



# The Sizewell C Project

## 9.10.19 Statement of Common Ground - Magnox Limited and Nuclear Decommissioning Authority

---

Revision: 3.0  
Applicable Regulation: Regulation 5(2)(q)  
PINS Reference Number: EN010012

---

September 2021

Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009



## CONTENTS

1	INTRODUCTION.....	1
1.1	Status of the SoCG .....	1
1.2	Purpose of this document.....	1
1.3	The role of the NDA and Magnox.....	2
1.4	Structure of this Statement of Common Ground .....	2
2	POSITION OF THE PARTIES.....	2

## TABLES

Table 2.1: Position of Parties .....	11
--------------------------------------	----

## 1 INTRODUCTION

### 1.1 Status of the SoCG

1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of the application for development consent under the Planning Act 2008 ('the Application') for the proposed Sizewell C Project. This version [version 03], dated 3 September 2021, has been prepared following regular discussions between NNB Generation Company (SZC) Limited ('SZC Co.') as the Applicant and the Nuclear Decommissioning Authority (NDA) and Magnox Limited (Magnox), together referred to as 'the parties'. While the NDA and Magnox have registered individually as Interested Parties, it is their intention that they will act jointly where practicable, in order to assist the Examination.

1.1.2 The Applicant is continuing to work with the NDA and Magnox to develop this 'live' SoCG to a status where it can be signed and submitted as a jointly agreed statement. It will be amended as the Examination progresses in order to enable a final, agreed version to be submitted to the Examining Authority as soon as it can be settled and in any event by Deadline 9 before the close of Examination.

### 1.2 Purpose of this document

1.2.1 The purpose of this 'live' SoCG is to set out the position of the parties arising from the application for development consent for the construction and operation of the Sizewell C nuclear power station and together with the proposed associated development (hereafter referred to as 'the Sizewell C Project'). This SoCG is being submitted to the Examining Authority in relation to the Sizewell C Project under section 37 of the Planning Act 2008.

1.2.2 This SoCG has been prepared in accordance with the 'Guidance for the examination of applications for development consent' published in March 2015 by the Department of Communities and Local Government (hereafter referred to as 'DCLG guidance').

1.2.3 The aim of this SoCG is, therefore, to inform the Examining Authority and provide a clear position on the state and extent of discussions and agreement or otherwise between the parties on matters relating to the proposed Sizewell C Project.

1.2.4 This SoCG does not seek to replicate information which is available elsewhere within the DCO application documents. All DCO application and Examination documents are available on the Planning Inspectorate website.

## 1.3 The role of the NDA and Magnox

1.3.1 The NDA is a statutory corporation established by the Energy Act 2004. The NDA is responsible for ensuring that the UK's legacy nuclear sites are decommissioned and cleaned-up safely, securely, cost-effectively and in a manner that protects people and the environment.

1.3.2 The NDA's principal function, as established by Designating Directions made by the Secretary of State pursuant to section 3 of the Energy Act 2004, is to secure the decommissioning and cleaning-up of those nuclear sites and installations for which it has designated responsibility.

1.3.3 On 3 December 2004, the Secretary of State for Trade and Industry made Directions to the NDA in respect of the existing Sizewell A Nuclear Site (the "Sizewell A Directions"). The Sizewell A Directions give the NDA statutory responsibility for the decommissioning and cleaning-up of the Sizewell A Nuclear Site, the geographical extent of which is more particularly defined in Schedule 1 and Annex A to the Sizewell A Directions.

1.3.4 Decommissioning activities at the Sizewell A Nuclear Site are carried out on behalf of the NDA by the site tenant, Magnox, being a wholly owned subsidiary of the NDA, in accordance with detailed lease and contractual arrangements with the NDA. Magnox is also the holder of the nuclear site licence for the Sizewell A Nuclear Site, granted pursuant to the Nuclear Installations Act 1965.

## 1.4 Structure of this Statement of Common Ground

1.4.1 **Chapter 2** provides a schedule which details the position on relevant matters between the parties, including any matters where discussions are ongoing.

## 2 POSITION OF THE PARTIES

2.1.1 **Table 2.1** provides an overview of the position of the parties and any further actions planned.

2.1.2 The NDA and Magnox require Protective Provisions to protect their statutory obligations and duties and accordingly, do not agree with the

powers in the draft DCO that affect their land, interests and statutory interests and responsibilities until the Protective Provisions are agreed.

