



The Great Grid Upgrade

Sea Link

Sea Link

Volume 9: Examination Submissions

Document 9.7 Applicant's Schedule of Changes to the Draft Development Consent Order (Clean)

Planning Inspectorate Reference: EN020026

Version: B
August 2025

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Version History			
Date	Issue	Status	Description / Changes
July 2025	A	Final	Produced following s89 Letter
Aug 2025	B	Final	Produced following 2nd s89 letter

1. Introduction

1.1 Purpose of this document

- 1.1.1 This document has been prepared by the Applicant to set out the principal changes¹ made to the draft Development Consent Order (DCO) from the version submitted to the Planning Inspectorate on 27 March 2025 as part of the application for development consent (**Document 3.1(A)**) [APP-007].
- 1.1.2 This document is therefore submitted together with:
- (a) A revised draft DCO (**Document 3.1(D)**) (clean); and
 - (b) A tracked version of the draft DCO showing all changes as between Revision C (**Document 3.1(C)**) [AS-043] and the new Revision D (**Document 3.1(D)**).
- 1.1.3 This document is a 'live' document and will be updated (on a consolidated basis) by the Applicant throughout the Examination.

1.2 Overview of changes made at Pre-Examination stage

- 1.2.1 Revision B of the draft DCO (**Document 3.1(B)**) was submitted at Pre-Examination stage in May 2025 following the Section 51 advice issued by the Planning Inspectorate. A further Revision C of the draft DCO (**Document 3.1(C)**) was submitted to update the draft DCO to include amendments requested by the Section 89 letter received from the Planning Inspectorate on 8 July 2025.
- 1.2.2 Revision D is submitted to update the draft DCO to include amendments requested by the Section 89 letter received from the Planning Inspectorate on 5 August 2025.
- 1.2.3 Table 2.1 lists the principal changes made by the Applicant within Revision B of the draft DCO, table 2.2 lists the changes made by the Applicant within Revision C of the draft DCO, and table 2.3 lists the changes made by the Applicant within Revision D of the draft DCO.
- 1.2.4 The changes made for the purpose of Pre-Examination fall into the following principal categories:
- a) Amendments made in response to Section 51 Advice received from the Planning Inspectorate on 23 April 2025;
 - b) Correction of certain typographical and other errors identified as part of the Applicant's own consistency checks;
 - c) Amendments requested by the Section 89 letter received from the Planning Inspectorate on 8 July 2025; and
 - d) Amendments requested by the further Section 89 letter received from the Planning Inspectorate on 5 August 2025.

¹ This schedule does not include details of minor formatting changes or amendments relating to very minor typographical updates which do not affect the text of the draft DCO. All changes are shown in the tracked version of the draft DCO.

2. Schedule of Changes at Pre-Examination

Table 2.1 – Schedule of Changes to Version A of the draft DCO [APP-007]

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
1.	Article 2, Interpretation	A minor amendment has been made to correct the reference to the title of Schedule 1.	<p>(3) All distances, directions, levels and lengths referred to in this Order, are approximate. Distances between points on a work comprised in the authorised project are taken to be measured along that work. All distances for scheduled linear works referred to in this Order are measured along the centre line of the limits of deviation for that work. All pylon identification numbers set out in this Order are identified by reference to the work plans, and are subject to the limits of deviation for that work, such that the tower numbering and location of towers may adjust in accordance with the limits of deviation identified in article 5 (limits of deviation). Unless otherwise specified in Articlearticle 5 (limits of deviation) or Schedule 1 (authorised developmentproject), heights and depths in this Order or on the work plans are measured from the proposed final ground level.</p> <p>(6) References in this Order to numbered Works are references to the Works as numbered in Schedule 1 (authorised developmentproject).</p>	B
2.	Article 5, Limits of deviation	A minor amendment has been made to update the paragraph cross-reference in Article 5(1).	<p>5. —(1) Subject to paragraph 64, in respect of the onshore and offshore electric line forming part of the authorised project for which it is granted development consent by paragraph (1) of article 3 (development consent etc. granted by the Order), the undertaker may—</p>	B
3.	Article 8, Application of 1990 Act	A minor amendment has been made in Article 8(3) to keep the formatting of cross-referencing to relevant Acts consistent throughout the draft DCO.	<p>(3) In the exercise of the power under paragraphs (1) and (2) of article 11 (2)(street works) the undertaker is to be deemed to be the highway authority for the purposes of section 55(2)(b) (meaning of “development” and “new development”) of the 1990 Act.</p>	B
4.	Article 10, Planning Permission	Correction of a minor typographical error in Article 10(3) to reflect that the provision is making reference to Article 10(1) and 10(3).	<p>(3) Any development or any part of a development within the Order limits which is constructed or used under the authority of a planning permission granted under section 57 of the 1990 Act, including permissions falling under sub-paragraphparagraph (1) or (3) or otherwise, is deemed not to be a breach of, or inconsistent with, this Order and will not prevent the authorised project being carried out or used or any other power or right under this Order being exercised.</p>	B
5.	Article 12, Application of the Permit Scheme	Correction of a minor typographical error in Article 12(2) to ensure the correct cross reference is to the sub-paragraph, rather than paragraph.	<p>(c) a permit may not be refused where the proposed reason for refusal is the inability to impose a condition which will not comply with paragraphsub-paragraph (b); and</p>	B

