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STATUTORY INSTRUMENTS

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**2022 No. 853**

**INFRASTRUCTURE PLANNING**

**The Sizewell C (Nuclear Generating Station) Order 2022**

*Made* - - - - - *20th July 2022*

*Coming into force* *11th August 2022*

**THE SIZEWELL C (NUCLEAR  
GENERATING STATION) ORDER 2022**

PART 1

GENERAL PROVISIONS

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc granted by Order
4. Limits of deviation
5. Effect of the Order on the Sizewell B relocated facilities permissions
6. Maintenance of authorised development
7. Authorisation of use
8. Benefit of Order
9. Consent to transfer benefit of the Order
10. Enforcement of the Deed of Obligation
11. Modification and discharge of Deed of Obligation
12. Defence to proceedings in respect of statutory nuisance

PART 3

STREETS

13. Power to alter layout, etc., of streets
14. Street works
15. Application of the 1991 Act

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16. Permanent stopping up of streets, change of status, and extinguishment of private means of access
17. Status of public rights of way created or improved
18. Benefit of permanent private means of access and private rights of way created
19. Temporary closure of streets and private means of access
20. Use of private roads for construction
21. Access to works
22. Construction and maintenance of new and altered streets
23. Agreements with street authorities
24. Traffic regulation measures

#### PART 4

#### SUPPLEMENTAL POWERS

25. Discharge of water
26. Protective work to buildings
27. Authority to survey and investigate the land

#### PART 5

#### POWERS OF ACQUISITION AND POSSESSION OF LAND

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

#### PART 6

#### HARBOUR POWERS

49. Incorporation of the Harbours, Docks, and Piers Clauses Act 1847
50. Further powers as to works and extinguishment of rights
51. Harbour authority
52. Agreements entered into by the undertaker
53. Application of Pilotage Act 1987

54. Limits of harbour
55. Obstruction of work
56. Obstruction of officers
57. Abatement of works abandoned or decayed
58. Survey of marine works
59. Lights on marine works etc. during construction
60. Provision against danger to navigation
61. Permanent lights on marine works
62. Rights to lease etc.
63. Byelaws
64. Confirmation of byelaws
65. Power to make general directions to vessels
66. Publication of general directions
67. Power to make special directions to vessels
68. Master's responsibility in relation to directions
69. Failure to comply with directions
70. Enforcement of special directions
71. Boarding of vessels
72. Charges
73. Use of beach landing facility and marine bulk import facility
74. Duration of the powers in Part 6
75. Saving for termination of Part 6
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#### DEEMED MARINE LICENCE

77. Deemed marine licence under the 2009 Act

#### PART 8

#### MISCELLANEOUS AND GENERAL

78. Removal of human remains
79. Application of landlord and tenant law
80. Operational land for purposes of the 1990 Act
81. Felling or lopping of trees and removal of hedgerows
82. Certification of plans, etc.
83. Service of notices
84. Arbitration
85. Procedure in relation to certain approvals etc.
86. Application, exclusion and modification of legislative provisions
87. Crown rights
88. Security in respect of the payment of compensation etc.  
Signature

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Sizewell C DCO Project:

*In the Districts of East Suffolk Council and West Suffolk Council and the County of Suffolk*

PART 1 — NUMBERED WORKS

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

Work No. 1A

*Main development site: cooling water infrastructure,  
drainage outfall, desalination intake and outfall infrastructure*

