



**Norfolk** County Council

Great Yarmouth Third River Crossing

Comments of Norfolk County Council as relevant  
Planning Authority on the Draft Development Consent  
Order (DCO)

Nationally Significant Infrastructure Project (NSIP)

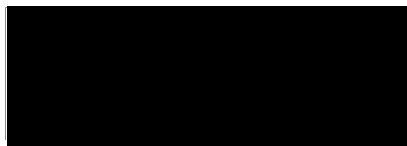
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November 2019

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Signature:

A solid black rectangular box used to redact the signature of Nick Johnson.

Name: Nick Johnson

Title: Head of Planning

Date: 28/11/2019

# **Great Yarmouth Third River Crossing Draft Development Consent Order**

## **Comments of Norfolk County Council as statutory consultee**

### **Introduction**

These comments are made following the hearing held on 20 November 2019 which was held to assess the drafting of the dDCO.

Norfolk County Council is the applicant for the DCO and is referred to as the undertaker in the dDCO ("the applicant"). The dDCO is in relation to a highway scheme to create an additional vehicular crossing of the river Yare in Great Yarmouth ("the project").

Norfolk County Council also has a role as statutory consultee and these comments are provided in its role as county planning authority ("NCC"). The county planning authority is required to consult other organisations before making comments and some of these organisations are also parts of Norfolk County Council as follows:

Lead Local Flood Authority which has statutory responsibilities for managing the flood risk of surface water, ordinary watercourses outside of Internal Drainage Board District Areas, ground water and for investigating incidences of flooding;

The County historic environment team;

The County ecology and landscape team; and

The team which comments on estate and major applications from a highway perspective.

These NCC comments are in relation to the drafting of the dDCO only. They do not relate to the merits of the project which NCC as the county planning authority fully supports.

Since the hearing on 20 November 2019 further discussions have taken place between the applicant and NCC and it is anticipated by both parties that all the matters referred to in these comments can be resolved satisfactorily before the close of the Examination.

These comments follow, numerically the order in the dDCO. Changes being recommended by NCC are shown in blue type.

### **Article 20, Discharge of Water**

NCC would like to see an amendment to (6).

Currently it reads:

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

NCC would like to see the addition, after the word “suspension” the words

“and to secure that any water discharged does not create adverse flood risks”.

The purpose of Article 20 is to regulate the connections the applicant makes with drainage features. It is submitted that the addition of the words recommended by NCC will ensure that if, in the very unlikely event, a person who owns a sewer or drain refuses to approve a connection because of adverse flood risk this will not constitute an unreasonably withheld approval for the purposes of Article 20.

These words would not provide an absolute imperative on the part of the applicant to ensure that there shall be no adverse flood risk but requires the applicant to take such steps as are reasonably practicable to secure that any water discharged does not create adverse flood risks.

The project, if consented, could be constructed within the flood plain of an ordinary water course as the LLFA and applicant are still reviewing information on this issue. There is flooding in the catchment of this watercourse relatively frequently, the last date being 6 October 2019. Flooding has occurred internally and externally of houses upstream; further information is contained within the NCC Local Impact Report. The applicant's Drainage Strategy and Flood Risk Assessment are inconsistent in places and the LLFA has requested clarification. Currently NCC has not seen details of mitigation measures that may be necessary to avoid adverse flood risks.

NCC would welcome the ability, if invited, to work with the applicant to assess the risks and discuss measures that would mitigate those risks. If the Statement of Common Ground with the Lead Local Flood Authority is unable to resolve matters NCC would invite the ExA to hold a hearing into flood risk.

#### **Requirement 4, Design of the authorised development**

As drafted the Requirement reads

4.—(1) The authorised development must be designed and implemented in general accordance with—  
(a) the general arrangement plan; and  
(b) the approach to detailed design.

The National Policy Statement for National Networks (Dec 2014) (“the NPS”) sets out criteria for ‘good design’ for national network infrastructure and in para 4.29 states

*Visual appearance should be a key factor in considering the design of new infrastructure...sensitive to place...matched by an appearance that demonstrates good aesthetics as far as possible.*

The NPS places emphasis on 'good design' and there are further references to design and aesthetics elsewhere in the document which the ExA will be aware of such as *para 5.110 relating to SuDS and how SuDS features can include vegetation to help manage flood risk.*

Para 5.130, which states... *the consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).*

*Para 5.160 states...materials and designs for infrastructure should always be given careful consideration.*

*Para 5.198 referring to the use of materials that reduce road noise, (for example low noise road surfacing).*

Whilst not forming part of the NPS, NCC considers the Ministry of Housing, Communities & Local Government, National Design Guide (October 2019) another material consideration. Supporting the National Planning Policy Framework and continuing the ethos of achieving good design in development, paras 20 and 21, set out components of good design which includes, *layout, the form and scale of buildings; their appearance; landscape; and materials.*

The approach to detailed design document states at para 3.1

*The Scheme would be a piece of dynamic architecture...*

And at para 1.3 states

*All visual aids shown in this document are indicative...must not be construed as binding the detailed design...Each section then specifies the Essential Design Requirements and Design Aspirations and Opportunities for that component.*

The approach to detailed design document and the general arrangement plan together with the Article relating to Limits of Deviation and Requirement relating to landscaping provide the design parameters for the detailed design of the project.

