

# **Great Yarmouth Third River Crossing Order 202[\*]**

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## **Document: NCC/GY3RC/EX/033 Response to Local Impact Reports**

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**Planning Act 2008**

**Infrastructure Planning**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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## Foreword

This Response to Local Impact Reports document is part of the Examination submissions relating to an application ('the Application') submitted by Norfolk County 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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## Glossary of Abbreviations and Defined Terms

AEP	Annual Exceedance Probability
AMS	Arboricultural Method Statement
AW	Anglia Water
CDA	Critical Drainage Area
CDC	Critical Drainage Catchment
CoCP	Code of Construction Practice
CPA	County Planning Authority
DCO	Development Consent Order
EA	Environment Agency
ExA	Examining Authority
EPS	European Protected Species
ES	Environmental Statement
FRA	Flood Risk Assessment
GYBC	Great Yarmouth Borough Council
HEDBA	Historic Environment Desk-Based Assessment
HRA	Habitat Regulation Assessment
IDB	Internal Drainage Board
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
PEA	Preliminary Ecological Appraisal
MMP	Materials Management Plan
NBIS	Norfolk Biodiversity Information Service
NCC	Norfolk County Council
NMU	Non-Motorised Users
NO <sub>x</sub>	Nitrogen Oxide
NSIP	Nationally Significant Infrastructure Projects
PSED	Public Sector Equality Duty

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SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TVIA	Townscape and Visual Impact Assessment
VMS	Variable Message Signs
WSI	Written Statement of Investigation
ZoI	Zone of Influence

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# 1 Introduction

## 1.1 Purpose and Structure of this Report

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1.1.1 At Deadline 2 a Local Impact Report ('LIR') on the Scheme was submitted to the Examining Authority by the following parties:

- LIR submitted by Norfolk County Council ('NCC') - Planning Inspectorate Reference REP2-018;
- LIR submitted by Great Yarmouth Borough Council ('GYBC') - Planning Inspectorate Reference REP2-022.

1.1.2 This document responds to these LIRs and is separate from the Applicant's comments on these parties' Responses to Written Representations (Document Reference NCC/GY3RC/EX/035), which are provided in a separate document, also submitted at Deadline 3.

1.1.3 This document does not seek to respond to every element of the LIRs but focuses on the key point raised and other points where it is considered that a response will assist the Examining Authority.

1.1.4 The report is structured as follows:

- Chapter 2 – Applicant's response to the LIR submitted by NCC;
- Chapter 3 - Applicant's response to the LIR submitted by GYBC.

## 2 Response to LIR Submitted by Norfolk County Council (REP2-018)

### 2.1 Introduction

2.1.1 The LIR submitted by NCC provided comment on the Scheme under the following topic headings:

- Landscape and Visual Impact;
- Historic Environment;
- Flood Risk (including surface water flooding);
- Biodiversity;
- Highways / Local Transport Issue;
- Minerals and Waste Planning;
- Air Quality and Amenity (including noise, dust and vibration);
- Socio-economic and Community Issues;
- Draft Development Consent Order ('DCO');
- Conclusions.

2.1.2 For consistency the Applicant's responses have been provided below using the same headings.

### 2.2 Landscape and Visual Impact

#### LIR Comment

2.2.1 (7.1) Core Strategy Policy CS9 (Encouraging well-designed, distinctive places) encourages all new development to be of a high-quality good design and sets out the design criteria proposals are expected to meet.

2.2.2 (7.2) Core Strategy Policy CS11 (Enhancing the natural environment) seeks to improve the Borough's natural environment and avoid harmful impact on the landscape and its setting.

2.2.3 (7.3) Chapter 10 of the ES (Document reference 6.1, version number 0, dated 30 April 2019) assesses the landscape and visual impacts during the construction and operation of the proposed development. Methodology and baseline assessments are considered appropriate and in line with current industry guidelines and best practice. In addition, existing viewpoints (Document reference 6.3 – ES Figures: Chapter 10, version number 0, dated



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30 April 2019) and photomontages (Document reference 6.12: Photomontages, version number 0, dated 30 April 2019) have been produced to assist in the assessment of the visual impacts.

- 2.2.4** (7.4) The area surrounding the principal application site is predominately a mix of residential, industrial and port uses. Residential properties and retained historic features create a much more human scale street scene, allowing for long distance views along roads and between buildings. The demolition of buildings to facilitate the introduction of the proposed bridge and associated infrastructure, by virtue of its nature and scale will have a noticeable impact on the landscape character of the surrounding area.
- 2.2.5** (7.5) It cannot be denied that there will be changes to the area, both during construction and in operation. However, the proposal has the potential to have a beneficial effect on the area, which is considered to be degraded and lacks a sense of place.
- 2.2.6** (7.6) Subject to finalising the approach to detailed design and a landscaping scheme, it is considered that with the appropriate wording of Requirements 4 (design of authorised development) and 6 (landscaping scheme) of the draft DCO, the impacts can be minimised and acceptable mitigation proposed where possible.

