

Application by Norfolk County Council for Great Yarmouth Third River Crossing
The Examining Authority's written questions and requests for information (ExQ1)
Issued on 1 October 2019

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2. Responses are required by **Deadline 2 in the Examination timetable, Tuesday 22 October 2019**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of **29 August 2019**. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact GYTRC@planninginspectorate.gov.uk and include ExQ1 in the subject line of your email.

Responses are due by **Deadline 2: Tuesday 22 October 2019**

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	LIR	<i>Local Impact Report</i>
Art	<i>Article</i>	LPA	<i>Local planning authority</i>
ALA 1981	<i>Acquisition of Land Act 1981</i>	MP	<i>Model Provision (in the MP Order)</i>
BoR	<i>Book of Reference</i>	MP Order	<i>The Infrastructure Planning (Model Provisions) Order 2009</i>
CA	<i>Compulsory Acquisition</i>	NPS	<i>National Policy Statement</i>
CPO	<i>Compulsory purchase order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
dDCO	<i>Draft DCO</i>	R	<i>Requirement</i>
EM	<i>Explanatory Memorandum</i>	SI	<i>Statutory Instrument</i>
ES	<i>Environmental Statement</i>	SoS	<i>Secretary of State</i>
ExA	<i>Examining authority</i>	TP	<i>Temporary Possession</i>

The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/Eastern/Great-Yarmouth-Third-River-Crossing/>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ExQ1.1.1 – refers to question 1 in this table.

ExQ1		Question to:	Question:
1.0	General and Cross-topic Questions		
1.0.1	Applicant		The Applicant's OCoCP requires the contractor to prepare a number of plans including a flood management plan, site waste management plan and materials management plan. Can the Applicant explain what function these plans perform to address significant effects and whether the minimum measures necessary should be included to the OCoCP to provide confidence to the findings of the assessment?
1.0.2	Applicant		The ES explains that monitoring may be required to ensure that measures intended to avoid or reduce effects are effective in their purpose. Can the Applicant please explain if/how any such monitoring will be secured and what action will be taken in the event that the intended purpose of any such measures lacks efficacy? Will the Applicant commit to the implementation of remedial measures in this instance and what is the proposed mechanism for delivery?
1.0.3	Applicant		How has the number of waiting pontoons been determined and is the applicant confident that these will be sufficient in the event of unforeseen delays or difficulties in opening the bridge?
1.0.4	Applicant		Has consideration been given to an 'emergency lay-by' facility?
1.0.5	Applicant		What is the rationale for locating the waiting pontoons on the western side of the river as opposed to the east which is claimed to have greater safety benefits?
1.0.6	Applicant		<p>Diversion of utilities infrastructure will be required in order to facilitate the proposed development.</p> <p>i. Can the Applicant confirm that all connections to utilities are located within the Order limits?</p> <p>ii. Have the impacts of such diversions and replacement connecting</p>

ExQ1	Question to:	Question:
		infrastructure been considered in all the relevant ES assessments?
1.0.7	Applicant	How and who will measure the height of yacht masts before allowing them through without the bridge being raised?
1.0.8	GYPA	In principle do you have any concerns to the 50m clear span shown on the submitted plans?
1.0.9	GYPA	What specific concerns do you have in relation to the preliminary Navigational Risk Assessment (pNRA) that has been carried on behalf of the applicant?
1.0.10	GYPA	The General Arrangements plans show waiting areas either side of the proposed bridge adjacent to Bollard Quay. With that in mind can you provide further details to support your concerns about 'lay-by berths'?
1.1.	Air Quality and Emissions	
1.1.1.	Applicant	Can the Applicant explain how PM10 will be monitored during construction and what trigger point would be applied for the need for corrective action? Can the Applicant also explain what corrective action would be applied if the trigger point is breached?
1.1.2.	Applicant	The ES makes no commitment to monitoring PM2.5 emissions. Can the Applicant explain what measures are in place to address impacts associated with increased PM2.5 from the Proposed Development during the construction and operational phases? Can the Applicant also explain what confidence it has in the implementation and efficacy of such measures?
1.2.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
1.2.1.	Applicant	APP-096 (in Section 10.9.5) describes the use of floating cranes and barges to construct the bridge piers and bridge deck and other features, although no reference is made to these in the HRA [APP-182] or dDCO [APP-020]. APP-096 describes various construction techniques which may be necessary to

