(1) Where a marine work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the undertaker at its own expense either to repair and restore that work or any part, or to remove that work and restore the site to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work consisting partly of a marine work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable

---

(a) 1995 c. 21. Section 232(2) was amended by section 29(1) of, and paragraph 14 of Schedule 6 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28); section 233 was amended by section 21, and section 240 by section 22, of the 1997 Act.

apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion of it, in any notice under this article.

(3) If the undertaker fails to comply in any respect with a notice served under this article within the period of 30 days beginning with the date of service of the notice, the Secretary of State may take whatever steps the Secretary of State considers appropriate to achieve the result required by the notice; and any expenditure incurred by the Secretary of State in so doing will be recoverable from the undertaker.

### **Survey of marine works**

**57.** If the Secretary of State considers it expedient to do so, the Secretary of State may order a survey and examination of a marine work or of the site on which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination will be recoverable from the undertaker.

### **Lights on marine works etc. during construction**

**58.** The undertaker must at or near—

- (a) any marine work, including any temporary work; or
- (b) any plant, equipment or other obstruction placed, in connection with any authorised development, within the area of seaward construction activity,

during the whole time of the construction, reconstruction, extension, enlargement, replacement or relaying of such work or development, exhibit every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

### **Provision against danger to navigation**

**59.** In case of damage to, or destruction or decay of, a marine work or any part of it, the undertaker must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights, and take such other steps for preventing danger to navigation, as Trinity House may from time to time direct.

### **Permanent lights on marine works**

**60.** After the completion of a marine work the undertaker must, at the outer extremity of it exhibit every night from sunset to sunrise such lights, and take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct.

### **Safety of navigation**

**61.**—(1) No marine works are to be commenced until a scheme to secure safety of navigation has been submitted to and approved by the Marine Management Organisation following appropriate consultation with Trinity House and the Maritime and Coastguard Agency.

(2) The approved scheme must make provision for—

- (a) additional aids to navigation and the reporting by the undertaker of aids to navigation to Trinity House;
- (b) retention of safety vessels; and
- (c) the circumstances where Her Majesty's Coastguard should be notified of any matter.

(3) The marine works are to be carried out in accordance with the approved scheme except to the extent that a variation to the approved scheme is approved by the persons mentioned in paragraph (1).

## **Rights to lease etc.**

**62. A—**(1) The undertaker may at any time lease or grant for the purposes of the harbour undertaking the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour undertaking for such period or periods and on such terms and conditions as may be agreed between the undertaker and the person taking the same.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of the undertaker other than those specified in subparagraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964 (Object for whose achievement harbour revision orders may be made)(a).

(3) A person—

- (a) exercising powers conferred by this Order; or
- (b) carrying out any development under planning permission granted by article 3 (Permitted development) of, and Class B of Part 8 of Schedule 2 (Dock, pier, harbour, water transport, canal or inland navigation undertakings) to, the 2015 Order,

in pursuance of a lease or grant under paragraph (1) (“the lessee or grantee”) is subject to the same restrictions, liabilities and obligations as would apply under this Order or by virtue of any agreement or undertaking by the undertaker if those powers were exercised, or the development carried out, by the undertaker.

(4) The provisions of this Order or of any such agreement or undertaking, as respects any such exercise of powers or carrying out of development by the lessee or grantee, have effect (where the context so permits) as if any reference in those provisions to the undertaker included a reference to the lessee or the grantee, as the case may be.

## **Byelaws**

**63.—**(1) The undertaker may, from time to time, make and enforce byelaws regulating the use and operation of the authorised development or the harbour, the maintenance of order on and about the authorised development or the harbour and the conduct of all persons including employees of the undertaker while on and about the authorised development or the harbour.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

- (a) regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour;
- (b) regulating the admission to, the movement within, and the departure from, the harbour of vessels, or the removal of vessels;
- (c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour;
- (d) regulating the berthing and mooring of vessels within the harbour;
- (e) preventing damage or injury to any goods, vehicles, plant, machinery, property or person within the harbour;
- (f) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in the execution of their duties;
- (g) regulating the placing and maintenance of moorings within the harbour;
- (h) preventing and removing obstructions or impediments within the harbour;
- (i) regulating in the harbour the use of yachts, sailing boats, sailboards, rowing boats, rowing punts, pleasure craft and other small craft;

---

(a) 1964 c.40.

- (j) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in sub-paragraph (i);
  - (k) regulating the launching of vessels within the harbour;
  - (l) prohibiting persons in or entering the harbour, or any part of the harbour, from smoking in open spaces in the harbour;
  - (m) regulating the movement and parking of vehicles within the harbour;
  - (n) regulating the exercise of the powers vested in the harbour master;
  - (o) safety precautions to be observed by persons within the harbour, whether or not on board vessels;
  - (p) the protection and conservation of flora and fauna and other natural features;
  - (q) making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master, and for authorising the harbour master to take such action as may be reasonably required in default of compliance with any such condition, control or direction; regulating the admission and access to the marine works forming part of the authorised development;
  - (r) preventing and removing obstructions or impediments within the authorised development;
  - (s) preventing damage or injury to any goods, vehicles, plant, machinery, property or persons within the authorised development; and
  - (t) preventing nuisances on the authorised development or works.
- (3) Byelaws made under this article may—
- (a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given under them, fines not exceeding level 3 on the standard scale;
  - (b) relate to the whole of the harbour or the authorised development or to any part of the harbour or the authorised development;
  - (c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles.

### **Confirmation of byelaws**

**64.**—(1) Byelaws made by the undertaker under this Order will not come into operation until they have been confirmed by the Secretary of State.

(2) At least one month before an application for confirmation of byelaws is made by the undertaker to the Secretary of State, notice of the intention to apply for confirmation and of the place at which and times during which a copy of the byelaws will be open to inspection must be published as follows—

- (a) once in the London Gazette; and
- (b) once in each of two successive weeks in a local newspaper circulating in the district of East Suffolk Council.

(3) Not later than the first date on which the notice under paragraph (2) is published, the undertaker must send a copy of the notice to the Chief Executive Officer of East Suffolk Council and to the Secretary of State.

(4) During a period of at least one month before application is made for confirmation of the byelaws, a copy of the byelaws must be kept by the undertaker at the office of the harbour master and must at reasonable hours be open to public inspection without payment.

(5) The undertaker must supply a copy of the byelaws or of part of the byelaws to a person who applies for it on payment of a reasonable charge.

(6) During the period of one month after completion of the publication of any notice required by paragraph (2), any person may make in writing to the Secretary of State any objection to or representation respecting the byelaws to which the notice relates.

(7) Subject to paragraph (8), the Secretary of State may confirm the byelaws in the form submitted to the Secretary of State with such modifications as the Secretary of State thinks fit or may refuse to confirm them.

(8) Where the Secretary of State proposes to make a modification that appears to the Secretary of State to be substantial the Secretary of State must inform the undertaker and require it to take any steps the Secretary of State considers necessary for informing persons likely to be concerned with the modification, and the Secretary of State may not confirm the byelaws until such period has elapsed as the Secretary of State thinks reasonable for consideration of, and comment upon, the proposed modification by the undertaker and by other persons who have been informed of it.

(9) A copy of the byelaws when confirmed must be printed and deposited by the undertaker at the office of the harbour master and must at all reasonable hours be open to public inspection without payment, and a copy of the byelaws must on application be furnished to any person on payment of such reasonable sum as the undertaker may determine.

### **General directions to vessels**

**65.**—(1) Subject to paragraph (3), the undertaker may give directions, or revoke or amend directions that it has previously given, for the purpose of—

- (a) designating areas, routes or channels in the harbour and the approaches to the harbour which vessels are to use, or refrain from using, for movement or mooring;
- (b) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master to identify the vessel, its cargo and its likely time of arrival at and departure from the harbour; and
- (c) the protection of property, flora and fauna.

(2) A direction under paragraph (1) may apply—

- (a) to all vessels or to a class of vessels designated in the direction;
- (b) to the whole of the harbour and the approaches and channels leading to the harbour, or to a part designated in the direction; and
- (c) at all times or at certain times or at certain states of the tide designated in the direction,

and every direction given under this article must specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) Before giving a direction, or revoking or amending a direction previously given, under paragraph (1), the undertaker must consult the Royal Yachting Association and the Chamber of Shipping.

### **Publication of general directions**

**66.**—(1) Notice of the giving of a general direction or of any amendment or revocation of a general direction must, except in case of emergency, be published by the undertaker as soon as practicable once in Lloyd's List newspaper or some other newspaper specialising in shipping news; and, if the notice relates to the giving or amendment of a direction, the notice must state a place at which copies of the direction or the amended direction (as the case may be) may be inspected and bought, and the price of the direction or amended direction (as the case may be).

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the undertaker considers appropriate.

### **Special directions to vessels**

**67.**—(1) The harbour master may give a special direction under this article—

- (a) requiring any vessel anywhere within the harbour or the approaches to the harbour to comply with a requirement made in or under a general direction;
- (b) regulating the time at which and the manner in which any vessel must enter into, go out of, or lie in or at the harbour;
- (c) for securing that vessels move only at certain times or during certain periods;
- (d) prohibiting the mooring of vessels in any particular part or parts of the harbour;
- (e) regulating or requiring the movement, mooring or unmooring of a vessel; and
- (f) regulating the manner in which within the harbour a vessel takes in or discharges (from ship to shore or shore to ship) personnel, cargo, fuel, water, ship's stores or ballast in the harbour.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

### **Master's responsibility to be unaffected**

**68.** The giving of a general direction under article 65 (General direction to vessels) or a special direction under article 67 (Special directions to vessels) does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to that vessel, persons on board, its cargo or any other person or property.

### **Failure to comply with directions**

**69.** The master of a vessel who fails without reasonable excuse to comply with a general direction issued under article 65 (General direction to vessels) or a special direction under article 67 (Special directions to vessels) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Enforcement of special directions**

**70.—**(1) Without prejudice to any other remedy available to the undertaker, if a special direction issued under article 67 (Special directions to vessels) is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but the harbour master must not do so unless, after reasonable inquiry has been made, the master of the vessel cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article are recoverable by the undertaker from the owner of the vessel as if they were a charge of the undertaker in respect of the vessel.

### **Boarding of vessels**

**71.—**(1) Any duly authorised officer of the undertaker may, on producing if so required his authority, enter and inspect a vessel in the harbour limits—

- (a) for the purposes of any enactment relating to the harbour authority or of any byelaw relating to the harbour authority or of any direction or byelaw of the harbour authority, including the enforcement thereof; or
- (b) to prevent or extinguish fire,

but, except in an emergency, no entry must be made under this article without notice first having been given to the owner or the person appearing to have charge of the vessel; and the notice must have annexed to it a copy of this article.

## **Charges**

**72.**—(1) The undertaker may levy charges for any services performed by it in the exercise and performance of its statutory powers and duties at the harbour.

(2) The undertaker may confer total or partial exemption from, allow rebates to or make compositions with any person with respect to, charges and may vary or extinguish any such exemption, rebate or composition.

(3) In this article “charges” means any charges other than ship, passenger and goods dues.

## **Use of beach landing facility**

**73.** The undertaker may only use the beach landing facility for the purposes of, or in connection with, the construction, operation, maintenance and decommissioning of the authorised development.

## **Saving for Trinity House**

**74.** Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

## **Deemed marine licence under the 2009 Act**

**75.** The marine licence set out in Schedule 20 is deemed to be granted to the undertaker under Part 4 of the 2009 Act for the licensed marine activities (as defined in section 66 of the 2009 Act) set out in Part 2 of the Schedule, and subject to the conditions set out in Part 3 of the Schedule.

## PART 7

### MISCELLANEOUS AND GENERAL

#### **Removal of human remains**

**76.**—(1) In this article “the specified land” means the land within the Order limits.

(2) Before the undertaker carries out any development or works within the Order limits which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Before any such remains are removed from the specified land the undertaker must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised development; and
- (b) displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the local planning authority.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person’s intention to undertake the removal of the remains.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
- (b) removed to, and cremated in, any crematorium,

and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who must remove the remains and as to the payment of the costs of the application.

(8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
- (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which any such notice relates cannot be identified,

subject to paragraph (10) the undertaker must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks



suitable for the purpose; and, so far as possible, remains from individual graves must be reinterred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

(11) On the re-interment or cremation of any remains under this article—

- (a) a certificate of re-interment or cremation is to be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
- (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the local planning authority mentioned in paragraph (4).

(12) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State.

(13) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.

(14) Section 25 of the Burial Act 1857 (Bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State)(a) does not apply to a removal carried out in accordance with this article.

### **Application of landlord and tenant law**

**77.**—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants is to prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

---

(a) 1857 c.81.

## **Operational land for purposes of the 1990 Act**

**78.** Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (Cases in which land is to be treated as operational land for the purposes of that Act) in respect of—

- (a) the permanent development site; and
- (b) land in respect of which Work No. 1A(n), Work No. 1A(u), Work No. 1B, Work No. 1C and Work No. 1D are authorised.

## **Felling or lopping of trees and removal of hedgerows**

**79.—(1)** The undertaker may fell or lop any tree or shrub near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—

- (a) obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity for that loss or damage.

(3) The undertaker may, for the purposes of the authorised development—

- (a) subject to paragraph (2), remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development; and
- (b) only remove important hedgerows identified in Schedule 21 (Removal of important hedgerows) to the extent shown on the plans identified in Schedule 21.

(4) The power conferred by paragraph (3) removes any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997<sup>(a)</sup> in undertaking works pursuant to subparagraph 3(a) or (b).

(5) Nothing in this article authorises any works to any tree subject to a tree preservation order.

(6) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.

(7) In this article “hedgerow” and “important hedgerow” have the meaning given in the Hedgerow Regulations 1997.

## **Certification of plans, etc.**

**80.—(1)** The undertaker must, as soon as practicable after the date on which this Order is made, submit to the Secretary of State copies of the documents and plans identified in Schedule 22 (Certified Documents) of this Order for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document identified in Schedule 22 so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(3) Where a plan or document certified under paragraph (1)-

- (a) refers to a provision of this Order (including any specified requirement) when it was in draft form; and
- (b) identifies the provision by number or combination of numbers and letters, which is different from the number or combination of numbers or letters by which the corresponding provision of this Order is identified in the Order as made;

---

(a) S.I. 1997/1160, amended by section 73(2) of the Countryside and Rights of Way Act 2000 (c.37) S.I. 2003/2155, S.I. 2006/1177, S.I. 2009/1307, S.I. 2013/755 and S.I. 2015/377.

the reference in the plan or document concerned must be construed for the purposes of this Order as referring to the provisions (if any) corresponding to that provision in the Order as made.

### **Service of notices**

**81.—**(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (6) to (9), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978<sup>(a)</sup> (references to service by post) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having an interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner” or, as the case may be, “occupier” of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Paragraphs (6) to (9) apply where a person (“A”) is required or authorised to serve or send a notice or other document for the purposes of this Order on or to another person (“B”).

(6) A may serve or sending the notice or other document by electronic transmission if—

- (a) B has sent A notice that B agrees to receive that notice or document (or notices and documents of a description including that notice or document) by electronic transmission;
- (b) B has not subsequently withdrawn that agreement in accordance with paragraph (8); and
- (c) A complies with any conditions as to addressing or mode of transmission that B has specified in agreeing to receive notices or other documents by electronic transmission.

(7) If B notifies A within 7 days of receiving a notice or other document by electronic transmission that B requires a paper copy of all or any part of the notice or other document, A must provide B with such a copy as soon as reasonably practicable.

(8) B may withdraw agreement to receive a notice or document (or notices or documents of a specified description) by electronic transmission by sending a notice to that effect to A.

(9) Notice under paragraph (8) is final and takes effect on a date specified by B in the notice but that date must not be less than 7 days after the date on which the notice is given.

(10) This article does not exclude the employment of any method of service not expressly provided for by it.

(11) In this article “electronic transmission” means a communication transmitted—

---

(a) 1978 c. 30. There are amendments to this Act which are not relevant to this Order.

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form.

### **Arbitration**

**82.**—(1) Any difference under any provision of this Order, unless otherwise provided for in this Order or unless otherwise agreed between the parties, is to be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

(2) Where the referral to arbitration under paragraph (1) relates to a difference with the Secretary of State, in the event the parties cannot agree upon a single arbitrator within the specified time period stipulated in paragraph (1), either party may refer the matter to the Centre of Effective Dispute Resolution for appointment of an arbitrator.

(3) Should the Secretary of State fail to make an appointment under paragraph (1) within 10 working days of a referral, the referring party may refer to the Centre for Effective Dispute Resolution for appointment of an arbitrator.

(4) This article must not apply to the provisions of the 1847 Act incorporated in this Order by article 46 (Incorporation of the 1847 Act) or to Trinity House in the exercise of its statutory functions.

(5) This article is without prejudice to article 74 (Saving for Trinity House).

### **Procedure in relation to certain approvals etc.**

**83.**—(1) Schedule 23 (Procedure for approvals, consents and appeals) is to have effect in relation to all consents, agreement or approvals granted, refused or withheld in relation to the requirements unless otherwise agreed between the undertaker and the discharging authority.

(2) The procedure set out in paragraph (1) relating to the appeal process of Schedule 23 has effect in relation to any other consent, agreement or approval required under this Order (including the requirements in Schedule 2 of this Order) where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

### **Application, exclusion and modification of legislative provisions**

**84.** Schedule 24 (Miscellaneous controls) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect.

### **Crown rights**

**85.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any lessee or licensee—

- (a) to enter upon, use and carry out the authorised development on or in any manner which interferes with any land or rights of any description—
  - (i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
  - (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the Government Department having the management of that land; or
  - (iii) belonging to a Government Department or held in trust for Her Majesty for the purposes of a Government Department without the consent in writing of that Government Department; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held

otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and will be deemed to have been given in writing where it is sent electronically.

**Marine enforcement authority**

**86.** For the purposes of section 173 of the 2008 Act, the Marine Management Organisation will be the relevant local planning authority in respect of land seaward of the mean low water springs.

Signatory text

*Name*

Address

Date

## SCHEDULE 1

Article 3

### Authorised Development

Sizewell C DCO Project:

*In the District of East Suffolk Council and the County of Suffolk*

A nationally significant infrastructure project as defined in sections 14 (Nationally significant infrastructure projects: general) and 15(2) (Generating stations) of the 2008 Act and associated development within the meaning of section 115(2) of the 2008 Act comprising the following development and works:

### PART 1

#### NUMBERED WORKS

*Main development site: operational infrastructure and Sizewell B relocation works*

#### **Work No. 1A**

An electricity generating station with an expected net electrical output of approximately 3,340MW power generated by two nuclear reactor units, to include—

- (a) buildings, structures and plant within the ‘nuclear islands’ for Units 1 and 2, including—
  - (i) two reactor buildings;
  - (ii) two fuel buildings;
  - (iii) two fuel building halls;
  - (iv) two boron storage buildings;
  - (v) eight safeguard buildings;
  - (vi) two nuclear auxiliary buildings;
  - (vii) two nuclear auxiliary building stacks;
  - (viii) two access towers;
  - (ix) radioactive waste storage building;
  - (x) radioactive waste process building;
  - (xi) radioactive waste treatment building;
  - (xii) hot laundry building;
  - (xiii) hot workshop, hot warehouse, facilities for decontamination;
  - (xiv) effluent tanks and refuelling water tanks;
  - (xv) four emergency diesel generator buildings and associated stacks; and
  - (xvi) four cooling water discharge weir buildings;
- (b) buildings, structures and plant within the ‘conventional islands’ for Units 1 and 2, including—
  - (i) two turbine halls;
  - (ii) two sky bridges;
  - (iii) two conventional island electrical buildings;
  - (iv) two gas insulated switchgear buildings;
  - (v) two main transformer platforms;

- (vi) four unit transformer platforms;
- (vii) two auxiliary transformer platforms;
- (viii) six monopoles;
- (c) operational service centre;
- (d) four electricity transmission towers / pylons inside the powers station's security fence and associated transmission infrastructure;
- (e) buildings, structures and plant within the 'cooling water pumphouse and associated buildings' for Units 1 and 2, including—
  - (i) two cooling water pumphouses;
  - (ii) two forebays;
  - (iii) two outfall pond buildings;
  - (iv) two filtering debris recovery pits; and
  - (v) two firefighting water distribution buildings;
- (f) intermediate level waste store, including structures and plant;
- (g) interim spent fuel store, including associated structures and plant;
- (h) buildings, structures and plant within the 'ancillary structures', including (but not limited to)—
  - (i) main access control building;
  - (ii) auxiliary administration building;
  - (iii) secondary access control building;
  - (iv) emergency response centre;
  - (v) emergency response energy centre;
  - (vi) meteorological station;
  - (vii) demineralisation station;
  - (viii) valve room for the demineralisation station;
  - (ix) auxiliary boilers;
  - (x) hydrogen storage;
  - (xi) oxygen storage;
  - (xii) hydrazine storage;
  - (xiii) chlorination plant;
  - (xiv) service ventilation building;
  - (xv) raw water & potable water storage/supply building;
  - (xvi) degassed water storage tanks;
  - (xvii) cooling water discharge shaft;
  - (xviii) chemical products storage;
  - (xix) garage for handling materials;
  - (xx) oil & grease storage;
  - (xxi) contaminated tools store;
  - (xxii) warehouse;
  - (xxiii) sewage treatment plant;
  - (xxiv) conventional island water tanks;
  - (xxv) nuclear island water tank;
  - (xxvi) conventional waste storage;
  - (xxvii) transit area for very low and low level waste;

- (xxviii) service access buildings;
- (xxix) battery load banks; and
- (xxx) interim spent fuel store equipment storage building;
- (i) emergency equipment store, associated structures, back-up power generator and other plant;
- (j) 132kV substation and associated compound, associated structures and plant;
- (k) off-site delivery check point, associated buildings, structures and plant;
- (l) permanent vehicular and pedestrian causeway over Sizewell Marshes SSSI, preceded by a temporary crossing, including associated structures and plant.
- (m) Beach landing facility, including associated structures and plant;
- (n) soft coastal defence feature;
- (o) hard coastal defence feature;
- (p) buildings, structures and plant, including a new National Grid substation building, alterations to the existing National Grid substation building and associated diversion of overhead lines;
- (q) one electricity transmission tower /pylon outside the power station's security fence, and associated transmission infrastructure including overhead line conductors;
- (r) Approximately 1,370 permanent parking spaces;
- (s) removal of an existing transmission tower / pylon and associated transmission infrastructure;
- (t) realignment of Sizewell Drain and associated works;
- (u) perimeter below-ground cut off-wall, including associated dewatering of the contained area;
- (v) combined drainage outfall tunnel (continuing as Work No. 2K);
- (w) temporary and permanent access roads;
- (x) Approximately 1,000 temporary parking spaces;
- (y) Temporary freight management facility, approximately 80 HGV parking spaces and associated infrastructure;
- (z) Temporary park and ride facility, approximately 600 associated car parking spaces, approximately 20 bus spaces, a terminal area and associated infrastructure; and
- (aa) temporary water resource storage area, associated structures and plant;

The location of the above works is shown on sheet nos 1-5 and 7-8 of the Works Plans.

#### **Work No. 1B**

New four arm roundabout and site access points from the B1122 Abbey Road.

The location of the above works is shown on sheet nos 1 and 8 of the Works Plans.

#### **Work No. 1C**

Works associated with Lover's Lane, to include—

- (bb) realignment of the junction of the B1122 Abbey Road and Lover's Lane; and
- (cc) realignment of Lover's Lane.