Ref. dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
6. Article 13, Application of 1991 Act	Minor typographical corrections in Article 13(4) and 13(5) to ensure that article and section titles are accurately referenced, and to avoid unnecessary repetition in paragraph 4(a).	<p>(4) The following provisions of the 1991 Act do not apply in relation to any works executed under article 12 (application of the Permit Schemes<u>Scheme</u>) of this Order—</p> <p>(a) Article 12 (application of the Permit Schemes) of this Order—</p> <p><u>(a)</u> (b)-section 53 (the street works register);</p> <p><u>(b)</u> (e)-section 54 (advance notice of certain works);</p> <p><u>(c)</u> (d)-section 55 (notice of starting date of certain works);</p> <p><u>(d)</u> (e)-section 57 (notice of emergency works); and</p> <p><u>(e)</u> (f)-section 66 (avoidance of unnecessary delay or obstruction).</p> <p>(5) The provisions of the 1991 Act mentioned in paragraph (6) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made, or code of practice issued or approved under those provisions, apply (with necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 15 (temporary stopping-up<u>closure</u> of streets and public rights of way and permissive paths) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.</p>	B
7. Article 15, Temporary closure of streets and public rights of way and permissive paths	Minor typographical corrections in Article 15(1) and 15(4) to ensure that the plans are correctly and fully named.	<p>15.—(1) During and for the purposes of carrying out the authorised project, the undertaker may temporarily close, alter or divert any street, public right of way or permissive path shown on the Access-and<u>2</u> Rights of Way <u>and Public Rights of Navigation</u> Plans or within the Order limits and may for any reasonable time—</p> <p>(a) divert the traffic from the street or public right of way; and</p> <p>(b) subject to paragraph (3), prevent all persons from passing along the street, public right of way or permissive path.</p> <p>(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily close, alter or divert the streets, public rights of way or permissive path specified in columns (1) and (2) of Parts 1 and 2 of Schedule 8 (streets-or<u>2</u> public rights of way <u>and permissive paths</u> to be temporarily closed) to the extent specified, by reference to the letters and numbers shown on the Access-and<u>2</u> Rights of Way <u>and Public Rights of Navigation</u>, in column (3) of that Schedule, and, if it does so in respect of a street, public right of way or permissive path specified in Part 1 of Schedule 8, must provide the temporary diversion as specified in column (4) of that Part.</p> <p>(5) The undertaker must not temporarily close, alter or divert—</p> <p>(a) any street, public right of way or permissive path specified as mentioned in paragraph (4) without first consulting the street authority; or</p> <p>(b) any other street, public right of way or permissive path without the consent of the street authority (such consent not to be unreasonably withheld or delayed) which may attach reasonable conditions to any consent.</p> <p>(6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard than the temporarily closed street or public right of way in columns (1) and (2) of Parts 1 and 2 of Schedule 8 (streets-or<u>2</u> public rights of way <u>and permissive paths</u> to be temporarily closed).</p>	B

