

Wendy McKay

Lead member of the Panel of Examining Inspectors
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Our Ref: 20026727

Your Ref: EN010012

Date: 24 September 2021

By email only

Dear Ms McKay

Planning Act 2008 – Section 88 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Deadline 9: Further update on discussions regarding Deed of Obligation

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

In our response to Deadline 8 (24th September), [REP8-157] Environment Agency 'Comments on 3.1 Draft Development Consent Order - Revision 8.0 and 8.17 Draft Deed of Obligation - Revision 7.0', we highlighted that we have substantial concerns in the legal drafting of the Deed of Obligation as submitted.

We outlined that we will endeavour to work with the applicant to try and resolve these issues before the close of examination and would update the Examining Authority (ExA) on progress at Deadline 9.

We wish to highlight that since Deadline 8 we have had extensive discussions with the applicant and have suggested alternative wording to sections 9 'Fish Monitoring and Mitigation' and 16 'Marine Technical Forum' of Schedule 11 of the draft Deed of Obligation . We consider this wording will provide greater certainty to future payment of compensation funds, and the necessary assurances that the Marine Technical Forum can operate as required.

In addition, we are working to agree a Deed of Covenant directly between the SZC Co and the Environment Agency relating to SZC's funding of two eel and migratory fish passes to mitigate the effect of the development. We today provided the applicant with a suggested form of draft Deed and now await their comments on this. The intention is that this be executed concurrently with the Deed of Obligation.

We will endeavour to continue to work with the applicant to try and resolve these issues before the close of examination. We will update the Examining Authority on progress regarding the Deed of Obligation at Deadline 10.

Yours sincerely



Simon Barlow
Project Manager - Sizewell C Nuclear New Build
Environment Agency