ExQ1		Question to:	Question:
			construct the proposed development. Can the Applicant confirm if the impacts associated with construction activities (e.g effect on local air quality and noise) and techniques have been taken into account in the HRA e.g. disturbance associated with the proposed use of floating cranes and barges?
1.2.2.	Applicant		The Applicant details the extent of the study area for the HRA in Paragraph 4.1.2 [APP-182] however, no explanation is provided on the basis on which it was determined. Can the Applicant provide evidence and justification for the chosen study area, particularly providing justification as to why 2km is a suitable distance relevant to the extent of the likely impacts from the Proposed Development?
1.2.3.	Applicant		Para 4.3.2 of the APP-182 identifies the potential impacts that were considered in relation to all the European sites included in the assessment. These are: habitat loss; fragmentation; disturbance; air quality; and water quality (pollution and sediment loading). Please can the Applicant explain the extent to which there is agreement with Natural England that these are the relevant impacts to be considered in the assessment?
1.2.4.	Natural England		It should be noted that Figures 1 & 2 of the HRA list some additional designated sites namely, 'Greater Wash', 'Benacre to Bavents' and 'Minsmere-Walberwick'. These designated sites, which are a combination of SPA, SAC and Ramsar sites, do not appear to be included in HRA. No matrices have been provided to date or rationale for their absence in the assessment. The Applicant provides justification regarding the chosen study area for the HRA. The reasoning seems to be robust however the ExA requests clarification regarding the above to ensure all relevant designated sites have been considered in the assessment. Please can NE confirm whether they are satisfied that the correct sites, features and impacts have been identified in the Applicant's Habitats.

ExQ1	Question to:	Question:
1.2.5.	Applicant	<p>Chapter 3 of the APP-182 presents the detail of the consultation exercise with statutory and non-statutory bodies, specifically PINS, NE, EA, MMO and Norfolk County (in tabulated form, Table 3.1). The chapter also details the ecological surveys undertaken associated with the Proposed Development, in this table.</p> <p>No further details are provided about the nature and currency of the data obtained. Please can the Applicant identify the source of the data relied upon for the assessment, including cross references as appropriate to survey information contained within the application documents.</p>
1.2.6.	Applicant	<p>In APP-182, the ExA notes the reference to PINS Advice Note Ten (paragraph 7.12.1) and the explanation that this has been applied in relation to their in-combination assessment. The detailed description of the methods applied are however lacking. Can the Applicant explain exactly what method was applied to identify relevant other development for the purposes of the assessment e.g. with reference to the 'long' and 'short' list? Can the Applicant also explain if the Local Planning Authority have been consulted to identify the other development?</p>
1.2.7.	Applicant	<p>In APP-182, there is limited explanation to support the conclusion that the proposed Development is unlikely to have any significant effects on any European site in combination with the identified developments and references are made to cumulative rather than in-combination effects. Please can the Applicant provide a justification of this conclusion, that addresses the in-combination effects of each development for all phases of the Proposed Development.</p>
1.2.8.	Natural England	<p>Paragraph 6.9.6 of APP-182 indicates information on the conservation objectives is not readily available for the Broadland Ramsar site and that</p>

ExQ1	Question to:	Question:
		therefore the conservation objectives for the Broadland SPA have been used for the purposes of the Ramsar site assessment. Please could NE confirm whether they agree that this is an appropriate approach.
1.2.9.	Applicant	Please can the Applicant provide Word versions (.doc) of the screening and integrity matrices from APP-182.
1.2.10.	Applicant	In accordance with the Inspectorate's Advice Note 10, the Applicant is asked to provide specific cross references, including paragraph/section numbers in the ENs to the documents supporting the assertions within the ENs, for both the Screening and Integrity Matrices.
1.2.11.	Applicant	Where no likely significant effect in relation to sediment re-suspension and deposition has been determined in APP-182; the Evidence Notes of the matrices state that 'Specific control measures would be incorporated within the Scheme in accordance with good practice regardless of the presence of any European site, with the principal function of seeking to avoid the contamination of the River Yare'. There are statements relating to silt traps, fences, filters etc. to treat sediment laden water however, the potential for dredging of the channel is not discussed. Please can the Applicant elaborate on the above aspect commenting on the likelihood of any dredging being undertaken (as discussed in Paragraph 5.1.4, 5.4.2 and 6.2.4. Furthermore, if identified as a possibility, specify the maximum volume of sediment that would require disposal from dredging and detail the testing regime to ensure appropriate disposal. Consideration to the noise disturbance from such activities should also be documented.
1.2.12.	Natural England	Can NE confirm that they are content with the Applicant's approach to assessing impacts on amphibians and reptiles and their decision to scope out the need for specific surveys in this regard?
1.2.13.	Applicant	Can the Applicant explain what the specific measures are that will be

