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STATUTORY INSTRUMENTS

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**2022 No. 853**

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

**PART 1**

**GENERAL PROVISIONS**

Preliminary

**Citation and commencement**

**1.** This Order may be cited as the Sizewell C (Nuclear Generating Station) Order 2022 and comes into force on 11th August 2022.

**Interpretation**

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

“the 1847 Act” means the Harbours, Docks, and Piers Clauses Act 1847**(1)**;

“the 1961 Act” means the Land Compensation Act 1961**(2)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(3)**;

“the 1980 Act” means the Highways Act 1980**(4)**;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981**(5)**;

“the 1984 Act” means the Road Traffic Regulation Act 1984**(6)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(7)**;

“the 1991 Act” means the New Roads and Street Works Act 1991**(8)**;

“the 2008 Act” means the Planning Act 2008**(9)**;

“the 2009 Act” means the Marine and Coastal Access Act 2009**(10)**;

“the 2015 Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015**(11)**;

“3G Pitch” means third generation artificial grass pitches that are specifically designed to meet the needs of football and rugby by more closely replicating the playing characteristics of natural turf than historic artificial grass pitches;

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**(1)** 1847 c. 27.

**(2)** 1961 c. 33.

**(3)** 1965 c. 56.

**(4)** 1980 c. 66.

**(5)** 1981 c. 66.

**(6)** 1984 c. 27.

**(7)** 1990 c. 8.

**(8)** 1991 c. 22.

**(9)** 2008 c. 29.

**(10)** 2009 c. 23.

**(11)** S.I. 2015/596.

- “address” includes any number or address used for the purposes of electronic transmission;
- “ancillary structures” means the Works specified in requirement 22 in Schedule 2 (Requirements);
- “apparatus” unless otherwise provided for, has the same meaning as in Part 3 of the 1991 Act;
- “approved plans” means the drawings certified as such by the Secretary of State under article 82 (certification of plans, etc) and identified in Schedule 7 of this Order or approved pursuant to a requirement;
- “area of seaward construction activity” means the area of the sea within the Order limits shown on the Works Plans;
- “associated development design principles” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “authorised development” means the development and associated development described in Schedule 1 (Authorised development) and any other development authorised by this Order which is development within the meaning of section 32 of the 2008 Act;
- “book of reference” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “bridleway” has the same meaning as in the 1980 Act;
- “building” includes any structure or erection or any part of a building, structure or erection;
- “capital dredging works” mean works which comprise the excavation of the seabed, in an area or down to a level (relative to Ordnance Datum) not previously dredged during the preceding 10 years;
- “carriageway” has the same meaning as in the 1980 Act;
- “code of construction practice” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “commence” means to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the purposes, of the authorised development other than operations consisting of—
- (a) site preparation, ecological mitigation and clearance works;
  - (b) pre-construction archaeological works;
  - (c) environmental surveys and monitoring;
  - (d) removal of hedgerows, trees and shrubs;
  - (e) investigations for the purpose of assessing ground conditions;
  - (f) diversion or laying of services;
  - (g) remedial work in respect of any contamination or adverse ground conditions (excluding works including and associated with dewatering activities carried out as part of Work No. 1A(k) (SSSI crossing), Work No. 1A(s) (realignment of Sizewell Drain and associated works) and Work No. 1A(t) (perimeter below-ground cut-off wall, including associated de-watering of contained area) in Schedule 1);
  - (h) receipt and erection of construction plant and equipment;
  - (i) the temporary display of site notices and advertisements;
  - (j) erection of temporary buildings and structures (which for the purpose of this definition does not include Work No. 9(a) (northern park and ride), Work No. 10(a) (southern park and ride) or Work No. 13(a) (freight management facility);
  - (k) Work No. 1A(cc) (flood mitigation area and associated habitat);

