

Sea Link

Volume 9: Examination Submissions

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

Planning Inspectorate Reference: EN020026

Version **BC**

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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 2 nd s89 letter
<u>November 2025</u>	<u>C</u>	<u>Final</u>	<u>Deadline 1 updates</u>

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)**) [AS-087] and the new Revision E (**Document 3.1(E)**).
- 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~~was 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 (**Document 3.1(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

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.

- (d) Amendments requested by the further Section 89 letter received from the Planning Inspectorate on 5 August 2025.

1.3 Overview of changes made at Examination Stage

- 1.3.1** Revision E is submitted to update the draft DCO for Deadline 1 of the Examination. The changes made for Deadline 1 include amendments made in response to submissions made in relevant representations from Interest Parties and following the Preliminary Meeting, Issue Specific Hearing 1 and Open Floor Hearings.
- 1.3.2** Table 3.1 lists the principal changes made by the Applicant within Revision E 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 044, 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”)(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

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
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.	(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 paragraph <u>sub-paragraph</u> (b); and	B
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> (c)-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 <u>permissive paths</u>) 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>and</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>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
			<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 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 Rights of Way Plans and Public Rights of Navigation, 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> <ul style="list-style-type: none"> (a) any street, public right of way or permissive path specified as mentioned in paragraph (4) without first consulting the street authority; or (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>(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 public rights of way <u>and permissive paths</u> to be temporarily closed).</p>	
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.	<p>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 public rights of way <u>to be permanently stopped up</u>) to the extent specified in column (3) of that Schedule.</p>	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).	<p>17.—(1) The undertaker may, for the purposes of the authorised project—</p> <ul style="list-style-type: none"> (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.	<p>(10) Any application for consent under paragraph (3) or approval under sub-paragraph (4)(a) must include a statement that the provisions of paragraph (9) apply to that application.</p> <p>(11) If an application for consent under paragraph (3) or approval under sub-paragraph (4)(a) does not include the statement required under paragraph (10) then the provisions of paragraph (9) will not apply to that application.</p>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
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 for survey—	B
12.	Article 25, Compulsory acquisition of rights	Correction of two minor cross-referencing errors in Article 25(3) and 25(4).	<p>(3) Subject to section 8 (other provisions as to divided land) of the 1965 Act as substituted by Schedule 9<u>10</u> (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.</p> <p>(4) Schedule 9<u>10</u> 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.</p>	B
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 10<u>11</u>, or</p> <p>(b) in the case of land referred to in sub-paragraph (1)(a)<u>(ii)</u>, 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 10<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.	(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 <u>sub-paragraph 5</u> (d) and 27(6)(c) or of article 27 (5)(d) or 27(6) <u>temporary use of land by for carrying out the authorised project</u> (National Grid is not required to remove foundations when giving up temporary possession).	B
15.	Article 50, Traffic	Correction of minor typographical		B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
	regulation	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 (42) and along the lengths and between the points specified in column (23) in the manner specified in column (34) of that Part of that Schedule;</p> <p>(b) prohibit use of roads by through traffic in the manner specified in Part 42 of Schedule 13 (traffic regulation orders) on the roads specified in column (42) and along the lengths and between the points specified in column (23) in the manner specified in column (34) of that Part of that Schedule;</p> <p>(c) regulate the direction of vehicular movements in the manner specified in Part 53 of Schedule 13 (traffic regulation orders) on the roads specified in column (42) and along the lengths and between the points specified in column (23) in the manner specified in column (34) of that Part of that Schedule;</p>	
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.	(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>	B
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 (<u>amendment of local legislation</u>) 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).	<p>(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—</p> <p>(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and</p> <p>(b) in any other case, the last known address of that person at the time of service.</p>	B
19.	Schedule 2, Plans	Minor updates made to Schedule 2 to correct certain typographical errors.		B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
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The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Suffolk Regulation 5(2)(j) Sheet 1 of 6 In the districts <u>district</u> of East Suffolk District Council	DCO/S/WK/PS/0401	A
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The National Grid (Sea Link) Order PINS application number: EN020026 Works plans – <u>Offshore</u> Regulation 5(2)(j) Key plan <u>Plan</u> 1 of 1 In the districts of East Suffolk District Council, Dover District Council and Thanet District Council	DCO/M/KP/SS/0417	A
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Drawing Title	Drawing Number	Revision
The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – <u>Offshore</u> Regulation 5(2)(j) Sheet 1 of 3 In the district of East Suffolk District Council	DCO/M/WK/PS/0414	A