The location of the above works is shown on sheet nos 3, 7 and 8 of the Works Plans.

#### **Work No. 1D**

Works associated with the relocation of certain Sizewell B power station facilities, to include—



- (dd) outage store building;
- (ee) outage laydown area;
- (ff) training centre;
- (gg) up to 688 operational car parking spaces and access roads;
- (hh) outage car parking;
- (ii) visitor centre;
- (jj) administrative buildings;
- (kk) office, canteen and welfare facilities; and
- (ll) outage car park access roads;

The location of the above works is shown on sheet nos 2, 4 and 5 of the Works Plans.

*Main development site: cooling water infrastructure and drainage outfall*

#### **Work No. 2A**

A cooling water intake tunnel for seawater extraction, commencing at Work No. 1A and terminating at Work No. 2B, including earthworks and tunnelling.

#### **Work No. 2B**

Two intake heads and vertical shafts for seawater extraction including excavation and capital dredging works.

#### **Work No. 2C**

A second cooling water intake tunnel for seawater extraction commencing at Work No. 1A, and terminating at Work No. 2D, including earthworks and tunnelling

#### **Work No. 2D**

Two intake heads and vertical shafts for seawater extraction, including excavation and capital dredging works.

#### **Work No. 2E**

A cooling water outfall tunnel for seawater return, commencing at Work No. 1A and terminating at Work No. 2F, including earthworks and tunnelling.

#### **Work No. 2F**

Two outfall heads and vertical shafts for seawater return including excavation and capital dredging works.

#### **Work No. 2G**

A fish return tunnel, commencing at Work No. 1A and terminating at Work No. 2H, including earthworks and tunnelling.

#### **Work No. 2H**

A fish return outfall head and vertical shaft, including excavation and capital dredging works.

**Work No. 2I**

A second fish return tunnel, commencing at Work No. 1A and terminating at Work No. 2J, including earthworks and tunnelling.

**Work No. 2J**

A second fish return outfall head and vertical shaft including excavation and capital dredging works.

**Work No. 2K**

A combined drainage outfall tunnel, commencing at Work No. 1A and terminating at Work No. 2L, including earthworks and tunnelling.

**Work No. 2L**

A combined drainage outfall head and vertical shaft , including excavation and capital dredging works.

The location of the above works is shown on sheet nos 2,4,5 and 6 of the Works Plans.

*Main development site: accommodation campus*

**Work No. 3**

A temporary accommodation campus, to include—

- (a) accommodation buildings, including up to 2,400 bed spaces, structures and plant;
- (b) multi-storey parking area to provide up to 1,300 vehicle parking spaces approximately 60 blue badge parking spaces, drop off areas, associated structures and plant;
- (c) buildings, structures and plant including—
  - (i) welfare, administration and amenity buildings;
  - (ii) surface vehicle parking area to provide up to 300 parking spaces;
  - (iii) motorcycle and cycle parking spaces;
  - (iv) bus stops and associated infrastructure;
  - (v) campus servicing area; and
  - (vi) combined heat and power plant; and
- (d) demolition/removal of any temporary structures and landscape works.

The location of the above works is shown on sheet nos 1 and 8 of the Works Plans.

*Main development site: rail infrastructure*

**Work No. 4A**

Works associated with the construction of Work No. 4B(a) (green rail route), to include—

- (a) formation of new railway embankments, cuttings and all necessary earthworks (including removal of topsoil and subsoil) and associated rail infrastructure;
- (b) formation of trenches and installation of utilities; drainage works including swale forming part of the sustainable drainage system;
- (c) temporary realignment of Buckleswood Road;
- (d) construction of a temporary automated level crossing on Buckleswood Road and associated road modifications;

- (e) construction of temporary automated level crossing on B1122 Abbey Road and associated road modifications;
- (f) landscaping including the provision of landscape bunds, grassed areas and other areas of proposed planting;
- (g) demolition/removal of any temporary structures and landscape works.

#### **Work No. 4B**

Temporary rail infrastructure ('green rail route') and associated structures and plant to include—

- (a) a single track railway line (4.5km in length) commencing at a new junction with the existing Saxmundham to Leiston branch line at a point 500 metres east of Saxmundham Road level crossing and 230 metres south of Buckle's Wood, passing southwest to northeast and terminating within the main development site (Work No. 1A);
- (b) sidings, vehicle inspection buildings, security footbridge and material handling areas; and
- (c) demolition/removal of any temporary structures and landscape works.

The location of the above works is shown on sheet nos 1,2,3,7 and 8 of the Works Plans.

#### **Work No. 4C**

Works to the Saxmundham to Leiston branch line, to include—

- (a) upgrades to the existing junction of the Saxmundham to Leiston branch line and the East Suffolk line including the provision of an additional crossover;
- (b) track replacement; and
- (c) upgrades to up to nine existing level crossings at Bratts Black House, Snowdens, Buckle's Wood, Summerhill, Knodishall, West House, Saxmundham Road, Leiston, and Sizewell.

The location of the above works is shown on sheet nos. 3,7,9 and 10 of the Works Plans.

#### **Work No. 4D**

Temporary rail spur off the Saxmundham to Leiston branch line and associated structures and plant, to provide a rail siding in land east of Eastlands Industrial Estate, to include—

- (a) earthworks, including embankments, cuttings and retaining structures;
- (b) railway tracks, sidings, vehicle inspection buildings and material handling areas; and
- (c) demolition/removal of any temporary structures and landscape works.

The location of the above works is shown on sheet nos. 3 and 10 of the Works Plans.

### *Sports facilities*

#### **Work No. 5**

Landscape works including open space, sports facilities and associated structures and plant.

The location of the above works is shown on sheet no. 11 of the Works Plans.

### *Fen meadows and marsh harrier habitat*

#### **Work No. 6**

(Fen meadow habitat, Haleworth): Landscape and ecological works including earthworks, drainage and associated water control structures.

The location of the above works is shown at sheet no. 12 of the Works Plans.

#### **Work No. 7**

(Fen meadow habitat, Benhall): Landscape and ecological works including earthworks, drainage and associated water control structures.

The location of the above works is shown at sheet no. 13 of the Works Plans.

#### **[Work No. 8]**

[(Marsh harrier habitat, Westleton): Landscape and ecological works including earthworks, drainage and associated water control structures.

The location of the above works is shown at sheet no. 14 of the Works Plans.]

#### *Northern park and ride*

#### **Work No. 9**

The location of the below works is shown on sheet no. 15 of the Works Plans.

- (a) A temporary park and ride facility, to include—
  - (i) earthworks including ground levelling, creation of spoil bunds and temporary stockpiling; utilities trenches; surface water drainage system including infiltration basins and swales; foul water drainage system;
  - (ii) internal access roads;
  - (iii) landscape works; including the provision of ecological habitat, hardstanding, and vehicle, motorcycle and bicycle parking areas;
  - (iv) bus terminus area, bus stops and shelters and associated structures;
  - (v) buildings including amenity / welfare, administration, security, and associated structures and plant;
  - (vi) CCTV poles and mountings, lighting poles and fittings;
  - (vii) perimeter and internal fencing, signage, secured entrance gates, barriers and ecological fencing; and
  - (viii) demolition / removal of any temporary structures and landscape works and restoration works.
- (b) Highway works including a roundabout, realignment of a section of the A12 and Willow Marsh Lane; realignment of private access track; revised kerbs, road markings, new highway signage, footways and paved areas; and site reinstatement, including landscaping and reinstatement of the existing A12 alignment following cessation of operational use.

#### *Southern park and ride*

#### **Work No. 10**

The location of the below works is shown on sheet no. 16 of the Works Plans.

- (a) A temporary park and ride facility, to include—
  - (i) earthworks including ground levelling, creation of spoil bunds and temporary stockpiling; utilities trenches; surface water drainage system including pumping station and infiltration basins, swales and underground attenuation; foul water drainage system;
  - (ii) internal access routes;

- (iii) landscape works; including the provision of ecological habitat, hardstanding, and vehicle, motorcycle and bicycle parking areas;
  - (iv) bus terminus area, bus stops and shelters and associated structures;
  - (v) buildings including amenity / welfare, administration, security, and associated structures and plant;
  - (vi) CCTV poles and mountings, lighting poles and fittings;
  - (vii) perimeter and internal fencing, signage, secured entrance gates, barriers and ecological fencing; and
  - (viii) demolition / removal of any temporary structures and landscape works and restoration works.
- (b) Highway works, including revised kerbs, road markings, new highways signage, to the B1078, the northbound slip road between B1078 and the A12, and the A12 northbound carriageway.

*Two village bypass*

**Work No. 11A**

Works associated with the construction of Work No. 11B and Work No. 11C, to include—

- (a) site preparation works including construction hoardings, perimeter enclosure, ecological fencing and security, construction related buildings, structures, plant, machinery and construction lighting;
- (b) earthworks including creation of acoustic bunds, utilities trenches, surface water drainage system including balancing ponds and landscape works, including ecological works;
- (c) access roads, tracks and hardstanding;
- (d) construction of bridges and civil structures;
- (e) highway works including kerbs, footways and paved areas;
- (f) traffic signal poles and fittings;
- (g) lighting poles and fittings; and
- (h) perimeter fencing, ecological fencing, animal corrals, signage, gates and barriers.

**Work No. 11B**

A bypass of Farnham and Stratford St Andrew, to include—

- (a) a road (2.4km in length) commencing at a new four-arm roundabout to the east of Parkgate Farm and Stratford Plantation and terminating at a new four-arm roundabout to replace the existing junction of the A12 with the A1094 (Friday Street), and including a bridge crossing of the River Alde;
- (b) associated realignments and tie-ins of existing roads bi-sected by the bypass and other existing roads adjoining the bypass; and
- (c) new and altered private means of access.

**Work No. 11C**

A footbridge over the bypass (Work No. 11B(a)) 150m east of Farnham Hall.

The location of the above works is shown on sheet nos 17 and 18 of the Works Plans.

### *Sizewell link road*

#### **Work No. 12A**

Works associated with the construction of Work No. 12B, Work No. 12C and Work No. 12D, to include—

- (a) site preparation works including construction hoardings, perimeter enclosure, ecological fencing and security, construction related buildings, structures, plant, machinery and construction lighting;
- (b) earthworks including creation of acoustic bunds, utilities trenches, surface water drainage system including flood relief basins and landscape works, including ecological works;
- (c) access roads, tracks and hardstanding;
- (d) construction of bridges and civil structures;
- (e) highway works including kerbs, footways and paved areas;
- (f) traffic signal poles and fittings;
- (g) lighting poles and fittings; and
- (h) perimeter fencing, ecological fencing, animal corrals, signage, gates and barriers.

#### **Work No. 12B**

A bypass of Middleton Moor and Theberton, to include—

- (a) a road (6.8km in length) commencing at a new three-arm roundabout located 180m north of The Red House Farm and terminating at a new three arm roundabout on the B1122 (west of the main development site), and including a bridge over the East Suffolk line;
- (b) associated realignments and tie-ins of existing roads bi-sected by the bypass and other existing roads adjoining the bypass; and
- (c) new and altered private means of access.

#### **Work No. 12C**

A footbridge over Work No. 12B(a), connecting to Pretty Road on either side.

#### **Work No. 12D**

The location of the below works is shown on sheet nos 18, 19, 20, 21 and 22 of the Works Plans.

- (a) A junction to Moat Road to maintain access to properties including Theberton Grange and Moat House; and
- (b) Realignment of the road to Theberton Grange for 300m to join George Road.

### *Freight management facility*

#### **Work No. 13**

A temporary freight management facility, to include—

- (a) earthworks including ground levelling, creation of spoil bunds and temporary stockpiling; utilities trenches; surface water drainage system including infiltration system, swales and underground attenuation areas; foul water drainage system;
- (b) internal access routes;
- (c) landscape works; including the provision of ecological habitat, hardstanding, and vehicle, motorcycle and bicycle parking areas;
- (d) amenity, welfare and security buildings, associated structures and plant;

- (e) demolition / removal and site reinstatement including landscaping following cessation of operational use;
- (f) Highway works to Felixstowe Road to include widening of the highway and temporary site access.

The location of the above works is shown on sheet no. 23 of the Works Plans.

*Yoxford roundabout and other highway improvement works*

**Work No. 14A (Yoxford roundabout)**

Work associated with the construction of Work No. 14B, to include—

- (a) earthworks including creation of landscape planting, utilities trenches and surface water drainage system;
- (b) access roads and hardstanding; and
- (c) kerbs, footways and paved areas.

The location of the above works is shown on sheet no. 24 of the Works Plans.

**Work No. 14B**

(Yoxford roundabout): Carriageway widening and surface treatment to create a new three arm roundabout with realignment of the existing A12 and B1122 and removal of the existing A12 and B1122 ghost island junction, the location of which is shown on sheet no. 24 of the Works Plans.

**Work No. 15**

(A12/B1119 junction at Saxmundham): Improvements to the A12 and B1119 junction to include maintenance of vegetation along the highway boundary, alteration of the B1119 at the junction with the A12 and provision of additional or alterations to existing signage and road markings, the location of which is shown on sheet no. 25 of the Works Plans.

**Work No. 16**

(A1094/B1069 junction south of Knodishall): Improvements to the A1094 and B1069 junction to include maintenance of vegetation along the highway boundary and provision of additional or alterations to existing signage and road markings, the location of which is shown on sheet no. 26 of the Works Plans.

**Work No. 17**

(A12/A144 junction south of Bramfield): Improvements to the A12 and A144 junction to include provision of central reservation island and waiting area on the A12, widening of the A12, provision of pedestrian walkways and dropped kerbs and provision of a verge, the location of which is shown on sheet no. 27 of the Works Plans.

## PART 2

### OTHER ASSOCIATED DEVELOPMENT

And in connection with Work No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, to the extent that they do not otherwise form part of any such work, the following further works in connection with the construction, operation and maintenance of the authorised development within the Order limits, being associated development within the meaning of section 115(2) of the 2008 Act (Development for which development consent may be granted)—

- (a) earthworks and excavations (including tunnelling, soil stripping and storage, site levelling, vegetation clearance, spoil screening / storage for re-use on site and remediation); provision of spoil retaining structures, bunds and ground terracing to formation levels; and site ground preparation works including land remediation, vegetation clearance and groundwater de-watering;
- (b) provision, protection, diversion and relocation of surface drainage systems (including swales, ditches, culverts, outfalls, ponds, basins and water treatment and pumping); foul water drainage systems (including pipework, sewage treatment plant, pumps and outfalls); utilities, including electricity, telecommunications, water and power supplies (including substations, switchgear and transformers); cables, pipes, shafts, trenches tunnels and associated access points; and associated protective works for such infrastructure (including footbridges, barriers and grates);
- (c) construction and provision of building compounds, external building plant and equipment, stacks and chimneys, access structures (including ladders, stairs and platforms) aerials and communication plant and equipment;
- (d) works to create temporary or permanent landscaping (including temporary or permanent mounds); drainage and flood compensation (including flood attenuation works); finished ground levels; means of enclosure; and reinstatement/replacement of, or construction of, boundary walls and security fences (including gates and retaining walls);
- (e) establishment of temporary construction areas and compounds at each Works site to include, as necessary—
  - (i) demolition and site clearance (including of existing buildings, vegetation, walls, fences, planters, breaking of hardstanding and other above and below ground structures);
  - (ii) site hoardings (including perimeter enclosures and security fencing) and provision of construction and traffic signage and notices;
  - (iii) temporary vehicle parking;
  - (iv) formation of construction vehicle access routes and provision of temporary gated or other site access routes and other works to streets;
  - (v) construction-related buildings, structures, facilities (including storage and manufacturing warehouse and temporary structures), plant, equipment, cranes, machinery (including concrete batching, concrete silos and construction bridges) and temporary bridges and access routes (including internal haulage routes); and
  - (vi) provision of construction services and utilities, including electricity, telecommunications, water and power supplies (including substations) including means of enclosure, and construction lighting;
- (f) provision of permanent and temporary hard-standing areas; welfare/office accommodation, workshops and stores; secure entrances; structures and plant; site access points; security kiosks and buildings, perimeter and internal fencing; gates, barriers and bollards; vehicle and bicycle parking areas; vehicular and pedestrian access routes and internal roads; storage and handling areas; signage; CCTV poles and mountings; lighting poles and fittings; facilities and equipment for processing of excavated and construction materials; treatment enclosures; and any other temporary and permanent works required;
- (g) in connection with the marine works, dredging and the provision of buoys, beacons, fenders and other navigational warning or ship impact protection works;
- (h) new footpaths; walls and fencing; and planting;
- (i) amenity buildings; parking areas; associated structures and plant; and associated post-operation phase work;
- (j) perimeter and internal fencing (including ecological fencing where necessary); pedestrian connections; and signage; secured entrances, gates and barriers;
- (k) The following works relating to highways streets and rights of way—



- (i) alteration of layout of a street including widening the carriageway of a street, altering the level of any kerb footway, cycleway or verge within a street and surface treatments;
- (ii) relocation and provision of street lighting;
- (iii) works to place, alter, remove or maintain street furniture, transport infrastructure and apparatus, including the provision of temporary bus lay-bys;
- (iv) relocation and provision of road traffic signs and markings; and
- (v) diversions or modifications (both temporary and permanent) of existing vehicle and pedestrian access routes (including footpaths and cycleways) and subsequent reinstatement of existing routes, and works to create permissive rights of way;
- (l) The following works relating to rail infrastructure –
  - (i) ramps and means of access;
  - (ii) traffic signs, traffic signals and road markings; and
  - (iii) lighting, electrical equipment and signalling works;
- (m) works to trees, hedges and shrubs;
- (n) habitat creation and management;
- (o) permanent and temporary works for the benefit or protection of land or structures affected by the authorised development (including diversion or provision of utilities apparatus, private means of access and protective, survey and monitoring works to land, buildings and other structures); and
- (p) such other works as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects from those assessed as set out in the environmental information, except that this paragraph will not apply to Work Nos. 3, 4A, 4B, 4D, 9, 10 or 13 once the decommissioning or restoration of those Works has commenced.

## SCHEDULE 2

### Requirements

#### Interpretation

1.—(1) Where, under any of the requirements, the approval or agreement of the discharging authority or another person is required—

- (a) the matter which requires approval or agreement must be submitted in writing for such approval or agreement; and
- (b) the approval or agreement must be given in writing.

(2) Where any requirement—

- (a) refers to a scheme, drawing, document or plan, that scheme, document or plan will be taken to be the version certified by the Secretary of State under article 76 (Certification of plans, etc.) of this Order or to any subsequent version of that scheme, drawing, document or plan approved by the discharging authority under a requirement; or
- (b) provides that the authorised development is to be carried out in accordance with details, or a scheme, plan or other document approved by the discharging authority, the approved details, scheme, plan or other document must be taken to include any amendments or revisions subsequently approved by the discharging authority.

(3) Where an approval of details or other document is required under the terms of any requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.

(4) Where any requirement identifies a parameter for a building or structure, that parameter identifies the envelope for that building or structure and does not include any external projections including telecommunications infrastructure (including aerials and satellites), access structures and safety measures (including ladders and handrails), mechanical plant, utilities infrastructure (including solar panels), minor architectural features (including gutters and lighting), external surface level areas, and associated compounds and storage areas.

(5) Unless otherwise provided in this Order, where a requirement relates to a specific site or Work and it specifies “commencement of development”, it refers to the commencement of development on that site or in relation to that Work only.

(6) For the purposes of discharging requirements in phases, the undertaker may—

- (a) submit a plan or plans to the discharging authority identifying a part or parts of any of the sites to which each phase or design relates; or
- (b) submit notices to the discharging authority in respect of individual or combined work packages.

<i>No.</i>	<i>Requirement</i>
1	<b><u>Project wide: Time limits</u></b>

The authorised development must commence within 5 years of the date on which this Order is made.

2      **Project wide: Code of Construction Practice**

The construction and removal and reinstatement of the authorised development must be carried out in general accordance with the Code of Construction Practice, unless otherwise agreed by the local planning authority.

3      **Project wide: Archaeology**

(1) The construction and the removal and reinstatement of the authorised development must comply with the Overarching Archaeological Written Scheme of Investigation, unless otherwise agreed by the local planning authority.

(2) The construction of Work No.1A (a) to (h) (main platform) must be undertaken in accordance with the Peat Strategy, unless otherwise agreed by the local planning authority.

4      **Project wide: Terrestrial ecology monitoring plan**

(1) No development must commence in respect of Work Nos. 1A (main development site), 3 (accommodation campus), 4 (rail), 9 (northern park and ride) and 10 (southern park and ride) until a terrestrial ecology monitoring plan for that work reflecting the monitoring included in the Environmental Statement has been submitted to and approved by the local planning authority.

(2) The terrestrial ecological monitoring plan must include an implementation timetable and must be carried out as approved.

5      **Project wide: Surface and foul water drainage**

(1) No part of the authorised development may be commenced until details of the surface and foul water drainage system for that part (including management and maintenance arrangements, means of pollution control, sewage treatment works and a programme of construction and implementation) have been submitted to and approved by the local planning authority, following consultation with the Environment Agency, Natural England and the drainage authority.

(2) The surface and foul water drainage proposals must be based on sustainable drainage principles and must be in accordance with the Drainage Strategy.

(3) Any approved surface and foul water drainage system must be constructed and maintained in accordance with the approved details.

6      **Main development site: Site clearance**

(1) Site clearance must be undertaken in general accordance with the following drawings:

- (i) Main Development Site Clearance Plan – Key Plan – Sheet 1 (SZC-SZ0701-XX-000-DRW-100134 Rev 01);
- (ii) Main Development Site Clearance Plan – Sheet 2 (SZC-SZ0701-XX-000-(iii) DRW-100152 Rev 01);
- (iv) Main Development Site Clearance Plan – Sheet 3 (SZC-SZ0701-XX-000-DRW-100153 Rev 01);
- (v) Main Development Site Clearance Plan – Sheet 4 (SZC-SZ0701-XX-000-DRW-100154 Rev 01); and
- (vi) Main Development Site Clearance Plan – Sheet 5 (SZC-SZ0701-XX-000-DRW-

100155 Rev 01)

save to the extent that alternative plans or details are submitted to and approved by the local planning authority.

(2) Any alternative plans or details referred to in paragraph (1) must be in accordance with the measures set out in the Code of Construction Practice.

7 **Main development site: Water management**

(1) Work No. 1A must not be commenced, including dewatering, until a scheme for the management and monitoring of groundwater levels and quality, including a water levels management plan for the adjacent Sites of Special Scientific Interest, has, following consultation with the Environment Agency, been submitted to and approved by the local planning authority.

(2) Details of the groundwater monitoring scheme may be revised from time to time, subject to the approval of the local planning authority, following consultation with the Environment Agency.

(3) The groundwater monitoring scheme must be implemented in accordance with the approved scheme.

8 **Main development site: Temporary construction-related development**

Temporary buildings, structures, plant, equipment, uses, haul roads, construction hoardings and means of enclosure required in connection with construction works carried out as part of Work No.1 must be built and used in general accordance with the Construction Method Statement and:

- (i) Main Development Site Construction Parameter Plan – Key Plan – Sheet 1 (SZC-SZ0100-XX-100-DRW-100046);
  - (ii) Main Development Site Construction Parameter Plan –Sheet 2 (SZC-SZ0100-XX-100-DRW-100092);
  - (iii) Main Development Site Construction Parameter Plan –Sheet 3 (SZC-SZ0100-XX-100-DRW-100093);
  - (iv) Main Development Site Construction Parameter Plan –Sheet 4 (SZC-SZ0100-XX-100-DRW-100094); and
  - (v) Main Development Site Construction Parameter Plan –Sheet 5 (SZC-SZ0100-XX-100-DRW-100095)
- unless otherwise agreed by the local planning authority.