- (l) Work No. 1A(ee) (bat barn);
  - (m) Work No. 6 (Fen meadow habitat, Halesworth);
  - (n) Work No. 7 (Fen meadow habitat, Benhall); and
  - (o) Work No.18 (Fen meadow habitat Pakenham);
- and the words “commencement” and “commenced” are to be construed accordingly;
- “compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act (notice of authorisation of compulsory acquisition);
- “construction method statement” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “cycle track” has the same meaning as in the 1980 Act;
- “cycleway” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with a right of way on foot and a right of way on horseback or leading a horse;
- “deemed marine licence” means the marine licence granted by this Order as set out in Schedule 21;
- “development” means the carrying out of a material operation, as defined in section 155 of the Planning Act 2008 excluding any operation excluded from the definition of “commencement”;
- “discharging authority” means the body responsible for giving any endorsement, agreement or approval required by a requirement;
- “Deed of Obligation” means (i) the agreement between (1) East Suffolk Council (2) Suffolk County Council and (3) NNB Generation Company (SZC) Limited dated 8 October 2021 as varied by two agreements between the same parties dated 13 April 2022 and 6 May 2022, respectively, certified as such by the Secretary of State under article 82 (certification of plans, etc); and including (ii) any deeds of covenant or other agreements entered into pursuant to Clause 14 of the deed of obligation from time to time, and the deed of covenant made between the NNB Generation Company (SZC) Limited and the Environment Agency on 8 October 2021 under section 37 of the Environment Act 1995 and section 30 of the Anglian Water Authority Act 1977; and (iii) any modifications made by the Secretary of State to (i) and (ii) under article 11 (modification and discharge of deed of obligation) from time to time;
- “drainage strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft coastal processes monitoring and mitigation plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft fen meadow plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft fish impingement and entrainment monitoring plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft marine mammal mitigation protocol” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft rail noise mitigation plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft *sabellaria* reef management and monitoring plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);
- “draft site integrity plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“draft water monitoring and management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“draft wet woodland plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“EDF Energy Nuclear Generation Limited” means EDF Energy Nuclear Generation Limited (Company number 03076445), being the holder of a nuclear licence under section 3 of the Nuclear Installations Act 1965;

“electronic transmission” means a communication transmitted—

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

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

“environmental information” means the Environmental Statement and any information constituting “environmental information” as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 relied upon by the Secretary of State in reaching a reasoned conclusion on the significant effects of the authorised development on the environment pursuant to regulation 21(1)(b) of those regulations;

“environmental statement” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“estate” means the area shown on Figure 2 of the estate wide management plan;

“estate wide management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“fen meadow strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“footway” and “footpath” have the same meanings as in the 1980 Act;

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

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

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

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

“harbour limits” means the limits of the harbour as specified in article 54 (limits of harbour) and identified in Schedule 20 (limits of harbour);

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

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

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

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

“land plans” means the plans certified as such by the Secretary of State under article 82 (certification of plans, etc) and identified in Schedule 3 (Land Plans);

“landscape restoration area” means the main development site excluding the area of the permanent development site;

“lead local flood authority” means the body designated as such, for the area in which the authorised development is located, pursuant to section 6(7) (other definitions) of the Flood and Water Management Act 2010;

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

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

“lighting management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“local planning authority” has the meaning given in the 1990 Act;

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

“main development site design and access statement” means the document certified as such by the Secretary of State as such under article 82 (Certification of plans, etc);

“main development site operational siting and height parameters” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“main development site water monitoring and response strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

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

“main platform works” means Work No 1A(a) to (h);

“marine works” means Work Nos. 1A(l) (permanent beach landing facility), 1A(aa) (temporary marine bulk import facility), 1A(m) (soft coastal defence feature), 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O and 2P (cooling water infrastructure, drainage outfall, desalination intake and outfall infrastructure) described in Schedule 1 and any other works below mean high water springs authorised by this Order or, as the case may require, any part of those works and “marine work” refers to any one of the marine works;

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

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

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“National Grid” means National Grid Electricity Transmission PLC (Company No. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH, being a licence holder within the meaning of Part 1 of the Electricity Act 1989;

“Natural England” means the organisation charged with advising the Secretary of State on nature conservation matters in England;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“new Sizewell B relocated facilities permission” means any planning permission granted under the 1990 Act prior to service of notice under article 5 (effect of the Order on the Sizewell B relocated facilities permissions) in respect of the works comprised in Work No. 1D or Work No. 1E, or any part of them;

“on-site marsh harrier compensatory habitat strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

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

“order land” means the land identified by plot numbers on the land plans and described in the book of reference;

“order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“ordnance datum” means ordnance datum (Newlyn);

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

“outline landscape and ecology management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“outline vessel management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“overarching archaeological written scheme of investigation” means the document certified by the Secretary of State as such under article 82 (certification of plans, etc);

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981<sup>(12)</sup> (interpretation);

“parameter plans” means the plans certified as such by the Secretary of State under article 82 (certification of plans, etc) and identified in Schedule 6 (Parameter Plans);

“peat strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

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

“permanent limits” means the limits of land shown shaded pink, orange and blue on the land plans;

“public rights of way implementation plan” means a written plan submitted to and approved by Suffolk County Council under requirement 10;

“rights of way and access strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“railway property” means any railway belonging to Network Rail and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and
- (b) any easement or other property interest held or used by Network Rail for the purposes of such railway or works, apparatus or equipment;

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

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(12) 1981. c. 67. The definition of “owner” in section 7 was amended by the Planning and Compensation Act 1991 (c. 34).