Ref. dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
8. Article 16, Permanent stopping up of streets and public rights of way	Minor typographical amendment in Article 16(1) to ensure that the cross-reference wording is consistent with the title of Schedule 7.	16.— (1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised project, stop up each of the streets and public rights of way specified and described in column (1) and (2) of Schedule 7 (permanent stopping up of streets and or public rights of way <u>to be permanently stopped up</u>) to the extent specified in column (3) of that Schedule.	B
9. Article 17, Access to works	Minor amendment to correct the cross-referencing to the schedule as Schedule 9 does not list the purposes in column (3).	17.— (1) The undertaker may, for the purposes of the authorised project— (a) form and lay out means of access, or improve existing means of access, in the location specified in column (2) of Schedule 9 (access to works) for the purposes specified in column (3) of Schedule 9; and (b) with the consent of the relevant planning authority (such consent not to be unreasonably withheld or delayed) after consultation with the relevant highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project.	B
10. Article 20, Discharge of water	Two minor amendments have been made in Article 20(10) and (11) to ensure that the cross-references are correct.	(10) Any application for consent under paragraph (3) or approval under sub-paragraph <u>(4)(a)</u> must include a statement that the provisions of paragraph (9) apply to that application. (11) If an application for consent under paragraph (3) or approval under sub-paragraph <u>(4)(a)</u> does not include the statement required under paragraph (10) then the provisions of paragraph (9) will not apply to that application.	B
11. Article 21, Protective works	A minor correction in Article 21(3) to reflect that the Bramford to Twinstead Correction Order.	(3) For the purpose of determining how the functions under this article are to be exercised, the undertaker may enter and do survey—	B
12. Article 25, Compulsory acquisition of rights	Correction of two minor cross-referencing errors in Article 25(3) and 25(4).	(3) Subject to section 8 (other provisions as to divided land) of the 1965 Act as substituted by Schedule <u>9</u> 10 (modification of compensation and compulsory purchase enactments for creation of new rights) to this Order, where the undertaker acquires a right over land or imposes a restriction under paragraph (1), the undertaker is not required to acquire a greater interest in that land. (4) Schedule <u>9</u> 10 to this Order 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 restriction.	B

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13. Article 27, Temporary use of land for carrying out the authorised project	Correction of minor typographical errors including two schedule cross-referencing errors in Article 27(3)(a) and 27(5)(c).	<p>(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—</p> <p>(a) in the case of land referred to in sub-paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (3) of Schedule 40<u>11</u>, or</p> <p>(b) in the case of land referred to in sub-paragraph (1)(a)<u>(a)</u>(ii), after the end of the period of one 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.</p> <p>(c) restore the land on which any works have been carried out under paragraph (1) insofar as the element of works shown in column (4) of Schedule 40<u>11</u> is concerned;</p>	B
14. Article 40, Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid removed from land subject to temporary possession	Correction of minor typographical errors in Article 40(3) to ensure that the cross-referencing format is consistent, as well as the inclusion of the article title to ensure naming conventions are followed throughout the draft DCO.	<p>(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) referred to in article 27(sub-paragraph 5)(d) and 27(6)(c) of article 27 (5)(d) or 27(6)(d) temporary use of land by for carrying out the authorised project (National Grid is not required to remove foundations when giving up temporary possession).</p>	B
15. Article 50, Traffic regulation	Correction of minor typographical errors in Article 50(a), (b) and (c) to ensure the correct columns are cross-referenced.	<p>50.—(1) Subject to the provisions of this article, the undertaker may at any time for the purposes of the authorised project or for purposes ancillary to the construction or maintenance of the authorised project —</p> <p>(a) prohibit waiting of vehicles and regulate vehicular speed by imposing a speed restriction on vehicles in the manner specified in Part 1 of Schedule 13 (traffic regulation orders) on a road specified in column (4<u>2</u>) and along the lengths and between the points specified in column (2<u>3</u>) in the manner specified in column (3<u>4</u>) of that Part of that Schedule;</p> <p>(b) prohibit use of roads by through traffic in the manner specified in Part 4<u>2</u> of Schedule 13 (traffic regulation orders) on the roads specified in column (4<u>2</u>) and along the lengths and between the points specified in column (2<u>3</u>) in the manner specified in column (3<u>4</u>) of that Part of that Schedule;</p> <p>(c) regulate the direction of vehicular movements in the manner specified in Part 5<u>3</u> of Schedule 13 (traffic regulation orders) on the roads specified in column (4<u>2</u>) and along the lengths and between the points specified in column (2<u>3</u>) in the manner specified in column (3<u>4</u>) of that Part of that Schedule;</p>	B
16. Article 55, Procedure regarding certain approvals etc.	This amendment reflects that the appeals process in Schedule 4 applies to any documents referred to under other provisions of the Order, in addition to the Requirements.	<p>(2) Schedule 4 (discharge of Requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the Requirements, and any document referred to in any Requirement<u>requirement, and any other provisions of this Order.</u></p>	B