Design is a material consideration when determining the application to make a Development Consent Order, although it is acknowledged that the design of a structure of this nature and magnitude may have design limits. Since the hearing on 20 November 2019, NCC has been invited by the applicant to work with the applicant to develop the detailed design and this opportunity is welcomed.

NCC is mindful of the importance given to good design by the National Policy Statement for National Networks. To give effect to the achievement of good design NCC is mindful of the general expectation that there would be independent scrutiny of the details of the design either by the ExA or delegated to the county or relevant planning authority via the use of a Requirement.

Following the Issue Specific Hearing on the 20 November 2019, NCC and Applicant have met and agreed to work together to produce a revised Requirement 4 to address the matters raised at the ISH with the aim to submitting updated text for Requirement 4 at Deadline 4.

## **Requirement 5, Code of Construction Practice**

The applicant provided to NCC a revised Requirement on 19 November.

The proposed redraft reads as follows

Code of construction practice

5.—(1) No part of the authorised development is to commence until a code of construction practice for that part of the authorised development has been submitted to and, following consultation with Great Yarmouth Borough Council, the lead local flood authority, the IDB and the Environment Agency, approved in writing by the county planning authority.

(2) Any submitted code of construction practice must include provision for the following matters—

- (a) an arboricultural method statement;
- (b) a construction traffic management plan;
- (c) a flood management plan;
- (d) a materials management plan (or equivalent);
- (e) a site waste management plan; and
- (f) a workforce travel plan.

(3) Any code of construction practice submitted under sub-paragraph (1) must be in accordance with the outline code of construction practice.

(4) Any part of the authorised development must be carried out in accordance with the relevant code of construction practice approved under sub-paragraph (1) for that part.

NCC has no, in principle, concerns about the revised drafting, but would highlight the need for the final version of the CoCP to cover issues related to local flood risk.

NCC also notes that in the redrafted Requirement at (3) the code of construction practice must be in accordance with the outline code of construction practice.

Given that there will be no further opportunity to address omissions NCC, if invited, would like to work with the applicant in identifying omissions in the outline code of construction practice and improving its clarity in order to ensure that the submitted code of construction practice can be approved and the Requirement discharged in a timely manner. NCC will work with the applicant to resolve this matter prior to the close of the examination.

## **Requirement 6, Landscaping scheme**

The drafting of this requirement is under discussion with the aim to reach agreement with the applicant by Deadline 4. The purpose is to ensure that the requirement is both precise and enforceable but sufficiently flexible.

### **Requirement 8, Contamination**

NCC recommends that in para (1)(b) [Great Yarmouth Borough Council](#) be added as an organisation to be notified given its statutory roles in the areas of environmental health and health and safety.

### **Requirement 9, Preparedness and Response Plan**

NCC recommends that in para (1) [the Norfolk Fire and Rescue Service and the Norfolk Constabulary](#) be included as consultees.

### **Requirement 10, Surface water drainage**

NCC recommends that in para (1) [Anglian Water](#) in their capacity as sewerage undertaker be included as a consultee.

### **Requirement 13, Archaeology**

Subsequent to the hearing NCC has received further information from the applicant and is content that the figure 10 metres remains in the Requirement as originally drafted.

### **Schedule 2, Part 2 Requirements 18 & 19, Applications made under requirements**

NCC is concerned that a period of 6 weeks is unduly short to discharge some of the Requirements and notes that under the Town and County Planning Act 1990 regime the discharge period for conditions for EIA development is unlimited. NCC is also concerned that there is a deemed discharge procedure.

During the hearing on 20 November the applicant suggested that it might be able to agree a process and draft it into the dDCO whereby it could carry out an informal consultation of the relevant consultees prior to making an application to discharge or part discharge a Requirement.

This is welcomed by NCC and since the hearing held on 20 November NCC and the applicant have discussed this further and wish to draft amendments to the dDCO which will embed such a process within the dDCO. It is anticipated that a further draft will be available by Deadline 4, 11 December.

It has also been agreed between NCC and the applicant that if NCC needs to request further information from the applicant that the time period should be increased from 21 days as currently drafted to 28 days.

It is anticipated that NCC and the applicant can agree redrafted Requirements 18 and 19 for submission by Deadline 4, 11 December.

NCC and the applicant have agreed, in order to assist NCC is processing a discharge or partial discharge quickly and efficiently there will be:

- More early engagement and front loading of the provision of information to NCC embedded into the dDCO, and
- Discussions between the parties over the timetabling of applications to discharge to avoid too many concurrent applications

NCC and the applicant intend to provide a written Statement of Common Ground, if possible, by Deadline 4 and anticipate that all matters contained in these comments will be resolved by Deadline 5.