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

“rights of way and access strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“rights of way plans” means the plans certified as such by the Secretary of State under article 82 and identified in Schedule 5 (rights of way plans);

“Sizewell B relocated facilities permission 1” means the planning permission granted by East Suffolk Council on 13 November 2019, with reference number DC/19/1637/FUL and any variations granted thereto pursuant to section 96A, section 73 or section 73A of the 1990 Act;

“Sizewell B relocated facilities permission 2” means the planning permission granted by East Suffolk Council on 18 February 2021, with reference number DC\20\4646\FUL and any variations granted thereto pursuant to section 96A, section 73 or section 73A of the 1990 Act;

“Sizewell B relocation works 2” means Work No. 1E and any other associated development related to such work or, as the case may require, any part of those works;

“Sizewell B relocation works 1” means Work No. 1D and any other associated development related to such work or, as the case may require, any part of those works;

“Sizewell link road landscape and ecology management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“Sizewell Marshes SSSI” means the Sizewell Marshes Site of Special Scientific Interest;

“special direction” means a direction given by the harbour master under article 67 (power to make special directions to vessels);

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

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act (statutory undertakers’ land) and includes a public communications provider as defined in section 151(1) of the Communications Act 2003(13);

“street” means, a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street and;

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

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

“SZC construction works” means the construction of Work Nos. 1A, 1B, 1C, and 1D or 1E (as the case may be) and any works authorised by Part 2 of Schedule 1 in connection with such works;

“terrestrial ecology monitoring and mitigation plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“terrestrial works” means all works located above mean high water springs authorised by this Order;

“traffic authority” has the meaning given to it in section 121A of the Road Traffic Regulation Act 1984;

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

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

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

“two village bypass landscape and ecology management plan” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

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

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

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

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

“westleton marsh harrier compensatory habitat strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

“wet woodland strategy” means the document certified as such by the Secretary of State under article 82 (certification of plans, etc);

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

“Works plans” means the plans certified as such by the Secretary of State under article 82 (certification of plans, etc) and identified in Schedule 4 of this Order;

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

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

(3) Subject to article 4 (limits of deviation), all distances, directions and lengths referred to in this Order are approximate and distances between points on a Work comprised in the authorised development and shown on the Works plans or rights of way plans are to be taken to be measured along that Work.

(4) All areas described in square metres in the book of reference are approximate.

(5) References to any statutory body includes that body’s successor in respect of functions which are relevant to this Order.

(6) Unless otherwise stated, references to East Suffolk Council refer to this body in its capacity as a local planning authority, and references to Suffolk County Council refer to this body in its capacity as a local highway authority.

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

- (a) Work No.1 means Work Nos. 1A, 1B, 1C, 1D, and 1E;
- (b) Work No.2 means Work Nos. 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K 2L, 2M, 2N, 2O and 2P;
- (c) Work No. 4 means Work Nos. 4A, 4B, 4C and 4D;



- (d) Work No. 11 means Work Nos. 11A, 11B and 11C;
  - (e) Work No. 12 means Work Nos. 12A, 12B, 12C and 12D;
  - (f) Work No. 14 means Work Nos. 14A and 14B;
- (8) A reference in the Schedules to a “relevant site” is a reference to the site of that name shown in the Works plans, rights of way plans and land plans.
- (9) References in the Schedules to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the rights of way plans or land plans.
- (10) In this Order, the expression “includes” or “include” is to be construed without limitation.
- (11) The definitions in paragraph (1) do not apply to Schedule 21 (deemed marine licence under Part 4 (Marine licensing) of the 2009 Act).
- (12) A reference in the Schedules to this Order to “highway (all traffic)” or “new highway (all traffic)” is a reference to a highway, other than a public right of way or a highway used only by non-motorised users.
- (13) A reference in the Schedules to this Order to “highway (NMUs)” is a reference to a highway over which only non-motorised users may pass but which is not a highway shown or required to be shown on the definitive map and statement (as defined in section 53 of the Wildlife and Countryside Act 1981).
- (14) A reference in the Schedules to this Order to “highway (footpath)” refers to any route used as a public right of way, including footpaths, cyclepath, bridleways, byways and restricted byways, but reference to ‘footpath’ in column (3) of Schedule 11 refers to a public right of way on foot only.