9 **Main development site: Construction lighting**

External lighting at the main development site must be installed, operated and maintained throughout the construction of Work No.1 in general accordance with the controls and limits set out in section 1.3 of the Lighting Management Plan, save to the extent that alternative details are submitted to and approved by the local planning authority.

10 **Main development site: Outage car park**

A scheme of security measures to regulate vehicular access to Work 1D(e) (outage car park) when not in use is to be submitted to and approved by the local planning authority and the approved security measures are to be in place and available for use prior to vehicular access to the outage car park being enabled.

11 **Main development site: Approved buildings, structures and plant**

(1) Work Nos. 1A (a) to (e) and Work No. 1D (a) to (e) (Sizewell B relocated facilities must be carried out in accordance with the relevant plans set out in Schedule 7 (Approved Plans) and the detailed design principles set out in chapter 5 of the Main Development Site Design and Access Statement, save to the extent that alternative plans or details relating to their siting, scale or appearance are submitted to and approved by the local planning authority pursuant to paragraph (2).

(2) Any alternative plans or details referred to in paragraph (1) must be in general accordance with the detailed design principles set out in chapter 5 of the Main Development Site Design and Access Statement and in accordance with:

- (i) Main Development Site Operational Siting and Height Parameters; and
- (ii) the following Parameter Plans:
  - (a) Main Development Site Operational Parameter Plan - Operational Platform (SZC-SZ0100-XX-100-DRW-100043); and
  - (b) Main Development Site Operational Parameter Plan - SZB Relocated Facilities and National Grid Land (SZC-SZ0100-XX-100-DRW-100048).

12 **Main development site: Reserved matters**

(1) Construction of Work No. 1A (f) to (g) and Work No. 1D (f), must not commence until details of the layout, scale and external appearance of those buildings have been submitted to and approved by the local planning authority.

(2) The details referred to in paragraph (1) must be in general accordance with the detailed design principles set out in chapter 5 of the Main Development Site Design and Access Statement and in accordance with:

- (i) Main Development Site Operational Siting and Height Parameters; and
- (ii) the following Parameter Plans:
  - (a) Main Development Site Operational Parameter Plan - Operational Platform (SZC-SZ0100-XX-100-DRW-100043); and
  - (b) Main Development Site Operational Parameter Plan - SZB Relocated Facilities and National Grid Land (SZC-SZ0100-XX-100-DRW-100048).

13 **Main development site: Ancillary structures, other buildings and plant**

(1) Work No. 1A (h) to (r) and Work No. 1D (g) to (i) must be carried out in general accordance with the detailed design principles set out in chapter 5 of the Main Development Site Design and Access Statement and in accordance with the following Parameter Plans:

- (i) Main Development Site Operational Parameter Plan - Operational Platform (SZC-SZ0100-XX-100-DRW-100043);
- (ii) Main Development Site Operational Parameter Plan - Upper Abbey Farm and surrounding area (SZC-SZ0100-XX-100-DRW-100047); and
- (iii) Main Development Site Operational Parameter Plan - SZB Relocated Facilities and National Grid Land (SZC-SZ0100-XX-100-DRW-100048).

14 **Main development site: Landscape works**

(1) No landscape works within the limits of Work No.1A as shown on the Works Plans may be commenced until a landscape scheme for the permanent development site has been submitted to and approved by the local planning authority. The landscape scheme

must be developed in general accordance with the detailed design principles set out in chapter 5 and chapter 8 of the Main Development Site Design and Access Statement, and must include details of proposed landscape works, including—

- (i) soft landscape details;
- (ii) hard surfacing materials;
- (iii) proposed finished ground levels;
- (iv) vehicular and pedestrian access, parking and circulation areas;
- (v) street furniture, fencing, CCTV, refuse storage structure or other structures;
- (vi) an implementation timetable for the works;
- (vii) a landscape and ecology management plan which will be prepared in general accordance with the measures set out in the Outline Landscape and Ecology Management Plan.

(2) All landscape works within the limits of Work No.1A must be carried out in accordance with the approved landscape scheme referred to in paragraph (1) and in accordance with appropriate British Standards.

15      **Main development site: Permanent operational lighting**

External lighting at the permanent development site must be installed, operated and maintained throughout the operational life of Work No.1 in general accordance with the controls and limits set out in section 1.4 of the Lighting Management Plan, save to the extent that alternative details are submitted to and approved by the local planning authority.

16      **Main development site: Removal and reinstatement**

Following completion of the SZC construction works, all temporary buildings, structures, plant and equipment required for construction, including Work No.3, must be removed, and landscape restoration works implemented in accordance with the details approved for requirement 14.

17      **Accommodation campus: Buildings and structures**

(1) Work No. 3 (accommodation campus) must not be commenced until a statement of compliance demonstrating how the detailed design principles in Table A.1 of the Main Development Site Design and Access Statement has been incorporated into the relevant buildings, structures or works has been submitted to and approved by the local planning authority.

(2) Work No. 3 (accommodation campus) must be carried out in general accordance with the detailed design principles set out in Table A.1 of the Main Development Site Design and Access Statement and in accordance with Main Development Site Construction Parameter Plan (SZC-SZ0100-000-DRW-100046).

18      **Rail works**

(1) Work No. 4 (rail works) must be carried out in accordance with the relevant plans set out in Schedule 7 (Approved Plans) and in general accordance with the relevant sections of the Associated Development Design Principles, save to the extent that alternative plans or details are submitted to and approved by the local planning authority.

(2) Any alternative plans or details referred to in paragraph (1), must be in general accordance with the relevant sections of the Associated Development Design

Principles, and within the vertical limits of deviation specified in article 4 of this Order.

19

**Associated development sites: Site clearance**

(1) Site clearance in respect of Work No. 4 (rail), Work No. 9 (northern park and ride), Work No. 10 (southern park and ride), Work No. 11 (two village bypass), Work No. 12 (Sizewell link road), Work No. 13 (freight management facility) and Work No. 14A (Yoxford roundabout) must be undertaken in general accordance with the following plans:

- (i) Green Rail Route Site Clearance Plan (SZC-SZ0701-XX-000-DRW-100184 Rev 01)
- (ii) Northern Park and Ride Site Clearance Plan (SZC-SZ0701-XX-000-DRW-100160 Rev 01);
- (iii) Southern Park and Ride Site Clearance Plan (SZC-SZ0701-XX-000-DRW-100163 Rev 01);
- (iv) Two Village Bypass Site Clearance Plan (1 of 2) (SZC-SZ0701-XX-000-DRW-100168 Rev 01);
- (v) Two Village Bypass Site Clearance Plan (2 of 2) (SZC-SZ0701-XX-000-DRW-100169 Rev 01);
- (vi) Sizewell Link Road Site Clearance Plan (1 of 4) (SZC-SZ0701-XX-000-DRW-100174 Rev 01);
- (vii) Sizewell Link Road Site Clearance Plan (2 of 4) (SZC-SZ0701-XX-000-DRW-100175 Rev 01);
- (viii) Sizewell Link Road Site Clearance Plan (3 of 4) (SZC-SZ0701-XX-000-DRW-100176 Rev 01);
- (ix) Sizewell Link Road Site Clearance Plan (4 of 4) (SZC-SZ0701-XX-000-DRW-100177 Rev 01);
- (x) Freight Management Facility Site Clearance Plan (SZC-SZ0701-XX-000-DRW-100180 Rev 01); and
- (xi) Yoxford Roundabout Site Clearance Plan (SZC-SZ0701-XX-000-DRW-100178 Rev 01),

save to the extent that alternative plans or details are submitted to and approved by the local planning authority.

(2) Any alternative plans or details referred to in paragraph (1) must be in accordance with the measures set out in the Code of Construction Practice

20

**Associated development sites: Buildings and structures**

(1) Work No. 9 (northern park and ride), Work No. 10 (southern park and ride) and Work No. 13 (freight management facility) must not be commenced until a statement of compliance demonstrating how the relevant sections of the Associated Development Design Principles have been incorporated into the relevant building, structure or works for that work has been submitted to and approved by the local planning authority.

(2) Work No. 9 (northern park and ride), Work No. 10 (southern park and ride) and Work No. 13 (freight management facility) must be carried out in accordance with the relevant plans set out in Schedule 6 (Parameter Plans) and Schedule 7 (Approved Plans) and in general accordance with the relevant sections of the Associated Development Design Principles, save to the extent that alternative plans or details relating to siting, scale or appearance are submitted to and approved by the local planning authority.

(3) Any alternative plans or details referred to in paragraph (2), must be in accordance with the relevant plans set out in Schedule 6 (Parameter Plans) and in general accordance with the relevant sections of the Associated Development Design Principles.

21 **Highway access**

(1) Work No. 1D(g) (outage car park) must not be brought into use until Work No. 1D(h) (related highway works) is open for public use.

(2) Work No. 9(a) (northern park and ride) must not be brought into use until Work No. 9(b) (related highway works) is open for public use.

(3) Work No. 10(a) (southern park and ride) must not be brought into use until Work No. 10(b) (related highway works) is open for public use.

(4) Work No. 13(a) (freight management facility) must not be brought into use until Work No. 13(b) (related highway works ) is open for public use.

22 **Highway works**

(1) Work Nos. 9(b) (highway works related to northern park and ride), 10(b) (highway works related to southern park and ride), 11 (two village bypass), 12 (sizewell link road), 13(b) (highway works related to freight management facility), 14, 15, 16 and 17 (yoxford roundabout and other highway improvements) must be carried out in accordance with the relevant plans set out in Schedule 7 (Approved Plans) and in general accordance with the relevant sections of the Associated Development Design Principles, save to the extent alternative plans or details are submitted to and approved by the local planning authority.

(2) Any revised plans or details referred to in paragraph (1), must be in general accordance with the relevant sections of the Associated Development Design Principles and (in respect of Work No. 11 and Work No. 12) within the vertical limits of deviation specified in article 4 of this Order.

(3) No changes to existing finished ground levels or surface water drainage are permitted in respect of Work Nos. 9(b), 10(b), 11, 12, 13(b), 14, 15, 16 and 17, unless shown on the relevant plans set out in Schedule 7 (Approved Plans) or approved by the local planning authority pursuant to paragraphs (1) and (2).

23 **Associated developments: Landscape planting**

If any tree or shrub is removed, dies or becomes seriously damaged or diseased within five years of planting as part of Work No. 9, 10, 11, 12 or 13 it must be replaced with suitable replacement plants or trees to the specification referred to in the Associated Developments Design Principles during the next available planting season.

24 **Associated development sites: Removal and reinstatement**

(1) Within 12 months of the completion of the SZC construction works, Work No. 9 (northern park and ride including highway works), Work No. 10(a) (southern park and ride), Work No. 13(a) (freight management facility), Work No. 4B (green rail route), and Work No. 4D (rail spur) must be demolished.

(2) All materials resulting from the demolition of the above Works must be removed from the relevant site, and the land restored to a condition suitable for agricultural use.



**Rail noise**

(1) The undertaker must not operate freight trains along Work No. 4 between the hours of 11pm and 6am unless or until a rail noise mitigation strategy has, following consultation with Network Rail, been submitted to and approved by the local planning authority.

(2) Any strategy submitted for approval under paragraph (1) must set out how exceedances of the SOAEL would be avoided, including through alternative operating procedures, and through implementation of a noise mitigation scheme.

(3) The approved strategy referred to in paragraph (2) must be implemented for the duration of the operation of freight trains along Work No. 4 between the hours of 11pm and 6am.

## SCHEDULE 3

Article 2

### Land Plans

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
<b><u>Key plans</u></b>				
SZC/LP/KEY_PLAN-OVERVIEW	01	Land Plans: Key Plan Overview	1:130,000	A1
SZC/LP/KEY_PLAN_1	01	Land Plans: Key Plan 1	1:60,000	A1
SZC/LP/KEY_PLAN_2	01	Land Plans: Key Plan 2	1:60,000	A1
<b><u>Main development site and rail</u></b>				
SZC/LP/1	01	Main development site and rail: Land Plan – Sheet 1 of 27	1:2,500	A1
SZC/LP/2	01	Main development site and rail: Land Plan – Sheet 2 of 27	1:2,500	A1
SZC/LP/3	01	Main development site and rail: Land Plan – Sheet 3 of 27	1:2,500	A1
SZC/LP/4	01	Main development site and rail: Land Plan – Sheet 4 of 27	1:2,500	A1
SZC/LP/5	01	Main development site and rail: Land Plan – Sheet 5 of 27	1:2,500	A1
SZC/LP/6	01	Main development site and rail: Land Plan – Sheet 6 of 27	1:2,500	A1
SZC/LP/7	01	Main development site and rail: Land Plan – Sheet 7 of 27	1:2,500	A1
SZC/LP/8	01	Main development site and rail: Land Plan – Sheet 8 of 27	1:2,500	A1
SZC/LP/9	01	Main development site and rail: Land Plan – Sheet 9 of 27	1:2,500	A1
SZC/LP/10	01	Main development site and rail: Land Plan – Sheet 10 of 27	1:2,500	A1
<b><u>Sports facilities</u></b>				
SZC/LP/11	01	Sports facilities: Land Plan – Sheet 11 of 27	1:1250	A1
<b><u>Fen meadows and marsh harrier habitat</u></b>				
SZC/LP/12	01	Fen meadow (Halesworth): Land Plan – Sheet 12 of 27	1:1250	A1
SZC/LP/13	01	Fen meadow (Benhall): Land Plan – Sheet 13 of 27	1:2,500	A1
SZC/LP/14	01	Marsh harrier habitat: Land Plan – Sheet 14 of 27	1:2,500	A1
<b><u>Park and ride sites</u></b>				
SZC/LP/15	01	Northern park and ride: Land Plan – Sheet 15 of 27	1:2,500	A1
SZC/LP/16	01	Southern park and ride: Land Plan – Sheet 16 of 27	1:2,500	A1
<b><u>Two village bypass</u></b>				
SZC/LP/17	01	Two village bypass: Land Plan – Sheet 17 of 27	1:2,500	A1

SZC/LP/18	01	Two village bypass: Land Plan – Sheet 18 of 27	1:2,500	A1
<b><u>Sizewell link road</u></b>				
SZC/LP/19	01	Sizewell link road: Land Plan – Sheet 19 of 27	1:2,500	A1
SZC/LP/20	01	Sizewell link road: Land Plan – Sheet 20 of 27	1:2,500	A1
SZC/LP/21	01	Sizewell link road: Land Plan – Sheet 21 of 27	1:2,500	A1
SZC/LP/22	01	Sizewell link road: Land Plan – Sheet 22 of 27	1:2,500	A1
<b><u>Freight management facility</u></b>				
SZC/LP/23	01	Freight management facility: Land Plan – Sheet 23 of 27	1:1,250	A1
<b><u>Yoxford roundabout and other highway improvement works</u></b>				
SZC/LP/24	01	Yoxford roundabout: Land Plan – Sheet 24 of 27	1:1,250	A1
SZC/LP/25	01	A12/B1119 junction at Saxmundham: Land Plan – Sheet 25 of 27	1:1,250	A1
SZC/LP/26	01	A1094/B1069 junction south of Knodishall: Land Plan – Sheet 26 of 27	1:1,250	A1
SZC/LP/27	01	A12/A144 junction south of Bramfield: Land Plan – Sheet 27 of 27	1:1,250	A1

## SCHEDULE 4

Article 2

### Works Plans

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
<b><u>Key plans</u></b>				
SZC-SZ0204-XX-000-DRW-100479	01	Works Plans Overview	1:100000	A1
SZC-SZ0204-XX-000-DRW-100480	01	Works Plans Key Plan 1	1:40000	A1
SZC-SZ0204-XX-000-DRW-100481	01	Works Plans Key Plan 2	1:40000	A1
SZ/WP/01	01	Main development site and rail - Key Plan 3	1:10000	A0
SZ/WP/02	01	Main development site and rail - Key Plan 4	1:10000	A0
<b><u>Main development site and rail</u></b>				
SZ/WP/03	01	Main development site and rail: Works Plan - Sheet 1 of 27	1:2500	A0
SZ/WP/04	01	Main development site and rail: Works Plan - Sheet 2 of 27	1:2500	A0
SZ/WP/05	01	Main development site and rail: Works Plan - Sheet 3 of 27	1:2500	A0
SZ/WP/06	01	Main development site and rail: Works Plan - Sheet 4 of 27	1:2500	A0
SZ/WP/07	01	Main development site and rail: Works Plan - Sheet 5 of 27	1:3000	A0
SZ/WP/08	01	Main development site and rail: Works Plan - Sheet 6 of 27	1:3000	A0
SZ/WP/09	01	Main development site and rail: Works Plan - Sheet 7 of 27	1:2500	A0
SZ/WP/10	01	Main development site and rail: Works Plan - Sheet 8 of 27	1:2500	A0
SZ/WP/12	01	Main development site and rail: Works Plan - Sheet 9 of 27	1:2500	A0
SZ/WP/13	01	Main development site and rail: Works Plan - Sheet 10 of 27	1:2500	A0
<b><u>Sports facilities</u></b>				
SZ/WP/14	01	Sports facilities: Works Plan - Sheet 11 of 27	1:1000	A0
<b><u>Fen meadows and marsh harrier habitat</u></b>				
SZ/WP/15	01	Fen meadow (Halesworth): Works Plan - Sheet 12 of 27	1:1000	A0
SZ/WP/16	01	Fen meadow (Benhall): Works Plan - Sheet 13 of 27	1:1000	A0
SZ/WP/17	01	Marsh harrier habitat: Works Plan - Sheet 14 of 27	1:1000	A0
<b><u>Park and ride sites</u></b>				
SZC-SZ0204-XX-000-DRW-100250	01	Northern park and ride: Works Plan - Sheet 15 of 27	1:2500	A1

SZC-SZ0204-XX-000-DRW-100251	01	Southern park and ride: Works Plan - Sheet 16 of 27	1:2500	A1
<b><u>Two village bypass</u></b>				
SZC-SZ0204-XX-000-DRW-100252	01	Two village bypass: Works Plan - Sheet 17 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100462	01	Two village bypass: Works Plan - Sheet 18 of 27	1:2500	A1
<b><u>Sizewell link road</u></b>				
SZC-SZ0204-XX-000-DRW-100253	01	Sizewell link road: Works Plan - Sheet 19 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100254	01	Sizewell link road: Works Plan - Sheet 20 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100255	01	Sizewell link road: Works Plan - Sheet 21 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100484	01	Sizewell link road: Works Plan - Sheet 22 of 27	1:2500	A1
<b><u>Freight management facility</u></b>				
SZC-SZ0204-XX-000-DRW-100261	01	Freight management facility: Works Plan - Sheet 23 of 27	1:2500	A1
<b><u>Yoxford roundabout and other highway improvement works</u></b>				
SZC-SZ0204-XX-000-DRW-100256	01	Yoxford roundabout: Works Plan - Sheet 24 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100260	01	A12 / B1119 junction at Saxmundham: Works Plan - Sheet 25 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100258	01	A1094/B1069 junction south of Knodishall: Works Plan - Sheet 26 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100259	01	A12 / A144 junction south of Bramfield: Works Plan - Sheet 27 of 27	1:2500	A1

## SCHEDULE 5

Article 2

### Rights of Way Plans

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
<b><u>Key plans</u></b>				
SZC-SZ0204-XX-000-DRW-100471	01	Rights of Way Plans: Overview	1:100000	A1
SZC-SZ0204-XX-000-DRW-100485	01	Rights of Way Plans: Key Plan 1	1:40000	A1
SZC-SZ0204-XX-000-DRW-100486	01	Rights of Way Plans: Key Plan 2	1:40000	A1
<b><u>Main development site and rail</u></b>				
SZC-SZ0204-XX-000-DRW-100342	01	Main development site and rail: Rights of Way Plan - Sheet 1 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100344	01	Main development site and rail: Rights of Way Plan - Sheet 2 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100346	01	Main development site and rail: Rights of Way Plan - Sheet 3 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100343	01	Main development site and rail: Rights of Way Plan - Sheet 4 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100347	01	Main development site and rail: Rights of Way Plan - Sheet 5 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100345	01	Main development site and rail: Rights of Way Plan - Sheet 6 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100357	01	Main development site and rail: Rights of Way Plan - Sheet 7 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100358	01	Main development site and rail: Rights of Way Plan - Sheet 8 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100359	01	Main development site and rail: Rights of Way Plan - Sheet 9 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100360	01	Main development site and rail: Rights of Way Plan - Sheet 10 of 27	1:2500	A1
<b><u>Sports facilities</u></b>				
SZC-SZ0204-XX-000-DRW-100418	01	Sports facilities: Rights of Way Plan - Sheet 11 of 27	1:1250	A1
<b><u>Fen meadows and marsh harrier habitat</u></b>				
SZC-SZ0204-XX-000-DRW-100483	01	Fen meadow (Halesworth): Rights of Way Plan - Sheet 12 of 27	1:1250	A1
SZC-SZ0204-XX-000-	01	Fen meadow (Benhall): Rights	1:2500	A1

DRW-100417		of Way Plan - Sheet 13 of 27		
SZC-SZ0204-XX-000-DRW-100419	01	Marsh harrier habitat: Rights of Way Plan - Sheet 14 of 27	1:2500	A1
<b><u>Park and ride sites</u></b>				
SZC-SZ0204-XX-000-DRW-100334	01	Northern Park and Ride: Rights of Way Plan - Sheet 15 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100335	01	Southern park and ride: Rights of Way Plan - Sheet 16 of 27	1:2500	A1
<b><u>Two village bypass</u></b>				
SZC-SZ0204-XX-000-DRW-100336	01	Two village bypass: Rights of Way Plan - Sheet 17 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100337	01	Two village bypass: Rights of Way Plan - Sheet 18 of 27	1:2500	A1
<b><u>Sizewell link road</u></b>				
SZC-SZ0204-XX-000-DRW-100338	01	Sizewell link road: Rights of Way Plan - Sheet 19 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100339	01	Sizewell link road: Rights of Way Plan - Sheet 20 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100340	01	Sizewell link road: Rights of Way Plan - Sheet 21 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100341	01	Sizewell link road: Rights of Way Plan - Sheet 22 of 27	1:2500	A1
<b><u>Freight management facility</u></b>				
SZC-SZ0204-XX-000-DRW-100354	01	Freight management facility: Rights of Way Plan - Sheet 23 of 27	1:1250	A1
<b><u>Yoxford roundabout and other highway improvement works</u></b>				
SZC-SZ0204-XX-000-DRW-100348	01	Yoxford roundabout: Rights of Way Plan - Sheet 24 of 27	1:1250	A1
SZC-SZ0204-XX-000-DRW-100353	01	A12/B1119 junction at Saxmundham: Rights of Way Plan - Sheet 25 of 27	1:1250	A1
SZC-SZ0204-XX-000-DRW-100350	01	A1094/B1069 junction south of Knodishall: Rights of Way Plan - Sheet 26 of 27	1:2500	A1
SZC-SZ0204-XX-000-DRW-100352	01	A12 / A144 junction south of Bramfield: Rights of Way Plan - Sheet 27 of 27	1:1250	A1