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17.	Article 60, Certification of documents	Correction of a minor typographical errors in Article (3) to update the schedule cross-reference.	(3) Where any plan or document identified in Schedule 18 (amendment of local legislation) is required to be amended to reflect the terms of the Secretary of State's decision to make this Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).	B						
18.	Article 61, Services of notices	Correction of a minor typographical error in Article 61(3) to reflect that the cross-reference is referring to Article 61(1).	(3) For the purposes of section 7 of the Interpretation Act 1978(a) 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 60(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.	B						
19.	Schedule 2, Plans	Minor updates made to Schedule 2 to correct certain typographical errors.	<table><tr><td>The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Suffolk Regulation 5(2)(j) Sheet 1 of 6 In the districtsdistrict of East Suffolk District Council</td><td>DCO/S/WK/PS/0401</td><td>A</td></tr></table> <table><tr><td>The National Grid (Sea Link) Order PINS application number: EN020026 Works plans – Offshore Regulation 5(2)(j) Key planPlan 1 of 1 In the districts of East Suffolk District Council, Dover District Council and Thanet District Council</td><td>DCO/M/KP/SS/0417</td><td>A</td></tr></table>	The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Suffolk Regulation 5(2)(j) Sheet 1 of 6 In the districts district of East Suffolk District Council	DCO/S/WK/PS/0401	A	The National Grid (Sea Link) Order PINS application number: EN020026 Works plans – Offshore Regulation 5(2)(j) Key plan Plan 1 of 1 In the districts of East Suffolk District Council, Dover District Council and Thanet District Council	DCO/M/KP/SS/0417	A	B
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20.	Schedule 3, (Paragraph 2(3))	Requirements	<p>Correction of a minor typographical error to reflect that sub-paragraph 2(2) is not a subsection.</p> <p>2. —(1) The authorised development must be commenced within five years of the date of this Order.</p> <p>(2) If any proceedings are begun to challenge that validity of this Order, the period specified in sub-paragraph (1) is extended by a period equivalent to the period beginning with the day the application to challenge is made and ending on the day it is withdrawn or finally determined.</p> <p>(3) An application is not finally determined for the purposes of subsectionsub-paragraph (2) if any appeal in respect of the application—</p>	B																		
21.	Schedule 3, (Paragraphs 4(3) and 4(5))	Requirements	<p>Correction of minor typographical errors in sub-paragraph (3) and (5) to ensure cross-references are accurate.</p> <p>(3) Any revisions to the written scheme referred to in paragraph 4sub-paragraph (2) above must be submitted to the relevant planning authority in advance of the commencement of the stage of the authorised development to which the revisions relate.</p> <p>(5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraphsub-paragraphs (2) or (3).</p>	B																		