### **Applicant's Response**

- 2.2.7** As noted in Paragraph 7.3 of NCC's LIR (Planning Inspectorate Reference REP2-018), the Townscape and Visual Impact Assessment ('TVIA') methodology, as outlined in Sections 10.4 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) is in line with industry guidance (i.e. the Guidelines for Landscape and Visual Impact Assessment (2013)) and best practice and, as such, is considered appropriate.
- 2.2.8** With regard to Paragraph 7.4 to 7.6 of NCC's LIR, the TVIA, as presented in Paragraph 10.4.19 of the ES undertook an operational assessment of the potential for significant effects on the year of opening and after 15 years of operation. At year 1 there will be no greater than slight adverse effects on townscape and moderate adverse (significant) during operation. The other townscape effects are all anticipated to be beneficial or neutral. By year 15 all mitigation will have been established and as a result no significant adverse effects on views are predicted (paragraph 8.1.5, Environmental Statement (Non-Technical Summary) (Document Reference 6.5, Planning Inspectorate Reference APP-176). In line with the above, the Applicant considered Requirements 4 and 6 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020) to be appropriate means of addressing any residual concerns and the Applicant is continuing to discuss the drafting of Requirements 4 and 6 with the County Planning Authority with a view to reaching an agreed position.

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## 2.3 Historic Environment

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### LIR Comment

- 2.3.1 (8.2) The views in terms of harm to heritage assets and/or their settings are those of the County Council and mostly mirror those set out in the ES. It is considered that any harm caused to heritage assets by the construction and use of the roads and bridge is outweighed by the public benefits resulting from their use (see below, paragraph 8.7).

### Applicant's Response

- 2.3.2 The Applicant acknowledges that NCC's LIR (Planning Inspectorate Reference REP2-018) aligns with the conclusions of the cultural heritage assessment undertaken and presented in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) and that the public benefits the Scheme would deliver outweigh the less than substantial harm to heritage assets that would result.

### LIR Comment

#### *Listed Buildings*

- 2.3.3 (8.3) It is considered that the proposal for a new bridge and associated road infrastructure will affect the setting of the below listed buildings:
- The Dolphin Public House (Grade II);
  - Gas holder, Barrack Road (Grade II); and
  - Nelson's Monument (Grade I).
- 2.3.4 (8.4) The Dolphin Public House formerly, the Fish Wharf Refreshment Rooms, was constructed in the early 20th century in a distinctive style including marine themed decorative tiles. The eastern side of the new bridge and road connecting it to South Denes Road will pass within approximately 20m of this building. The Dolphin was constructed within an industrial fishing port. Many of the other buildings and structures associated with the Fish Wharf have been changed and renewed during the 20th century. Although the effect of the new bridge and road on the setting of this designated heritage asset will be considerable the overall effect is considered to be neutral. The building has been disused and boarded up for a number of years. Construction of the new bridge and roads may offer opportunities to repurpose this building characteristic of Great Yarmouth's townscape and early 20th century architecture.
- 2.3.5 (8.5) The gas holder on Barrack Road is of late 19th century date and is located approximately 150m east of the proposed development.

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Construction of the bridge and road will have negligible long-term effect on the height and prominence of this industrial structure, which constitutes an important part of its setting. The effect on the setting of this heritage has been judged to be moderate adverse within the ES.

**2.3.6** (8.6) Nelson's Monument is located approximately 700m southeast of the new bridge and road. It was constructed in 1817, more than 20 years before Nelson's Column in London. When raised it is considered the new bridge will affect the setting of this designated heritage asset, but no more than a number of other existing buildings and structures in the South Denes area.

**2.3.7** (8.7) When considering this in the context of national and local heritage related planning policies, overall the effects on the setting of the heritage assets is considered by the County Council to be less than substantial harm, weighed against the public benefits, which are considered to:

- Ensure optimum viable use;
- Generate employment during construction;
- Increase economic activity in the Borough after construction;
- Continue to develop Great Yarmouth as a centre for both offshore renewable energy and the offshore oil and gas industry;
- Enhance the port role as an international gateway;
- Improve local access and strategic connectivity; and
- To improve access to the peninsula for road and other users.

### **Applicant's Response**

**2.3.8** The Scheme would deliver substantial public benefits which outweigh the less than substantial harm to Grade I Nelson's Monument (NHLE 1246057) and Grade II Listed Gas Holder (NHLE 1096789). No harm is anticipated with regards to the Grade II The Dolphin Public House (NHLE 1096829). As set out in section 9.2 of the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188), the benefits associated with the Scheme are significant. The total scheme Present Value of Benefits is calculated at £297,294,000 (2010 prices) for the core scenario. The adjusted Build Cost Ratio for the core scenario is 2.7 which represents high Value for Money under all scenarios.

**2.3.9** In addition to those benefits noted within the LIR, the Scheme would: support Great Yarmouth in enabling the delivery of renewable energy NSIPs; support and promote economic and employment growth (particularly in the Enterprise Zone); support the regeneration of Great Yarmouth including the town centre and seafront, helping both the visitor and retail economy; improve regional and local access by enhancing the resilience of the local road network, reducing congestion and improving journey time reliability;

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improve safety and to reduce road casualties and accidents, in part by reducing heavy traffic from unsuitable routes within the town centre; improve access to and from the Great Yarmouth peninsula for pedestrians, cyclists and buses, encouraging more sustainable modes of transport and also reducing community severance; and protect and enhance the environment by reducing emissions of greenhouse gases and minimising the environmental impact of the scheme.