Table 2.1: Position of Parties

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
<b>Use of Compulsory Powers over NDA/Magnox land</b>					
1.a	<p>The NDA is a Category 1 person, and Magnox is a Category 1, Category 2 and Category 3 person in respect of a significant number of plots of land identified in the Applicant's Book of Reference.</p> <p>The Applicant is seeking the following powers over land in respect of which the NDA and Magnox is a Category 1 or Category 2 or Category 3 person: Class 1 – acquisition of all freehold and leasehold interests; Class 4 – override easements and other rights and extinguishment of all private rights</p>	<p>NDA/Magnox has an in principle objection to the compulsory acquisition (compulsory acquisition of land and compulsory acquisition of any rights etc.) of any of their land that falls (a) within the Nuclear Site Licence held by Magnox for the Sizewell A Nuclear Site and (b) the designated boundary of the Sizewell A Nuclear Site for which NDA has statutory responsibility for decommissioning and cleaning up (operational land) pursuant to the Sizewell A Directions made by the Secretary of State on 3 December 2004. As at the date of this Statement of Common Ground, there are two plots that fall within this</p>	<p>Protective Provisions included in draft DCO (Rev 8) precludes the undertaker from occupying temporarily or acquiring compulsorily any freehold or leasehold interest or acquiring any interest or extinguishing any right held by Magnox or NDA within the Nuclear Site Licence area held by Magnox for the Sizewell A Nuclear Site and the designated boundary of the Sizewell A Nuclear Site for which NDA has statutory responsibility for decommissioning and cleaning up (operational land) unless with the agreement of NDA/Magnox and only where the Designating Directions have first have been modified or revoked to the satisfaction of Magnox and NDA and only</p>	<p>Continued engagement over the in principle objection and wording of Article 26 and the Protective Provisions.</p>	<p>In Progress</p>

NOT PROTECTIVELY MARKED

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
	<p>The following plots are included within the DCO of which NDA/Magnox have an interest:</p> <p>Category 1 – Tenant/Lessee/Occupier in the following plots:</p> <ul style="list-style-type: none"> <li>• MDS/04/09</li> <li>• MDS/04/10</li> <li>• MDS/05/02</li> <li>• MDS/05/03</li> <li>• MDS/05/04</li> <li>• MDS/05/06</li> <li>• MDS/05/07</li> <li>• MDS/05/08</li> <li>• MDS/05/09</li> <li>• MDS/05/13</li> <li>• MDS/06/01</li> </ul> <p>Category 2 – NDA/Magnox has an interest in the following plots:</p> <ul style="list-style-type: none"> <li>• MDS/04/09</li> </ul>	<p>category, being plots MDS/05/06 and MDS/05/07.</p> <p>Whilst the NDA/Magnox note the restrictions that the Applicant has inserted at Article 26(2)(a) and in the Protective Provisions (see further below), NDA/Magnox consider that these restrictions only serve to demonstrate why the ExA cannot recommend, and why the Secretary of State cannot approve, the inclusion of plots MDS/05/06 and MDS/05/07 in the remit of the compulsory acquisition articles. This is because the inclusion of plots that form part of the Sizewell A “principal nuclear site” under the Sizewell A Nuclear Site Directions, and which are within the boundary of the Nuclear Site Licence area, is wholly</p>	<p>once the NSL has been surrendered or revoked by the ONR.</p> <p>Magnox and NDA are therefore able to continue to carry out their regulatory responsibilities and statutory functions in accordance with the Energy Act 2004.</p> <p>Plots MDS/05/06 and MDS/05/07, which form part of the SZA NSL, are included in the Book of Reference as they are required for SZB’s proposed outage laydown area, which is currently consented under the Town and Country Planning Act relocated facilities planning permissions (Ref. Nos DC/19/1637/FUL and DC/20/4646/FUL). The Protective Provisions in the draft DCO (Rev 8) mean the DCO will not exclude or modify</p>		