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22.	Schedule 3, (Paragraph 5(1))	Requirements	Correction of a minor typographical error in sub-paragraph (1) to ensure cross-references are accurate.	5. —(1) All construction works forming part of the authorised development must be carried out in accordance with the construction management plans, schemes and strategies listed in paragraph <u>sub-paragraph</u> (2) below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned.	B
23.	Schedule 3, (Paragraphs 7(4), 7(4)(l), 7(4)(m) and 7(4)(n))	Requirements	Correction of a minor typographical error ensure cross-references are accurate. The removal of item (n) reflects the Section 51 Advice provided to the Applicant and removes duplication.	(4) The following operations may take place outside the core working hours referred to in paragraph <u>sub-paragraph</u> (1)— (l) mechanical and electrical installation works within buildings once erected and enclosed; <u>and</u> (m) any highway works requested by the highway authority to be undertaken on a Saturday or Sunday or outside the core working hours; and <u>and</u> (n) activity necessary in the instance of an emergency where there is a risk to persons or property.	B
24.	Schedule 3, (Paragraph 9)	Requirements	Correction of a minor typographical error to ensure that the title of Article 27 is accurately referred to.	(3) The requirement to reinstate the land to a condition suitable for its former use is subject to the provisions of article 27 (temporary use of land <u>for carrying out the authorised project</u>).	B
25.	Schedule 4, discharge of Requirements (Paragraph 5(9))		An amendment to reflect that the appointed person must have regard to the most updated version of the Planning Practice Guidance published by the Department for Communities and Local Government.	(9) In considering whether to make any such direction as to the costs of the appeal parties and the terms on which it is made, the appointed person must have regard to the Planning Practice Guidance published by the Department for Communities and Local Government (6th March 2014) or any circular or guidance which may from time to time replace it.	B
26.	Schedule 4, discharge of Requirements (Paragraph 6)		Correction of a minor typographical error in the definition of “relevant authority”.	“relevant authority” means the body responsible for giving and <u>any</u> consent, agreement or approval under this schedule or relevant owner of a watercourse, sewer or drain as may be appropriate to the consent, agreement or approval sought; and	B
27.	Schedule 2A, requiring purchase of land (Paragraph 1)	Counter-notice	A minor amendment to reflect that the “1981 Act” is already a defined term which refers to the Compulsory Purchase (Vesting Declarations) Act 1981.	1. This Schedule applies where an acquiring authority serves 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 35 (application of the Compulsory Purchase (Vesting Declarations) 1981 Act <u>1981 Act</u>) of the National Grid (Sea Link) Order 20[xx] in respect of the land to which the notice to treat relates.	B

Table 2.2 – Schedule of Changes to Version B of the draft DCO [AS-012]