*Main development site: accommodation campus*

*Rail infrastructure*

*Sports facilities*

*Fen meadows and marsh harrier habitat*

*Northern park and ride*

*Southern park and ride*

*Two village bypass*

*Sizewell link road*

*Freight management facility*

*Yoxford roundabout and other highway improvement works*

PART 2 — OTHER ASSOCIATED DEVELOPMENT

SCHEDULE 2 — Requirements

1. Interpretation

SCHEDULE 3 — Land Plans

SCHEDULE 4 — Works Plans

SCHEDULE 5 — Rights of Way Plans

SCHEDULE 6 — Parameter Plans

SCHEDULE 7 — Approved Plans

PART 1 — MAIN DEVELOPMENT SITE AND MARINE WORKS – WORK  
NOS. 1, 2 AND 3

PART 2 — RAIL INFRASTRUCTURE – WORK NO. 4

PART 3 — SPORTS FACILITIES – WORK NO. 5

PART 4 — NORTHERN PARK AND RIDE – WORK NO. 9

PART 5 — SOUTHERN PARK AND RIDE – WORK NO. 10

PART 6 — TWO VILLAGE BYPASS – WORK NO. 11

- PART 7 — SIZEWELL LINK ROAD – WORK NO. 12
- PART 8 — FREIGHT MANAGEMENT FACILITY – WORK NO. 13
- PART 9 — YOXFORD ROUNDABOUT AND OTHER HIGHWAY IMPROVEMENT WORKS – WORK NOS. 14, 15, 16 AND 17

SCHEDULE 8 — Deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2

- PART 1 — SIZEWELL B RELOCATED FACILITIES PERMISSION 1
- PART 2 — SIZEWELL B RELOCATED FACILITIES PERMISSION 2

SCHEDULE 9 — Streets subject to street works

SCHEDULE 10 — Streets to be permanently stopped up, changed in status or private means of access extinguished

- PART 1 — STREETS TO BE STOPPED UP OR PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
- PART 2 — PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- PART 3 — STREET TO BE SUBJECT TO A CHANGE OF STATUS

SCHEDULE 11 — Status of public rights of way created or improved

SCHEDULE 12 — Benefit of permanent private means of access and private rights of way created

SCHEDULE 13 — Streets and private means of access to be temporarily closed

- PART 1 — BEING STREETS TO BE TEMPORARILY CLOSED FOR WHICH A SUBSTITUTE IS NOT SPECIFIED
- PART 2 — BEING STREETS AND PRIVATE MEANS OF ACCESS TO BE TEMPORARILY CLOSED FOR WHICH A SUBSTITUTE IS SPECIFIED

SCHEDULE 14 — Traffic Regulation Measures

SCHEDULE 15 — Land in respect of which only rights etc may be acquired

SCHEDULE 16 — Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants

1. Compensation enactments
2. (1) Without limiting the scope of sub-paragraph (1), the Land...
3. (1) Without limiting the scope of sub-paragraph (1), the 1961...
4. Application of the 1965 Act
5. For section 7 of the 1965 Act (Measure of compensation...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (Powers of entry) is...
8. Section 20 of the 1965 Act (Tenants at will, etc)...
9. Section 22 of the 1965 Act (Interests omitted from purchase)...
10. For Schedule 2A of the 1965 Act substitute— SCHEDULE 2A...

SCHEDULE 17 — Land of which only temporary possession may be taken

SCHEDULE 18 — Acquisition of wayleaves, easements and other rights

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PART 1 — ON BEHALF OF LICENCE HOLDERS

1. Acquisition of necessary wayleaves
2. Compulsory acquisition of easements or other rights
3. Interpretation

PART 2 — ON BEHALF OF CODE OPERATORS

4. Court imposition of code rights
5. Compulsory acquisition of easements or other rights
6. Interpretation

PART 3 — ON BEHALF OF WATER AND SEWERAGE UNDERTAKERS

7. Compulsory acquisition of easements or other rights

PART 4 — ON BEHALF OF GAS TRANSPORTERS

8. Compulsory acquisition of easements or other rights

SCHEDULE 19 — Protective Provisions

PART 1 — PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. Application
2. Interpretation
3. On-street apparatus
4. Acquisition of apparatus
5. Removal of apparatus
6. Facilities and rights for alternative apparatus
7. Retained apparatus: protection
8. Compensation
9. Expenses
10. Co-operation
11. Agreements

PART 2 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS NETWORKS

12. Application
13. Interpretation
14. Electronic communications apparatus installed on, under or over any land
15. Compensation
16. Application
17. Co-operation
18. Enactments and agreements