The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – <u>Offshore</u> Regulation 5(2)(j) Sheet 2 of 3	DCO/M/WK/PS/0415	A
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Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
			<div> <div> The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Offshore Regulation 5(2)(j) Sheet 3 of 3 In the districts of Dover District Council and Thanet District Council </div> <div>DCO/M/WK/PS/0416</div> <div>A</div> </div>	
20.	Schedule 3, Requirements (Paragraph 2(3))	Correction of a minor typographical error to reflect that sub-paragraph 2(2) is not a subsection.	<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, Requirements (Paragraphs 4(3) and 4(5))	Correction of minor typographical errors in sub-paragraph (3) and (5) to ensure cross-references are accurate.	<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
22.	Schedule 3, Requirements (Paragraph 5(1))	Correction of a minor typographical error in sub-paragraph (1) to ensure cross-references are accurate.	<p>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 paragraphsub-paragraph (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.</p>	B
23.	Schedule 3, Requirements (Paragraphs 7(4), 7(4)(l), 7(4)(m) and 7(4)(n))	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.	<p>(4) The following operations may take place outside the core working hours referred to in paragraphsub-paragraph (1)—</p> <p>(l) mechanical and electrical installation works within buildings once erected and enclosed; and</p> <p>(m) any highway works requested by the highway authority to be undertaken on a Saturday or Sunday or outside the core working hours; and</p> <p>(n) activity necessary in the instance of an emergency where there is a risk to persons or property.</p>	B
24.	Schedule 3, Requirements	Correction of a minor typographical error to ensure that the title of	<p>(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 for carrying out the authorised project).</p>	B

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
	(Paragraph 9)	Article 27 is accurately referred to.		
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, Counter-notice requiring purchase of land (Paragraph 1)	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) <u>1981</u> Act 1981) 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
1.	Article 2, Interpretation	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 <u>and</u> any related <u>other</u> development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;	C
2.	Article 2, Interpretation	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) <u>(</u> interpretation etc. of Part 1) of the 1989 <u>Electricity</u> 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
3.	Article 3, Development consent etc. granted by the Order	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction Order 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 <u>Requirements</u>). (5) Schedule 3 (requirements <u>Requirements</u>) has effect.	C
4.	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.		C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
			<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> <p>(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; and</p> <p>(b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order,</p> <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 <u>or development consent granted under the 2008 Act</u> 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> <p>(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</p> <p>(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> <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 <u>or of a development consent granted under the 2008 Act</u>, 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>	
5.	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
6.	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
7.	Article 21 (Protective Works)	An amendment to reflect typographical changes made in the Bramford to Twinstead Correction		C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		Order dated 8 April 2025.	(3) For the purpose of determining how the functions under this article are to be exercised, the undertaker may enter and survey— (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,	
8.	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
9.	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
10.	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
11.	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.		C

