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Our Ref: CP0256/AJ

Your Ref:

Via email only: GYTRC@planninginspectorate.gov.uk

04 October 2019

Dear Sirs

TR010043 - Great Yarmouth Third River Crossing
Owner: Regaland Limited
Reference Number: GYRM-AFP071

We act on behalf of Regaland Limited in respect to the aforementioned Development Consent Order (DCO) being promoted by Norfolk County Council under the Planning Act 2008.

We can confirm that our clients wish to **oppose** Great Yarmouth Third River Crossing scheme as currently proposed. We would be grateful if you would accept this letter as an objection on their behalf.

In preparing our Objection we have been mindful of the Statement of Reasons and document submitted by Norfolk County Council as their justification for the making of the proposed Order. In summary, the grounds of objection are as follows:

I. Objectives of the Scheme

Paragraph 1.16 of the Statement of Reasons lists the Scheme objectives which are broadly to enhance the Port's role as an international gateway; to improve access and reduce congestion; to support regeneration; to improve safety and reduce road casualties; to encourage more sustainable modes of transport; and to protect and enhance the environment.

Our client is concerned that the proposed Scheme cannot meet these objectives, the reasoning of which is systematically set out below:

Improve connectivity to support and promote economic and employment growth

Paragraph 6.2.17 of the Statement of Reasons suggests that improved connectivity will promote economic and employment growth. Further evidence, justification and reasoning is required to demonstrate how the Scheme will facilitate these improvements. In our opinion, a more comprehensive package of measures, to be concentrated within the wider area and not just the Order Land, will be required to encourage economic growth.

Improve access and reduce congestion

Relieving congestion by increasing highway capacity has been referred to numerous times throughout the Statement of Reasons. We are concerned that the proposed Scheme as it currently stands will fail to tackle these problems in the long term and is simply a short term measure. This in our opinion should form part of a comprehensive package of measures aimed at reducing vehicle usage.

Without reducing vehicle usage, there is a risk that the scheme will merely encourage more road users with any increased capacity quickly being absorbed by increased vehicle movements. This is a particularly important consideration given that a key aim of the scheme is to encourage development in the wider area which will inevitably add to the overall number of vehicle movements.

Alongside commercial traffic accessing the Port, many existing and future vehicle movements are likely to comprise private cars used for daily commuting, occupied by one person. We would suggest that a more productive use of resources would be to re-focus attention on improving public transport provision, making this more appealing and the use of a private car less appealing.

Focusing on traffic reduction will be much more beneficial in tackling congestion and road safety as well as “improving journey time reliability”, an aim set out in paragraph 6.2.17.

Support Regeneration

Paragraph 6.2.18 of the Statement of Reasons indicates that the Scheme “supports the regeneration of retail, leisure and commercial uses within the town centre”. Whilst highway improvements may be able to improve access, it is unclear how the Scheme in its current form will contribute towards this goal. A much more comprehensive package of measures will be required to stimulate investment and subsequent regeneration but the Statement of Reasons fails to identify what these are and how they will be delivered.

Improve road safety

It is accepted that the proposed Scheme may assist in reducing heavy traffic from unsuitable routes within the town centre however it is unclear how this will result in the direct “saving of 54 casualties over the period 2023 to 2082” (paragraph 6.2.17). It is unclear how such a specific number can be realistically estimated. We would request that further information is provided by the Acquiring Authority to demonstrate how road safety will be improved within the wider area.

Encourage more sustainable modes of transport

The Scheme intends to provide “a quicker route between west and east of the town for non-motorised users” and it is suggested that this will “encourage more sustainable modes of transport” (paragraph 6.2.17). We would suggest however that further measures will be required in order to successfully increase the use of more sustainable modes of transport and further details are requested as to how this will be effectively delivered.

Furthermore, it is stated that along with improving journey quality, the Scheme will directly increase physical activity and reduce absenteeism. It is unclear how the Scheme will deliver this and it would appear that this is a sweeping comment without any grounds on which to base this.

Protect and Enhance the Environment by reducing Emissions

The proposed Scheme will result in greater network capacity and therefore, is likely to contribute towards an increase in traffic levels. Accordingly, we are of the opinion that the Scheme will contribute towards poor air quality, noise and visual effects rather than reducing this.

Details of how a reduction in carbon emissions will be achieved or how “the Scheme will result in a slight beneficial impact in greenhouse gas emissions” however are not specified and the Acquiring Authority appears to solely rely upon this being achieved by decreasing congestion.

As outlined above, we consider that the additional capacity created may be quickly absorbed. This will therefore lead to increased congestion together with increased air and noise pollution. We remain of the view that an initiative to reduce private vehicle use would be more beneficial in meeting this objective.

Improving access to public transport and its reliability is reinforced within The National Transport Strategy “Transport an Engine for Growth” (2013) document. This document also recognises the importance of “access to alternative modes of transport” (paragraph 6.6). The Scheme as currently proposed fails to identify any suitable measures which will be implemented in order to fulfil this requirement. Accordingly, we do not consider that the proposed Scheme will meet the objective of protecting and enhancing the environment by reducing emissions of greenhouse gasses.

2. Negotiations

The Statement of Reasons suggests that discussions and negotiations are ongoing and will continue during the DCO process. There has however been limited engagement with our client and no offer has been made in respect to the purchase of their land and property. Accordingly, the DCO is premature and is not a method of last resort. Further time is required to engage with affected owners and occupiers prior to the use of compulsory purchase powers.

3. Human Rights

It is our considered opinion that the proposed Order is also an infringement of our client’s human rights under the Human Rights Act 1998. The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order land.

Under Article 1 of the First Protocol, no one shall be deprived of his possessions except in the public interest. For the reasons set out above, we do not consider that the Scheme as proposed is fully in the public interest and many of the objectives given as justification for the confirmation of the Order can be met without resorting to a CPO. As such, there is inadequate justification for interfering with the human rights of the owners and occupiers affected by this proposed Scheme. The balance has not been struck between the individual rights and the wider public interest.

In conclusion, there is “no compelling case in the public’s interest” as required by national policy to acquire the Objector’s land.

The above represents our client’s objection to the aforementioned Development Consent Order. We reserve the right to add to or expand our client’s case upon site of further evidence and information being made available by the Acquiring Authority.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Angela Juszczak BA (Hons) MSc MRICS
Director
For and on behalf of
ROGER HANNAH

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