

Great Yarmouth Third River Crossing Order 202[*]

Document NCC/GY3RC/EX/041: Explanation of Changes to Revision 2 of the Draft DCO

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

Planning Inspectorate Reference Number: TR010043

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Document Reference: NCC/GY3RC/EX/041

Date: 28 November 2019

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Foreword

This document relates to an application ('the Application') submitted by Norfolk County Council ('the Council' / 'the Applicant') to the Secretary of State for a Development Consent Order ('DCO') under the Planning Act 2008.

If made by the Secretary of State, the DCO would grant development consent for construction, operation and maintenance of a new bascule bridge highway crossing of the River Yare in Great Yarmouth, and which is referred to in the Application as the Great Yarmouth Third River Crossing (or 'the Scheme').

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Tables

Table 1.1: Summary of changes to the DCO 2

1 Introduction

1.1 Introduction

- 1.1.1 This document provides a commentary on changes made to the version of the draft Development Consent Order submitted at Deadline 3 on 28 November 2019 (DCO Revision 2) compared with revision 1 of the draft DCO (DCO Revision 1) (document reference NCC/GYRC/EX/023, Planning Inspectorate reference [REP2-009]) submitted at deadline 2 on 22 October 2019. An electronic .pdf comparison between the two versions has also been submitted at Deadline 3.
- 1.1.2 In broad terms the changes made in the latest draft of the DCO have been made for the following reasons:
- changes arising from the Applicant's consideration of Deadline 2 submissions and arising from the issue specific hearing on the draft DCO held on 20 November 2019;
 - changes to reflect comments received from, and ongoing discussions with, interested parties; and
 - typographical corrections and changes to reflect statutory instrument drafting practice.
- 1.1.3 Table 1.1 below includes a summary of the changes to this revision of the draft DCO.

Table 1.1: Summary of changes to the DCO

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 20 Discharge of Water	<p>The Applicant has made a minor clarification to article 20(7)(a) to more accurately reflect the status of the body known as Homes England.</p> <p>The body now known as Homes England was incorporated under section 1 of the Housing and Regeneration Act 2008 under the name of the Homes and Communities Agency and despite the widely publicised change of name, section 1 remains in force.</p>
Schedule 2 Requirements Paragraph 5 Code of construction practice	<p>The Applicant has revised requirement 5 for clarity, in response to the representations made by the County Planning Authority in its Local Impact Report [REP2-018], which raised a number of queries as to which plans and statements were required to be included in a Code of Construction Practice to be submitted under requirement 5.</p> <p>In overview, the Applicant has replaced the list of topics and matters that were listed under sub-paragraph 2 of requirement 5 with a list of plans and statements that must be included. The deletion of the matters previously listed does not mean that they are no longer secured.</p> <p>Each of the matters previously listed in sub-paragraph 2 is set out in the body of the Outline Code of Construction Practice itself which would become a document certified under the Order, if made. The key control in sub-paragraph 3, the requirement for any Code of Construction Practice to “accord” with the Outline Code of Construction, coupled with the requirement to comply with the approved Code of Construction Practice, remains. This ensures that compliance with those matters remains secured through this requirement and provides clarity regarding the subsidiary plans and statements required to be produced under the terms of the Outline Code of Construction Practice.</p>
Schedule 2 Requirements Paragraph 8	<p>The Applicant has amended requirement 8(1)(b) to require Great Yarmouth Borough Council to be notified if contamination is found that has not previously been identified and addressed in a code of construction practice. This amendment is consistent with sub-paragraph 2 which requires Great Yarmouth Borough Council to be consulted on any</p>

	necessary remediation scheme and programme.
Schedule 2 Requirements Paragraph 9 Emergency Preparedness and Response Plan	The Applicant has amended requirement 9(1) to include both Norfolk Fire and Rescue and Norfolk Constabulary as bodies that must be consulted on the emergency preparedness and response plan. The amendment arises from the Applicant's consideration of the County Planning Authority's Local Impact Report, and subsequent discussions. The Applicant agrees that the contribution of the expertise of Norfolk Fire and Rescue and Norfolk Constabulary, in respect of an emergency preparedness and response plan approved under this requirement, would be welcomed.
Schedule 2 Requirements Paragraph 10 Surface water drainage	The Applicant has previously considered and discounted including Anglian Water as a consultee under requirement 10 for the reasons set out in its response to Anglian Water's relevant representation, DCO6 of Response to Relevant Representations (document reference NCC/GY3RC/EX008 / PINS reference [REP1-002]). Following further discussions with the County Planning Authority the Applicant is now content for Anglian Water to be consulted under requirement 10(1) in respect of its statutory sewerage undertaker functions. The Applicant has also made a minor presentational amendment to sub-paragraph (2), adopting the suggestion made in the County Planning Authority's Local Impact Report [REP2-018].
Schedule 2 Requirements Paragraph 11 Lighting	The Applicant has adopted the presentational amendment to sub-paragraph 2 suggested by the County Planning Authority in its Local Impact Report [REP2-018].
Schedule 2 Requirements Paragraph 17 Details of consultation	<p>Consistent with its submissions at the DCO Issue Specific Hearing held on the 20 November 2019, the Applicant has introduced a new requirement that requires the Applicant to include a summary consultation report with any application for approval under a requirement, where that requirement also requires another party to be consulted on those details.</p> <p>The summary report must set out the consultation carried out by the Applicant pursuant to that requirement to inform the details to be submitted to the County Planning Authority for approval and detail the Applicant's response to that consultation.</p>
Schedule 13 Deemed marine	The Applicant has made a number of amendments to the deemed marine licence arising from ongoing discussions with

licence

the Marine Management Organisation (“**MMO**”). The purpose and effect of the amendments is summarised below:

- Paragraph 2(3) has been amended to require notices required to be served by the Applicant under the deemed marine licence to use the MMO’s online case management system.
- Paragraph 3(2)(cc), which referred to the carrying out of dredging, has been deleted.
- Paragraph 9 has been amended to incorporate a new sub-paragraph requiring sufficient break periods in piling activities to allow fish to pass through the affected area.
- A new paragraph 19 has been introduced to clarify that the deemed marine licence does not permit dredging carried out under article 49(1)(b); consequently, any such dredging would require an additional marine licence.
- A new paragraph 20 has been introduced to disapply article 67 (arbitration) to disputes arising under the terms of the deemed marine licence.

The Applicant and the Marine Management Organisation are continuing to discuss the terms of the deemed marine licence.