PART 3 — NETWORK RAIL

19. The provisions of this Part of this Schedule have effect,...
20. In this Part of this Schedule— “construction” includes execution, placing,...
21. (1) Where under this Part of this Schedule Network Rail...
22. (1) The undertaker must not exercise the powers conferred by—...
23. (1) The undertaker must before commencing construction of any specified...
24. (1) Any specified work and any protective works to be...
25. The undertaker must— (a) at all times afford reasonable facilities...
26. Network Rail must at all times afford reasonable facilities to...
27. (1) If any permanent or temporary alterations or additions to...
28. The undertaker must repay to Network Rail all reasonable fees,...
29. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
30. If at any time after the completion of a specified...
31. The undertaker must not provide any illumination or illuminated sign...
32. Any additional expenses which Network Rail may reasonably incur in...
33. (1) The undertaker must pay to Network Rail all reasonable...

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34. Network Rail must, on receipt of a request from the...
35. In the assessment of any sums payable to Network Rail...
36. The undertaker and Network Rail may, subject in the case...
37. Nothing in this Order, or in any enactment incorporated with...
38. The undertaker must give written notice to Network Rail if...
39. The undertaker must no later than 28 days from the...
40. In relation to any dispute arising under this Part of...  
PART 4 — FOR THE PROTECTION OF ANGLIAN WATER
41. (1) For the protection of Anglian Water, the following provisions...  
PART 5 — FOR THE PROTECTION OF NATIONAL GRID AS  
ELECTRICITY UNDERTAKERS
42. Application
43. Interpretation
44. Except for paragraphs 45 (Apparatus of National Grid in stopped...
45. Apparatus of National Grid in stopped up streets
46. Protective works to buildings
47. Acquisition of land
48. Removal of apparatus
49. Facilities and rights for alternative apparatus
50. Retained apparatus: Protection of National Grid
51. Expenses
52. Indemnity
53. Enactments and agreements
54. Co-operation
55. Access
56. Arbitration
57. Notices  
PART 6 — FOR THE PROTECTION OF ESSEX AND SUFFOLK WATER
58. For the protection of Essex and Suffolk Water, the following...
59. In this Part of this Schedule— “Authority” has the meaning...
60. The undertaker must not interfere with, build over or near...
61. The alteration, extension, removal or re-location of any apparatus shall...
62. In the situation, where in exercise of the powers conferred...
63. Regardless of any provision in this Order or anything shown...
64. If in consequence of the exercise of the powers conferred...
65. If in consequence of the exercise of the powers conferred...
66. If for any reason or in consequence of the construction...
67. Any agreement or approval of ESW required under these provisions...
68. Any dispute arising between the undertaker and ESW under this...
69. Water Industry Act 1991
70. Supply of potable water to the authorised development
71. Condition 1
72. Following satisfaction of paragraph 71, ESW, acting reasonably, has confirmed...
73. Condition 2
74. Following satisfaction of paragraph 73, the Secretary of State for...
75. Following satisfaction of paragraph 74, the Authority has approved the...  
PART 7 — FOR THE PROTECTION OF EDF ENERGY NUCLEAR  
GENERATION LIMITED
76. Application
77. Interpretation
78. Acquisition of Land
79. Apparatus and/or Service Media of ENGL in stopped up streets