## SCHEDULE 6

Article 2

### Parameter Plans

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
<b>Main development site</b>				
SZC-SZ0100-XX-100-DRW-100046	01	Main Development Site Construction Parameter Plan – Key Plan	1:2500	A0
SZC-SZ0100-XX-100-DRW-100092	01	Main Development Site Construction Parameter Plan – Sheet 1 of 4	1:2500	A0
SZC-SZ0100-XX-100-DRW-100093	01	Main Development Site Construction Parameter Plan – Sheet 2 of 4	1:2500	A0
SZC-SZ0100-XX-100-DRW-100094	01	Main Development Site Construction Parameter Plan – Sheet 3 of 4	1:2500	A0
SZC-SZ0100-XX-100-DRW-100095	01	Main Development Site Construction Parameter Plan – Sheet 4 of 4	1:2500	A0
SZC-SC0100-XX-100-DRW-100050	01	Main Development Site Operational Parameter Plan – Key Plan	1:5000	A0
SZC-SZ0100-XX-100-DRW-100043	01	Main Development Site Operational Parameter Plan - Operational Platform 0 Sheet 1 of 3	1:2000	A0
SZC-SZ0100-XX-100-DRW-100047	01	Main Development Site Operational Parameter Plan - Upper Abbey Farm and surrounding area – Sheet 2 of 3	1:2500	A0
SZC-SZ0100-XX-100-DRW-100048	01	Main Development Site Operational Parameter Plan - SZB Relocated Facilities & National Grid Land – Sheet 3 of 3	1:1000	A0
<b>Northern park and ride</b>				
SZC-SZ0204-FP-000-DRW-100047	-	Northern Park and Ride Proposed Parameter Plan	1:2000	A1
<b>Southern park and ride</b>				
SZC-SZ0204-FP-000-DRW-100056	-	Southern Park and Ride Proposed Parameter Plan	1:2000	A1
<b>Freight management facility</b>				
SZC-SZ0204-FP-000-DRW-100034		Freight Management Facility Proposed Parameter Plan	1:1250	A1



## SCHEDULE 7

Article 2

### Approved Plans

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
<b>General plans</b>				
<b><u>Landscape Plans</u></b>				
SZC-SZ0701-XX-000-DRW-100133	01	Main Development Site Landscape Retention Plan	1:5000	A0
SZC-SZ0701-XX-000-DRW-100148	01	Main Development Site Landscape Retention Plan – Sheet 1 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100149	01	Main Development Site Landscape Retention Plan – Sheet 2 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100150	01	Main Development Site Landscape Retention Plan – Sheet 3 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100151	01	Main Development Site Landscape Retention Plan – Sheet 4 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100134	01	Main Development Site Clearance Plan – Key Plan	1:5000	A0
SZC-SZ0701-XX-000-DRW-100152	01	Main Development Site Clearance Plan – Sheet 1 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100153	01	Main Development Site Clearance Plan – Sheet 2 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100154	01	Main Development Site Clearance Plan – Sheet 3 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100155	01	Main Development Site Clearance Plan – Sheet 4 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-10045	01	Important Hedgerow Removal – Key Plan	1:5000	A0
SZC-SZ0701-XX-000-DRW-100156	01	Improvement Hedgerow Removal Plan – Sheet 1 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100157	01	Important Hedgerow Removal Plan – Sheet 2 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100158	01	Important Hedgerow Removal Plan – Sheet 3 of 4	1:2500	A0
SZC-SZ0701-XX-000-DRW-100159	01	Important Hedgerow Removal Plan – Sheet 4 of 4	1:2500	A0
<b><u>Site Layout Plan</u></b>				
SZC-SZ0100-XX-100-DRW-100089	03	Main Development Site Main Platform Proposed General Arrangement (Operational)	1:1250	A0
<b><u>Nuclear Island (Unit 1)</u></b>				
<b><u>Unit 1: Reactor Bldg / Fuel Bldg / Fuel Bldg Hall / Boron Storage / Safeguard Bldgs / Nuclear Auxiliary Bldg / Access Tower</u></b>				
SZC-SZ0701-XX-000-DRW-100078	01	Roof Plan	1:200	A0
SZC-SZ0701-XX-000-	01	West & North Elevations	1:200	A0

DRW-100079				
SZC-SZ0701-XX-000-DRW-100080	01	East & South Elevations	1:200	A0
<u>Unit 1: Radioactive Waste Storage / Radioactive Waste Process Building</u>				
SZC-SZ0701-XX-000-DRW-100081	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100082	01	Elevations	1:200	A1
<u>Unit 1: Hot Laundry Building / Hot workshop / Hot warehouse / Facilities for Decontamination / Effluent Tanks/ Refuelling Water Storage Tank</u>				
SZC-SZ0701-XX-000-DRW-100083	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100084	01	Elevations	1:200	A1
<u>Unit 1: Emergency Diesel Generator Building – A/ Cooling Water Discharge Weir Building (Type 2)</u>				
SZC-SZ0701-XX-000-DRW-100085	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100086	01	Elevations	1:200	A1
<u>Unit 1: Emergency Diesel Generator Building – B/ Cooling Water Discharge Weir Building (Type 1)</u>				
SZC-SZ0701-XX-000-DRW-100087	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100088	01	Elevations	1:200	A1
<b><u>Nuclear Island (Unit 2)</u></b>				
<u>Unit 2: Reactor Bldg / Fuel Bldg / Fuel Bldg Hall / Boron Storage / Safeguard Bldgs / Nuclear Auxiliary Bldg / Access Tower</u>				
SZC-SZ0701-XX-000-DRW-100089	01	Roof Plan	1:200	A0
SZC-SZ0701-XX-000-DRW-100090	01	West & North Elevations	1:200	A0
SZC-SZ0701-XX-000-DRW-100091	01	East & South Elevations	1:200	A0
<u>Unit 2: Radioactive Waste Treatment Building</u>				
SZC-SZ0701-XX-000-DRW-100092	01	Roof Plan	1:100	A1
SZC-SZ0701-XX-000-DRW-100093	01	Elevations	1:100	A1
<u>Unit 2: Emergency Diesel Generator Building – C/ Cooling Water Discharge Weir Building (Type 2)</u>				
SZC-SZ0701-XX-000-DRW-100096	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100097	01	Elevations	1:200	A1
<u>Unit 2: Emergency Diesel Generator Building – D/ Cooling Water Discharge Weir Building (Type 1)</u>				
SZC-SZ0701-XX-000-DRW-100098	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100099	01	Elevations	1:200	A1
<b><u>Conventional Island (Unit 1)</u></b>				
<u>Unit 1: Turbine Hall</u>				

SZC-SZ0701-XX-000-DRW-100100	01	Roof Plan, East & West Elevations	1:200	A0
SZC-SZ0701-XX-000-DRW-100101	01	North & South Elevations	1:200	A0
<b><u>Unit 1: Conventional Island Electrical Building</u></b>				
SZC-SZ0701-XX-000-DRW-100104	01	Roof Plan	1:100	A1
SZC-SZ0701-XX-000-DRW-100105	01	West Evaluations	1:100	A1
SZC-SZ0701-XX-000-DRW-100106	01	South & East Elevations	1:100	A1
<b><u>Unit 1: Gas Insulated Switch Gear Building / Main Transformer platform / Unit Transformer platform / Auxiliary Transformer platform</u></b>				
SZC-SZ0701-XX-000-DRW-100107	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100108	01	Elevations	1:200	A1
<b><u>Conventional Island (Unit 2)</u></b>				
<b><u>Unit 2: Turbine Hall</u></b>				
SZC-SZ0701-XX-000-DRW-100109	01	Roof Plan, East & West Elevations	1:200	A0
SZC-SZ0701-XX-000-DRW-100110	01	North & South Elevations	1:200	A0
<b><u>Unit 2: Conventional Island Electrical Building</u></b>				
SZC-SZ0701-XX-000-DRW-100113	01	Roof Plan	1:100	A1
SZC-SZ0701-XX-000-DRW-100114	01	West Elevation	1:100	A1
SZC-SZ0701-XX-000-DRW-100115	01	North & East Elevations	1:100	A1
<b><u>Unit 2: Gas Insulated Switch Gear Building / Main Transformer platform / Unit Transformer platform / Auxiliary Transformer platform</u></b>				
SZC-SZ0701-XX-000-DRW-100116	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100117	01	Elevations	1:200	A1
<b><u>Operations</u></b>				
<b><u>Operational Service Centre</u></b>				
SZC-SZ0701-XX-000-DRW-100118	01	Roof Plan	1:200	A1
SZC-SZ0701-XX-000-DRW-100119	01	North & South Elevations	1:200	A1
SZC-SZ0701-XX-000-DRW-100120	01	East & South Elevations	1:200	A1
<b><u>Cooling Water Pumphouse &amp; Associated Buildings (Unit 1)</u></b>				
<b><u>Unit 1: Cooling Water Pumphouse / Forebay / Outfall Pond Building / Filtering Debris Recovery Pit</u></b>				
SZC-SZ0701-XX-000-DRW-100121	01	Roof Plan	1:200	A0
SZC-SZ0701-XX-000-DRW-100122	01	Elevations	1:200	A0
<b><u>Unit 1: Fire-Fighting Water Distribution Building</u></b>				
SZC-SZ0701-XX-000-	01	Roof Plan & Elevations	1:200	A1

DRW-100123				
<b>Cooling Water Pumphouse &amp; Associated Buildings (Unit 2)</b>				
<u>Unit 2: Cooling Water Pumphouse / Forebay / Outfall Pond Building / Filtering Debris Recovery Pit</u>				
SZC-SZ0701-XX-000-DRW-100124	01	Roof Plan	1:200	A0
SZC-SZ0701-XX-000-DRW-100125	01	Elevations	1:200	A0
<u>Unit 2: Fire-Fighting Water Distribution Building</u>				
SZC-SZ0701-XX-000-DRW-100127	01	Roof Plan & Elevations Regulation	1:200	A1
<u>Pylons</u>				
SZC-SZ0701-XX-000-DRW-100128	01	Pylon Arrangement – Plan & Elevation	As indicated	A1
<b>Highways Plans</b>				
SZC-SZ0204-XX-000-DRW-100504	01	Main Development Site Highway Works Key Plan	1:5000	A1
SZC-SZ0204-XX-000-DRW-100000	01	Main Development Site Highway Works Sheet 1	1:500	A1
SZC-SZ0204-XX-000-DRW-100104	01	Main Development Site Highway Works Sheet 2	1:1000	A1
SZC-SZ0204-XX-000-DRW-100105	01	Main Development Site Highway Works Sheet 3	1:1000	A1
SZC-SZ0204-XX-000-DRW-100106	01	Main Development Site Highway Works Sheet 4	1:1000	A1
SZC-SZ0204-XX-000-DRW-100110	01	Main Development Site Highway Works Sheet 5	1:1000	A1
SZC-SZ0204-XX-000-DRW-100111	01	Main Development Site Highway Works Sheet 6	1:1000	A1
SZC-SZ0204-XX-000-DRW-100114	01	Main Development Site Highway Works Sheet 7	1:250	A1
SZC-SZ0204-XX-000-DRW-100160	01	Main Development Site Highway Works Sheet 8	1:250	A1
SZC-SZ0204-XX-000-DRW-100158	01	Main Development Site Highway Works Sheet 9	1:250	A1
<b>SZB Relocated Facilities</b>				
SZC-RF0000-XX-000-DRW-100002	02	Proposed Site Layout Plan	1:2500	A1
SZC-RF0000-XX-000-DRW-100005	01	Proposed Outage Store Block Plan	1:100	A1
SZC-RF0000-XX-000-DRW-100011	01	Proposed Outage Store Roof Plan	1:100	A1
SZC-RF0000-XX-000-DRW-100014	01	Proposed Outage Store North Elevation	1:100	A1
SZC-RF0000-XX-000-DRW-100015	01	Proposed Outage Store South Elevation	1:100	A1
SZC-RF0000-XX-000-DRW-100016	01	Proposed Outage Store East Elevation	1:100	A1
SZC-RF0000-XX-000-DRW-100017	01	Proposed Outage Store West Elevation	1:100	A1
SZC-RF0000-XX-000-DRW-100018	01	Proposed Training Centre Block Plan	1:200	A1
SZC-RF0000-XX-000-DRW-100022	01	Proposed Training Centre Roof Plan	1:200	A1

SZC-RF0000-XX-000-DRW-100024	01	Proposed Training Centre North & South Elevations	1:200	A1
SZC-RF0000-XX-000-DRW-100025	01	Proposed Training Centre East & West Elevations	1:200	A1
SZC-RF0000-XX-000-DRW-100027	01	Coronation Wood Development Area Proposed Site Plan	1:500	A1
SZC-RF0000-XX-000-DRW-100028	01	Coronation Wood Development Area Yardman's Office	1:50	A1
SZC-RF0000-XX-000-DRW-100030	02	Proposed Outage Car Park Proposed Site Plan	1:1000	A1
SZC-RF0000-XX-000-DRW-100040	03	Pillbox Field Proposed Outage Car Park Landscape Plan	1:1000	A1
<b>Rail plans</b>				
SZC-SZ0100-XX-000-DRW-100102	01	Main Development Site Temporary Construction Area Key Plan	1:5000	A0
SZC-EW01030-XX-000-DRW-100017	01	Main Development Site Temporary Construction Area Proposed General Arrangement Sheet 1	1:1250	A1
SZC-EW01030-XX-000-DRW-100018	01	Main Development Site Temporary Construction Area Proposed General Arrangement Sheet 2	1:1250	A1
SZC-EW01030-XX-000-DRW-100019	01	Main Development Site Temporary Construction Area Proposed General Arrangement Sheet 3	1:1250	A1
SZC-EW01030-XX-000-DRW-100020	01	Main Development Site Temporary Construction Area Proposed General Arrangement Sheet 4	1:1250	A1
SZC-EW01030-XX-000-DRW-100021	01	Land East of Eastlands Industrial Estate – Proposed General Arrangement	1:1250	A1
SZC-SZ0204-XX-000-DRW-100473	01	Green Rail Route Proposed General Arrangement - Key Plan	1:2500	A1
SZC-SZ0204-XX-000-DRW-100133	01	Green Rail Route Proposed General Arrangement Plan Sheet 1 of 2	1:500	A1
SZC-SZ0204-XX-000-DRW-100134	01	Green Rail Route Proposed General Arrangement Plan Sheet 2 of 2	1:500	A1
SZC-SZ0701-XX-000-DRW-100183	01	Green Rail Route Green Rail Route Proposed Landscape Masterplan and Finished Levels	1:2500	A1
SZC-SZ0701-XX-000-DRW-100184	01	Green Rail Route Site Clearance Plan	1:2500	A1
SZC-SZ0701-XX-000-DRW-100185		Green Rail Route Removal and Reinstatement Plan	1:2500	A1

*Northern park and ride*

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
-----------------------	------------	----------------------	--------------	-------------------

SZC-SZ0204-FP-000-DRW-100001	-	Northern Park and Ride Proposed General Arrangement	1:2000	A1
SZC-SZ0701-XX-000-DRW-100160	01	Northern Park and Ride Site Clearance Plan	1:2500	A1
SZC-SX0701-XX-000-DRW-100161	01	Northern Park and Ride Proposed Landscape Masterplan and Finished Levels	1:2500	A1
SZC-SZ0701-XX-000-DRW-100162	01	Northern Park and Ride Removal and Reinstatement Plan	1:2500	A1

*Southern park and ride*

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
SZC-SZ0204-FP-000-DRW-100009	01	Southern Park and Ride Proposed General Arrangement	1:2000	A1
SZC-SZ0204-XX-000-DRW-100514	01	Southern Park and Ride Proposed Highways General Arrangement Plan	1:2000	A1
SZC-SZ0204-XX-000-DRW-100525	01	Southern Park and Ride Highway Proposed General Arrangement Key Plan	1:2000	A1
SZC-SZ0204-XX-000-DRW-100527	01	Southern Park and Ride Highway Proposed General Arrangement Sheet 1 of 3	1:500	A1
SZC-SZ0204-XX-000-DRW-100527	01	Southern Park and Ride Highway Proposed General Arrangement Sheet 2 of 3	1:500	A1
SZC-SZ0204-XX-000-DRW-100528	01	Southern Park and Ride Highway Proposed General Arrangement Sheet 3 of 3	1:500	A1
SZC-SZ0701-XX-000-DRW-100163	01	Southern Park and Ride Site Clearance Plan	1:2500	A1
SZC-SZ0701-XX-000-DRW-100164	01	Southern Park and Ride Proposed Landscape Masterplan and Finished Levels	1:2500	A1
SZC-SC0701-XX-000-DRW-100165	01	Southern Park and Ride Removal and Reinstatement Plan	1:2500	A1

*Two village bypass*

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
SZC-SZ0701-XX-000-DRW-100166	01	Two Village Bypass Landscape Masterplan and Finished Levels Sheet 1 of 2	1:2500	A1
SZC-SZ0701-XX-000-DRW-100167	01	Two Village Bypass Landscape Masterplan and Finished Levels Sheet 2 of 2	1:2500	A1
SZC-SZ0701-XX-000-DRW-100168	01	Two Village Bypass Site Clearance Plan Sheet 1 of 2	1:2500	A1
SZC-SZ0701-XX-000-DRW-100169	01	Two Village Bypass Site Clearance Plan Sheet 2 of 2	1:2500	A1
SZC-SZ0204-XX-000-	01	Two Village Bypass Proposed	1:2500	A1

DRW-100038		General Arrangement and Profiles Sheet 1 of 2		
SZC-SZ0204-XX-000-DRW-100522	01	Two Village Bypass Proposed General Arrangement Layout and Profiles Sheet 2 of 2	1:2500	A1
SZC-SZ0204-XX-000-DRW-100039	01	Two Village Bypass A12/A1094 Eastern Roundabout Proposed General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100040	01	Two Village Bypass A12 Western Roundabout Proposed General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100450	01	Two Village Bypass A12/A1094 Eastern Roundabout Proposed Profiles	1:1000; and 1:200	A1
SZC-SZ0204-XX-000-DRW-100451	01	Two Village Bypass A12 Western Roundabout Proposed Profiles	1:1000; and 1:200	A1
SZC-SZ0204-XX-000-DRW-100452	01	Two Village Bypass Proposed Staggered Junction Plan and Profiles	1:1000	A1
SZC-SZ0204-XX-000-DRW-100293	01	River Alde Overbridge Proposed General Arrangement and Elevation	1:200; and 1:100	A1
SZC-SZ0204-XX-000-DRW-100293	01	Foxburrow Wood Footbridge Proposed General Arrangement and Elevation	1:150	A1
SZC-SZ0204-XX-000-DRW-100522	01	Two Village Bypass Proposed Layout and Profile Sheet 2	-	-

*Sizewell link road*

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
SZC-SZ0204-XX-000-DRW-100064	01	Sizewell Link Road A12 Junction General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100066	01	Sizewell Link Road B1122 / B1125 Junction Proposed General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100067	01	Sizewell Link Road B1122 / Theberton Junction Proposed General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100141	01	Sizewell Link Road Moat Road Junction Proposed General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100140	01	Sizewell Link Road Hawthorn Road Junction General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100137	01	Sizewell Link Road Fordley Road Junction General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100138	01	Sizewell Link Road Trust Farm Staggered Junction Proposed General Arrangement	1:1000	A1
SZC-SZ0701-XX-000-DRW-100147	01	Sizewell Link Road Proposed Landscape Masterplan and	1:10000	A1

		Finished Levels Key Plan		
SZC-SZ0701-XX-000-DRW-100170	01	Sizewell Link Road Proposed Landscape Masterplan and Finished Levels Sheet 1 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100171	01	Sizewell Link Road Proposed Landscape Masterplan and Finished Levels Sheet 2 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100172	01	Sizewell Link Road Proposed Landscape Masterplan and Finished Levels Sheet 3 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100173	01	Sizewell Link Road Proposed Landscape Masterplan and Finished Levels Sheet 4 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100146	01	Sizewell Link Road Site Clearance Plan Key Plan	1:10000	A1
SZC-SZ0701-XX-000-DRW-100174	01	Sizewell Link Road Site Clearance Plan Sheet 1 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100175	01	Sizewell Link Road Site Clearance Plan Sheet 2 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100176	01	Sizewell Link Road Site Clearance Plan Sheet 3 of 4	1:2500	A1
SZC-SZ0701-XX-000-DRW-100177	01	Sizewell Link Road Site Clearance Plan Sheet 4 of 4	1:2500	A1
SZC-SZ0204-XX-000-DRW-100055	01	Sizewell Link Road Key Plan	1:10000	A1
SZC-SZ0204-XX-000-DRW-100056	01	Sizewell Link Road Proposed Layout and Profiles Sheet 1 of 5	1:2500	A1
SZC-SZ0204-XX-000-DRW-100057	01	Sizewell Link Road Proposed Layout and Profiles Sheet 2 of 5	1:2500	A1
SZC-SZ0204-XX-000-DRW-100058	01	Sizewell Link Road Proposed Layout and Profiles Sheet 3 of 5	1:2500	A1
SZC-SZ0204-XX-000-DRW-100059	01	Sizewell Link Road Proposed Layout and Profiles Sheet 4 of 5	1:2500	A1
SZC-SZ0204-XX-000-DRW-100060	01	Sizewell Link Road Proposed Layout and Profiles Sheet 5 of 5	1:2500	A1
SZC-SZ0204-XX-000-DRW-100065	01	Sizewell Link Road Middleton Moor Junction Proposed General Arrangement	1:2000	A1
SZC-SZ0204-XX-000-DRW-100139	01	Sizewell Link Road Pretty Road Junction and Footbridge Proposed General Arrangement	1:1000	A1
SZC-SZ0204-XX-000-DRW-100299	01	Pretty Road Footbridge Proposed General Arrangement and Elevation	1:125	A1
SZC-SZ0204-XX-000-DRW-100296	01	East Suffolk Line Bridge Proposed General Arrangement and Elevation	1:150	A1

*Freight management facility*

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
SZC-SZ0204-FP-000-DRW-100026	-	Freight Management Facility Proposed General Arrangement	1:1250	A1
SZC-SZ0701-XX-000-	01	Freight Management Facility	1:1250	A1



DRW-100180		Site Clearance Plan		
SZC-SZ0701-XX-000-DRW-100181	01	Freight Management Facility Proposed Landscape Masterplan and Finished Levels	1:1250	A1
SZC-SZ0701-XX-000-DRW-100182	01	Freight Management Facility Removal and Reinstatement Plan	1:1250	A1

*Yoxford roundabout and other highway improvement works*

<i>Drawing number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
<b><u>Yoxford roundabout</u></b>				
SZC-SZ0701-XX-000-DRW-100178	01	Yoxford Roundabout Site Clearance Plan	1:1250	A1
SZC-SZ0701-XX-000-DRW-100179	01	Yoxford Roundabout Proposed Landscape Masterplan and Finished Levels	1:1250	A1
SZC-SZ0204-XX-000-DRW-100019	01	Yoxford Roundabout Proposed General Arrangement	1:500	A1
SZC-SZ0204-XX-000-DRW-100020	01	Yoxford Roundabout Proposed Longsections	1:250; and 1:50	
<b><u>A1094/B1069 junction south of Knodishall</u></b>				
SZC-SZ0204-XX-000-DRW-100049	01	A1094 / B1069 Junction South of Knodishall Proposed General Arrangement Sheet 2 of 2	1:500	A1
SZC-SZ0204-XX-000-DRW-100115	01	A1094 / B1069 Junction South of Knodishall Proposed General Arrangement Sheet 1 of 2	1:1250	A1
<b><u>A12/A144 junction south of Bramfield</u></b>				
SZC-SZ0204-XX-000-DRW-100052	01	A12 / A144 Junction South of Bramfield Proposed General Arrangement	1:500	A1
<b><u>A12/B1119 junction at Saxmundham</u></b>				
SZC-SZ0204-XX-000-DRW-100054	01	A12 / B1119 Junction at Saxmundham General Arrangement	1:500	A1