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
			<p>Defence to proceedings in respect of statutory nuisance</p> <p>49.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person<ins>persons</ins> 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 site<ins>sites</ins>) or a consent given under section 61 (prior consent for work on construction site<ins>sites</ins>) 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 relevant Construction Environmental Management Plan or the relevant 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>	
12.	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 giving<ins>has given</ins> 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
13.	Article 62 (Arbitration)	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 (procedures<ins>procedure</ins> 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
14.	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	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
		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 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.		
15.	Schedule 3 (Requirements)	An amendment to ensure consistency in the use of defined terms throughout the draft Order.	Change from requirement to 'Requirement' throughout, where appropriate.	C
16.	Schedule 4 (Discharge of Requirements)	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
1.	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
2.	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
3.	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 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
4.	Article 15(10) (Temporary closure of streets and public rights of way and permissive paths)	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 apply to that application.	D
5.	Article 17(3) & (4) (Access to works)	Correction of minor typographical errors in paragraph (3) and (4) to		D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		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-paragraphparagraph (2)(b) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application.</p>	
6.	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
7.	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
8.	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 (modification)36 (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 Act-1990.</p>	D
9.	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
10.	Article 27(5) (Temporary use of land)	Correction of minor typographical errors in paragraph 5 to ensure		D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
	for carrying out the authorised project)	cross-references reflect SI drafting conventions.	<p>(5) Before giving up possession of land of which only temporary possession has been taken under sub-paragraphparagraph (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—</p> <p>(a) replace a building, structure, apparatus, equipment, electric line, electrical plant or pylon removed under this article;</p> <p>(b) restore the land on which any mitigation works have been carried out under sub-paragraphparagraph (1)(d);</p>	
11.	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.	<p>(6) Before giving up possession of land of which temporary possession has been taken under sub-paragraphparagraph (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-paragraphparagraph (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—</p> <p>(a) replace a building, structure, apparatus, equipment, electric line, electrical plant or pylon removed under this article;</p> <p>(b) restore the land on which any mitigation works have been carried out under sub-paragraphparagraph (1)(d);</p>	D
12.	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.	<p>(12) Nothing in this article prevents the undertaker from taking temporary possession more than once in relation to any land specified in sub-paragraphparagraph (1)(a).</p>	D
13.	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.	<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 sub-paragraphparagraph 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).</p>	D
14.	Schedule 1, Part 1, paragraph 2	This amendment clarifies the list of works which comprise associated development to make clear that		D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO
		drainage works are intended to be included as associated development.	(x) <u>drainage works; and</u> (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	
15.	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
16.	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
17.	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
18.	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
19.	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
20.	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) <u>Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.</u>	D

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO						
21.	Schedule 16, Part 2, Condition 1	An amendment to update the design parameters in Schedule 16 to reflect the correct length of cable proposed.	<div>Table 2. Design parameters</div> <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								
22.	Schedule 16, Part 2, Condition 10	An amendment to correct a typographical error.	(3) No exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh Aldeburgh SSSI.	D						

3. Schedule of Changes made during Examination

Table 3.1: Schedule of Changes to Version D of the draft DCO [APP- 087] at Deadline 1

<u>Ref.</u>	<u>dDCO Ref.</u>	<u>Rationale for the Change</u>	<u>Change Made</u>	<u>Version of dDCO</u>
<u>1.</u>	<u>Article (1) Interpretation.</u>	<u>Natural England's Relevant Representation advised that the definition of 'commence' within article 1 of the draft DCO should be updated to include the definition of offshore commencement. Article 1 of the draft Order has therefore been updated to reflect both definitions of 'commence' currently used within the draft DCO and in the Schedule 16 deemed marine licence for consistency purposes. An associated definition of Mean High Water Springs is also added to Article 1.</u>	<div> <u>"commence" means</u> (a) <u>In relation to works seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licence, save for operations consisting of offshore preparation works or pre-construction surveys and monitoring approved under the deemed marine licence and the words "commencement" and "commenced" must be construed accordingly;</u> (b) <u>"commence" means</u> <u>In respect of any other works comprised in the authorised project, the carrying out of any material operation (as defined in section 155(2) (when development begins) of the 2008 Act) forming part of the authorised project other than the pre-commencement operations and "commencement" and "commenced" are to be construed accordingly;</u> </div>	<u>E</u>
<u>2.</u>	<u>Article 5 (Limits of Deviation)</u>	<u>This change is made to alter the secured height of pylons in Suffolk to 53.2m. This means that, with the 6m limit of deviation in Article 5, the total maximum height for pylons in Suffolk would</u>		<u>E</u>