### LIR Comment

#### *Conservation Areas*

- 2.3.10 (8.8) Whilst the principal application site does not lie within a Conservation Area, two of the satellite application sites lie within the Saint Nicholas/Northgate Conservation Area and one lies partly within the Hall Quay/South Quay Conservation Area. Overall the impact of the installation of the new signage within the existing urban setting is considered to constitute less than substantial harm to the Conservation Areas (see below, paragraph 8.10).

### Applicant's Response

- 2.3.11 Section 1.1.13 of the HEDBA (Document Reference 6.2, Planning Inspectorate Reference APP-124) identifies that the Satellite Application Sites on North Quay and Fuller Way are located in the St Nicholas and Northgate Conservation Area and the Satellite Application Site on Yarmouth Way lies between the King Street and the Hall Quay South Quay Conservation Areas. Section 5.6 of the HEDBA (Document Reference 6.2, Planning Inspectorate Reference APP-124) discusses the value of the St Nicholas and Northgate Conservation Area in detail and concludes that the value of the historic landscape is judged to be low to negligible, the magnitude of the effect of the Scheme is considered to be minor and is therefore scoped out for further assessment. Section 8.5 of the HEDBA discusses the potential impacts on the Hall Quay South Quay Conservation Area as a high value asset. Within Section 8.5 of the HEDBA during both the construction and operational phases the impact are judged to be negligible and the effects slight adverse. Furthermore, Paragraph 9.3.17 of the HEDBA notes that the change, as a result of the Scheme will not impact on the architectural and historic interest of the Hall Quay South Quay Conservation Area and there will a very limited change in the contribution of the setting, thus the impacts will be less than substantial harm.

### LIR Comment

#### *Non-Designated buildings*

- 2.3.12 (8.9) To facilitate the proposed development will require the demolition of a number of brick-built terraced houses of late 19th century date. The loss of

these properties is permanent and irreversible. However, these are considered to be low value non-designated Heritage assets whose loss can be mitigated through a programme of historic building recording of a sample of them prior to the commencement of any demolition.

### Applicant's Response

- 2.3.13** A detailed assessment of the built heritage assets within the Scheme is presented in Section 7 of the Historic Environment Desk-based Assessment (HEDBA) (Document Reference 6.2, Planning Inspectorate Reference APP-124) and includes the late 19th century terraces off Southtown Road and Queen Anne's Road (WSP04 and WSP06). The assessment of the value of these heritage assets is presented in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), notably paragraphs 9.5.38 to 9.5.44, and the effects (before mitigation) are judged to be moderate adverse (significant). Mitigation in the form of a Level 1 historic building assessment before demolition is outlined in paragraph 9.9.17 of the ES and detailed in Section 4.2 of the Written Scheme of Investigation (WSI) (Document Reference 6.9, Planning Inspectorate Reference APP-180). With this mitigation in place, effects are reduced to slight adverse (not significant). Such mitigation is secured by Requirement 13 (Schedule 2, Draft DCO, Document Reference 3.1, Planning Inspectorate Reference APP-020).

### LIR Comment

*Designated Heritage assets within the medieval town of Great Yarmouth*

- 2.3.14** (8.10) The proposed development includes the installation of Variable Message Signs (VMS) at six (satellite) locations, three within the medieval walled town of Great Yarmouth in proximity to various designated heritage assets. Overall the impact of the installation of the new signage within the existing urban setting is considered to constitute less than substantial harm to the settings of the built heritage assets. The impact on below ground archaeology will be negligible.

### Applicant's Response

- 2.3.15** Section 7.2 of the HEDBA (Document Reference 6.2, Planning Inspectorate Reference APP-124) identifies two built heritage assets which have the potential to be impacted through a change in setting as a result of the Variable Message System installations. These assets are the Scheduled Monument 'Medieval Town Walls' (NHLE 1003782) and the Grade I Listed 'The Tolhouse' (NHLE 1245560). Paragraph 9.5.2 of the HEDBA confirms that the Scheme would result in no harm to the Medieval Town Walls and less than substantial harm to The Tolhouse. The assessment of the value of these heritage assets is presented in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), notably paragraphs 9.5.25 and 9.4.6, respectively. The effects (before mitigation) are

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judged to be slight adverse (not significant) during both the construction and operational phases due to the negligible change.

### LIR Comment

#### *Archaeology*

- 2.3.16** (8.12) The deposits of Breydon peat located below the western section have been identified as medium to high potential to contain paleo-environmental remains. These deposits are deeply buried, being overlain by more than 5m of made ground and Breydon formation alluvium. An additional borehole is to be sunk under the supervision of a geoarchaeologist or paleo-ecologist with the specific aim of obtaining samples for paleo environmental analysis and radiocarbon 14 dating. The impact the construction of the new road will have on the Breydon peat formations will depend on the details of the methods of construction to be used. It is likely that the paleo-environmental work described above will constitute the totality of the evaluation/mitigation work required in relation to the Breydon peat. Currently available information indicates that the made-ground deposits on the western side of the Yare are of no archaeological significance.
- 2.3.17** (8.13) On the eastern side of the Yare the lower elements of the 2.0m of made ground and the alluvial deposits beneath the made ground may be of archaeological and paleoenvironmental significance. Further investigation in the form of one or more shored archaeological mitigatory trenches will be required. The exact location and nature of this work will need to be determined based on a consideration of more detailed information on design and construction methods and is secured through Requirement 6 (archaeology) of the draft DCO.