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- 80. Article 5
  - 81. Discharge or requirements
  - 82. Service Media plan
  - 83. Enactments and agreements
  - 84. Arbitration
    - PART 8 — FOR THE PROTECTION OF THE NUCLEAR  
DECOMMISSIONING AUTHORITY AND MAGNOX LIMITED
  - 85. Application
  - 86. Interpretation
  - 87. Acquisition of Land and Installations
  - 88. Right of access
  - 89. Removal of Installations and Execution of Specified Works
  - 90. (1) Not less than 56 working days before the intended...
  - 91. (1) Following receipt of plans under paragraph 90 of this...
  - 92. Expenses
  - 93. NDA and / or Magnox (as applicable) is not required...
  - 94. In paragraph 93 of this Part “emergency” means works whose...
  - 95. Indemnity
  - 96. Enactments and agreements
  - 97. Co-operation
  - 98. Arbitration
  - 99. Installation(s) plan
    - PART 9 — FOR THE PROTECTION OF EAST ANGLIA ONE NORTH  
LIMITED
  - 100. Application
  - 101. Interpretation
  - 102. Interaction at Sizewell Gap
  - 103. Interaction at Snape Road
  - 104. Interaction at Friday Street
  - 105. Sizewell C proposed intake infrastructure
  - 106. Acquisition of land
  - 107. Arbitration
    - PART 10 — PROTECTION OF EAST ANGLIA TWO LIMITED
  - 108. Application
  - 109. Interpretation
  - 110. Interaction at Sizewell Gap
  - 111. Interaction at Snape Road
  - 112. Interaction at Friday Street
  - 113. Sizewell C proposed intake infrastructure
  - 114. Acquisition of land
  - 115. Arbitration
- SCHEDULE 20 — Limits of Harbour
- SCHEDULE 21 — Deemed Marine Licence under Part 4 (Marine Licensing) of the  
Marine and Coastal Access Act 2009
- PART 1 — INTRODUCTION
  - 1. Interpretation
  - 2. Addresses
    - PART 2 — LICENSED ACTIVITIES - GENERAL
  - 3. The provisions of section 72 of the 2009 Act apply...
  - 4. (1) Subject to the licence conditions in Part 3 of...
  - 5. The licensed activities must be carried out in either the...



### PART 3 — CONDITIONS

6. General
7. Pre-construction
8. (1) No licensed activity or phase of activity must be...
9. (1) The local MMO office and Trinity House must be...
10. Local mariners, fishermen's organisations and the UK Hydrographic Office must...
11. (1) The undertaker must provide the name, address and function...
12. (1) The undertaker must notify the MMO in writing of...
13. The undertaker must ensure that a copy of this licence...
14. (1) No licenced activity may commence until a CPMMP (marine)...
15. (1) No licensed activity or phase of licensed activity must...
16. (1) No licensed activity or phase of licensed activity must...
17. (1) No licensed activity must commence until a FLCP has...
18. During construction, operation and maintenance
19. The storage, handling, transport and use of fuels, lubricants, chemicals...
20. (1) Drill or vibro piling must be used as standard,...
21. Except for activities taking place below MHWS, concrete and cement...
22. If concrete is to be sprayed, suitable protective sheeting must...
23. During licensed activities, all wastes must be stored in designated...
24. The undertaker must ensure that any equipment, temporary structures, waste...
25. (1) No gravel or rock may be placed in the...
26. The undertaker must ensure that any vessels used for rock...
27. The undertaker must ensure that sea going tugs or tugs...
28. (1) No vessel movements within the Outer Thames Estuary Special...
29. (1) The undertaker must report all dropped objects to the...
30. In the event that any rock or sediment material used...
31. (1) Cooling water abstraction must not commence until a MAP...
32. Dredging
33. (1) No dredging activity or phase of dredging activity must...
34. (1) Within 4 weeks of the completion of any dredging...
35. Aids to navigation
36. Beach Landing Facility and Temporary Marine Bulk Import Facility
37. Soft Coastal Defence Feature (SCDF)
38. Combined Drainage Outfall (CDO)
39. Cooling Water Intake and Outfall Heads, Shafts and Tunnels
40. (1) The construction of Work Nos. 2A, 2C and 2E...
41. (1) The construction of Work Nos. 2A to 2J must...
42. (1) The construction of Work Nos. 2A to 2J must...
43. Drill arisings from Work Nos. 2B, 2D and 2F must...
44. (1) Water abstraction must not commence until a FIEMP has...
45. (1) Water abstraction must not commence until a SMP has...
46. (1) Work Nos. 2M, 2N, 2O and 2P must not...

### PART 4 — CO-ORDINATES

SCHEDULE 22 — Removal of important hedgerows

SCHEDULE 23 — Certified Documents

SCHEDULE 24 — Procedure for approvals, consents and appeals

1. Applications made under requirement
2. Further information

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3. Fees
4. Appeals
5. Definitions

SCHEDULE 25 — Miscellaneous Controls

1. Introduction
2. Highways Act 1980
3. Community Infrastructure Levy Regulations 2010
4. Town and Country Planning Act 1990
5. Local Government (Miscellaneous Provisions) Act 1976

Explanatory Note