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
28.	Article Interpretation	2, An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	“authorised development” means the development described in Part 1 of Schedule 1 (authorised development), including and any related other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;	C
29.	Article Interpretation	2, An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	“electric line” has the meaning set out in section 64(1) (interpretation etc. of Part 1) of the 1989 Electricity Act 1989 which includes but is not limited to new pylons, foundations and steelwork, conductors, insulators and fittings, fibre optic earth wire conductors, joint boxes, joint pits, joint bays, cables, cable ducts, link pillars and offshore cables; “electronic transmission” means a communication transmitted— (c) by means of an electronic communications network; or (d) by other means but while in electronic form;	C
30.	Article Development consent granted by the Order	3, An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025. etc. dated 8 April 2025.	(4) The authorised project must be constructed and installed in the lines and situations shown on the Works Plans listed in Schedule 2 subject to article 5 (limits of deviation) and to Schedule 3 (requirements Requirements). (5) Schedule 3 (requirements Requirements) has effect.	C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
31.	Article 10 (Planning Permission and Other Consents)	The amendment to this article is intended to ensure that the article applies to both planning permissions granted under the 1990 Act and development consent orders made under the 2008 Act.	<p>Planning Permission <u>and other consents</u></p> <p>10.—(1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits following publication of this Order that is—</p> <ul style="list-style-type: none"> (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; and (b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order, <p>then the carrying out, use or operation of such development pursuant to the terms of the planning permission is not to constitute a breach of the terms of this Order.</p> <p>(2) To the extent any development carried out or used pursuant to a planning permission granted under section 57 (planning permission required for development) of the 1990 Act or development consent granted under the 2008 Act or compliance with any conditions of that permission <u>or requirements of that development consent</u> is inconsistent with the exercise of any power or right under this Order or the authorised project—</p> <ul style="list-style-type: none"> (a) That inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission <u>or development consent</u> is capable of physical implementation; and (b) In respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission <u>or development consent</u> whether inside or outside the Order limits. <p>(3) Any development or any part of a development within the Order limits which is constructed or used under the authority of a planning permission granted under section 57 of the 1990 Act or of a development consent granted under the 2008 Act, including permissions falling under paragraph (1) or (32) or otherwise, is deemed not to be a breach of, or inconsistent with, this Order and will not prevent the authorised project being carried out or used or any other power or right under this Order being exercised.</p>	C
32.	Article 12, Application of the Permit Scheme	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	(6) References to moratoria in paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions <u>restriction</u> on works following substantial street works) of the 1991 Act.	C
33.	Article 14 (Power to alter layout, etc. of streets)	An amendment to reflect cross referencing updates made in the Bramford to Twinstead Correction Order dated 8 April 2025.	<p>(6) Any application for consent under paragraph (24) must include a statement that the provisions of paragraph (5) apply to that application.</p> <p>(7) If an application for consent under paragraph (24) does not include the statement required under paragraph (6) then the provisions of paragraph (5) will not apply to that application.</p>	C
34.	Article 21 (Protective Works)	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	<p>(3) For the purpose of determining how the functions under this article are to be exercised, the undertaker may enter and survey—</p> <ul style="list-style-type: none"> (a) any land, building, structure, apparatus or equipment, falling within paragraph (1) and any land within its curtilage; and (b) where reasonably necessary, any land which is adjacent to the land, building, structure, apparatus or equipment, whether or not within <u>the</u> Order limits, 	C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
35.	Article 36 (Application of Part 1 of the 1965 Act)	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	(4) In section 11A (powers of entry: further notice <u>notices</u> of entry)— (a) in subsection (1)(a), after “land” insert “under that provision”; and (b) in subsection (2), after “land” insert “under that provision”.	C
36.	Article 37 (Extinguishment and suspension of private rights)	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	37.— (1) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to compulsory acquisition under this Order are extinguished or suspended— (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) (power <u>powers</u> of entry)(a) of the 1965 Act, whichever is the earlier.	C
37.	Article 40 (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid removed from land subject to temporary possession)	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) referred to in sub-paragraph 5(d) and 6(c) of article 27 (temporary use of land by for carrying out the authorised project) (National Grid is not required to remove foundations when giving up temporary possession).	C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
38.	Article 49 (Defence in proceedings in respect of statutory nuisance)	An amendment to reflect changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	<p>Defence to proceedings in respect of statutory nuisance</p> <p>49.—(1) Where proceedings are brought under section 82(1) (summary proceedings by personpersons aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraphs (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) and (ga) (noise from vehicles, machinery or equipment in a street) of section 79(1) of that Act no order must be made, and no fine must be imposed, under section 82(2) of that Act if—</p> <p>(a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction sitessites) or a consent given under section 61 (prior consent for work on construction sitessites) of the Control of Pollution Act 1974(b); or</p> <p>(ii) relates to premises used by the undertaker for the purposes of or in connection with the construction of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with the controls and measures relating to noise as described in the relevantrelevant Construction Environmental Management Plan or the relevantrelevant Construction Noise and Vibration Management Plan; or</p> <p>(iii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or</p> <p>(iv) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or</p>	C
39.	Article 51 (Felling or lopping)	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	<p>(a) the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown on the Trees and Hedgerows to be Removed or Managed Plans; and</p> <p>(b) the undertaker givinghas given 5 days notice to the relevant highway authority of its intention to carry out any of the operations described in sub-paragraph (a).</p>	C
40.	Article (Arbitration)	62 An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order dated 8 April 2025.	<p>Arbitration</p> <p>62. Subject to article 55 (proceeduresprocedure regarding certain approvals, etc.) and except where otherwise expressly provided for in this Order or unless otherwise agreed between the parties, any difference under any provision of this Order must 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.</p>	C
41.	Schedule 1	There are two tables of grid coordinates included within Schedule 16 (Deemed Marine Licence under the 2009 Act) which show the grid coordinates for that part of the authorised development which is seaward of MHWS. Table 2, which shows the limits of deviation for an access bridge and overhead cables over the River Stour, was not previously	Inclusion in Schedule 1 of a table of grid coordinates showing the limits of deviation for an access bridge and overhead cables over the River Stour.	C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		included in Schedule 1. Therefore, this amendment has been made to also include the second table in Schedule 1 to ensure consistency across the draft DCO.		
42.	Schedule (Requirements)	3 An amendment to ensure consistency in the use of defined terms throughout the draft Order.	Change from requirement to 'Requirement' throughout, where appropriate.	C
43.	Schedule (Discharge Requirements)	4 An amendment to ensure consistency in the use of defined terms throughout the draft Order.	Change from requirement to 'Requirement' throughout, where appropriate.	C

Table 2.3 – Schedule of Changes to Version C of the draft DCO [APP-043]