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO															
		be 59.2m to match the East Anglia One North and East Anglia Two Windfarm Orders 2022. Detailed design has progressed against the parameters of these consents and the Applicant is therefore confident the lower height is deliverable.	<div>Limits of deviation</div> <div>5. —(1) Subject to paragraph 4, 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—</div> <div>(a) deviate from the lines or situations of the authorised project shown on the Works Plans within the limits of deviation relating to a Work shown on those plans and carry out construction activities for the purpose of the authorised project anywhere within the Order limits; and</div> <div>(b) in respect of the pylons deviate vertically from the levels of the authorised project (being 54m53.2m above finished ground level in Suffolk and 51m above finished ground level in Kent)—</div> <div>(i) to any extent upwards not exceeding 6 metres;</div> <div>(ii) to such extent downwards as the undertaker considers necessary or convenient;</div>																
3.	Article 5 (Limits of Deviation)	The height of Friston substation assessed in the Sea Link application is 2m higher than the height assessed in the East Anglia One North and East Anglia Two Windfarm Orders 2022. The Environmental Statement for the Sea Link application assessed a height of 18m above finished ground level, and this is the height shown in the photomontages in the application. However, National Grid (working with SPR as part of the delivery of the East Anglia TWO Windfarm Order 2022) has now progressed the design to the 16m maximum height specified in the SPR consents. Therefore, this update is made to secure this lower height in the draft DCO.	<div>Table of Parameters</div> <table><tr><th>Work</th><th>Type of structure</th><th>Height</th></tr><tr><td>1B</td><td>Substation – Suffolk</td><td>+8m16m above finished ground level (not including roof mounted equipment)</td></tr><tr><td>3B</td><td>Converter Station – Suffolk</td><td>26m above finished ground level (not including roof mounted equipment)</td></tr><tr><td>9B, 11</td><td>Substation and Converter Station – Kent</td><td>28m above existing ground level (not including roof mounted equipment) and in respect of Work No. 11, not above 20m above existing ground level.</td></tr><tr><td>2, 5, 7</td><td>Link pillars</td><td>2m above finished ground level.</td></tr></table>	Work	Type of structure	Height	1B	Substation – Suffolk	+8m 16m above finished ground level (not including roof mounted equipment)	3B	Converter Station – Suffolk	26m above finished ground level (not including roof mounted equipment)	9B, 11	Substation and Converter Station – Kent	28m above existing ground level (not including roof mounted equipment) and in respect of Work No. 11, not above 20m above existing ground level.	2, 5, 7	Link pillars	2m above finished ground level.	E
Work	Type of structure	Height																	
1B	Substation – Suffolk	+8m 16m above finished ground level (not including roof mounted equipment)																	
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9B, 11	Substation and Converter Station – Kent	28m above existing ground level (not including roof mounted equipment) and in respect of Work No. 11, not above 20m above existing ground level.																	
2, 5, 7	Link pillars	2m above finished ground level.																	
4.	Article 7 (Consent to transfer benefit of	In its Relevant Representation, the MMO noted concerns around		E															