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
	<ul style="list-style-type: none"> <li>• MDS/04/10</li> <li>• MDS/05/02</li> <li>• MDS/05/03</li> <li>• MDS/05/04</li> <li>• MDS/05/06</li> <li>• MDS/05/07</li> <li>• MDS/05/08</li> <li>• MDS/05/09</li> <li>• MDS/05/13</li> <li>• MDS/06/01</li> </ul> <p>Article 26(2)(a) of the draft DCO precludes the applicant from acquiring compulsorily any interests in any of the land plots as follows:</p> <ul style="list-style-type: none"> <li>• MDS/04/09</li> <li>• MDS/04/10</li> <li>• MDS/05/01</li> <li>• MDS/05/02</li> <li>• MDS/05/03</li> </ul>	<p>inconsistent with the functions and responsibilities that are given to the NDA through the Sizewell A Directions, and also with the purpose of the strict regulatory regime established by the Nuclear Installations Act 1965. For examples of this, we refer to our oral submissions made at the Compulsory Acquisition Hearing held on 18 August 2021 and which are summarised in our written summary submitted at Deadline 7, 3 September 2021.</p> <p>The NDA/Magnox would also note that even with restrictions placed on a DCO, it is not certain that Section 151 of the Planning Act 2008 (which prevents the exclusion or modification of any provision of the</p>	<p>the application of the Nuclear Installations Act 1965.</p>		

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

NOT PROTECTIVELY MARKED



**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
	<ul style="list-style-type: none"> <li>• MDS/05/04</li> <li>• MDS/05/06</li> <li>• MDS/05/07</li> <li>• MDS/05/08</li> <li>• MDS/05/09</li> <li>• MDS/05/12</li> <li>• MDS/05/13</li> <li>• MDS/06/01</li> <li>• MDS/06/02</li> </ul> <p>Article 30 of the draft DCO permits the applicant to acquire compulsorily the existing rights, create and acquire new rights and impose such restrictive covenants as are described in the Book of Reference.</p>	<p>Nuclear Installations Act 1965 (which also, therefore, includes the Nuclear Site Licence granted to Magnox for Sizewell A and which applies to plots MDS/05/06 and MDS/05/07)) is not engaged.</p> <p>NDA/Magnox's position, therefore, is that plots MDS/05/06 and MDS/05/07 should be removed from the Book of Reference.</p> <p>In the event that the Applicant does not agree to that position, then the NDA/Magnox will request that the Secretary of State inserts a provision into Article 26 and Article 30 that states that nothing in those articles authorises the undertaker to exercise the powers over plots MDS/05/06 and MDS/05/07.</p>			

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		Should the Secretary of State disagree with the NDA/Magnox, then NDA/Magnox has been negotiating with the Applicant over restrictions to be incorporated into the DCO via Article 26 and through Protective Provisions. These restrictions remain under negotiation.			
1.b		It is noted that parts (but not all) of MDS/05/06 have now been removed from the Order Limits as part of the changes made by the Applicant to the Application on 22 January 2021.	Parts of plot MDS/05/06 has now been removed from the order limits as part of the changes made to the Application on 21 January 2021. The area of plot MDS/05/06 which remains is that required for SZB's proposed outage laydown area, which is currently consented under the Town and Country Planning Act relocated facilities planning permissions	No	Agreed

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
			(Ref. Nos DC/19/1637/FUL and DC/20/4646/FUL).		
1.c		Neither the NDA nor Magnox have seen any reporting or evidence that the Applicant has undertaken diligent enquiry as to why the relevant Class 4 powers are required, or indeed how the compulsory acquisition of Class 4 powers may affect more widely the ability of the NDA and Magnox to carry out their respective statutory functions and regulatory responsibilities. As such, the NDA and Magnox are now carrying out that diligence themselves based on the published application.	Protective Provisions included in the draft DCO (Rev 8) providing any protections required in relation to Class 4 powers.	Continued engagement between the parties to seek to finalise the wording of Article 26 and the Protective Provisions.	In Progress
1.d		NDA/Magnox welcome the wording of Article 26(2)(a) that was agreed to be inserted by the Applicant alongside the Protective	Protective Provisions included in the draft DCO (Rev 8) provide protections for NDA/Magnox which were previously intended to be	Continued engagement between the parties to seek to finalise the wording of	In Progress

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		<p>Provisions that are being negotiated.</p> <p>The NDA/Magnox are concerned that the Applicant is now removing this important wording from the face of the Compulsory Acquisition Articles - this wording must remain on the face of the Order.</p> <p>The NDA/Magnox does not agree to the deletion of Article 26(2)(a) and is disappointed with this step backwards.</p>	<p>provided by Article 26(2)(a) and as such Article 26(2)(a) is no longer required and has been removed in the draft DCO (Rev 8).</p>	<p>Article 26 and the Protective Provisions</p>	
1.e		<p>With the NDA/Magnox no longer having an interest in Plot MDS/02/08 and having reviewed the wording of Article 26(2)(a) in conjunction with the Protective Provisions, NDA/Magnox were content with the extent of 26(2)(a) and Schedule 15. However,</p>	<p>Protective Provisions included in the draft DCO (Rev 8) provide protections for NDA/Magnox which were previously intended to be provided by Article 26(2)(a) and as such Article 26(2)(a) is no longer required and has</p>	<p>Continued engagement between the parties to seek to finalise the wording of Article 26 and the Protective Provisions</p>	<p>In Progress.</p>