## SCHEDULE 8

Article 5

### Deemed approval of requirements relating to Sizewell B relocated facilities permission

<i>(1) Sizewell B relocated facilities permission condition</i>	<i>(2) Order requirement</i>
2, 4, 5	11 (Main development site: Approved buildings, structures and plant)
6	9 (Main development site: Construction lighting) and 15 (Main development site: Permanent operational lighting)
7, 9, 11, 14, 17, 18, 19	2 (Project-wide: Code of Construction Practice)
12	14 (Main development site: Landscape works)
15, 22, 23, 25	5 (Project-wide: Surface and foul water drainage)
20, 21	3 (Project wide: Archaeology)
29	21(1) (Highway access)
30	10 (Main development site: Outage car park)

## SCHEDULE 9

Article 12

### Streets subject to street works

<i>(1) Relevant site</i>	<i>(2) Streets subject to street works</i>	<i>(3) Reference</i>
Main development site and rail	B1122	Works Plans – sheet no. 1
Main development site and rail	Eastbridge Road	Works Plans – sheet no. 1
Main development site and rail	Lover's Lane	Works Plans – sheet no. 3 Works Plans – sheet no. 7
Main development site and rail	Valley Road	Works Plans – sheet no. 3
Main development site and rail	King George's Avenue	Works Plans – sheet no. 3
Main development site and rail	Sizewell Gap	Works Plans – sheet no. 3
Main development site and rail	Sandy Lane	Works Plans – sheet no. 3
Main development site and rail	The Green	Works Plans – sheet no. 10
Main development site and rail	Abbey Lane	Works Plans – sheet no. 7
Main development site and rail	B1119 Saxmundham Road	Works Plans – sheet no. 11
Main development site and rail	B1122 Abbey Road	Works Plans – sheet no. 3 Works Plans – sheet no. 7 Works Plans – sheet no. 11
Main development site and rail	Station Road	Works Plans – sheet no. 11
Main development site and rail	Westward Ho	Works Plans – sheet no. 11
Main development site and rail	Buckleswood Road	Works Plans – sheet no. 7
Main development site and rail	Abbey Lane	Works Plans – sheet no. 11
Northern park and ride	A12	Works Plans – sheet no. 16
Northern park and ride	Willow Marsh Lane	Works Plans – sheet no. 16
Southern park and ride	A12	Works Plans – sheet no. 17
Southern park and ride	B1078	Works Plans – sheet no. 17
Southern park and ride	B1116	Works Plans – sheet no. 17
Two village bypass	A12	Works Plans – sheet no. 18
Two village bypass	Tinker Brook	Works Plans – sheet no. 18
Two village bypass	Unnamed road north of A12	Works Plans – sheet no. 18
Two village bypass	Unnamed road adjacent to Pond Barn Cottages	Works Plans – sheet no. 18
Two village bypass	A1094 Friday Street	Works Plans – sheet no. 18
Sizewell link road	A12	Works Plans – sheet no. 20
Sizewell link road	Unnamed road (Kelsale Lodge access)	Works Plans – sheet no. 20
Sizewell link road	Littlemoor Road	Works Plans – sheet no. 21
Sizewell link road	B1122 Yoxford Road	Works Plans – sheet no. 21 Works Plans – sheet no. 22
Sizewell link road	Fordley Road	Works Plans – sheet no. 21
Sizewell link road	Unnamed road (Trust Farm access)	Works Plans – sheet no. 22
Sizewell link road	Hawthorn Road	Works Plans – sheet no. 22
Sizewell link road	B1125	Works Plans – sheet no. 22
Sizewell link road	Pretty Road	Works Plans – sheet no. 22 Works Plans – sheet no. 23
Sizewell link road	Moat Road	Works Plans – sheet no. 23

Sizewell link road	Unnamed road (Theberton Grange access)	Works Plans – sheet no. 23
Sizewell link road	Onner's Lane	Works Plans – sheet no. 23
Freight management facility	Felixstowe Road north of Levington Lane	Works Plans – sheet no. 24
Yoxford roundabout	A12	Works Plans – sheet no. 24
Yoxford roundabout	B1122 Middleton Road	
Yoxford roundabout	Unnamed road (Pinn's Piece access)	Works Plans – sheet no. 24
A12 / B1119 Junction at Saxmundham	A12	Works Plans – sheet no. 25
A12 / B1119 Junction at Saxmundham	B1119	Works Plans – sheet no. 25
A1094/B1069 Junction South of Knodishall	A1094	Works Plans – sheet no. 26
A1094/B1069 Junction South of Knodishall	B1069	Works Plans – sheet no. 26
A1094/B1069 Junction South of Knodishall	B1121	Works Plans – sheet no. 26
A12 / A144 Junction South of Bramfield	A12	Works Plans – sheet no. 27
A12 / A144 Junction South of Bramfield	A144	Works Plans – sheet no. 27

## SCHEDULE 10

Article 14

Streets to be permanently stopped up or private means of access  
extinguished

### PART 1

BEING A STREET TO BE STOPPED UP OR PRIVATE MEANS OF ACCESS TO  
BE EXTINGUISHED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1) Relevant site</i>	<i>(2) Street or private means of access to be stopped up or extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>	<i>(4) New street or private means of access to be substituted</i>	<i>(5) Reference</i>
Main development site and rail	Footpath E-363/021/0  (Suffolk Coast Path)	Footpath between PSF1/1 and PSF1/2	New footpath between points PCF1/4 and PCF1/5	Rights of Way Plans – Sheet 6 of 27
Main development site and rail	B1122	Highway between points PSH1/3, PSH1/4, PSH1/5 and PSH1/6	New footpath between points PCF1/2 and PCF1/3  New highway between points PCH1/3 and PCH1/4	Rights of Way Plans – Sheet 2 of 27
Main development site and rail	Eastbridge Road	Highway between points PSH1/1 and PSH1/2	New highway between points PCH1/1, PCH1/3 and PCH1/4	Rights of Way Plans – Sheet 2 of 27
Main development site and rail	Lover's Lane	Highway between points PSH1/9 and PSH1/12	PCH1/7 and PCH1/8	Rights of Way Plans – Sheet 2 of 27
Main development site and rail	Lover's Lane	Highway between points PSH1/7 and PSH1/8	New highway between points PCH1/5 and PCH1/6	Rights of Way Plans – Sheet 2 of 27
Two village bypass	A12	Highway between points PSH11/19 and PSH11/20	New footpath between points PCF11/1 and PCF11/2  New highway between points PCH11/2 and PCH11/3	Rights of Way Plans – Sheet 17 of 27

			New private means of access between points PCA11/1 and PCA11/2	
Two village bypass	Tinker Brook	Highway between points PSH11/21, PSH11/24, PSH11/23	New highway between points PCH11/1, PCH11/12 and PCH11/2  New footpath between PCF11/14, PCF11/17 and PCF11/16	Rights of Way Plans – Sheet 17 of 27
Two village bypass	Access to Parkgate Farm	Private means of access between points PSA11/7 and PSA11/8	New highway between points PCH11/2, PCH11/12 and PCH11/1	Rights of Way Plans – Sheet 17 of 27
Two village bypass	Access to Parkgate Farm	Private means of access between points PSA11/1 and PSA11/2	New private means of access between points PCA11/3 and PCA11/4	Rights of Way Plans – sheet 17 of 27
Two village bypass	Access to Parkgate Farm and Hill Farm	Private means of access between points PSA11/3 and PSA11/4	New private means of access between points PCA11/5 and PCA11/6	Rights of Way Plans – Sheet 17 of 27
Two village bypass	Footpath E-243/001/0	Footpath between points PSF11/1 and PSF11/2	New footpath between points PCF11/3 and PCF11/4	Rights of Way Plans – Sheet 17 of 27
Two village bypass	Hill Farm Road	Highway between points PSH11/5 and PSH11/6	New highway between PCH11/4 and PCH11/5	Rights of Way Plans – Sheet 17 of 27
Two village bypass	Farnham Hall farm house	Private means of access between points PSA11/5 and PSA11/6	New private means of access between points PCA11/7, PCA11/9 and PCA11/8	Rights of Way Plans – Sheet 18 of 27
Two village bypass	Footpath E-243/003/0	Footpath between point PSF11/3, PSF11/9 and PSF11/4	New footpath between points PCF11/10, PCF11/11 and PCF11/12	Rights of Way Plans – Sheet 18 of 27
Two village bypass	Footpath E-243/004/0	Footpath between points PSF11/5 and PSF11/6	New footpath between points PCF11/9, PCF11/11, PCF11/12 and	Rights of Way Plans – Sheet 18 of 27

			PCF11/13	
Two village bypass	Footpath E-137/029/0	Footpath between points PSF11/7 and PSF11/8	New footpath between points PCF11/7 and PCF11/8	Rights of Way Plans – Sheet 18 of 27
Two village bypass	A12	Highway between points PSH11/15, PSH11/9 and PSH11/16	New highway between points PCH11/8, PCH11/13 and PCH11/9	Rights of Way Plans – Sheet 18 of 27
Two village bypass	A12	Highway between points PSH11/11 and PSH11/7	New highway between points PCH11/10, PCH11/13 and PCH11/8	Rights of Way Plans – Sheet 18 of 29
Two village bypass	A1094	Highway between points PSH11/14 and PSH11/9	Highway between points PCH11/11, PCH11/13, PCH11/8, PCH11/9 and PCH11/10	Rights of Way Plans – Sheet 18 of 27
Sizewell link road	A12	Highway between points PSH12/1 and PSH12/2	New highway between points PCH12/1 and PCH12/2	Rights of Way Plans – Sheet 19 of 27
Sizewell link road	Footpath E-344/014/0	Footpath between points PSF12/1 and PSF12/2	New footpath between points PCF12/3 and PCF12/4	Rights of Way Plans – Sheet 19 of 27
Sizewell link road	Footpath E-344/013/0	Footpath between points PSF12/3 and PSF12/4	New footpath between points PCF12/5 and PCF12/6	Rights of Way Plans – Sheet 19 of 27
Sizewell link road	Footpath E-584/016/0	Footpath between points PSF12/5 and PSF12/6	New footpath between points PCF12/7 and PCF12/8	Rights of Way Plans – Sheet 20 of 27
Sizewell link road	Littlemoor Road	Highway between points PSH12/5, PSH12/6, PSH12/7 and PSH12/8	New footpath between points PCF12/9 and PCF12/10  New footpath between points PCF12/10 and PCF12/11  New footpath between points PCF12/11 and PCF12/12  New highway between PCH12/8 and	Rights of Way Plans – Sheet 20 of 27

			PCH12/9  New highway between PCH12/5 and PCH12/6	
Sizewell link road	B1122 Yoxford Road	Highway between PSH12/3 and PSH12/4	New highway between PCH12/3 and PCH12/4	Rights of Way Plans – Sheet 20 of 27
Sizewell link road	Fordley Road	Highway between points PSH12/9, PSH12/10 and PSH12/11	New highway between points PCH12/12 and PCH12/13  New highway between points PCH12/10 and PCH12/11  New footpath between points PCF12/13, PCF12/14, PCF12/17, PCF12/16 and PCF12/18	Rights of Way Plans – Sheet 20 of 27
Sizewell link road	Footpath E-396/017/0	Footpath between points PSF12/7 and PSF12/8	New footpath between points PCF12/15, PCF12/17, PCF12/16 and PCF12/19	Rights of Way Plans – Sheet 20 of 27
Sizewell link road	Unnamed road	Private means of access between points PSA12/1, PSA12/3, PSA12/5	New private means of access between points PCA12/3 and PCA12/4  New highway between points PCH12/16 and PCH12/17	Rights of Way Plans – Sheet 21 of 27
Sizewell link road	Footpath E-396/023/0	Footpath between points PSF12/21 and PSF12/22	New footpath between points PCF12/22 and PCF12/23	Rights of Way Plans – Sheet 21 of 27
Sizewell link road	Hawthorn Road	Highway between points PSH12/16, PSH12/17 and PSH12/18	New highway between PCH12/18 and PCH12/19  New footpath between PCF12/24, PCF12/26 and	Rights of Way Plans – Sheet 21 of 27



			PCF12/27	
Sizewell link road	B1122 Yoxford Road	Highway between points PSH12/19 and PSH12/20	New highway between points PCH12/20 and PCH12/21	Rights of Way Plans – Sheet 21 of 27
Sizewell link road	Footpath E-396/015/0	Footpath between points PSF12/9 and PSF12/10	New footpath between points PCF12/28 and PCF12/29	Rights of Way Plans – Sheet 21 of 27
Sizewell link road	Footpath E-396/015/0 and E-515/005/0	Footpath between PSF12/11, PSF12/12, PSF12/13 and PSF12/14	New footpath between PCF12/30 to PCF12/31  New footpath between PCF12/32 to PCF12/33	Rights of Way Plans – Sheet 21 of 27
Sizewell link road	Pretty Road	Highway between points PSH12/23, PSH12/35, PSH12/33 and PSH12/34	New highway between PCH12/28 and PCH12/29  New highway between PCH12/26 and PCH12/27  New private means of access between points PCA12/5, PCA12/6  New footpath between PCF12/31, PCF12/36, PCH12/40 and PCF12/34	Rights of Way Plans – Sheet 21 of 27
Sizewell link road	Footpath E-515/003/0	Footpath between points PSF12/15 and PSF12/16	New footpath between points PCF12/37 and PCF12/40  New footpath between points PCF12/38 and PCF12/49	Rights of Way Plans – Sheet 22 of 27
Sizewell link road	Footpath E-515/004/0	Footpath between points PSF12/17 and PSF12/18	New footpath between points PCF12/39 and PCF12/49	Rights of Way Plans – Sheet 22 of 27
Sizewell link road	Moat Road and Unnamed road	Highway between points PSH12/24,	New highway between points PCH12/30 and	Rights of Way Plans – Sheet 22 of 27

		PSH12/27, PSH12/25, PSH12/28 and PSH12/29	PCH12/31  New highway between points PCH12/32 and PCH12/33  New highway between points PCH12/35 and PCH12/34  New footpath between points PCF12/44, and PCF12/43	
Sizewell link road	Footpath E- 515/007/0	Footpath between points PSF12/23 and PSF12/24	New footpath between points PCF12/41 and PCF12/42	Rights of Way Plans – Sheet 22 of 27
Sizewell link road	Footpath E- 515/013/0	Footpath between points PSF12/19 and PSF12/20	New footpath between points PCF12/47 and PCF12/46	Rights of Way Plans – Sheet 22 of 27
Sizewell link road	B1122	Highway between points PSH12/30, PSH12/31 and PSH12/32	New highway between points PCH12/36 and PCH12/37  New footpath between points PCF12/45, and PCF12/46	Rights of Way Plans – Sheet 22 of 27
Yoxford roundabout	A12	Highway between points PSH14/1 and PCH14/2	New highway between points PCH14/1, PCH14/2,  New footpath between points PCF14/1 and PCF14/2	Rights of Way Plans – Sheet 24 of 27
Yoxford roundabout	Junction between A12 and B1122 Yoxford Road	Highway between points PSH14/3 and PSH14/4	New highway between points PCH14/1, PCH14/2, PCH14/3, PCH14/4, and PCH14/5	Rights of Way Plans – Sheet 24 of 27
Yoxford roundabout	B1122 Yoxford Road	Highway between points PSH14/5 and PSH14/6	New highway between points PCH14/3 and PCH14/5, and PCH14/4  New footpath	Rights of Way Plans – Sheet 24 of 27

			between points PCF14/3 and PCF14/4	
--	--	--	--	--

## PART 2

### BEING A PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1) Relevant site</i>	<i>(2) Street or private means of access to be stopped up or extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>	<i>(4) Reference</i>
Main development site and rail	Private means of access to Old Abbey Farm	Private means of access between points PSA1/1 and PSA1/2	Rights of Way Plans – Sheet 2 of 27

## SCHEDULE 11

Article 15

### Status of footpaths created or improved

<i>(1) Relevant site</i>	<i>(2) Existing or new footpath</i>	<i>(3) New status</i>	<i>(4) Reference</i>
Main development site and rail	New footpath between points PCF1/4 and PCF1/5 (Suffolk Coast Path)	Footpath	Rights of Way Plans – sheet 6 of 27
Main development site and rail	New footpath between points PCF1/10, PCF1/11 (junction with Sandy Lane temp access), PCF1/9, PCF1/7, PCF1/6, PCF4/2, PCF4/1, PCF1/3, PCF1/2 and PCF1/1	Footpath, cycleway and bridleway	Rights of Way Plan – sheets 2 and 3 of 27
Main development site and rail	New footpath between points PCF4/2, PCF4/3 and PCF4/4	Footpath	Rights of Way Plan – sheet 10 of 27
Main development site and rail	New footpath between points PCF1/6 and PCF1/8	Footpath	Rights of Way Plan – sheet 3 of 27
Sizewell link road	New footpath between points PCF12/3 and PCF12/4	Footpath	Rights of Way Plan – sheet 19 of 27
Sizewell link road	New footpath between points PCF12/5 and PCF12/6	Footpath	Rights of Way Plan – sheet 19 of 27
Sizewell link road	New footpath between points PCF12/7 and PCF12/8	Footpath	Rights of Way Plan – sheet 20 of 27
Sizewell link road	New footpath between points PCF12/9 and PCF12/10	Footpath	Rights of Way Plan – sheet 20 of 27
Sizewell link road	New footpath between points PCF12/10 and PCF12/11	Footpath	Rights of Way Plan – sheet 20 of 27
Sizewell link road	New footpath between points PCF12/11 and PCF12/12	Footpath	Rights of Way Plan – sheet 20 of 27
Sizewell link road	New footpath between points PCF12/13 and PCF12/14	Footpath	Rights of Way Plan – sheet 20 of 27
Sizewell link road	New footpath between points PCF12/14, PCF12/17, PCF12/16 and PCF12/18	Footpath	Rights of Way Plan – sheet 20 of 27
Sizewell link road	New footpath between points PCF12/15,	Footpath	Rights of Way Plan – sheet 20 of 27

	PCF12/17, PCF12/16 and PCF12/19		
Sizewell link road	New footpath between points PCF12/20, PCF12/22 and PCF12/23	Footpath	Rights of Way Plan – sheet 21 of 27
Sizewell link road	New footpath between points PCF12/24, PCF12/26 and PCF12/27	Footpath	Rights of Way Plan – sheet 21 of 27
Sizewell link road	New footpath between points PCF12/28 and PCF12/29	Footpath	Rights of Way Plan – sheet 21 of 27
Sizewell link road	New footpath between points PCF12/30 and PCF12/31	Footpath	Rights of Way Plan – sheet 21 of 27
Sizewell link road	New footpath between points PCF12/31, PCF12/36, PCF12/40 and PCF12/34	Footpath	Rights of Way Plan – sheet 21 of 27
Sizewell link road	New footpath between points PCF12/32 and PCF12/33	footpath	Rights of Way Plan – sheet 21 of 27
Sizewell link road	New footpath between points PCF12/40 and PCF12/37	Footpath	Rights of Way Plan – sheet 22 of 27
Sizewell link road	New footpath between points PCF12/38 and PCF12/39	Footpath	Rights of Way Plan – sheet 22 of 27
Sizewell link road	New footpath between points PCF12/41 and PCF12/42	Footpath	Rights of Way Plan – sheet 22 of 27
Sizewell link road	New footpath between points PCF12/44 and PCF12/43	Footpath	Rights of Way Plan – sheet 22 of 27
Sizewell link road	New footpath between points PCF12/43 and PCF12/50	Footpath	Rights of Way Plan – sheet 22 of 27
Sizewell link road	New footpath between points PCF12/45 and PCF12/46	Footpath	Rights of Way Plan – sheet 22 of 27
Sizewell link road	New footpath between points PCF12/46 and PCF12/47	Footpath	Rights of Way Plan – sheet 22 of 27
Two village bypass	New footpath between PCF11/1 and PCF11/2	Footpath	Rights of Way Plan – sheet 17 of 27
Two village bypass	New footpath between PCF11/14 and PCF11/16	Footpath	Rights of Way Plan – sheet 17 of 27
Two village bypass	New footpath between PCF11/3 and PCF11/4	Footpath	Rights of Way Plan – sheet 17 of 27
Two village bypass	New footpath between PCF11/17 and PCF11/15	Footpath	Rights of Way Plan – sheet 17 of 27
Two village bypass	New footpath between	Footpath	Rights of Way Plan –

	PCF11/3 and PCF11/4		sheet 17 of 27
Two village bypass	New footpath between PCF11/10, PCF11/11 and PCF11/12	Footpath	Rights of Way Plan – sheet 18 of 27
Two village bypass	New footpath between PCF11/9, PCF11/11, PCF11/12 and PCF11/13	Footpath	Rights of Way Plan – sheet 18 of 27
Two village bypass	New footpath between PCF11/7 and PCF11/8	Footpath	Rights of Way Plan – sheet 18 of 27
Two village bypass	New footpath between PCF11/5 and PCF11/6	Footpath	Rights of Way Plan – sheet 18 of 27
Yoxford roundabout	New footpath between points PCF14/1 and PCF14/2	Footpath	Rights of Way Plan – sheet 24 of 27
Yoxford roundabout	New footpath between points PCF14/3 and PCF14/4	Footpath	Rights of Way Plan – sheet 24 of 27

## SCHEDULE 12

Article 16

### Benefit of permanent private means of access and private rights of way created

<i>(1) Benefitted land</i>	<i>(2) Affected land</i>	<i>(3) New permanent means of access or right of way</i>	<i>(4) Reference</i>
Land Registry Title SK269598  (Farnham Hall Farmhouse)	Land Registry Titles SK349176 and SK267263	Between points PCA11/7, PCA11/9 and PCA11/8	Rights of Way Plan – sheet 18 of 27
Land Registry Title SK349176  (Walk Barn Farm)	Land Registry Title SK267263	Between points PCA11/7, PCA11/9 and PCA11/8	Rights of Way Plan – sheet 18 of 27
Land Registry Title SK109572  (Land south of Rookery Farm, Yoxford)	Land Registry Title SK158445	Between points PCA12/1 and PCA12/2	Rights of Way Plan – sheet 19 of 27
Land Registry Title SK232933  (Trust Farm)	Land Registry Title SK313822	Between points PCA12/3 and PCA12/4	Rights of Way Plan – sheet 19 of 27
Land Registry Title SK160074	Unregistered title to Leiston Abbey access way (shown on land plans as plot MDS/02/14)	Between points PCA1/1 and PCA1/2	Rights of Way Plan – sheet 2 of 27