### Applicant's Response

- 2.3.18** The programme of archaeological mitigation will be informed by the results of the post-consent intrusive archaeological works. The scope of these works is outlined in the Written Scheme of Investigation (WSI) (Document Reference 6.9 / Planning Inspectorate Reference APP-180) pursuant to Requirement 13 (Schedule 2, Draft DCO, Document Reference 3.1, Planning Inspectorate Reference APP-020). The WSI outlines the approach to the investigation of buried heritage assets and palaeoenvironmental to ensure any heritage assets that would be lost as result of the Scheme will be recorded according to the accepted professional standards (as described in paragraphs 4.8.1 and 4.7.1 of the WSI). The detailed design for Scheme will be available post DCO consent, at this stage the proposed trench locations and the required depths of excavations will be determined. When the detailed design is available, in accordance with the WSI, Method Statement(s) will be produced which will set out in the detail the scale and scope of the investigation, inclusive of trench

locations and excavations depths. In accordance with Requirement 13 of the draft DCO, the Method Statement(s) will be prepared in consultation with Norfolk County Council's Historic Environment Team. This consultation process will ensure that preferred methodologies can be appropriately incorporated (i.e. excavation depths of 2.0m).

- 2.3.19** Following the completion of the pre-construction intrusive archaeological works, a separate WSI will be produced. This will set out the approach and scope of archaeological mitigation for the construction phase of the Scheme. The separate WSI will also be prepared in consultation with Norfolk County Council's Historic Environment Team as set out in paragraph 1.1.6 of the Written Scheme of Investigation (WSI) (Document Reference 6.9 / Planning Inspectorate Reference APP-180).

## **2.4 Flood Risk (including surface water flooding)**

### **LIR Comment**

- 2.4.1** (9.3) The whole area of the principal application site, and three satellite application sites (Sheets 1 to 5 on General Arrangement Plans Document 2.2, version number P00, dated 30 April 2019) are located within two Critical Drainage Catchments (CDC's) defined by the LLFA in partnership with Great Yarmouth Borough Council, Anglian Water (AW) and the EA. These are Claydon, Southtown and Cobham on the west of the River Yare and South Yarmouth on the east of the Yare. These can be viewed at <https://www.norfolk.gov.uk/-/media/norfolk/downloads/rubbish-recycling-planning/flood-and-watermanagement/ncc-llfa-critical-drainage-catchments-2019.pdf>. CDC's are local areas where significant properties are at risk of flooding and have experienced flooding in the past where a co-ordinated approach to flood risk management would be beneficial. Attached are figures 1 and 2 (from Appendix F of the LLFA Surface Water Management Plan (Stage 2- July 2014)) to assist with the understanding of the CDC's and possible options for future flood risk management. It is recommended that the Applicant should consult these to understand the complex local risk of flooding and potential benefit the proposed development of the site could have. It should be noted that these CDC's were originally called Critical Drainage Areas (CDA's), but all references should be read as CDC.

### **Applicant's Response**

- 2.4.2** Appendix 12A of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-134) sets out the legislation, policy (national and local) and guidance considered as part the assessment of flood risk. This includes the Great Yarmouth Local Plan: Core Strategy 2013-2030 and the First Draft Local Plan (Policy CS13). As noted in Table 1.2, this included the Great Yarmouth Strategic Flood Risk Assessment (2017) and the Norfolk Local Flood Risk Management Strategy (2015). The Great

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Yarmouth Strategic Flood Risk Assessment provided information on flood risk at the local scale in Great Yarmouth which includes all sources and known flooding within the Claydon, Southtown and Cobham and South Yarmouth Critical Drainage Catchments. The findings of the flood risk assessment are presented in Section 6 of Appendix 12B (Document Reference 6.2, Planning Inspectorate Reference APP-135).

- 2.4.3 In addition, pursuant to Requirement 10(1) (Schedule 2, Draft DCO, Document Reference 3.1, Planning Inspectorate Reference APP-020) no part of the authorised development is to commence until the details of the proposed drainage system have been submitted for the approval of the county planning authority, following consultation with Great Yarmouth Borough Council, the lead local flood authority and the Waveney, Lower Yare & Lothingland Internal Drainage Board (IDB) (and Revision 2 of the draft DCO now requires Anglian Water to be consulted in respect of its sewerage functions). Furthermore, Requirement 10(1) requires that the drainage system submitted for approval by the county planning authority must be in accordance with the submitted Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136).