<u>Ref.</u>	<u>dDCO Ref.</u>	<u>Rationale for the Change</u>	<u>Change Made</u>	<u>Version of dDCO</u>
	<u>Order)</u>	<p>the provisions relating to the process of transferring or granting the deemed marine licence. Therefore, the Applicant has included additional wording which is based on the East Anglia One North and East Anglia Two Windfarm Orders 2022 and other DCOs which consented offshore wind farms to include wording requiring the Secretary of State to consult with the MMO before giving consent to the transfer or grant of the benefit of the provisions of the DML. The MMO will be consulted on any decision by the SoS and it is well preceded across other Orders.</p>	<p>(4) Subject to paragraph (5) the undertaker may with the written consent of the Secretary of State</p> <p>(a) Where an agreement has been made in accordance with paragraph 2(a), transfer to the transferee the whole of any of the deemed marine licences and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) Where an agreement has been made in accordance with paragraph 2(b), transfer to the lessee for the duration of the period mentioned in paragraph 2(b), the whole of any of the deemed marine licences and such related statutory rights as may be so agreed.</p> <p>(5) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licence.</p> <p>(6) Sections 72(7) and (8) of the 2009 Act (variation, suspension, revocation and transfer) do not apply to a transfer or grant of the whole of the benefit of the provisions of the deemed marine licences to another person by the undertaker pursuant to an agreement under paragraph (3) save that the MMO may amend any deemed marine licence granted under Schedule 16 (Deemed marine licence) of the Order to correct the name of the undertaker to the name of a transferee or lessee under this article 7 (consent to transfer benefit of the Order).</p>	
<u>5.</u>	<u>Article 62 (Arbitration)</u>	<p>In their Relevant Representations, the MMO and Natural England highlighted that the MMO should not be subject to the arbitration provisions in the draft DCO. The Applicant notes the arguments made in relation to arbitration provisions on other development consent orders. Therefore, this change updates the wording as requested by the MMO and Natural England.</p>	<p>Arbitration</p> <p>62. (1) Subject to article 55 (procedure 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> <p>(2) For the avoidance of doubt, any matter for which the consent or approval of the Secretary of State or the MMO is required under any provision of this Order is not subject to arbitration.</p>	<u>E</u>

<u>Ref.</u>	<u>dDCO Ref.</u>	<u>Rationale for the Change</u>	<u>Change Made</u>	<u>Version of dDCO</u>
<u>6.</u>	<u>Schedule 1</u> <u>(Authorised Project)</u>	<p>The Applicant has agreed to provide a new version of the Works Plans to help the Examining Authority and Interested Parties understand the proposed use of land outside the previous principal numbered works. The approach taken to the Works Plans previously was to show all principal works on the Works Plans but generally not Associated Development such as PRow diversions, landscaping, ecological mitigation areas, utility diversions etc. The numbered works are mostly the permanent electrical assets and their accesses, and temporary works compounds. The Applicant will be providing a version of the Works Plans which more closely mirrors the approach taken by SPR and to provide additional detail available on other plans, in the Works Plans (e.g. where land is required for environmental mitigation). Therefore, Schedule 1 has been updated to include further works numbers (but no new works) which reflect the</p>	<div> <p><i><u>In all Districts within the Order Limits</u></i></p> <p><u>Works 13-17 as shown within the areas indicated on the Works Plans.</u></p> <p><u>Work No. 13 – Principal Drainage Works</u></p> <p><u>Work No. 14 – Principal Accesses</u></p> <p><u>Work No. 15 – Principal Environmental Mitigation and Landscaping</u></p> <p><u>Environmental mitigation includes works identified in the Environmental Statement and/or the management plans listed in Schedule 3, Requirement 16, which may include —</u></p> <p>(a) <u>ecological mitigation and enhancement; and</u></p> <p>(b) <u>landscaping mitigation and enhancement.</u></p> <p><u>Work No. 16 – Principal Utility Diversions</u></p> <p><u>Work No. 17 – Principal Public Right of Way Diversions</u></p> </div>	<u>E</u>

