



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: SizeWellC@planninginspectorate.gov.uk

To the Applicant and All Interested
Parties

Your Ref:

Our Ref: EN010012

Date: 13 October 2021

Dear Sir/ Madam,

**Planning Act 2008 (as amended) - section 89 and The Infrastructure
Planning (Examination Procedure) Rules 2010 – Rule 9**

**Application by NNB Generation Company (SZC) Limited for an Order Granting
Development Consent for The Sizewell C Project**

**Notification of Procedural Decision relating to proposed Order limit
reductions**

The Applicant's letter of 24 September 2021 [REP8-001], amongst other things, outlines the finalised reductions to the Order limits at the three fen meadow sites (Pakenham, Halesworth and Benhall), the Sizewell Link Road and the Green Rail route. These proposed Order limit reductions were explained at the Compulsory Acquisition Hearing (CAH) Part 1 on 17 August 2021. The plots being removed in whole or in part are identified in Appendix B of the Applicant's letter of 24 September 2021 which also provides reasons for the removal or reduction of the relevant plots.

The ExA notes the Applicant's submissions that the reductions at the fen meadow sites have arisen as a result of further studies making it possible to identify the required land with greater certainty, and that the extent of the area for fen meadow habitat remains unchanged. These changes to the Order limits have been subject to environmental and other relevant assessment as set out in the Fifth ES Addendum [REP8-072] which concludes that the reduction of the Order limits minimises the Sizewell C Project's land take; reduces its impacts, and is a positive improvement to the application. The overall conclusions on the likely significant environmental effects presented within the ES, as updated by the subsequent ES Addenda, remain unchanged and the reductions do not give rise to new or materially different likely significant effects from those assessed and presented in the application. No amendments are required to the Shadow Habitats Regulations assessment and no new or additional European Protected Species licence are needed.

The ExA also notes the Applicant's submissions that that the proposed reductions in Order limits represent a response to further engagement with the owners of the

relevant land and that their intention is to provide beneficial changes for the Affected Parties. Furthermore, the reductions to the Order limits do not result in any adverse impacts on businesses or residents. The changes are minor in extent in relation to the proposed Order limits. They do not involve the addition of any new land or any new or additional powers within the Order limits and would not engage the procedure in Regulation 5 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010).

The ExA has had regard to the nature and scope of the proposed changes to the Order limits and has concluded that they would not alter the substance of the proposed development for which development consent was originally sought. The ExA does not consider these changes to be material. It follows that no formal acceptance, notice consultation or related process is required to enable these changes to be considered and they have been accepted into the Examination on that basis.

In reaching this decision, the ExA has had regard to the DCLG Guidance for the Examination of applications for Development Consent and the Planning Inspectorate's Advice Note 16: How to request a change which may be material (AN16). The ExA recognises that AN16, paragraph 2.5, advises that even if a requested change is not considered to be material there may still be a need, in the interests of fairness, to carry out consultation. The ExA observes that all of the Order limits reductions have been discussed with, and are welcomed by, the owners of the land to be removed. The ExA has also had regard to the nature and extent of the changes and their potential significance to those who might be consulted. As indicated above, the proposed reduction in the Order limits at these locations was explained at the CAH Part 1 and set out in Appendix A to the Written Submissions Arising from CAH Part 1 submitted at Deadline 7 [REP7-066], and subsequent deadlines afforded an opportunity to comment. In the circumstances, the ExA does not consider that any further engagement or consultation is required in respect of these non-material changes and is satisfied that all parties have had a fair opportunity during the Examination to make their views known and to have those views properly considered.

Yours faithfully

Wendy McKay

Wendy McKay
Lead Member of the Examining Authority, on behalf of the Panel

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