#### LIR Comment

- 2.4.4 (9.4) Various historical records of flooding in the area are publicly available. The records that are near or are within the catchment of the Order Limits include flooding in:
- 2006 (figure 3);
  - Between 2016 and 2013 (figure 4);
  - Properties in 2014;
  - 14 properties in 2016 (figure 5) and;
  - Approximately 39 properties on 6 October 2019;
  - Flooding near the east side of the development in 2016;
  - Historic AW records of flooding (DG5 records) up to 2017 include 4 incidences that are within post code NR30 3 (which covers the principal application site east and west of the River Yare - noted in the applicant's Flood Risk Assessment) but also 52 incidents in NR31 8 (which includes Burgh and Beccles Road in the same hydrological catchment as the principal application site). See Appendix A.
- 2.4.5 (9.5) The Applicant's Flood Risk Assessment (FRA) has identified that there are local sources of flooding from the ordinary watercourse, groundwater, sewer and surface water flooding. However, the impact of the development changing the risk of flooding and possible mitigation required need to be included. Historical information on local sources of flooding, above, should



be considered in the FRA to inform the design of the development and mitigation, which may extend further than the principal application site. These changes may include those on the drainage design, landscaping or offsite mitigation such as compensatory flood storage on Southtown Common.

### Applicant's Response

- 2.4.6** To support the preparation of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) the Applicant has used the Ordnance Survey (OS) Address Base Data to identify receptors. The OS Address Base Data classifies all properties based on the Local Land and Property Gazetteers and OS large-scale data to identify and classify all receptors in the Great Yarmouth area. As this comprehensive database includes all properties it inherently captures those included in the Paragraph 9.4 of Norfolk County Council's Local Impact Report.
- 2.4.7** Moreover, given the fact that the cause of flooding and the scale of the flood event is generally uncertain, it is industry best practice to use OS Address Base Data and flood mapping to support flood risk assessments. The calibration of the hydraulic model which underpins the flood risk assessment (as described in Section 4.9 of Annex A to the Flood Risk Assessment) provides confidence in the flood maps and compares the baseline flood map with the 2013 tidal surge event that caused widespread flooding in Great Yarmouth between the 5th and 6th December.
- 2.4.8** The Flood Risk Assessment assesses the increase in flood risk for the scenarios listed in Section 6.2.15 and detailed in Table 6.1. Table 6.10 of the Flood Risk Assessment summarises the effects of the scheme during the 0.5% Annual Exceedance Probability. The results of the hydraulic modelling show that the Scheme is at risk of tidal flooding and has been shown to affect tidal flooding within Great Yarmouth, with two residential properties on the west bank of the River Yare experiencing moderate adverse effects with the Scheme in place. The effects of the Scheme on flood levels is detailed in Section 6 and in more detail in Annex A of the Flood Risk Assessment. The mitigation and monitoring measures for tidal flooding are presented in Section 7.2; one of the measures is the preparation and implementation of an Emergency Response Plan for flooding. The Emergency Response Plan is included in the Outline Code of Construction Practice ('Outline CoCP') (Document Reference 6.16, Planning Inspectorate Reference APP-187) and thus is pursuant to Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020).
- 2.4.9** The Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136) explains how surface water will be managed. Embedded mitigation is included in the design of the Scheme to reduce the risk of surface water flooding to the Scheme and prevent an

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increase in surface water runoff as a result of the Scheme. The embedded mitigation is detailed in Section 7.3 of the Flood Risk Assessment. At this stage the preferred option to manage runoff from the Scheme is to discharge to the IDB watercourses and Anglian Water sewers. However, discharging to the River Yare has not been ruled out to allow flexibility in the drainage design for the Scheme. Where it is proposed to discharge into Anglian Water sewers, the runoff rates will be restricted to Anglian Water requirements to ensure the Scheme does not lead to sewer flooding. The use of any SuDS features within the Scheme is dependent on the site constraints and underlying ground conditions. The Drainage Strategy document considers this in detail and discusses the proposed embedded mitigation for additional surface water runoff. The proposed SuDS features to be used as part of the Scheme are detailed further in the Drainage Strategy and Requirement 10 of the draft DCO ensures that the detailed surface water drainage scheme submitted for approval accords with the Drainage Strategy.

- 2.4.10** As noted in Paragraph 6.4.3 of the Flood Risk Assessment, given the distance of the reported sewer flooding incidents in Great Yarmouth from the Scheme, flood risk to the Scheme from sewers is considered negligible. The Drainage Strategy provides details on discharges from the Scheme to Anglian Water sewers. Discharge rates have been agreed with Anglian Water to ensure there is no increase in sewer flooding as a result of the Scheme.

#### **LIR Comment**

- 2.4.11** (9.6) The Strategic fluvial and coastal flood risk set out in the applicant's FRA, will be reviewed by the EA. From review of the relevant representation submitted by the EA dated 31 July 2019 and the Statement of Common Ground (Document reference NCC/GY3RC/EX/010 Appendix C of the Statements of Commonality, dated 8 October 2019) prepared between the Applicant and the EA, it is noted that the EA have not accepted the Applicant's FRA, and that this issue is currently under discussion.