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		<p>we understand that Article 26(2)(a) is now being removed – NDA/Magnox wish to see this restriction reinstated on the face of the CA Articles.</p> <p>NDA and Magnox are also of the view that the protection afforded to the Sizewell B Nuclear Site in Article 26(2)(b) of the Draft DCO should be extended also to the Sizewell A Nuclear Site (e.g. all operational land). However, NDA/Magnox consider that this can be included in the Protective Provisions and have suggested amendments to that affect – this is on the basis that Article 26(2)(a) remains.</p>	<p>been removed in included in the draft DCO (Rev 8).</p>		
1.f		<p>NDA/Magnox wish to have a discussion with the Applicant with regards to those plots which are</p>	<p>Protective Provisions included in the draft DCO (Rev 8) provide protections for NDA/Magnox which were</p>	<p>Continued engagement between the parties to seek to finalise the wording of</p>	<p>In Progress</p>

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		<p>subject to Article 30 which they are seeking to acquire compulsorily.</p> <p>NDA/Magnox's position is that Article 26(2)(a) and the Protective Provisions are required. Given the status of the NDA/Magnox, it is important for the 26(2)(a) restriction to remain on the face of the Order. We see no reason why the Applicant cannot agree to its reinsertion.</p>	<p>previously intended to be provided by Article 26(2)(a) and as such Article 26(2)(a) is no longer required and has been removed from the draft DCO (Rev 8).</p>	<p>Article 26 and the Protective Provisions</p>	
1.g		<p>The NDA and Magnox note Article 26(2)(a) of the Draft DCO which precludes the undertaker from acquiring compulsorily any interests in any of the land plots detailed in column (2) of Part 1 of Schedule 15 of the Draft DCO, namely:</p> <ul style="list-style-type: none"> <li>• MDS/04/09</li> <li>• MDS/04/10</li> </ul>	<p>Protective Provisions included in draft DCO (Rev 8) precludes the undertaker from acquiring compulsorily any plots shown on the Land Plans and in which NDA and Magnox has a freehold or leasehold interest or extinguishing any legal interest held by Magnox or NDA including a legal easement, right or privilege. Article 26(2)(a) is no longer</p>	<p>Continued engagement between the parties to seek to finalise the wording of Article 26 and the Protective Provisions</p>	<p>In Progress</p>

**NOT PROTECTIVELY MARKED**

NOT PROTECTIVELY MARKED

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		<ul style="list-style-type: none"> <li>• MDS/05/01</li> <li>• MDS/05/02</li> <li>• MDS/05/03</li> <li>• MDS/05/04</li> <li>• MDS/05/06</li> <li>• MDS/05/07</li> <li>• MDS/05/08</li> <li>• MDS/05/09</li> <li>• MDS/05/12</li> <li>• MDS/05/13</li> <li>• MDS/06/01</li> <li>• MDS/06/02.</li> </ul> <p>Clarity is required as to why the Applicant may need to acquire the plots detailed in column (2) of Part 1 of Schedule 15 to the Draft DCO, given that Article 26(2) of the Draft DCO does not preclude acquisition of those plots by agreement and commercial discussions are only</p>	<p>required and has been removed in included in the draft DCO (Rev 8).</p>		

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		progressing regarding plot MDS/05/07.			
1.h		The surrender of plot MDS/02/28 has now been completed and therefore Magnox is no longer a Category 1 person for this plot of land	The surrender of plot MDS/02/28 has now been completed and Magnox has been removed as a Category 1 interest in this plot.	No	Agreed
1.i		The NDA and Magnox also note that Article 30 should be made subject to Article 26.	Updated drafting has been included in the draft DCO at deadline 2 which should address this matter	No	Agreed
<b>Protective Provisions</b>					
2.	Protective Provisions not included for NDA/Magnox in the latest draft of the DCO.	NDA/Magnox are of the view that, although they are not statutory undertakers they do have statutory functions and regulatory responsibilities. In particular, the Protective Provisions should be included in the DCO and will need to ensure that access is maintained at all times for all emergency,	Provision has been made for access arrangements and co-operation within the Protective Provisions included in the draft DCO (Rev 8).	Continued engagement between the parties to seek to finalise the wording of Article 26 and the Protective Provisions	In Progress