ExQ1	Question to:	Question:
		implemented to control impacts during construction in relation to works within the riverbed and at other water crossing points? Can the Applicant also explain how such measures are secured and the confidence it has in the effectiveness of such measures?
1.2.14.	Applicant	When will the detailed design be made available, and will this include details of a preferred planting mix and habitat for Black Redstart?
1.3.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3.1.	Applicant	Would the Applicant please complete the attached Compulsory Acquisition Objections Schedule at annex A and add or delete any entries that it believes would be appropriate, giving reasons for any additions or deletions?
1.3.2.	Applicant	Can the applicant confirm that it is working proactively with port tenants to address those concerns that have been raised in the various Relevant Representations?
1.3.3.	ASCO	What appropriate safeguards, protective provisions and mitigation measures are ASCO seeking in relation to its land?
1.3.4.	GYPA	<ul style="list-style-type: none"> i. What evidence is there that the acquisition of land within the port estate will act to the serious detriment of the port undertaking? ii. What proportion of the existing birth space to be acquired is in current active or proposed use? iii. What specific detriment do you identify to the existing port operations from the severance of land? iv. In what ways will the bisecting of the inner harbour damage your ability to secure further business from the off-shore wind sector? v. What specific evidence do you have that the effects identified above will result in the deflection of future business to competitor ports? vi. What other mitigation measures have you proposed in respect of the above matters?

ExQ1	Question to:	Question:
1.3.5.		
1.4.	Draft Development Consent Order (DCO)	
1.4.1.	Applicant	Article 2 Interpretation: "undertaker". Please explain the separation of functions/ powers within Norfolk County Council i.e. as undertaker, highway authority, county planning authority, street authority, traffic authority etc and explain any controls put in place to ensure scrutiny and accountability?
1.4.2.	Applicant	Article 3 <i>disapplication of legislation etc.</i> Can the applicant provide an explanation as to the effect of disapplication and cross-reference to the relevant part of the protective provision which would prevent any adverse impact as a result of removing byelaw control or the necessity for consent?
1.4.3.	Applicant	Article 4 – <i>development consent etc.</i> granted by the Order. Can the applicant explain further the effect of and necessity for Article 4(2). How much land (and how far from the DCO boundary) might be affected by the provision? What enactments are likely to be engaged?
1.4.4.	Applicant	Article 9 - <i>Power to alter layout, etc., of streets.</i> Can the applicant provide justification for the wide power to alter layout etc of any street and explain in what circumstances the undertaker would not be the relevant street authority and who the street authority would be. Other than the A47 are there any cases where NCC would not be the street authority?
1.4.5.	Applicant	Article 10 - <i>street works.</i> Can the applicant explain why the wide power is necessary in this particular case. Also how do the works within streets identified in Schedule 1 (and authorised through article 5 (1)) relate to the works authorised through articles 10 and 11?
1.4.6.	Applicant	Article 15 - <i>Temporary stopping up and restriction of use of streets.</i> At this stage has the applicant identified any street that would be used as a temporary working site?
1.4.7.	Applicant	Articles 21 & 22 – Notwithstanding drafting precedent in other DCOs, can

ExQ1		
Question to:	Question:	
		the applicant explain why these powers are necessary in the circumstances of this particular scheme.
1.4.8.	Applicant	Article 28 – compulsory acquisition of rights. Can the applicant provide details of those plots where such powers are likely to exercised?
1.5.	Transportation and Traffic/Highways	
1.5.1.	Applicant	There are numerous representations commenting on the alteration of surrounding road networks, and the impact this would have on local businesses in terms of access and parking; this does not appear to have been discussed within the Traffic and Transport section; can the Applicant explain the extent to which impacts to nearby commercial premises from changes in traffic and transport during the construction of the proposed development have been taken into account in the ES? What measures (if any) are proposed to address these impacts?
1.5.2.	Applicant	Please provide a specific justification for the extension of the no-waiting restrictions alongside the eastern side of Southgates Road north of the Barrack Road junction (Sheet 2 Reference 10) which is located some distance away from the proposed signalised junction.
1.5.3.	Applicant	How will safe and convenient HGV access to Fish Wharf be maintained throughout the construction period?
1.5.4.	Applicant	What, if any, suicide prevention measures are to be incorporated into the bridge design?
1.6.	Water Environment/Flood Risk	
1.6.1.	Environment Agency	Can you please provide an update to your letter 31 July 2019 and specifically when you anticipate providing final comments on the modelling work?
1.6.2.	Applicant	Can you clarify what work is currently being undertaken to address the outstanding issues set out in the Environment Agency's letter of 31 July