#### **Applicant's Response**

- 2.4.12** Further to the ongoing discussions on the Flood Risk Assessment, Environmental Statement - Appendix 12B (Document Reference 6.2, Planning Inspectorate Reference APP-135) and the associated modelling with the Environment Agency, the Applicant undertook further sensitivity modelling to address the concerns raised by the Environment Agency. The further sensitivity modelling and a memorandum explaining how the Applicant has addressed each concern of the Environment Agency's concerns was submitted to the Environment Agency on the 21<sup>st</sup> and 22<sup>nd</sup> October 2019.

2.4.13 The further sensitivity modelling was supplementary to that presented in the Flood Risk Assessment. The conclusions of the Flood Risk Assessment remain as presented in the application documents.

2.4.14 On the 13<sup>th</sup> November 2019 the Applicant welcomed the receipt of two additional comments from the Environment Agency in relation to the further sensitivity modelling matters. A response to one of these comments was provided on the 15<sup>th</sup> November 2019. With regards to the second comment, the Applicant has commenced the further sensitivity modelling for the T1000 event (as requested). The Applicant will be providing the further sensitivity modelling to the Environment Agency prior to the end of November 2019.

### LIR Comment

#### *Ordinary Watercourse Flood Risk*

2.4.15 (9.7) There is no flood risk mapping available for the ordinary watercourse in its own right, this is because it is less than 3km<sup>2</sup> and not included in the national model for fluvial flooding by the EA. However, this does need to be provided through appropriate revision of the FRA and modelling by the Applicant to show Flood Zone 2 and 3 of the Ordinary Watercourse. Any like for like mitigation required should be positioned as close as possible to the loss of any floodplain. Occasionally the EA Risk of Surface Water mapping can be used as a proxy as it indicates low ground where a small ordinary watercourse may be. It is not recommended this is used in this instance, as it will be very unreliable in a heavily urbanised area that is very flat in topography and contains many structures such as culverts.

### Applicant's Response

2.4.16 As noted in Paragraph 6.2.1 of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) according to the EA Flood Map for Planning the Scheme is considered to be at high risk of tidal flooding and is not considered to be at risk of flooding from rivers. Further to the review of the available mapping impacts of flood risk from rivers to the Scheme was considered as part of the hydraulic assessment. Such impacts were found to have a negligible impact on flooding from rivers. Therefore, in accordance with Paragraph 6.2.18 of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) only tidal scenarios were considered in further detail; this approach was agreed with the Environment Agency.

### LIR Comment

#### *Surface Water Flood Risk*

2.4.17 (9.8) EA Risk of Surface Water Flood Map shows the surface water flood risk for 3.33% Annual Exceedance Probability (AEP) (1:30 year), 1% AEP (1:100

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year) and 0.1% AEP (1:1000) in the area and can be viewed in Plate 6.1 of the FRA. The new bridge, embankment and other infrastructure will be placed in areas where identified existing surface water flood risk will be displaced. However, the Great Yarmouth Strategic Flood Risk Assessment has mapped this 1% AEP plus 40% climate change and the application site can be viewed on tile GY\_16

<https://www.broadsauthority.gov.uk/planning/planning-policies/sfra/sfra>. This information is not included in the applicant's FRA and maybe useful to help determine the possible impacts of the proposed development and inform any possible mitigation measures required. The impact of the displacement of water on both the east and west side of the development should be assessed, and any mitigation required identified.

### Applicant's Response

- 2.4.18 Further to the Applicant's previous response to Paragraph 9.7 of Norfolk County Council's Local Impact Report, the flood risk from surface water runoff was assessed as part of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135). In accordance with Paragraph 6.3.1 of the Flood Risk Assessment the assessment was informed by the Environment Agency web-based map: Risk of Flooding from Surface Water. Further details on the assessment and the proposed mitigation and monitoring measures are included in Section 7.3 of the Flood Risk Assessment. Furthermore, Section 6.2 and 6.3 of the Flood Risk Assessment describes climate change scenarios assessed and the rainfall intensities assessed, respectively.

### LIR Comment

#### *Sewer Flood Risk*

- 2.4.19 (9.9) Flooding, as defined by the Flood & Water Management Act 2010, includes precipitation induced sewer flooding. This is within the remit of the Water and Sewerage Undertaker, AW and mitigation should be agreed on how this will impact their network. The Applicant should still demonstrate how any drainage scheme connecting to this network would not increase the risk of flooding.

### Applicant's Response

- 2.4.20 Sections 2.3.6 and 2.4.3 of the Drainage Strategy explain that discharge rates will be limited, as close as practical, to the greenfield runoff scenario for all events up to and including the 1 in 100 year return period (1% AEP) event for both the eastern and western sides of the Scheme. Sections 2.3.15 and 2.4.13 of the Drainage Strategy also outline how the discharge (SuDS) hierarchy has been followed in defining the drainage strategy for the eastern and western sides of the Scheme. In relation to the proposed outfall into the AW sewer on the eastern side of Scheme AW have undertaken modelling

which allowed for a 10l/s discharge into their combined sewer system; AW also estimated that discharging at this rate could lead to an increase in flooding from their system of 5m<sup>3</sup>. To address any potential flooding, should a greenfield discharge rate not be practical, the detailed design will include mitigations, to limit the overall impact of the scheme at source, including the attenuation storage options outlined in Section 2.4.15 of the Drainage Strategy, compliance with which is secured through requirement 10 of the draft DCO.