**NOT PROTECTIVELY MARKED**



**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		<p>operational and user purposes and be in accordance with all safety and emergency response requirements in order to satisfy the demands placed upon the NDA and Magnox by the nuclear site licence and wider regulatory regime.</p> <p>The NDA and Magnox are of the view that Protective Provisions are required in the Draft DCO in order to reflect and maintain principles of co-operation and co-existence and preserving and protecting their respective abilities to carry out their statutory functions and regulatory responsibilities.</p>			
<b>Implications for nuclear site licence and ongoing decommissioning and interaction with the Sizewell A Directions and site cooperation</b>					
3.a	Within the Book of Reference there are a number of plots that	Subject to Article 26(2)(a) being reinstated and the version of the Protective	Protective Provisions included in the draft DCO (Rev 8) ensure that the granting of	Continued engagement between the parties to seek to	In Progress.

NNB Generation Company (SZC) Limited. Registered in England and Wales. Registered No. 6937084. Registered office: 90 Whitfield Street, London W1T 4EZ

**NOT PROTECTIVELY MARKED**

NOT PROTECTIVELY MARKED

Ref.	Matter	NDA and Magnox position	SZC Co.’s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
	<p>about the Sizewell A Nuclear Site Licence being plots:</p> <ul style="list-style-type: none"> <li>• MDS/05/02</li> <li>• MDS/05/13</li> </ul> <p>Also included are plots that fall within land which the NDA has responsibility for decommissioning and cleaning up in accordance with the Energy Act 2004 and Sizewell A Directions. The plots affected are as follows:</p> <ul style="list-style-type: none"> <li>• MDS/05/06</li> <li>• MDS/05/07</li> </ul>	<p>Provisions that NDA/Magnox have returned to the Applicant alongside their amendments to this “live” statement of common ground, the NDA/Magnox will be able to confirm to the Examination that it is content apart from in relation to plots MDS/05/06 and MDS/05/07.</p> <p>Plots MDS/05/06 and MDS/05/07 are within the NSL Site boundary and the Designating Directions boundary and, as such, the NDA/Magnox have an in principle objection – please see point 1a above.</p> <p>On the basis of the above, the NDA and Magnox are not yet satisfied that the Sizewell C Nuclear Generating Station can be constructed and operated in</p>	<p>powers of compulsory acquisition will not impact on the decommissioning of the Sizewell A Nuclear Site and therefore Sizewell C Nuclear Generating Station can be constructed and operated in a manner which adequately ensures the safe, secure and environmentally-sound decommissioning of the Sizewell A Nuclear Site</p>	<p>finalise the wording of Article 26 and the Protective Provisions</p>	

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		accordance with the Applicant's application proposals in a manner which adequately ensures the safe, secure and environmentally-sound decommissioning of the Sizewell A Nuclear Site.			
3.b		The NDA/Magnox strongly emphasise the need to ensure that a Nuclear Site Licensees' Co-operation Agreement(s) is entered into between the NDA, Magnox, the Applicant and EDF NGL in order to ensure that there is in place a contractual framework which seeks to avoid conflict between the Sizewell A Nuclear Site, the Sizewell B Nuclear Site and the proposed Sizewell C Nuclear Generating Station, and to ensure that the relevant legal obligations of	The Applicant and NDA/Magnox are continuing discussions to agree a suitable co-operation agreement alongside the Protective Provisions to address these concerns. This workstream is likely to be ongoing beyond the end of Examination with the agreement being entered in to ahead of the relevant works under the Order commencing.	Continued engagement between the parties to seek to finalise the cooperation agreement.	Agreed

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

Ref.	Matter	NDA and Magnox position	SZC Co.'s Position	Further Action Required	Agreed/ Not Agreed/ In Progress
		all parties are not compromised.			
3.c		The proposed compulsory acquisition of any NDA / Magnox land interests or rights must not override the provisions of this Co-operation Agreement, and indeed any future acquisition (including voluntarily) of land or interests by the Applicant must be conditional upon compliance with it, and such principles should be reflected in the Protective Provisions.	The Applicant and NDA/Magnox are continuing discussions to agree a suitable co-operation agreement alongside the Protective Provisions to address these concerns. This workstream is likely to be ongoing beyond the end of Examination with the agreement being entered in to ahead of the relevant works under the Order commencing.	Continued engagement between the parties to seek to finalise cooperation agreement.	Agreed

**NOT PROTECTIVELY MARKED**