

Q5.5.3.3	<p>Notification to EA Environmental Incident Response teams: Signpost whether and if so, where the OCoCP Section 13 Environmental Incident and Response and Contingency has been updated to include that the 'Environment Agency incident response teams must be notified where an environmental incident could cause spillage or contamination into a watercourse including drains' reported as agreed with the EA in REP6-014.</p>	<p>The Applicant has revised the OCoCP as stated in the SoCG. The revised wording can be found in the OCoCP REP10-012 Section 13 paragraph 185.</p>
Q5.5.8.1	<p>Changes to Protective Provisions consistent with Vanguard made DCO: The ExA notes the update provided by the Applicant at ISH5. Can it now confirm that any drafting changes made to Protective Provisions in response to the making of the Norfolk Vanguard Development Consent Order are now agreed by all parties [REP13-008 and REP13-012; REP13-016]. Other parties may wish to comment.</p>	<p>With the exception of the issue of deemed or refused consent which is addressed at Q5.5.8.2 below, the drafting changes made to Protective Provisions are agreed by the Environment Agency.</p>
Q5.5.8.2	<p>Part 7 para 73 Presumption of deemed consent or refusal: The ExA notes the continuing disagreement between the Applicant and the Environment Agency in relation to deemed discharge mechanism [REP9-020]. The ExA also notes the position set out by the Applicant at ISH5 [REP13-016]. Does either party wish to add anything further?</p>	<p>The Applicant has engaged in further discussions with the Environment Agency and has agreed to include a deemed refusal mechanism within the protective provisions. The protective provisions are not agreed but we understand that the Applicant will continue to engage with the Environment Agency to agree the final form of protective provisions for inclusion within the Applicant's submission of the final dDCO at Deadline 16.</p>
Q5.16.0.1	<p>SoS Decisions and letters regarding other NSIPs The Applicant has set out its view on the implications on the Proposed Development of the Norfolk Vanguard decision and the SoS Hornsea Three letter [REP13-025]. Points were also made at ISH5 [EV14-004]. a) Provide the ExA with any views you have which do not accord with the Applicant's opinion as set out in the above document and particularly Appendix 2, which sets out the relevance of the SoS Norfolk Vanguard decision on the Proposed Development, topic by topic.</p>	<p>The Environment Agency does not intend to comment or make observations regarding this issue.</p>

	<p>b) Any other matters arising as a result of the SoS Decisions and letters regarding other NSIPs, which you wish to draw to the ExA's attention should be set out here, stating implications and actions you would wish to see.</p> <p>Note: HRA responses do not need to be given here, as there are specific questions elsewhere.</p>	
<p>Q5.16.2.1</p>	<p>Securing radiological investigation in OCoCP: Signpost where in the OCoCP a radiological investigation by a specialist contractor in the site area that may have been affected by the 1996 plane crash is secured, as stated in [REP13-015] response to OFH3.</p>	<p>This matter is referenced in the OCoCP para 102 (REP10-012). The ExA is advised that the Environment Agency does not have a primary duty to determine if further investigations are required to identify radioactive contaminated land. The Environment Agency's role is in support of Local Authorities and as set out in the Part 2 A guidance on Radioactive Contaminated land. This section states the following:</p> <ul style="list-style-type: none"> • Local authorities have a duty to inspect land under the extended Part 2A regime, but there must be reasonable grounds for inspecting land for radioactivity. Reasonable grounds are defined in the statutory guidance. • Inspecting potential radioactive land may involve desk studies, site visits for visual inspection and limited sampling of surface deposits or surface radiation surveys. We will carry out an intrusive investigation on behalf of the local authority if the results of desk studies and non-intrusive surveys show the need for one. <p>Therefore, any site investigation scoping it must be established by the local authority if there are reasonable grounds for an inspection. If they determine there are reasonable grounds then they need to carry out an inspection as explained above.</p>