### LIR Comment

#### *Groundwater Flood Risk*

- 2.4.21 (9.10) Groundwater flooding has been considered by the Applicant and it is accepted that groundwater may be close to the surface due to the proximity to the Sea with which it naturally interacts. Any works such as large-scale piling will need to be considered so as not to cut off groundwater flow paths discharging to the sea or create spring lines e.g. as part of the embankment construction. It is welcomed that the drainage scheme may be lined where appropriate to prevent groundwater ingress.

### Applicant's Response

- 2.4.22 As confirmed in Section 1.5.3 of the Drainage Strategy all drainage features will be designed and constructed with consideration of the shallow groundwater levels and flow paths in the area. Drainage features will be lined where necessary to prevent surface and groundwaters coming into direct contact with each other. Section 6.2 of the Outline Code of Construction Practice (OCoCP) for the Scheme outlines the groundwater mitigations that will be put in place during construction. These measures include, following the Environment Agency's Approach to groundwater protection guidance (Ref. 6) to avoid saline water spread in the aquifers and risks to the groundwater abstractors during dewatering of excavations.

### LIR Comment

#### *Conclusion of FRA on Local Flood Risk Impacts*

- 2.4.23 (9.11) The impacts of all sources of flooding should be considered. The timing of the peak of the hydrograph (peak water level in response to rain) of the small watercourse and potential surface water flooding (and drainage scheme of the development) is different to that on the Strategic River Yare and Coastal Flooding. The County Council as LLFA recommends further evidence is produced to enable the Examining Authority (ExA) to consider the impacts and potential mitigation required to prevent the increase risk of flooding locally. The FRA indicates that mitigation for any impact from the development will be through the implementation of a SuDS scheme on the application site. Whilst this may mitigate additional permeability of the

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development, the County Council as LLFA recommends further information be provided to the ExA to demonstrate the potential impacts from removing possible flood storage areas adjacent to the Ordinary Watercourse, a key drainage route for the upstream catchment to the south and west. There is no evidence to suggest only runoff from the adjacent area (to be built on by the development) will be stored here and nothing will be conveyed from the upper catchment and stored on the site prior to passing downstream. Available historic information should be used to corroborate the predicted risk (as shown on the EA Risk of Surface Water Flooding Maps elsewhere). It is also recommended that the Applicant should provide evidence to demonstrate the proposed development will not increase the risk of flooding elsewhere or require mitigation to do so. This information would also inform the design of the drainage scheme to ensure it considers flooding constraints and will function as expected.

### Applicant's Response

**2.4.24** The Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) has been prepared in accordance with the legislation, policy (national and local) and guidance outlined in Appendix 12A of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-134). The Flood Risk Assessment has considered flood risk from the following sources:

- Rivers and sea;
- Surface water;
- Sewers;
- Groundwater; and
- Artificial sources.

**2.4.25** Further details of each assessment are provided in Section 6 of the Flood Risk Assessment.

**2.4.26** The Great Yarmouth Strategic Flood Risk Assessment (2017) was one of the key local documents considered in the preparation of the assessment. The Great Yarmouth Strategic Flood Risk Assessment (2017) concluded that tidal flooding is the most significant flood risk locally. As noted in Paragraph 5.1.14 of the Flood Risk Assessment the areas at risk from surface water flooding, notably roads, are located in the outer suburbs of Great Yarmouth, and therefore are not associated with the Scheme. Moreover, as noted in Paragraph 5.1.15 of the Flood Risk Assessment, historic surface water flooding was mainly attributed to heavy rainfall events which caused pumping stations to fail and the drainage capacity to be exceeded.

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- 2.4.27** The River Yare is tidally dominated and, as noted, the main risk of flooding to Great Yarmouth is tidal. The Broadlands river network is also tidally dominated, therefore the same approach as used for the Environment Agency's 2011 hydraulic model was used to ensure consistency (i.e. nominal fluvial base flows were applied). The 2011 hydraulic model used catchment descriptors to produce a hydrograph for the fluvial inflows but then scaled them by 0.001 to input nominal fluvial base flows. The 2011 Report which accompanied the 2011 hydraulic model recognised that the "... Yare and Bure rivers are tidally dominated, and fluvial flows have very little effect on the water levels".
- 2.4.28** Annex A of the Flood Risk Assessment presents the details of the hydraulic model and Section 4.2.1 of the Flood Risk Assessment details the domain of the model which extends from the western edge of Breydon Water to the mouth of the River Yare where the river discharges into the sea. The storage potential of Breydon Water and the northern floodplain has been included in a 1D domain linked to the 2D domain. Ordinary watercourses and their floodplains are incorporated in the 2D domain and hence any impact of tidal locking or reduced flood storage during design flood events have been incorporated in the hydraulic model. The results of the modelling, as depicted in Table 5.2 of the Flood Risk Assessment, indicate a reduction in water level at all assessed locations with the exception of a localised area between Common Road and the A47. Mitigation and monitoring measures at this location are discussed in Section 7.2 of the Flood Risk Assessment.
- 2.4.29** As described in Section 5.1 and Section 5.2 of the Flood Risk Assessment available previous studies and historic information have been used to corroborate the predicted flood risks.
- 2.4.30** With reference to the management of waters, the Applicant has prepared and presented a Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136) which incorporates appropriate embedded mitigation measures. The Drainage Strategy will be developed further at the detailed design stage. Pursuant to Requirement 10(1) (Schedule 2, Draft DCO, Document Reference 3.1, Planning Inspectorate Reference APP-020) no part of the authorised development is to commence until the details of drainage system have been approved by the county planning authority, following consultation with Great Yarmouth Borough Council, the lead local flood authority and the Waveney, Lower Yare & Lothingland IDB (revision 2 of the DCO submitted at Deadline 3 also requires Anglian Water to be consulted). In addition, Requirement 10(1) requires that the drainage system submitted for approval by the county planning authority must be in accordance with the submitted Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136).
- 2.4.31** One of the key requirements of the Drainage Strategy is that the design should comply with the design parameters and design standards set out in