## SCHEDULE 13

Article 17

### Streets and private means of access to be temporarily stopped up and extinguished

#### PART 1

#### BEING STREETS TO BE TEMPORARILY STOPPED UP OR EXTINGUISHED FOR WHICH A SUBSTITUTE IS NOT SPECIFIED

<i>(1) Relevant site</i>	<i>(2) Street or private means of access</i>	<i>(3) Extent of temporary stopping up or extinguishment</i>	<i>(4) Reference</i>
Main development site and rail	Footpath E-460/001/0	Footpath between points TSF4/7 and TSF4/8	Rights of Way Plans – sheet 7 of 27
Main development site and rail	Hawthorn Road	Highway between points TSH4/5 and TSH4/6	Rights of Way Plans – sheet 8 of 27
Main development site and rail	Unnamed road	Highway between points TSH4/7 and TSH4/8	Rights of Way Plans – sheet 9 of 27
Main development site and rail	Saxmundham Road	Highway between points TSH4/9 and TSH4/10	Rights of Way Plans – sheet 9 of 27
Main development site and rail	Footpath E-363/003/0	Footpath between points TSF4/2 and TSF4/10	Rights of Way Plans – sheet 9 of 27
Main development site and rail	Footpath E-363/005/0	Footpath between points TSF4/11 and TSF4/12	Rights of Way Plans – sheet 9 of 27
Main development site and rail	B1122 Station Road	Highway between points TSH4/11 and TSH4/12	Rights of Way Plans – sheet 9 of 27

#### PART 2

#### BEING STREETS AND PRIVATE MEANS OF ACCESS TO BE TEMPORARILY STOPPED UP OR EXTINGUISHED FOR WHICH A SUBSTITUTE IS SPECIFIED

<i>(1) Relevant site</i>	<i>(2) Street or private means of access</i>	<i>(3) Extent of temporary stopping up or extinguishment</i>	<i>(4) Substitute</i>	<i>(5) Reference</i>
Main development site and rail	Footpath E-363/021/0	Footpath between points PSF1/1 and PSF1/2	New footpath between points TCF1/4 and TCF1/5	Rights of Way Plans – sheet 6 of 27
Main	E-363/019/0	Footpath	New footpath	Rights of Way



development site and rail	Bridleway 19	between points TSF1/1 and TSF1/2	between points PCF1/10, PCF1/11, PCF1/9, PCF1/7, PCF1/6, PCF4/2, PCF4/1, PCF1/3, PCF1/2 and PCF1/1	Plans – sheets 1, 2 and 3 of 27
Main development site and rail	B1122 Abbey Road	Highway between points TSH4/3 and TSH4/4	New highway between points TCH4/3 and TCH4/4  New footpath between points TCF4/6 and TCF4/7	Rights of Way Plans – sheet 2 of 27
Main development site and rail	Footpath E-363/003/0	Footpath between points TSF4/1 and TSF4/2	New footpath between points TCF4/1 and TCF4/2	Rights of Way Plans – sheet 10 of 27
Main development site and rail	Buckleswood Road	Highway between points TSH4/1 and TSH4/2	New highway between points TCH4/1 and TCH4/2	Rights of Way Plans – sheet 10 of 27
Main development site and rail	Footpath E-363/006/0	Footpath between points TSF4/3 and TSF4/4	New footpath between points TCF4/3, TCF4/5 and TCF4/4; and between points PCF4/1 to PCF4/2; and between points PCF4/2, PCF4/3 and PCF4/4	Rights of Way Plans – sheet 10 of 27
Main development site and rail	Footpath E-363/010/0	Footpath between points TSF4/5 and TSF4/6	New footpath between points TCF4/4 and TCF4/5; and between points PCF4/1 and PCF4/2; and from PCF4/2 to PCF4/3	Rights of Way Plans – sheet 10 of 27
Northern park and ride	A12	Highway between points TSH9/1 and TSH9/2	New temporary highway between points TCH9/1 and TCH9/2	Rights of Way Plans – sheet 15 of 27
Northern park and ride	Willow Marsh Lane	Highway between points TSH9/4, TSH9/5 and TSH9/6	New temporary highway between points TCH9/2 and TCH9/6 New temporary footpath between TCF9/1, TCF9/2 and TCF9/3	Rights of Way Plans – sheet 15 of 27

Northern park and ride	Private means of access	Private means of access between points TSA9/1 and TSA9/2	New temporary private means of access between points TCA9/1 and TSH9/2, and between points TCA9/3 and TCA9/4	Rights of Way Plans – sheet 15 of 27
Southern park and ride	Private means of access	Footpath between points TSF10/1 and TSF10/2	New temporary footpath between points TCF10/1 and TCF10/2	Rights of Way Plans – sheet 16 of 27
Southern park and ride	Private means of access	Private means of access between points TSA10/1 and TSA10/2	New temporary private means of access between points TCA10/1 and TCA10/2	Rights of Way Plans – sheet 16 of 27

## SCHEDULE 14

Article 22

### Traffic Regulation Measures

<i>(1) Relevant site</i>	<i>(2) Street</i>	<i>(3) Extent</i>	<i>(4) Notes</i>
<b>Permanent traffic regulation measures</b>			
Main development site and rail	B1122	From 220m north of the existing Eastbridge Road junction to 70m north of the Abbey Lane junction, including the new roundabout (Work No. 1B)	40mph speed restriction
Main development site and rail	Eastbridge Road	From 500m northeast of the existing Eastbridge Road junction to the new roundabout (Work No. 1B)	40mph speed restriction
Main development site and rail	Lover's Lane	From the junction with B1122 Abbey Road to 390m south of the Valley Road junction	40mph speed restriction
Main development site and rail	Valley Road	From the junction with Lover's Lane to 220m west of the junction with Lover's Lane	30mph speed restriction
Main development site and rail	Lover's Lane	From 400m north of the Valley Road junction to 520m east of the King George's Avenue junction	30mph speed restriction
Main development site and rail	Buckleswood Road	From 250m southeast of the Abbey Lane junction to the transition between	40mph speed restriction
Main development site and rail	Westwood Ho	From the existing change in speed limit outside no. 82 to transition between Westward Ho and Buckleswood Road	40mph speed restriction
Northern park and ride	A12	From the existing change in speed limit (50m north of Willow Marsh Lane) to 310m north of Willow Marsh Lane	40mph speed restriction
Northern park and	Willow Marsh Lane	From 200m north of	30mph speed

ride		the existing junction with the A12 to the back of the splitter island on the western arm of the new A12 link at the new roundabout (Work No. 9(b))	restriction
Southern park and ride	B1078	From 25m east of the A12 southbound entry slip roads to the back of the splitter island on the southern arm of the B1116 roundabout	30mph speed restriction
Southern park and ride	A12 southbound entry slip road	From the junction with the B1078 to 10m south of the B1078	30mph speed restriction
Southern park and ride	A12 northbound exit slip road	From the junction with the B1078 to 10m south of the B1078	30mph speed restriction
Two village bypass	Tinker Brook	From the new A12 roundabout to 120m south of the existing A12 junction	30mph speed restriction
Two village bypass	A12	From the existing A1094 junction to 20m east of the existing A1094 junction	40mph speed restriction
Two village bypass	Existing A12 to be declassified	From the existing A1094 junction to 70m west of the existing A1094 junction	40mph speed restriction
Yoxford roundabout	Former B1122 Middleton Road to be declassified	From 150m east of the former junction with the A12 to the new junction with the B1122	20mph speed restriction
Yoxford roundabout	Unnamed road (Pinn's Piece access)	Entire length	20mph speed restriction
A1094/B1069 junction south of Knodishall	A1094	From 470m west of the B1069 junction to 490m east of the B1069 junction	40mph speed restriction
A1094/B1069 junction south of Knodishall	B1069	From the existing A1094 junction to 230m north of the existing A1094 junction	40mph speed restriction
A1094/B1069 junction south of Knodishall	B1121	From the existing A1094 junction to 60m north of the existing A1094	40mph speed restriction

		junction	
<b>Temporary traffic regulation measures</b>			
Main development site and rail	B1122	From 400m south of the Onner's Lane junction to the commencement of the existing 30mph restriction 70m north of the Abbey Lane junction	30mph speed restriction
Main development site and rail	Eastbridge Road	From 1300m northeast of the existing Eastbridge Road junction to the existing B1122 junction	30mph speed restriction
Main development site and rail	Lover's Lane	From the junction with B1122 Abbey Road to 100m south of the Valley Road junction	30mph speed restriction
Main development site and rail	Valley Road	From the Lover's Lane junction to 800m west of the Lover's Lane junction with Lover's Lane	30mph speed restriction
Main development site and rail	Lover's Lane	From 600m east of the junction with B1122 Abbey Road to 100m east of the King George's Avenue junction	30mph speed restriction
Main development site and rail	Lover's Lane	From 400m north of the Valley Road junction to 520m east of the King George's Avenue junction	30mph speed restriction
Main development site and rail	Lover's Lane	From the King George's Avenue junction to 600m north of the King George's Avenue junction	30mph speed restriction
Main development site and rail	Sizewell Gap	From the King George's Avenue junction to 600m east of the King George's Avenue junction	30mph speed restriction
Main development site and rail	Sizewell Gap	From 100m west of the Sandy Lane junction (on Sizewell Gap) to the King George's Avenue junction	30mph speed restriction
Main development site and rail	Lover's Lane	Entire length	30mph speed restriction

Main development site and rail	Eastbridge Road	From the Bridleway 19 junction to the B1122 junction	30mph speed restriction
Main development site and rail	B1122	From 500m south of the Onner's Lane junction to the commencement of the existing 30mph restriction 70m north of the Abbey Lane junction	30mph speed restriction
Main development site and rail	The Green	From the Clay Hills junction to 1000m south of the Clay Hills junction	30mph speed restriction
Main development site and rail	Clay Hills	From 600m west of the The Green junction to The Green junction	30mph speed restriction
Main development site and rail	Hawthorn Road	From the The Green junction to 600m north of The Green junction	30mph speed restriction
Main development site and rail	Unnamed road running north from Hawthorn Road	From the Hawthorn Road junction to 100m north of the Hawthorn Road junction	30mph speed restriction
Main development site and rail	Abbey Lane	From the Hawthorn Road junction to 250m east of the Hawthorn Road junction (for Knodishall level crossing works); and  From 800m northwest of the Saxmundham Road level crossing to 800m northeast of the Saxmundham Road level crossing (for Saxmundham Road level crossing works)	30mph speed restriction
Main development site and rail	B1119 Saxmundham Road	From 800m southwest of Saxmundham Road level crossing to 700m southeast of Saxmundham Road level crossing	30mph speed restriction
Main development site and rail	Buckleswood Road	From 650m east of the Abbey Lane junction to the transition between Westward Ho and Buckleswood Road	30mph speed restriction

Main development site and rail	Lover's Lane	From the King George's Avenue junction to 500m north of the King George's Avenue junction	30mph speed restriction
Main development site and rail	Sizewell Gap	From the King George's Avenue junction to 500m east of the King George's Avenue junction	30mph speed restriction
Main development site and rail	B1122 Abbey Road	From 850m north of the Lover's Lane junction to the transition to 30mph north of the Lover's Lane junction	30mph speed restriction
Main development site and rail	Buckleswood Road	From the Abbey Lane junction to the transition between Buckleswood Road and Westward Ho	30mph speed restriction
Main development site and rail	Westwood Ho	From the transition between Westward Ho and Buckleswood Road and 200m east of the transition between Westward Ho and Buckleswood Road	30mph speed restriction
Main development site and rail	Lover's Lane	From the B1122 junction to 1050m east of the B1122 junction	30mph speed restriction
Main development site and rail	Abbey Lane	From 400m west of the Buckleswood Road junction to 400m east of the Buckleswood Road junction (for Buckleswood Road level crossing); and  From the B1122 junction to 850m west of the B1122 junction	30mph speed restriction
Main development site and rail	Harrow Lane	From 350m west of the Abbey Lane junction to the Abbey Lane junction	30mph speed restriction
Northern park and ride	A12	From the A144 junction to 860m south of Willow Marsh Lane	30mph speed restriction
Northern park and ride	Willow Marsh Lane	From the A12 junction to 1000m	30mph speed restriction

		south of Willow Marsh Lane	
Southern park and ride	B1078	From 530m west of the B1116 junction to 530m southeast of the B1116 junction	30mph speed restriction
Southern park and ride	B1116	From the B1078 junction to 530m north of the B1078 junction	30mph speed restriction
Southern park and ride	Easton Road	From the B1116 junction to 230m west of the B1116 junction	30mph speed restriction
Southern park and ride	A12 northbound entry slip road	From the B1078 junction to 270m northeast of the B1078 junction	30mph speed restriction
Southern park and ride	A12 (northbound carriageway)	From 1850m south of the B1078 overbridge to 1200m north of the B1078 overbridge	30mph speed restriction
Southern park and ride	A12 northbound entry slip road	From the B1078 junction to the merge with the A12	30mph speed restriction
Two village bypass	Tinker Brook	From the A12 junction to 600m north of the Beversham Road / Church Road junction	30mph speed restriction
Two village bypass	Unnamed road north of A12, opposite Tinker Brook]	From the A12 junction to 800m north of the A12 junction	30mph speed restriction
Two village bypass	Unnamed road adjacent to Pond Barn Cottages	From the A12 junction to 1700m south of the A12 junction	30mph speed restriction
Two village bypass	A12	From the B1121 junction to the existing transition to 30mph north of Farnham; and  From 800m west of the Tinker Brook junction to the existing transition to 30mph south of Stratford St Andrew	30mph speed restriction
Two village bypass	A1094 Friday Street	From the A12 junction to 1000m southeast of the A12 junction	30mph speed restriction
Sizewell link road	A12	From 1200m north of the Town Farm Lane junction to 800m	30mph speed restriction



		south of the Town Farm Lane junction	
Sizewell link road	Littlemoor Road	From the B1122 junction to the Fordley Road junction	30mph speed restriction
Sizewell link road	Fordley Road	From the B1122 junction to 200m southwest of the Littlemoor Road junction;  From the B1122 junction to 100m south of the B1122 junction;	30mph speed restriction
Sizewell link road	B1122 Yoxford Road	From the transition to 30mph 600m east of the A12 junction to 550m east of the Littlemoor Road junction;  From 650m west of the Fordley Road junction to 650m east of the Fordley Road junction;  From 850m west of the Trust Farm access to 850m east of the Trust Farm access; From 750m west of the Hawthorn Road junction to 750m east of the Hawthorn Road junction;  From 1250m west of the B1125 junction to 450m east of the B1125 junction at the existing transition to 30mph at the western end of Theberton;  From the existing transition to 30mph 100m west of the Moat Road junction to 350m east of the Moat Road junction; and  From the existing transition to 30mph 100m west of the	30mph speed restriction

		Moat Road junction to 100m north of the Eastbridge Road junction	
Sizewell link road	Hawthorn Road	From the B1122 junction to 1050m south of the B1122 junction	30mph speed restriction
Sizewell link road	B1125	From the B1122 junction to 250m north of the B1122 junction (for the Fordley Road works); and  From the B1122 junction to 1050m north of the B1122 junction (for B1122 works)	30mph speed restriction
Sizewell link road	Pretty Road	From the B1122 junction to 1700m south of the B1122 junction	30mph speed restriction
Sizewell link road	Moat Road	From the B1122 junction to 1250m south of the B1122 junction	30mph speed restriction
Sizewell link road	Unnamed road (Theberton Grange access)	From the Moat Road junction to 950m east of the Moat Road junction	30mph speed restriction
Sizewell link road	Onner's Lane	From the B1122 junction to 350m north of the B1122 junction (for Moat Road works); and  From the B1122 junction to 800m north of the B1122 junction	30mph speed restriction
Freight management facility	Felixstowe Road north of Levington Lane	From 1250m northwest of the Bridge Road junction to 350m southeast of the Bridge Road junction	30mph speed restriction
Freight management facility	Bridge Road	From the Felixstowe Road junction to 250m south of the Bridge Road junction	30mph speed restriction
Freight management facility	Levington Road	Entire length (between Felixstowe Road and the end of the road to the south of the A14)	30mph speed restriction

Yoxford roundabout	A12	From the existing transition to 30mph north of Yoxford to 500m north of the Westleton Road junction	30mph speed restriction
Yoxford roundabout	Former B1122 Middleton Road to be declassified	From the existing transition to 30mph east of Yoxford to 550m east of the level crossing	30mph speed restriction
Yoxford roundabout	Unnamed road (Pinn's Piece access)	Entire length	30mph speed restriction
Yoxford roundabout	Westleton Road	From the A12 junction to 500m east of the A12 junction	30mph speed restriction
A1094/B1069 junction south of Knodishall	A1094	From 1300m west of the B1069 junction to 1300m east of the B1069 junction	30mph speed restriction
A1094/B1069 junction south of Knodishall	B1069	From the A1094 junction to 1050m north of the A1094 junction	30mph speed restriction
A1094/B1069 junction south of Knodishall	B1121	From the existing transition to 30mph 500m west of the A1094 junction to the A1094 junction	30mph speed restriction
A12 / A144 junction south of Bramfield	A12	From 1000m north of the A144 junction to 1000m south of the A144 junction	30mph speed restriction
A12 / A144 junction south of Bramfield	A144	From 900m west of the A12 junction to the A12 junction	30mph speed restriction
A12 / B1119 junction at Saxmundham	A12	From 900m north of the B1119 (west) junction to 900m south of the B1119 (east) junction	30mph speed restriction
A12 / B1119 junction at Saxmundham	B1119 (west)	From 1000m west of the A12 junction to the A12 junction	30mph speed restriction
A12 / B1119 junction at Saxmundham	B1119 (east)	From the A12 junction to the existing transition to 30mph 100m east of the A12 junction	30mph speed restriction

## SCHEDULE 15

Articles 26 and 30

### PART 1

#### LAND WHICH MAY NOT BE COMPULSORILY ACQUIRED

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Party</i>
Main development site and rail	MDS/04/09; MDS/04/10; MDS/05/01; MDS/05/02; MDS/05/03; MDS/05/04; MDS/05/06; MDS/05/07; MDS/05/08; MDS/05/09; MDS/05/12; MDS/05/13; MDS/06/01; MDS/06/02	EDF Energy Nuclear Generation Limited  Nuclear Decommissioning Authority  Nuclear Liabilities Fund Limited  Magnox Limited  National Grid Electricity Transmission plc

### PART 2

#### LAND IN RESPECT OF WHICH ONLY RIGHTS ETC MAY BE ACQUIRED

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which new rights may be acquired</i>
Sizewell link road	SLR/19/08	Installation, use and maintenance of Work No. 12B (Sizewell link road) over the East Suffolk Line

## Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants

### Compensation enactments

**1.** The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply in respects compensation on the compulsory purchase of land and interests in land.

**2.**(1) Without limiting the scope of paragraph (1), the Land Compensation Act 1973(a)(a) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (Compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 5—

- (a) for “land is acquired or taken” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is or the restrictive covenant enforceable”.

**3.**—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1961 has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) of the 1961 Act, after “if” substitute—

- “(a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 7 of Schedule 16 to the Sizewell C (Nuclear Generating Station) Order [\*]);
- (b) the acquiring authority is subsequently required by a determination under Part 3 of Schedule 2A to the 1965 Act (as modified by paragraph 10 of Schedule 16 to the Sizewell C (Nuclear Generating Station) Order [\*]) to take the additional land; and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where it entered on that land for the purpose of exercising that right.”

### Application of the 1965 Act

**4.**—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land must be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

---

(a) 1973 c.26.

(2) Without limitation on the scope of paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

5. For section 7 of the 1965 Act (measure of compensation) substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (Failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (Owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (Absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (Common land),

are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 11A (Powers of entry: further notices of entry), 11B (counter-notices requiring possession to be taken on specified dates), and section 12 (Penalty for unauthorised entry) and 13 (Entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20 of the 1965 Act (Protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 (Interests omitted from purchase) of the 1965 Act is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

10. For Schedule 2A of the 1965 Act substitute—

## **“SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND**

### **Introduction**

1.—(1) This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 32 (Application of the 1981 Act) of the Sizewell C (Nuclear Generating Station) Order [\*] in respect of the land to which the notice to treat relates.

(2) But see article 33 (acquisition of subsoil only) of the Sizewell C (Nuclear Generating Station) Order [\*] which excludes acquisition of subsoil only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

### **Counter-notice requiring purchase of land**

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

### **Response to counter-notice**

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat;
- (b) accept the counter-notice; or
- (c) refer the counter-notice to the Upper Tribunal.

6. The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the authority decides to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the authority does not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

### **Determination by Upper Tribunal**

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory; or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant;
- (b) the use to be made of the right or covenant proposed to be acquired or imposed; and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the authority ought to be required to take.

13. If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land.

**14.—**(1) If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal”



## SCHEDULE 17

Article 37

### Land of which only temporary possession may be taken

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on Land Plans)</i>	<i>(3) Purpose for which temporary possession may be taken</i>
Main development site and rail	MDS/01/02, MDS/02/09, MDS/02/35, MDS/02/37, MDS/02/38, MDS/03/02, MDS/03/04, MDS/03/05, MDS/03/08, MDS/03/09, MDS/03/11, MDS/03/18, MDS/03/19, MDS/05/20, MDS/05/21, MDS/05/22	Construction of, and working areas in relation to, Work No. 1
Main development site and rail	MDS/10/15	Construction of Work No. 4B
Main development site and rail	MDS/03/08, MDS/03/12, MDS/03/13, MDS/03/14, MDS/03/15, MDS/03/16, MDS/03/17, MDS/07/01, MDS/08/01, MDS/08/02, MDS/08/03, MDS/08/04, MDS/08/05, MDS/08/06, MDS/08/07, MDS/09/01, MDS/09/02, MDS/09/03, MDS/09/04, MDS/09/05, MDS/09/06, MDS/09/07, MDS/09/08, MDS/09/09, MDS/09/10, MDS/09/11, MDS/09/12, MDS/10/15, MDS/10/17, MDS/10/18, MDS/10/19, MDS/10/20	Construction of, and working areas in relation to, Work No. 4C
Sports facilities	SF/11/01, SF/11/02	Construction of Work No. 8 and use of the facilities by the undertaker's workforce and the public
Northern park and ride	NPR/15/14, NPR/15/15, NPR/15/16	Works to existing highway (Work No. 9(b))
Southern park and ride	SPR/16/03, SPR/16/08, SPR/16/09, SPR/16/10, SPR/16/12	Works to existing highway (Work No. 10(b))
Two village bypass	2VBP/17/01, 2VBP/17/04, 2VBP/17/07, 2VBP/17/09, 2VBP/17/10, 2VBP/17/13, 2VBP/17/14, 2VBP/17/16, 2VBP/17/17, 2VBP/17/18, 2VBP/17/19, 2VBP/17/22, 2VBP/17/23, 2VBP/17/26, 2VBP/17/27, 2VBP/17/28, 2VBP/18/13, 2VBP/18/14, 2VBP/18/16, 2VBP/18/17	Working area in relation to construction of Work No. 11
Two village bypass	2VBP/18/09, 2VBP/18/11,	Working areas and construction

		compounds associated with carrying out Work No. 11
Sizewell link road	SLR/19/01, SLR/19/05, SLR/19/06, SLR/19/10, SLR/19/12, SLR/19/13, SLR/19/14, SLR/19/15, SLR/19/16, SLR/19/17, SLR/19/18, SLR/19/19, SLR/20/01, SLR/20/05, SLR/20/06, SLR/20/07, SLR/20/09, SLR/20/10, SLR/20/12, SLR/20/14, SLR/20/15, SLR/20/17, SLR/21/02, SLR/21/03, SLR/21/05, SLR/21/09, SLR/21/11, SLR/21/12, SLR/21/13, SLR/21/17, SLR/21/24, SLR/21/25, SLR/21/26, SLR/21/27, SLR/21/33, SLR/21/35, SLR/21/36, SLR/21/40, SLR/21/43, SLR/21/45, SLR/22/01, SLR/22/03, SLR/22/05, SLR/22/08, SLR/22/12, SLR/22/16, SLR/22/25	Working areas in relation to construction of Work No. 12
Sizewell link road	SLR/19/21, SLR/19/07	Working areas and construction compounds associated with carrying out Work No. 12
Freight management facility	FMF/23/01, FMF/23/02, FMF/23/03, FMF/23/04, FMF/23/06, FMF/23/07, FMF/23/08	Works to existing highway (Work No. 13(b))
Yoxford roundabout	OHI/24/11	Works to existing highway (Work No. 14)
Yoxford roundabout	OHI/24/10	Construction compound associated with the carrying out Work No. 14
A12/B1119 junction at Saxmundham	OHI/25/01, OHI/25/03	Works to existing highway (Work No. 15)
A1094/B1068 junction south of Knodishall	OHI/26/01, OHI/26/02, OHI/26/03, OHI/26/04, OHI/26/05, OHI/26/06, OHI/26/07, OHI/26/08	Works to existing highway (Work No. 16)
A12/A144 junction south of Bramfield	OHI/27/02, OHI/27/03, OHI/27/05, OHI/27/06, OHI/27/07, OHI/27/09, OHI/27/10, OHI/27/11	Works to existing highway (Work No. 17)

## SCHEDULE 18

Article 44

### Protective Provisions

#### PART 1

#### PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

##### Application

1. The provisions of this Part have effect for the protection of the statutory undertakers referred to in this Part, unless otherwise agreed in writing between the undertaker and the statutory undertaker concerned.