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
44.	Article 1(5) (Interpretation)	This amendment widens the reference to the relevant plans to reflect that there are other plans (such as the Traffic Regulation Orders Plans [APP-024]) also include points identified by letters or numbers.	(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the Access, Rights-of-Way and Public Rights-of-Navigation Plans <u>plans to which the reference relates.</u>	D
45.	Article 10(2) (Planning permission and other consents)	The amendment to this article adds an additional reference to the 2008 Act which is intended to ensure consistency with the references to both the 1990 Act and the 2008 Act throughout the article.	(b) In <u>in</u> respect of that inconsistency, no enforcement action under the 1990 Act <u>or the 2008 Act</u> may be taken in relation to development carried out or used pursuant to that planning permission or development consent whether inside or outside the Order limits.	D
46.	Article 13(7) (Application of the 1991 Act)	This amendment updates the cross-reference to the earlier paragraph.	(7) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) 5 <u>5</u> have effect as if references in section 57 of that Act to emergency works were references to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.	D
47.	Article 15(10) (Temporary closure of streets and public rights of way)	This amendment updates the cross-reference to the earlier paragraph.	(10) Any application for consent under paragraph (2) or (5)(b) must include a statement that the provisions of paragraph (8) 9 <u>9</u> apply to that application.	D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		and permissive paths)		
48.	Article 17(3) & (4) (Access to works)	Correction of minor typographical errors in paragraph (3) and (4) to ensure cross-references reflect SI drafting conventions.	<p>(3) Any application for consent under sub-paragraphparagraph (1)(b) must include a statement that the provisions of paragraph (2) apply to that application.</p> <p>(4) If an application for consent under sub-paragraph-paragraph (2)(b) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application.</p>	D
49.	Article 21(5) (protective works)	Correction of minor typographical errors in paragraph 5(c) and (d) to ensure cross-references reflect SI drafting conventions.	<p>(5) Before exercising—</p> <p>(a) a right under paragraph (1) to carry out protective works to any land, building, structure, apparatus or equipment;</p> <p>(b) a right under paragraph (3) to enter and/or survey any land, building, structure, apparatus or equipment, and land within its curtilage or any adjacent land;</p> <p>(c) a right under sub-paragraphparagraph (4)(a) to enter the land, building or structure and land within its curtilage; or</p> <p>(d) a right under sub-paragraphparagraph (4)(b) to enter land,</p>	D
50.	Article 22(9) &(10) (Authority to survey and investigate the land)	Correction of minor typographical errors in paragraph 9 and 10 to ensure cross-references reflect SI drafting conventions.	<p>(9) Any application for consent under either sub-paragraphparagraph (5)(a) or sub-paragraphparagraph (5)(b) must include a statement that the provisions of paragraph (8) apply to that application.</p> <p>(10) If an application for consent under either sub-paragraphparagraph (5)(a) or sub-paragraphparagraph (5)(b) does not include the statement required under paragraph (9), then the provisions of paragraph (8) will not apply to that application.</p>	D
51.	Article 26(3) (Acquisition of subsoil or airspace only)	Update made to the cross-reference to Article 36 and other minor typographical errors to ensure consistency across the draft DCO.	<p>(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—</p> <p>(a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 265 (modification36 (application of Part 1 of the 1965 Act));</p> <p>(b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and</p> <p>(c) section 153(4A)(e) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning1990 Act1990.</p>	D
52.	Article 27(3) (Temporary use of land for carrying out the authorised project)	Correction of minor typographical errors in paragraph 3(a) and (b) to ensure cross-references reflect SI drafting conventions.	<p>(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—</p> <p>(a) in the case of land referred to in sub-paragraphparagraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (3) of Schedule 11, or</p> <p>(b) in the case of land referred to in sub-paragraphparagraph (1)(a)(ii), after the end of the period of one 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.</p>	D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
53.	Article 27(5) (Temporary use of land for carrying out the authorised project)	Correction of minor typographical errors in paragraph 5 to ensure cross-references reflect SI drafting conventions.	(5) Before giving up possession of land of which only temporary possession has been taken under sub-paragraph paragraph (1)(a)(i), unless otherwise agreed with the owners of the land, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but the undertaker is not required to— (a) replace a building, structure, apparatus, equipment, electric line, electrical plant or pylon removed under this article; (b) restore the land on which any mitigation works have been carried out under sub-paragraph paragraph (1)(d);	D