<u>Ref.</u>	<u>dDCO Ref.</u>	<u>Rationale for the Change</u>	<u>Change Made</u>	<u>Version of dDCO</u>									
		<u>updated Works Plans.</u>											
<u>7.</u>	<u>Schedule 2 (Plans) Part 2</u>	<u>This change reflects the updates to the version numbers of the Land Plans and Works Plans submitted at Deadline 1.</u>	<div><div>PART 2 LAND PLANS</div><table><tr><th><i>Drawing Title</i></th><th><i>Drawing Number</i></th><th><i>Revision</i></th></tr><tr><td>The National Grid (Sea Link) Order PINS application number: EN020026 Land Plans Regulation 5(2)(i)(I)-(iii) Key Plan In the district of East Suffolk District Council</td><td>DCO/S/KPA/SS/0100</td><td>AC</td></tr><tr><td>The National Grid (Sea Link) Order PINS application number: EN020026 Land Plans Regulation 5(2)(i)(i)-(iii) Sheet 1 of 6 In the district of East Suffolk District Council</td><td>DCO/S/LP/PS/0101</td><td>AC</td></tr></table></div>	<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>	The National Grid (Sea Link) Order PINS application number: EN020026 Land Plans Regulation 5(2)(i)(I)-(iii) Key Plan In the district of East Suffolk District Council	DCO/S/KPA/SS/0100	AC	The National Grid (Sea Link) Order PINS application number: EN020026 Land Plans Regulation 5(2)(i)(i)-(iii) Sheet 1 of 6 In the district of East Suffolk District Council	DCO/S/LP/PS/0101	AC	<u>E</u>
<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>											
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The National Grid (Sea Link) Order PINS application number: EN020026 Land Plans Regulation 5(2)(i)(i)-(iii) Sheet 1 of 6 In the district of East Suffolk District Council	DCO/S/LP/PS/0101	AC											
<u>8.</u>	<u>Schedule 2 (Plans)Part 6</u>	<u>This change reflects the updates to the version numbers of the Works Plans submitted at Deadline 1.</u>											

Ref.	dDCO Ref.	Rationale for the Change	Change Made	Version of dDCO									
			<div><div>PART 6</div><div>WORKS PLANS</div><table><tr><th>Drawing Title</th><th>Drawing Number</th><th>Revision</th></tr><tr><td>The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Suffolk Regulation 5(2)(j) Key Plan 1 of 1 In the district of East Suffolk District Council</td><td>DCO/S/KP/SS/0400</td><td>AB</td></tr><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 district of East Suffolk District Council</td><td>DCO/S/WK/PS/0401</td><td>AB</td></tr></table></div>	Drawing Title	Drawing Number	Revision	The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Suffolk Regulation 5(2)(j) Key Plan 1 of 1 In the district of East Suffolk District Council	DCO/S/KP/SS/0400	A B	The National Grid (Sea Link) Order PINS application number: EN020026 Works Plans – Suffolk Regulation 5(2)(j) Sheet 1 of 6 In the district of East Suffolk District Council	DCO/S/WK/PS/0401	A B	
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9.	Schedule 3, Requirement 3	This update is made for clarity as to which documents contain the Converter Station Design Principles.	<div><div>3. No stage of development of the above ground elements of the authorised development comprised in Works Nos. 3B and 9B (Suffolk and Kent converter stations) may commence until details of the layout, scale and external appearance have been submitted to the relevant planning authority, and the relevant planning authority has confirmed, in consultation with the relevant county council, that the details are in general accordance with the Key Design Principles set out in the Converter Station Design Principles as presented in Document 7.12.1 Design Principles – Suffolk and Document 7.12.2 Design Principles – Kent.</div></div>	E									
10.	Schedule 3, Requirement 7 (construction hours)	The construction working hours have been amended in respect of Work No.1A and Work No.1B to reflect the construction working hours secured in the East Anglia One North and East Anglia Two Windfarm Orders 2022 to ensure consistency across the projects.		E									