##### Interpretation

2. In addition to article 2 (Interpretation), the terms in this Part have the following meanings —

“alternative apparatus” means alternative apparatus adequate to enable the statutory undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of a statutory undertaker within paragraph (a) of the definition of that term, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by the statutory undertaker for the purposes of electricity supply;
- (b) in the case of a statutory undertaker within paragraph (b) of the definition of that term, any mains, pipes or other apparatus belonging to or maintained by the statutory undertaker for the purposes of gas supply;
- (c) in the case of a statutory undertaker within paragraph (c) of the definition of that term, mains, pipes or other water apparatus belonging to or maintained by the statutory undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the sewerage undertaker under the Water Industry Act 1991; and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and in each case includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“statutory undertaker” means—

---

(a) 1989 c.29. The definition of “electric plant” was amended by paragraph 38(3) of Part II of Schedule 6 to the Utilities Act 2000 (c.27). The definition of “licence holder” was amended by section 13 of the Utilities Act 2000 (c.27). There are other amendments to the Electricity Act 1989 which are not relevant to this Order.

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989; and
- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986<sup>(a)</sup>;
- (g) a water undertaker within the meaning of the Water Industry Act 1991;
- (h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991; and
- (i) for the area of the authorised development, and in relation to any apparatus, means the statutory undertaker to whom it belongs or by whom it is maintained.

### **On-street apparatus**

**3.** This Part does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by Part 3 of the 1991 Act.

### **Acquisition of apparatus**

**4.** Despite any provision in this Order or anything shown on the Land Plans, the undertaker must not acquire any apparatus otherwise than by agreement.

### **Removal of apparatus**

**5.—(1)** If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of a statutory undertaker to maintain that apparatus in that land and to gain access to it will not be extinguished until, if so required by the statutory undertaker, alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the statutory undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the statutory undertaker in question 28 days' written notice of that requirement, together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a statutory undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph 5(3), afford to the statutory undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on land other than that of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in subparagraph 5(2), the statutory undertaker in question, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its reasonable endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the statutory undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 82 (Arbitration).

(5) The statutory undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 82 (Arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraphs 5(2) and (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under this Part of this Schedule.

---

<sup>(a)</sup> 1986 c.44.

(6) Despite anything in sub-paragraph 5(5), if the undertaker gives notice in writing to the statutory undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by the statutory undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(7) Nothing in sub-paragraph 5(6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus without the prior approval of the statutory undertaker (such approval not to be unreasonably withheld or delayed).

### **Facilities and rights for alternative apparatus**

**6.**—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a statutory undertaker facilities and rights for the construction and maintenance in land of the undertaker for alternative apparatus in substitution for apparatus to be removed, those facilities and rights will be granted upon such terms and conditions as may be agreed between the undertaker and the statutory undertaker in question or in default of agreement settled by arbitration in accordance with article 82 (Arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in the land of the undertaker, the arbitrator will—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the undertaker; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or the land for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the statutory undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator may make such provision for the payment of compensation by the undertaker to that statutory undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

### **Retained apparatus: protection**

**7.**—(1) Not less than 28 days before starting the execution of any authorised works authorised by this Order that are near to, or will or may affect, or where construction access is to be taken over, any apparatus the removal of which has not been required by the undertaker under paragraph 6(2), the undertaker must submit to the statutory undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph 7(1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph 7(3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph 7(2) must be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory undertaker in accordance with sub-paragraph 7(3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives

written notice to the undertaker of that requirement, paragraph 6 applies as if the removal of the apparatus had been required by the undertaker under sub-paragraph (2) of that paragraph.

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph 7(2) in a case of emergency but in that case it must give to the statutory undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph 7(2) in so far as is reasonably practicable in the circumstances.

## **Compensation**

**8.**—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any of the works referred to in sub-paragraph 5(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any statutory undertaker, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that statutory undertaker for any other expenses, loss, demands or proceedings, damages, claims, penalty or costs incurred by the statutory undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph 8(1) must impose any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the neglect or default of a statutory undertaker, its officers, servants, contractors or agents.

(3) A statutory undertaker must give the undertaker reasonable prior written notice of any claim or demand, and no settlement or compromise may be made without the consent of the undertaker.

## **Expenses**

**9.**—(1) Subject to the following provisions of this paragraph, the undertaker must pay to the statutory undertaker in question the reasonable expenses incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

(2) The value of any apparatus removed under this Part is to be deducted from any sum payable under sub-paragraph 9(1), that value being calculated after removal.

(3) If in accordance with this Part—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 82 (Arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart

from this sub-paragraph would be payable to the statutory undertaker in question by virtue of sub-paragraph 9(1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph 9(1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker in question any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

### **Co-operation**

**10.**—(1) Where, under this Part, the statutory undertaker is required to give its consent or approval in respect of any matter, that consent or approval must not be unreasonably withheld or delayed.

(2) In respect of any specified work or the acquisition of rights under or over or use of the statutory undertaker's property, the statutory undertaker must co-operate with the undertaker with a view to avoiding undue delay.

### **Agreements**

**11.** Nothing in this Part affects the provisions of any agreement regulating the relations between the undertaker and a statutory undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## **PART 2**

### **PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS NETWORKS**

#### **Application**

**12.** The provisions of this Part have effect for the protection of operators unless otherwise agreed in writing between the undertaker and the operator in question.

#### **Interpretation**

**13.** In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“2003 Act” means the Communications Act 2003;

“conduit system” has the same meaning as in the electronic communications code; and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act; and

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; and

“operator” means the operator of an electronic communications code network.

### **Electronic communications apparatus installed on, under or over any land**

**14.** The exercise of the powers in article 40 (statutory undertakers) is subject to Part 10 of Schedule 3A of the 2003 Act (undertaker’s works affecting electronic communications apparatus).

### **Compensation**

**15.—**(1) Subject to sub-paragraphs 15(2) to (3), if as the result of the authorised development or its construction, any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or the property of an operator, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that statutory undertaker for any other expenses, loss, demands or proceedings, damages, claims, penalty or costs incurred by the statutory undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph 15(1) imposes any liability on the undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) Any difference arising between the undertaker and the operator under this paragraph must, unless otherwise agreed in writing between the operator and the undertaker, be referred to and settled by arbitration under article 80 (Arbitration).

(4) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

### **Application**

**16.—**(1) This Part does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by Part 3 of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

### **Co-operation**

**17.** In respect of any specified work or the acquisition of rights under or over or use of the statutory undertaker’s property, the statutory undertaker must co-operate with the undertaker with a view to avoiding undue delay.



**Enactments and agreements**

**18.** Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## SCHEDULE 19

Article 51

### Limits of the Harbour

The limits of the harbour within which the undertaker must exercise jurisdiction as the harbour authority and within which the powers of the harbour master are exercisable must be the area bounded by an imaginary line commencing at the shore north of the authorised development at 52°14'0'', 1° 37' 37'', then extending in a straight line to a point at 52°14'0'', 1° 41' 0'', then extending in a straight line to a point at 52° 12' 0'', 1° 41' 0'', then extending in a straight line due west to the coast to a point at 52° 12' 0'', 1° 37' 20.8, then following the level of Highest Astronomical Tide (HAT) to the point at 52°14'0'', 1° 37' 37''. Discrete lines of latitude and longitude have been chosen as these are easier for mariners to use in the absence of any suitable landmarks.

## SCHEDULE 20

Article 75

### Deemed Marine Licence under Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009

#### PART 1

##### INTRODUCTION

**1.—(1) In this licence—**

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised development” means the development described in Schedule 1 and any other development authorised by the Order that is development within the meaning of section 32 of the 2008 Act;

“commence” means beginning to carry out any part of a licensed activity and “commenced” and “commencement” are to be construed accordingly;

“EA” means the Environment Agency;

“the English inshore region” has the same meaning as that given in section 322 (interpretation) of the 2009 Act;

“environmental information” means the Environmental Statement and any “further information” as defined in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relating to the application for development consent in respect of the authorised development;

“Environmental Statement” means the document submitted by the undertaker to support its application for development consent and certified as such by the Secretary of State under article 78 and identified in Schedule 23 for the purposes of this Order;

“ESC” means East Suffolk Council;

“LAT” means Lowest Astronomical Tide;

“licence holder” means the undertaker and any agent, contractor or sub-contractor acting on its behalf;

“licensable marine activities” means any activity licensable under section 66 of the 2009 Act;

“licensed activity” means any activity described in Part 2 of this licence;

“maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve to the extent that such activities have been assessed in the environmental information and “maintenance” and “maintaining” are to be construed accordingly;

“capital dredging activity” means an activity which comprises the excavation of the seabed, in an area or down to a level (relative to Ordnance Datum) not previously dredged during the preceding 10 years;

“maintenance dredging activity” means any activity which comprises the removal of recently-accumulated sediments such as mud, sand and gravel in order to keep channels, berths and other areas at their designed depths and which takes place in circumstances where—

- (a) the level of the seabed to be restored by the dredging is not lower than it has been at any time during the past 10 years; and
- (b) there is evidence that dredging has previously been undertaken to that level (or lower) during that period;

“marker buoy” means any floating device used for marker or navigation purposes, including LIDAR buoys and wave buoys;

“mean high water spring tide” means the highest level which spring tides reach on average over a period of time;

“MHWS” means Mean High Water Spring tide mark;

“MMO” means the Marine Management Organisation;

“NE” means Natural England;

“Order” means The Sizewell C (Nuclear Generating Station) Order 202[X];

“Order land” means the land delineated and marked as such on the Land Plans;

“the Order limits” means the limits shown on the Works Plans within which the authorised development may be carried out;

“undertaker” means NNB GenCo (SZC) Ltd (registered company number 09284825);

“UXO” means Unexploded Ordnance;

“Work No. 1A(m)” means the Beach Landing Facility (BLF);

“Work No. 1A(n)” means the Soft Coastal defence Feature (sCDF);

“Work No. 1A(o)” means the Hard Coastal defence Feature (hCDF);

“Work No. 2A” means the Intake tunnel for Unit 1;

“Work No. 2B” means the Two intake heads for Unit 1 including vertical shafts;

“Work No. 2C” means the Intake tunnel for Unit 2;

“Work No. 2D” means the Two intake heads for Unit 2 including vertical shafts;

“Work No. 2E” means the Outfall tunnel common to both Unit 1 and Unit 2;

“Work No. 2F” means the Two outfall heads including vertical shafts common to both Unit 1 and Unit 2;

“Work Nos. 2G and 2H” means the Fish return tunnel and associated outfall head for Unit 1;

“Work Nos. 2I and 2J” means the Fish return tunnel and associated outfall head for Unit 2; and

“Work Nos. 2K and 2L” means the Combined drainage outfall tunnel and associated head structure.

## Addresses

2.—(1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this Schedule is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH, telephone 0300 123 1032 and where contact to the local MMO office is required, the following contact details should be used: Marine Management Organisation, Pakefield Road, Lowestoft, Suffolk NR33 0HT, telephone 01502 573 149.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is [marine.consent@marinemangement.org.uk](mailto:marine.consent@marinemangement.org.uk) or where contact to the local MMO office is required is [lowestoft@marinemangement.org.uk](mailto:lowestoft@marinemangement.org.uk).

## PART 2

### LICENSED ACTIVITIES - GENERAL

3. The provisions of section 72 of the 2009 Act apply to this licence except that the provisions of section 72(7) relating to the transfer of the licence only apply to a transfer not falling within **article 9** (Consent to transfer the benefit of the Order) of the Sizewell C (Nuclear Generating Station) Order [202X].

4.—(1) Subject to the licence conditions in Part 3 of this licence, this licence authorises the licence holder to carry out any licensable marine activities under section 66(1) of the 2009 Act which—

- (a) form part of, or are related to, the authorised development; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) Such activities are authorised in relation to the construction, maintenance and operation of—

(a) Work No. 1a(m) — comprising—

- (i) Up to 16no. supporting piles (8no below MHWS) of approximately 1.0m diameter,
- (ii) 2no fender piles and 2no mooring dolphins of approximately 1.5m diameter,
- (iii) Removable road bed sections to span between the supporting piles;
- (iv) Surface and navigational lighting;
- (v) Additional supporting works including the use of a temporary rock construction platform and/or jack-up vessel;
- (vi) Capital dredge for barge berthing area within coordinates listed in Part 4 (Table 2);
- (vii) Maintenance dredge for barge berthing area within coordinates listed in Part 4 (Table 2).

(b) Work No 1a(n) – comprising—

- (i) The initial placement of sacrificial sediments comprising sand and shingle not in exceedance of 120,000m<sup>3</sup>;
- (ii) Replacement of sacrificial sediments comprising sand and shingle, or by pass, not in exceedance of 120,000m<sup>3</sup> per annum;
- (iii) Supporting vessel and vehicle movements to redistribute the material;
- (iv) Associated groundworks to stabilise and dress the material.

(c) Work No. 1a(o) – comprising—

- (i) Rock armour dressed with topsoil and plants

(d) Work No. 2A – comprising—

- (i) Tunnel, drilled by tunnel boring machine (TBM), of internal diameter 6m and length approximately 3.2km approximately 25m below the seabed at its lowest point;
- (ii) Disposal of the TBM at a sealed point beyond the end of the intake tunnel following removal of most parts and oils.

(e) Work No. 2B– comprising—

- (i) UXO survey and clearance in advance of dredging activities;
- (ii) Capital dredging within the coordinates listed in Part 4 (Table 3) to prepare the site for construction;
- (iii) Disposal of dredged material locally, approximately 500m from the dredge site at a suitable location within the area presented in Part 4 (Table 9);
- (iv) Two concrete intake heads, based on a Low Velocity Side-Entry type design, of approximate dimensions 35 to 45m long x 10 m wide x 5m high and spaced approximately 100m to 200m apart, each connecting to a vertical shaft;
- (v) Placement of anti-scour material at base of intake head structures;
- (vi) Two vertical shafts, with concrete lining, of approximately 4.6m internal diameter and 20m approximate depth linking the intake heads to the intake tunnel;
- (vii) Placement of permanent navigational marker buoys;
- (viii) Disposal of drilled material from installation of the shafts locally, at a suitable location within the area presented in Part 4 (Table 9);

- (ix) Additional supporting works including the use of a jack-up vessel, auxiliary vessels and temporary marker buoys.
- (f) Work No. 2C– comprising—
  - (i) Tunnel, drilled by tunnel boring machine (TBM), of internal diameter 6m and length approximately 3.2km approximately 25m below the seabed at its lowest point;
  - (ii) Disposal of the TBM at a sealed point beyond the end of the intake tunnel following removal of most parts and oils
- (g) Work No. 2D– comprising—
  - (i) UXO survey and clearance in advance of dredging activities;
  - (ii) Capital dredging within the coordinates listed in Part 4 (Table 4) to prepare the site for construction;
  - (iii) Disposal of dredged material locally, approximately 500m from the dredge site at a suitable location within the area presented in Part 4 (Table 9);
  - (iv) Two concrete intake heads, based on a Low Velocity Side-Entry type design, of approximate dimensions 35 to 45m long x 10 m wide x 5m high and spaced approximately 100m to 200m apart, each connecting to a vertical shaft;
  - (v) Placement of anti-scour material at base of intake head structures;
  - (vi) Two vertical shafts, with concrete lining, of approximately 4.6m internal diameter and 20m approximate depth linking the intake heads to the intake tunnel;
  - (vii) Placement of permanent navigational marker buoys;
  - (viii) Disposal of drilled material from installation of the shafts locally, at a suitable location within the area presented in Part 4 (Table 9);
  - (ix) Additional supporting works including the use of a jack-up vessel, auxiliary vessels and temporary marker buoys.
- (h) Work No. 2E– comprising—
  - (i) Tunnel, drilled by TBM, of internal diameter 8m and length approximately 3.5km approximately 30m below the seabed at its lowest point;
  - (ii) Disposal of the TBM at a sealed point beyond the end of the intake tunnel following removal of most parts and oils.
- (i) Work No. 2F– comprising—
  - (i) UXO survey and clearance in advance of dredging activities;
  - (ii) Capital dredging within the coordinates listed in Part 4 (Table 5) to prepare the site for construction;
  - (iii) Disposal of dredged material locally, approximately 500m from the dredge site at a suitable location within the area presented in Part 4 (Table 9);
  - (iv) Two concrete outfall heads, approximate dimensions 15m long x 15m wide x 8m high and spaced approximately 75m apart, each connecting to a vertical shaft;
  - (v) Placement of anti-scour material at base of intake head structures;
  - (vi) Two vertical shafts, with concrete lining, of approximately 4.6m internal diameter and 15m approximate depth linking the outfall heads to the intake tunnel;
  - (vii) Placement of permanent navigational marker buoys;
  - (viii) Disposal of drilled material from installation of the shafts locally, at a suitable location within the area presented in Part 4 (Table 9);
  - (ix) Additional supporting works including the use of a jack-up vessel, auxiliary vessels and temporary marker buoys.
- (j) Work No. 2G and 2H – comprising—
  - (i) Directional drilled tunnel under the shore of approximately 0.65m internal diameter emerging below LAT;

- (ii) UXO survey and clearance in advance of dredging activities;
- (iii) Capital dredging within the coordinates listed in Part 4 (Table 6) to prepare the site for construction;
- (iv) Concrete head structure approximately 3m long x 3m wide x 1m high;
- (v) Placement of anti-scour material around the base of the outfall head;
- (vi) Additional supporting works including the use of a jack-up vessel;
- (k) Work No. 2I and 2J – comprising—
  - (i) Directional drilled tunnel under the shore of approximately 0.65m internal diameter emerging below LAT;
  - (ii) UXO survey and clearance in advance of dredging activities;
  - (iii) Capital dredging within the coordinates listed in Part 4 (Table 7) to prepare the site for construction;
  - (iv) Concrete head structure approximately 3m long x 3m wide x 1m high;
  - (v) Placement of anti-scour material around the base of the outfall head;
  - (vi) Additional supporting works including the use of a jack-up vessel;
- (l) Work Nos. 2K and 2L– comprising—
  - (i) Directional drilled tunnel under the shore of approximately 0.8m internal diameter emerging below LAT;
  - (ii) UXO survey and clearance in advance of dredging activities;
  - (iii) Capital dredging within the coordinates listed in Part 4 (Table 8) to prepare the site for construction;
  - (iv) Concrete head structure approximately 3m long x 3m wide x 1m high;
  - (v) Placement of anti-scour material around the base of the outfall head;
  - (vi) Additional supporting works including the use of a jack-up vessel.

**5.** Licensable marine activities under section 66(1) of the 2009 Act are authorised in relation to ongoing maintenance activities for the authorised development comprising;

- (a) Inspection of structures;
- (b) Upkeep of structures;
- (c) Repair and adjustment to structures;
- (d) Alteration to structures;
- (e) Replacement of structures not including the alteration, removal or replacement of foundations;
- (f) Other required maintenance activities to the extent assessed in the environmental information.

**6.** The activities set out in sub-paragraphs (4)(a) to (4)(m) are authorised in relation to the construction, maintenance and operation of those elements of Work Nos. 1A(m), 1A(n), 1A(o) and 2K and 2L, and Work Nos. 2A to 2J of Schedule 1 (authorised development) of the Order as defined in paragraph 1 of this schedule, and any further associated development listed in items (a) to (m) in Schedule 1 in connection with Work Nos. 1A(m), 1A(n), 1A(o) and 2K and 2L and Work Nos. 2A to 2J, which fall within the English inshore region.

**7.** The undertaker (and any agent, contractor or subcontractor acting on its behalf) may engage in the licensed activities in the area bounded by the coordinates set out in Part 4 (Table 1) defined in accordance with reference system WGS84 –World Geodetic System 1984.

## PART 3

### CONDITIONS

#### General

**8.** Should the licence holder become aware that any of the information on which the granting of this deemed marine licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity and failure to do so may render this licence invalid and may lead to enforcement action.

**9.** Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours of being identified in accordance with the following—

- (a) within office hours: 0300 200 2024;
- (b) outside office hours: 07770 977 825; or
- (c) at all times if other numbers are unavailable: 0845 051 8486 or [dispersants@marinemangement.org.uk](mailto:dispersants@marinemangement.org.uk)

#### Pre-Construction

**10.** No licensed activity, or phase of that activity, shall commence until a detailed and up-to-date programme of works for that activity is submitted to and approved by the MMO. The programme should include:

- (a) a planned timetable for each activity
- (b) timings for mobilisation of plant and for delivery of materials by sea
- (c) a plan for notifying the MMO of the commencement and cessation of activities and phases of activities, and
- (d) a plan for notifying the MMO of changes to or slippage within the programme, this should include updates to the programme of works at least once every six months or in such other time as may be agreed by the MMO.

**11.—(1)** The licence holder must submit a method statement to the MMO at least 6 weeks prior to the proposed commencement of each licensed activity or each phase of a licensed activity.

(2) Each licensed activity, or phase of a licensed activity, must not commence until approval is provided by the MMO either in writing or via the Marine Case Management System (MCMS).

**12.—(1)** The local MMO officer must be notified at least 5 days prior to the commencement of any activity or phase of any activity.

(2) The local MMO officer must be notified no more than 10 days following completion of any activity or phase of any activity.

**13.** A notice to mariners must be issued prior to each activity, or phase of each activity, commencing and a copy sent to the MMO within 24 hours of issue.

**14.—(1)** The licence holder must notify the MMO in writing of any agents, contractors or subcontractors that will carry on any licensed activity listed in this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity.

(2) The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or subcontractors that will carry on the licensed activity on behalf of the licence holder.

**15.—(1)** The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed



activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

**16.** The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on any licensed activity listed in this licence, and that a copy of this licence is held on board any such vessel.

**17.—(1)** No licenced activity shall commence until a coastal processes monitoring and mitigation plan has, after consultation with ESC, NE and the EA, been submitted to and approved by the MMO. The plan should include:

- (a) area to be monitored;
- (b) methods for monitoring;
- (c) duration of monitoring;
- (d) trigger points for mitigation;
- (e) proposed mitigation.

(2) The coastal processes monitoring and mitigation plan shall be implemented as approved.