54.	Article 27(6) (Temporary use of land for carrying out the authorised project)	Correction of minor typographical errors in paragraph 6 to ensure cross-references reflect SI drafting conventions.	(6) Before giving up possession of land of which temporary possession has been taken under sub-paragraph paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, the undertaker must either acquire the land or the interest on, over, or in the land in accordance with the provisions of sub-paragraph paragraph (3)(b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to— (a) replace a building, structure, apparatus, equipment, electric line, electrical plant or pylon removed under this article; (b) restore the land on which any mitigation works have been carried out under sub-paragraph paragraph (1)(d);	D
55.	Article 27(12) (Temporary use of land for carrying out the authorised project)	Correction of minor typographical errors in paragraph 12 to ensure cross-references reflect SI drafting conventions.	(12) Nothing in this article prevents the undertaker from taking temporary possession more than once in relation to any land specified in sub-paragraph paragraph (1)(a).	D
56.	Article 40(3) (Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid removed from land subject to temporary possession)	Correction of minor typographical errors in paragraph 3 to ensure cross-references reflect SI drafting conventions.	(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) referred to in sub-paragraph paragraph 5(d) and 6(c) of article 27 (temporary use of land for carrying out the authorised project) (National Grid is not required to remove foundations when giving up temporary possession).	D
57.	Schedule 1, Part 1, paragraph 2	This amendment clarifies the list of works which comprise associated development to make clear that drainage works are intended to be included as associated development.	(x) drainage works; and (y) (x) such other works, including scaffolding, working sites storage areas, and works of demolition (which includes but is not limited to demolition of residential properties), as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development and which do not give rise to any materially different environmental effects from those assessed in the Environmental Statement	D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO						
58.	Schedule 3, Requirement 7(1)	This amendment relates to the addition of a new definition of 'HGV' to the definitions in Schedule 3 (Requirements).	<u>"HGV" means lorries over 3.5 tonnes maximum gross weight but excluding abnormal indivisible loads;</u>	D						
59.	Schedule 3, Requirement 7(6)	This amendment relates to the addition of a new paragraph 7(6) to Requirement 7 (construction hours). This specifies the severe weather conditions referred to in sub-paragraph 4(g).	<u>(6) The severe weather conditions referred to in sub-paragraph (4)(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) and, as the case may be, the hours referred to in sub-paragraph (3) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access, wind or otherwise) or being contrary to safe working practices.</u>	D						
60.	Schedule 3, Requirement 10(3)	Addition of a footnote to reflect SI drafting conventions.	(3) In this Requirement, "controlled waters" has the same meaning as in Part 3 of the Water Resources Act 1991(a).	D						
61.	Schedule 3, Requirement 14(1)(c)	Addition of a full stop to ensure grammatical consistency.	(c) Outline Offshore Overarching Written Scheme of Investigation and the Marine Archaeological Method Statement as appropriate.	D						
62.	Schedule 4, paragraph 3	Addition of a heading to paragraph 3 of Schedule 4 to ensure consistency with other made orders.	<u>Fees</u> 3. —(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), a fee must be paid to the relevant authority as follows—	D						
63.	Schedule 15, Part 2, paragraph 9	An amendment to update the reference to the electronic communications code to reflect that the Telecommunications Act 1984 is no longer in force.	9. The exercise of the powers of article 44 (statutory undertakers) are subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984(a) Part 10 (undertaker's works affecting electronic communications apparatus) of the electronic communications code.	D						
64.	Schedule 16, Part 2, Condition 1	An amendment to update the design parameters in Schedule 16 to reflect the correct length of cable proposed.	Table 2. Design parameters <table><tr><th>Length of cable (km)</th><th>Area of cable protection (m2)</th><th>Volume of cable protection (m3)</th></tr><tr><td>122196,100122</td><td>196,100</td><td>582,200</td></tr></table>	Length of cable (km)	Area of cable protection (m2)	Volume of cable protection (m3)	122 196,100122	196,100	582,200	D
Length of cable (km)	Area of cable protection (m2)	Volume of cable protection (m3)								
122 196,100122	196,100	582,200								
65.	Schedule 16, Part 2, Condition 10	An amendment to correct a typographical error.	(3) No exit to trenchless landfill techniques must occur within 50m of MLWS at Leiston to Aldeburgh Aldeburgh SSSI.	D						

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