ExQ1	Question to:	Question:
		2019?
1.6.3.	GYPA	What specific evidence do you have to substantiate your concerns about the scheme's hydrological effects?
1.6.4.	Applicant	What amount of material is removed from the inner harbour each year via dredging?
1.7.	Climate Change	
1.7.1.	Applicant	Can the Applicant explain the extent to which the assessment of major accidents and disasters has accounted for more recent climate change projections?
1.7.2.	Applicant	Can the Applicant explain what if any design features apply to the Proposed Development to address its vulnerability to anticipated climate change?
1.8	Effect on Port Operations	
1.8.1	Applicant	Approximately how long will the river be closed for during the construction phase, how much notice would be provided of those closures and what measures are to be implemented to minimise disruption on neighbouring businesses?
1.8.2	Applicant	Has the applicant carried out a specific assessment on the impact of scheme on individual businesses which will be affected by the proposed development?
1.8.3	Applicant	Given difficulties experienced by businesses upstream of the proposed bridge location, are there any proposals to synchronise the operation of the proposed bridge with that of Breydon and Haven bridges? If not, please explain why.
1.8.4	Applicant	What measures are being put in place to ensure the safeguarding and continuity of access for all existing businesses during the construction phase?
1.8.5	Applicant	How does the applicant respond to the suggestion that the proposed development will force some port tenants to leave Great Yarmouth?
1.8.6	Applicant	A Preliminary Navigation Risk Assessment is provided with the application

ExQ1		
Question to:	Question:	
		[6.14] When will the final Navigation Risk Assessment be published?
1.8.7	Applicant	Will the 50m channel width be maintained throughout the construction phase?
1.8.8	GYPA	How many commercial ships have passed through the site of the proposed bridge in the previous twelve months?
1.8.9	GYPA	Will two-way working through the proposed new bridge be permitted for recreational vessels?
1.8.10	GYPA	How much notice do you usually receive of a commercial vessel requiring a bridge lift on (a) the inward passage and (b) departure?
1.8.11	Goodchild Marine Services Ltd	Approximately how many openings of the Breydon and Haven bridges does your business reply upon each week and on average how long to does it take for the bridges to be opened?
1.8.12	Alicat Workboats Ltd/ Richards Dry Dock/Eng Ltd	The pNRA states that your business has on average 1 vessel movement per day. What proportion of these movements would require the proposed bridge to be opened?
1.8.13	Alicat Workboats Ltd/ Richards Dry Dock/Eng Ltd	Will the road/access improvements arising from the proposed development benefit your business?
1.8.14	ASCO/Perenco	What appropriate safeguards, protective provisions and mitigation measures are ASCO seeking in relation to its landholdings?
1.8.15	ASCO/Perenco	You state that the southern part of your landholding will not be subject to any compulsory/temporary acquisition, on that basis can you explain your position that it will be adversely affected by the proposed development.
1.8.16	ASCO/Perenco	Will the road/access improvements arising from the proposed development benefit ASCO?
1.8.17	ASCO/Perenco	Approximately what percentage of ASCO's landholding will be permanently acquired by the proposed development?
1.8.18	ASCO/Perenco	Would it be practicably possible to reconfigure ASCO's residual land holding in a manner that would meet its operational requirements?

ExQ1	Question to:	Question:
1.8.19	ASCO/Perenco	What evidence or assessments have you done to support the view that the vessels waiting south of the bridge would undermine access to/from ASCO's quays?
1.8.20	Perenco	Please provide evidence to support your view that Perenco would be forced to relocate to another site?

ANNEX A

Great Yarmouth Third River Crossing

List of all objections to the grant of compulsory acquisition or temporary possession powers (exq1: question 1.3.1)

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection
1	Pauline Ablitt	20022794	RR-011			Parts 1 & 2	Permanent	1-51	Yes	
2	David Baker	20022800	RR-012			Parts 1 & 2	Permanent	1-50	Yes	
3	Great Yarmouth Port Company	20022803	RR-014			Parts 1 & 2	Temporary and permanent	multiple	Yes	
4	ASCO	20022812	RR-016			Parts 1 & 2	Temporary and permanent	4-10, 4-27, 4-28, 4-30, 4-36	Yes	
5	Jennifer Elizabeth Baker	20022824	RR-021			Parts 1 & 2	Permanent	1-50	Yes	
6	Perenco	20022822	RR-024			Parts 1 & 2	Temporary and permanent	4-18, 4-23, 4-24, 4-25, 4-26, 4-27, 4-28, 4-29, 4-30, 4-31, 4-34, 4-36	Yes	
7	Royal Mail	20022821	RR-025			Parts 1 & 2	Permanent	3-15, 8-01	Yes	
8	Great Yarmouth Port Authority	20022815	RR-020			Parts 1, 2 & 3	Temporary and permanent	Multiple	Yes	
9	Anglian Water Services	20022835	RR-27			Parts 1, 2 & 3	Temporary and permanent	Multiple	Yes	
10	Cadent Gas Limited	20022839	RR-028			Parts 1, 2 & 3	Temporary and permanent	Multiple	Yes	

ⁱ Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.