**18.—(1)** No activity shall commence until the relevant part of the Marine Environmental Management Plan for that activity has been submitted to and approved by the MMO. The plan should include:

- (a) consideration of potential sources and pathways of marine pollution during the carrying on of the activities;
- (b) details of how instances of marine pollution - in particular oil, fuel or chemical spills - will be reported to the MMO;
- (c) a chemical risk assessment to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
- (d) waste management and disposal arrangements;
- (e) references to other project relevant plans and procedures, and
- (f) contact details of persons dealing with marine pollution for or on behalf of the licence holder.

(2) The relevant part of the Marine Environmental Management Plan shall be implemented as approved.

**19.** No activity, or phase of that activity, shall commence until an Archaeological Written Scheme of Investigation has, after consultation with Historic England, been submitted to, and approved by, the MMO.

**20.—(1)** No activity, or phase of that activity, shall commence until a Fisheries Liaison and Coexistence Plan covering the period of construction and operation has been submitted to, and approved by, the MMO. The plan shall include:

- (a) the appointment and responsibilities of a fisheries liaison officer;
- (b) a description of how the commencement and nature of licensed activities will be discussed to address the interaction of the licensed activities with fishing activities.

## **PART 3**

### **DURING CONSTRUCTION, OPERATION AND MAINTENANCE**

#### **General**

**21.—(1)** Unless otherwise agreed in writing by the MMO all chemicals used in the construction of licensable activities must be selected from the List of Notified Chemicals approved for use by

the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (as amended) (SI 2002/1355).

(2) The licence holder must ensure that any coatings and treatments used are approved by the Health and Safety Executive as suitable for use in the marine environment.

**22.** The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

**23.** The licence holder must not discharge waste concrete slurry or wash water from concrete or cement into any rivers. The licence holder must site concrete and cement mixing and washing areas at least 10 metres from the river or surface water drain to minimise the risk of run off entering the river.

**24.—(1)** Drill or vibro piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth. If percussive piling is necessary soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved.

(2) The soft-start duration must be a period of not less than 20 minutes.

(3) Should piling cease for a period greater than 20 minutes, then the soft start procedure must be repeated.

**25.** The licence holder must ensure that only treated wash water compliant with the EA Water Discharge Activity Permit may be discharged into the marine environment. Except for activities taking place offshore, concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse.

**26.** If concrete is to be sprayed, suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment. Rebounded material must be cleared away before the sheeting is removed.

**27.** During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and banded to contain any spillage.

**28.** The licence holder must ensure that any equipment, temporary structures, waste and/or debris associated with a licensed activity are removed within 6 weeks of completion of the licensed activity or relevant phase of the licensed activity.

**29.** The licence holder must ensure that any rock material used is from a recognised source, free from contaminants and containing minimal fines.

**30.** The licence holder must ensure that any vessels used for rock/shingle transhipment or other delivery operations are suitably constructed and loaded to prevent material falling over the side by accident. Suitable screening should be used to prevent rock/shingle loss through drainage holes.

**31.** The licence holder must ensure that sea going tug or tugs capable of towing the barges to be used in a loaded condition can be made available within any given 12 hour period to tow such barges to sheltered waters in adverse weather conditions.

**32.—(1)** The licence holder must report all dropped objects to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours becoming aware of an incident.

(2) On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the licence holder (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the licence holder's expense.

**33.** In the event that any rock or sediment material used in the construction of the authorised scheme is misplaced or lost below MHWS, the licence holder must report the loss to the District Marine Office within 48 hours. If the MMO reasonably considers such material to constitute a

navigation or environmental hazard (dependent on the size and nature of the material), the licence holder must endeavour to locate the material and recover or move it.

**34.—**(1) The licence holder must submit a Maintenance Activities Plan to the MMO no less than 6 months before commencement of the first maintenance activity. The plan must include:

- (a) A list of maintenance works foreseen for the station;
- (b) Details of the typical plant, machinery and personnel requirements for each activity;
- (c) Details of the typical frequency and timing of each activity;
- (d) Details of controls and mitigation in place in order to protect the environment.

(2) The Maintenance Activities Plan must be updated every 5 years commencing from the date of the first plan discharge decision.

(3) Should the licence holder be required to undertake additional activities not characterised within the plan, they must submit a further Maintenance Activities Plan to the MMO no less than 6 months prior to the commencement of that maintenance activity.

## **Dredging**

**35.** For Works Nos. 1A(m), 2K and 2L, 2B, 2D, 2F, 2G and 2H, 2I and 2J, no phase of any dredging activity shall commence until the activity details have been submitted to and approved by the MMO. The details should include:

- (a) location of the dredge area for that phase, which may only be located within the areas set out in Part 4 (Tables 2 to 8).
- (b) start and end dates of that phase of the dredging activity
- (c) dredging methodology and detailed method statement
- (d) volume of material to be dredged
- (e) contractors to be used, and
- (f) vessels to be used.

**36.—**(1) For Work Nos. 1A(m), 2K and 2L, 2B, 2D, 2F, 2G and 2H, and 2I and 2J, no dredging or disposal activity shall commence pursuant to the relevant Work No. until a sample plan and analysis request for that Work No. has been submitted to, and approved by, the MMO. The plan must include:

- (a) Details of the material type proposed for deposition;
- (b) Volume of the material proposed for deposition;
- (c) The location and depth of any supporting samples and;
- (d) Analysis results which shall not exceed 3 years in age.

**37.—**(1) Within 6 weeks of the completion of a dredging activity or phase of a dredging activity, the licence holder shall notify the MMO of the actual volume of dredged material and the location in which the dredged material was disposed of.

(2) The licence holder will provide relevant dredging and disposal quantities twice yearly as required by the MMO for completion of OSPAR reporting.

**38.** For dredging activities related to Work No. 1A(m) not covered by powers exercised under the Harbour Authority, the licence holder must submit a sediment sampling plan request, including an assessment of alternative uses for the sediment, at least 6 months' prior the start date of the maintenance. The dredge and disposal activity in the following year must not recommence until written approval is provided by the MMO.

**39.—**(1) No UXO clearance shall take place until the following details have been submitted to, and approved by, the MMO:

- (a) method statement for movement and/or detonation of ordnance;
- (b) marine mammal mitigation plan;

(2) UXOs will be cleared in accordance with approved details and mitigation plan.

#### **Beach Landing Facility**

**40.**—(1) Development of Work No. 1A(m) shall not commence until the following activity details have been submitted to and approved by the MMO. The details should include:

- (a) start and end dates for the installation
- (b) installation methodology and detailed method statement,
- (c) navigational lighting to be used on plant, and
- (d) vessels to be used.

(2) The construction of Work No. 1A(m) shall be carried on only in accordance with the approved details referred.

#### **Soft Coastal Defence Feature (sCDF)**

**41.**—(1) Development of Work No. 1A(n) shall not commence until the following activity details have been submitted to and approved by the MMO. The details should include:

- (a) start and end dates for the installation
- (b) installation methodology and detailed method statement,
- (c) vehicles and plant to be used.

(2) The construction of Work No. 1A(o) shall be carried on only in accordance with the approved details referred.

#### **Hard Coastal Defence Feature (hCDF)**

**42.**—(1) Development of Work No. 1A(o) shall not commence until the following activity details have been submitted to and approved by the MMO. The details should include:

- (a) start and end dates for the installation
- (b) installation methodology and detailed method statement,
- (c) vehicles and plant to be used.

(2) The construction of Work No. 1A(t) shall be carried on only in accordance with the approved details referred.

**43.**—(1) No rock armour shall be delivered until the relevant details have been submitted to and approved by the MMO. The details must include:

- (a) start and end dates
- (b) source of material
- (c) detailed method statement
- (d) plant/vessels to be used
- (e) access routes and working areas, and
- (f) contractor details

(2) Rock armour shall be delivered only in accordance with the approved details.

#### **Combined Drainage Outfall (CDO)**

**44.**—(1) Development of Work Nos. 2K and 2L shall not commence until the following activity details have been submitted to and approved by the MMO. The details should include:

- (a) start and end dates for the installation
- (b) installation methodology and detailed method statement,
- (c) navigational lighting to be used on plant, and

(d) vessels to be used.

(2) The construction of Work Nos. 2K and 2L shall be carried on only in accordance with the approved details referred.

### **Cooling Water Intake and Outfall Heads, Shafts and Tunnels**

**45.** Work No 2B shall not commence until a Sabellaria monitoring plan has, following consultation with NE, been submitted to and approved by the MMO. The plan shall include details include:

- (1) geographic extent of the monitoring
- (2) the monitoring methodology, frequency and duration of monitoring, and format of monitoring reports.

**46.—**(1) Work Nos. 2A and 2C shall not commence until estimates of the TBM disposal activity details have been submitted to and approved by the MMO. The details should include:

- (a) date of disposal
- (b) location of the disposal, including depth beneath the sea bed, and
- (c) the materials to be disposed of, including any oil, fuel or chemicals.

Confirmation of exact details as set out at (a), (b) and (c) above should be provided to the MMO within two weeks of the completion of tunnel boring.

(2) The disposal of tunnel boring equipment shall be carried on only in accordance with the approved details.

**47.—**(1) Development of Work Nos. 2A to 2J shall not commence until the following activity details have, following consultation with NE and the EA, been submitted to and approved by the MMO. The details shall include:

- (a) the location and design (size and shape) of the offshore intake and outfall heads,
- (b) the alignment (horizontal and vertical) of the cooling water intake and outfall tunnels, and
- (c) the location and design of the fish recovery and return which shall be in general accordance with the Environment Agency reports referenced in the Environmental Statement (Volume 2, Chapter 2, Section 2.4(d)) unless otherwise agreed in writing by the MMO.

(2) Work Nos. 2A to 2J will be installed in accordance with the approved designs.

**48.—**(1) For Work Nos. 2B, 2D, 2G and 2H and 2I and 2J, no development shall commence pursuant to the relevant Work No until the following details for that Work No. have been submitted to and approved by the MMO. The details should include:

- (a) start and end dates for each installation,
- (b) location of relevant phase of the installation and drilling activity,
- (c) head installation methodology and detailed method statement,
- (d) drilling methodology and detailed method statement,
- (e) navigational lighting to be used on plant, and
- (f) vessels to be used.

(2) Work Nos. 2B 2D, 2G and 2H and 2I and 2J will be installed in accordance with the approved method statement.

**49.** Drill arisings from Work Nos. 2B and 2D may only be deposited at the sites set out in Part 4 (Table 9).

**50.** No water abstraction shall commence until a monitoring plan has, after consultation with NE and the EA, been submitted to and approved by the MMO. The plan will set out:

- (a) the monitoring arrangements for assessing the efficacy of the intake head and the fish recovery and return system during the commissioning of Unit 1 and Unit 2;
- (b) the additional adaptive measures arising from (a) that may be required during operation of Unit 1 and Unit;
- (c) the monitoring methodology, frequency of monitoring and format of monitoring reports.

## PART 4

### CO-ORDINATES

**Table 1: Licensable area for construction works**

<i>Latitude</i>	<i>Longitude</i>
52.2230	1.6251
52.2248	1.6278
52.2239	1.6745
52.2195	1.6870
52.2058	1.6720
52.2130	1.6263
52.2141	1.6239
52.2140	1.6232
52.2141	1.6222
52.2152	1.6219
52.2163	1.6220
52.2171	1.6225
52.2218	1.6222
52.2221	1.6226
52.2222	1.6200
52.2224	1.6200
52.2230	1.6208
52.2231	1.6225
52.2230	1.6242
52.2229	1.6242
52.2228	1.6251

**Table 2: Dredge area for Work No 1a (BLF)**

<i>Latitude</i>	<i>Longitude</i>
52.2227	1.6250
52.2227	1.6272
52.2221	1.6271
52.2222	1.6250

**Table 3: Dredge areas for Work No 2B (Intake Heads for Unit 1) (2 Locations to be chosen from 3)**

	<i>Latitude</i>	<i>Longitude</i>
Location 1	52.2118	1.6652
	52.2118	1.6662
	52.2111	1.6661
	52.2111	1.6652
Location 2	52.2116	1.6666
	52.2115	1.6676

Location 3	52.2108	1.6675
	52.2109	1.6666
	52.2113	1.6681
	52.2113	1.6690
	52.2106	1.6689
	52.2106	1.6680

**Table 4: Dredge areas for Work No 2D (Intake Heads for Unit 2) (2 locations to be chosen from 3)**

	<i>Latitude</i>	<i>Longitude</i>
Location 1	52.2198	1.6688
	52.2198	1.6698
	52.2191	1.6697
	52.2191	1.6688
Location 2	52.2198	1.6703
	52.2197	1.6712
	52.2190	1.6712
	52.2191	1.6702
Location 3	52.2197	1.6717
	52.2197	1.6727
	52.2190	1.6726
	52.2190	1.6717

**Table 5: Dredge areas for Work No 2F (Outfall Heads)**

	<i>Latitude</i>	<i>Longitude</i>
Location 1	52.2183	1.6739
	52.2183	1.6748
	52.2178	1.6748
	52.2178	1.6739
Location 2	52.2183	1.6750
	52.2183	1.6759
	52.2178	1.6758
	52.2178	1.6749

**Table 6: Dredge area for Work No 2H (FRR Outfall Head for Unit 1)**

<i>Latitude</i>	<i>Longitude</i>
52.2185	1.6288
52.2185	1.6292
52.2181	1.6292
52.2181	1.6287

**Table 7: Dredge area for Work No 2J (FRR Outfall Head for Unit 2)**

<i>Latitude</i>	<i>Longitude</i>
52.2212	1.6290
52.2212	1.6294
52.2208	1.6294
52.2208	1.6289

**Table 8: Dredge area for Work No 2L (CDO Outfall Head)**

<i>Latitude</i>	<i>Longitude</i>
52.2216	1.6290
52.2216	1.6294
52.2212	1.6294

52.2212	1.6290
---------	--------

---

**Table 9: Temporary disposal site**

---

<i>Latitude</i>	<i>Longitude</i>
52.2259	1.6261
52.2242	1.6832
52.2060	1.6817
52.2078	1.6246



## SCHEDULE 21

Article 79

### Removal of important hedgerows

<i>(1) Relevant site</i>	<i>(2) Important hedgerow reference</i>	<i>(3) Reference</i>
Main development site and rail	IH01	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH02 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH03	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH04 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH05 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH06 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH08 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH09 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH10 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH11 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH12 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH14	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH15 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH18 (in part) – 25m, the location of which is shown indicatively only	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH20 (in part)	SZC-SZ0-XX-000-DRW-100158
Main development site and rail	IH21 (in part)	SZC-SZ0-XX-000-DRW-100158
Main development site and rail	IH23 (in part)	SZC-SZ0-XX-000-DRW-100158
Main development site and rail	IH24 (in part)	SZC-SZ0-XX-000-DRW-100158
Main development site and rail	IH25 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH26 (in part)	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH27	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH29	SZC-SZ0-XX-000-DRW-100156

Main development site and rail	IH31	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH32 (in part) – 25m, the location of which is shown indicatively only	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH33	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH34	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH35	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH36	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH37	SZC-SZ0-XX-000-DRW-100156
Main development site and rail	IH38	SZC-SZ0-XX-000-DRW-100157
Main development site and rail	IH39 (in part)	SZC-SZ0-XX-000-DRW-100158
Main development site and rail	IH40 (in part)	SZC-SZ0-XX-000-DRW-100158
Main development site and rail	IH41 (in part)	SZC-SZ0-XX-000-DRW-100159

## SCHEDULE 22

### Certified Documents

Article 80

<i>(1) Document title</i>	<i>(2) Revision</i>	<i>(3) Document reference</i>
Approved Plans	01	2.5 – 2.12
Associated Development Design Principles	01	8.3
Book of Reference	01	4.3
Code of Construction Practice	01	8.11
Construction Method Statement	01	Volume 2, Chapter 3 of the Environmental Statement
Drainage Strategy	01	Appendix A of Chapter 2, Volume 2 of the Environmental Statement
Environmental Statement	01	6.1 – 6.11
Land Plans	01	2.1
Lighting Management Plan	01	Appendix B of Chapter 2, Volume 2 of the Environmental Statement
Main Development Site Operational Height Parameters	01	
Outline Landscape and Ecology Management Plan	01	8.2
Overarching Archaeological Written Scheme of Investigation	01	Appendix H of Chapter 16, Volume 2 of the Environmental Statement
Parameter Plans	01	2.5 – 2.12
Peat Strategy	01	Appendix G of Chapter 16, Volume 2 of the Environmental Statement
Rights of Way Plans	01	2.4
Main Development Site Design and Access Statement	01	8.1
Works Plans	01	2.3

## SCHEDULE 23

Article 83

### Procedure for approvals, consents and appeals

#### Applications made under requirement

**1.**—(1) Where an application has been made to a discharging authority for any agreement or approval required by a requirement included in this Order the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

- (a) in the case of requirements in respect of which the discharging authority has a duty under Schedule 2 of this Order to consult with any other body—
  - (i) where no further information is requested under paragraph 2, 8 weeks from the day immediately following that on which the application is received by the authority;
  - (ii) where further information is requested under paragraph 2, 8 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
  - (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii); and
- (b) in the case of requirements in respect of which the discharging authority has no duty under Schedule 2 of this Order to consult with any other body—
  - (i) where no further information is requested under paragraph 2, 5 weeks from the day immediately following that on which the application is received by the authority;
  - (ii) where further information is requested under paragraph 2, 5 weeks from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
  - (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii); and.

#### Further information

**2.**—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a requirement consultee is required, the discharging authority must, within 7 working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement specifies that consultation with a requirement consultee is required, the discharging authority must issue the consultation to the requirement consultee within 3 working days of receipt of the application, and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 3 working day of receipt of such a request and in any event within 21 days of receipt of the application.

(4) If the discharging authority does not give notification as specified in sub-paragraph (2) or (3), it will be deemed to have sufficient information to consider the application and will not thereafter be entitled to request further information without the prior agreement of the undertaker.

#### Appeals

**3.**—(1) The undertaker may appeal in the event that—

- (a) the discharging authority refuses an application for any agreement or approval required by a requirement included in this Order or grants it subject to conditions;
- (b) the discharging authority does not give notice of its decision to the undertaker within the decision period as determined under paragraph 1;
- (c) on receipt of a request for further information pursuant to paragraph 2 the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process shall be as follows—

- (a) the undertaker shall submit the appeal documentation to the Secretary of State a copy of the application submitted to the discharging authority and any supporting documentation which the undertaker may wish to provide (“the appeal documentation”);
- (b) the undertaker must on the same day provide copies of the appeal documentation to the discharging authority and the requirement consultee (if applicable);
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
- (d) the discharging authority and the requirement consultee (if applicable) must submit written representations to the appointed person in respect of the appeal within 10 working days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties must make any counter-submissions to the appointed person within 10 working days of receipt of written representations pursuant to paragraph (d); and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) If the appointed person considers that further information is necessary to enable the appointed person to consider the appeal he must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of that date.

(5) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed, or set by the appointed person, under this paragraph.

(7) The appointed person may proceed to a decision even though no written representations have been made within those time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(8) The decision of the appointed person on an appeal will be final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(9) If an approval is given by the appointed person pursuant to this Schedule, it is deemed to be an approval for the purpose of Schedule 2 as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) will not affect or invalidate the effect of the appointed person's determination.

(10) Save where a direction is given pursuant to sub-paragraph (11) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person must be met by the undertaker.

(11) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it must be made, the appointed person must have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.

## SCHEDULE 24

Articles 84

### Miscellaneous Controls

#### Introduction

1. This Part 1 of this Schedule applies, modifies and excludes statutory provisions which relate to matters for which provision may be made in this Order.

#### Highways Act 1980

2.—(1) Section 141 of the 1980 Act (Restriction on planting trees etc. in or near carriageway) does not apply to any tree or shrub planted in the course of the authorised development before completion of construction.

(2) Sections 169, 171A and 173 of the 1980 Act (Control of scaffolding on highways; works under section 169 or 171; and hoardings to be securely erected) do not apply to anything done in the course of the authorised development before completion of construction.

#### Community Infrastructure Levy Regulations 2010

3.—(1) Notwithstanding the provisions of section 208 of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010(a) any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

#### New Roads and Street Works Act 1991

4.—(1) Sections 56(1), 56(1A), 56A, 61(1), 62(2), 62(4), 63(1), 64, 66, 71 to 74A, 77, 78, 82(1) to 84, and 86 to 106 of the 1991 Act will not apply in relation to the authorised development or the placement of apparatus in the course of the authorised development.

(2) Schedule 3A to the 1991 Act (Restriction on works following substantial street works) does not apply where a notice under section 54 (Advance notice of certain works) or 55 (Notice of starting date of works) of that Act has been given in respect of the authorised development.

(3) No notice under paragraph 2(1)(d) of that Schedule 3A (Power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) will have effect to require notice to be given of works proposed to be carried out as part of the authorised development.

(4) No directions under paragraph 3 of that Schedule (Completion of notified works) may be issued to the undertaker.

(5) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of other street works) will not apply in relation to the execution of works in the course of the authorised development.

(6) Paragraph 5(1) of that Schedule (effect of direction imposing restriction) will not apply in relation to the execution of works in the course of the authorised development.

---

(a) S.I. 2010/948. Regulation 6 was amended by S.I. 2011/987

## **Town and Country Planning Act 1990**

**5.**—(1) Section 57(2) of the 1990 Act (Planning permission required for development) will apply to specific associated development works as if the development consent granted for those works under this Order were a planning permission granted for a limited period.

(2) For the purposes only of section 106(1) of the 1990 Act (Planning obligations), the undertaker is deemed to be a person interested in the Order land or any part of it and, for the avoidance of doubt, section 106(3)(a) of that Act includes any transferee under article 9 (Consent to transfer benefit of Order) of the Order.

(3) Section 239 of the 1990 Act (Burial grounds) will apply—

- (a) In relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit the construction, operation and maintenance by the undertaker in accordance with the provisions of this Order; and
- (b) In relation to a right over land so acquired for the purposes of the authorised development (whether or not by agreement), or the temporary use of land pursuant to articles 35 (Temporary use of land for carrying out the authorised development) and 36 (Temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised.

## **Control of Pollution Act 1974**

**6.**—(1) Where a local planning authority is acting in accordance with section 60(4) (Control of noise on construction sites) and section 61(4) (Prior consent for work on construction sites) of the Control of Pollution Act 1974(a) in relation to the construction of the authorised development then that local planning authority will also have regard to the noise levels referred to in the Code of Construction Practice.

(2) Underground tunnelling works will be regulated by sections 60 and 61 of the Control of Pollution Act 1974.

## **Local Government (Miscellaneous Provisions) Act 1976**

**7.** Section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (certain future local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided)(b) will not apply to the extent that it would make provisions of this Order authorising the construction, operation and maintenance of the authorised development subject to other provisions.

---

(a) 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990, c.25. There are other amendments to the 1974 Act which are not relevant to the Order.

(b) 1976 c.57.



## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises NNB Generation Company (SZC) Limited (referred to in this Order as the undertaker) to construct, operate and maintain a nuclear powered generating station at Sizewell, Suffolk, to be known as Sizewell C and comprising two nuclear reactors, as well as associated development. The Order imposes requirements in connection with the nuclear power station and the associated development, together the authorised development.

The Order permits the undertaker to acquire or create and acquire, compulsorily or by agreement, rights in land, and to use land for this purpose.

A copy of the plans and Book of Reference referred to in this Order and certified in accordance with article 80 (certification of plans) of this Order may be inspected free of charge at [\*].