<u>Ref.</u>	<u>dDCO Ref.</u>	<u>Rationale for the Change</u>	<u>Change Made</u>	<u>Version of dDCO</u>
			<p>(7) In respect of Work No.1A and Work No. 1B, construction work may only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in sub-paragraph (8).</p> <p>(8) Outside the hours specified in sub-paragraph (7), construction work may be undertaken for essential activities including but not limited to—</p> <ul style="list-style-type: none"> (a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring and the installation and removal of conductors, pilot wires and associated protective netting across highways or public footpaths; (b) internal fitting out works associated with the substation; (c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped; (d) the testing or commissioning of any electrical plant installed as part of the authorised development; and (e) activity necessary in the instance of an emergency where there is a risk to persons or property. <p>(9) With the exception of activities undertaken in accordance with sub-paragraph (2)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within sub-paragraphs (2)(a) to (2)(e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.</p>	
<u>11.</u>	<u>Schedule 3, New Requirement 15</u>	<u>This new requirement has been included to clarify that if part of Work No. 1B has been completed pursuant to the East Anglia One North and East Anglia Two Windfarm Orders 2022, it will not be constructed pursuant to the draft DCO save where amendments to those works are required for the Purposes of the Authorised Project, to ensure consistency between the projects.</u>	<p><i>Restriction on carrying out works when consented in another order</i></p> <p>15. Where any part of Work No.1B has been completed pursuant to another development consent order, those works must not be constructed under this Order, save where amendments to those works are required for the purposes of the Authorised Project.</p>	<u>E</u>
<u>12.</u>	<u>Schedule 3, Requirement 6 and Schedule 16, Deemed Marine Licence.</u>	<u>Further to Natural England's Relevant Representation, certain management plans listed in Requirement 6 related exclusively</u>		<u>E</u>

<u>Ref.</u>	<u>dDCO Ref.</u>	<u>Rationale for the Change</u>	<u>Change Made</u>	<u>Version of dDCO</u>
		<p>to impacts and works in the marine environment. Therefore, to avoid potential unnecessary duplication, the relevant plans have been removed from the requirement and are instead secured through the deemed marine licence.</p> <p>The list of management plans is also updated to reflect that an 'Operational Drainage Management Plan' will be submitted.</p>	<div> <p><i>Construction Management Plans to be Approved</i></p> <p>6. —(1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned—</p> <p>(a) Onshore Construction Environmental Management Plan (which must be substantially in accordance with the Onshore Outline Construction Environmental Management Plan);</p> <p>(b) Offshore Construction Environmental Management Plan (which must be substantially in accordance with the Outline Offshore Construction Environmental Management Plan);</p> <p>(b) (e) Construction Traffic Management and Travel Plan – Suffolk (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Suffolk);</p> </div> <div> <p>(e) Marine Mammal Mitigation Plan (which must be substantially in accordance with the Outline Marine Mammal Mitigation Plan);</p> <p>(p) Offshore Invasive Non-Native Species Management Plan (which must be substantially in accordance with the Outline Offshore Invasive Non-Native Species Management Plan);</p> <p>(n) (q) Material and Waste Management Plan;</p> <p>(o) (r) Construction Drainage Management Plan;</p> <p>(p) (s) Flood Management Plan (FMP); and</p> <p>(t) Detailed Marine Biosecurity Plan (which must be substantially in accordance with the Marine Biosecurity Plan);</p> <p>(q) Operational Drainage Management Plan.</p> </div>	
<u>13.</u>	<u>Schedule 11 (Land of which temporary possession may be taken)</u>	<u>These changes reflect amendments made to the land of which only temporary possession may be taken due to the change in approach to the Works Plans.</u>	<u>Various amendments to the column (1) plot number of land shown on Land Plan and column (3) relevant part of the authorised development.</u>	<u>E</u>
<u>14.</u>	<u>Schedule 16 (Deemed Marine Licence)</u>	<u>In its Relevant Representation, the MMO suggested a number of changes to the wording of the draft deemed marine licence at Schedule 16. These submissions have been reflected in the updated drafting where appropriate.</u>	<u>Various amendments throughout the deemed marine licence to reflect ongoing engagement with the MMO.</u>	<u>E</u>

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Style name: Firm	
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Original filename: 9.7 (B) Applicant's Schedule of Changes to the Draft Development Consent Order (Clean) (3).docx	
Modified DMS: iw://bclp.cloudmanage.com/legal/238192383/1 - 9.7 (C) Applicant's Schedule of Changes to the Draft Development Consent Order (Clean).docx	
Changes:	
<u>Add</u>	30
Delete	13
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	2
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	1
Total Changes:	46