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Sections 1.5 and 1.6. With respect to the Western side of the Scheme, paragraph 2.3.6 of the Drainage Strategy, specifically requires the drainage system to limit run-off and rates as close as practical, to the greenfield runoff scenario for all events up to and including the 1% AEP event. Where this not achievable the post development runoff rates and volumes should not exceed existing scenario values. The requirement for the drainage design to achieve these rates remains even were existing storage to be lost to the Scheme.

### LIR Comment

#### *Conclusion of the Drainage Scheme on Local Flood Risk Impacts*

- 2.4.32** (9.12) The submitted Drainage Strategy should have initial baseline data to assess the likelihood of meeting the National Standards, including:
- Existing brownfield runoff rates and volumes for the 100%AEP (1:1 year), 3.33% AEP (1:30 year) and 1%AEP (1:100 year) runoff rate for the west side. A single runoff rate of 101l/s calculated for the 1% AEP (1:100 year) 6 hour event would not be equivalent to what would be discharged at the 1:1 year event. (ref section 2.3.12 of the Drainage Strategy: Document 6.2 ES volume II Appendix 12C);
  - Considering historical flooding in the area Greenfield runoff rates (1.2l/s) and volumes should be attained to meet National SuDS Standards for entirely new impermeable area on the eastern side of the bridge;
  - The SuDS hierarchy for source control, site control, should be considered and evidenced to be discounted prior to requesting AW control the water in a regional sewer network (connection of 10l/s on the eastern side). The impacts of increasing runoff at 10l/s is to add an additional volume of flooding by 5m<sup>3</sup> to sewer flooding already modelled to occur in the area. (ref Appendix A of Statement of Common Ground with AW (Appendix N of the Statements of Commonality, dated 8 October 2019);
  - Provide consistent information within the FRA and the Drainage Strategy e.g. greenfield runoff rates in the FRA for Qbar are 25.20 l/s for the whole application site, however the drainage strategy states a total of Qbar of 6.2 l/s for the whole application site (west side of the application site is 5l/s and the east side is 1.2l/s).
- 2.4.33** (9.13) The LLFA would recommend that the post development runoff rates and volumes, SuDS design, water quality, management and maintenance plan to be provided by Requirement as indicated within the Statement of Common Ground with the LLFA (Document reference NCC/GY3RC/EX/010 Appendix D of the Statements of Commonality, dated 8 October 2019).



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**2.4.34** (9.14) The County Council understands that the Applicant is in discussion with both the LLFA and EA regarding outstanding flood risk issues and wishes to be kept informed on any changed or detailed drainage design. Subject to satisfactory resolution of the matters, it is considered that surface water drainage can be dealt with through appropriate wording of Requirement 10 (surface water drainage) in the draft DCO.

### **Applicant's Response**

**2.4.35** The Applicant has provided an update on the discussions with the Environment Agency regarding flood modelling in response to Paragraph 9.6 of Norfolk County Council's Local Impact Report. With regards to the Lead Local Flood Authority, all of the items listed in Paragraph 9.12 are covered in the Drainage Strategy. Discussions continue with the Lead Local Flood Authority with regards to the information presented within the Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136). In direct response to the points raised as part of Paragraph 9.12 to 9.14 of Norfolk County Council's Local Impact Report:

- Existing brownfield runoff rates and volumes have been provided to the LLFA. Sections 2.3.6 and 2.4.3 of the Drainage Strategy explain that discharge rates will be limited, as close as practical, to the greenfield runoff scenario for all events up to and including the 1 in 100 year return period (1% AEP) event. Where this is not achievable, as may be the case on the eastern side of the Scheme, the post development runoff rate should not exceed 10l/s as defined by AW. The detailed design will include mitigations, to limit the overall impact of the scheme at source, including the attenuation storage options outlined in Sections 2.3.16 and 2.4.15 of the Drainage Strategy.
- The detailed design will include mitigations, in relation to existing and historical sources of flood risk, to limit the overall impact of the scheme at source, including the attenuation storage options outlined in Sections 2.3.16 and 2.4.15 of the Drainage Strategy.

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- The discharge (SuDS) hierarchy has been followed in defining the drainage strategy for the eastern and western sides of the Scheme; as explained in Sections 2.3.15 and 2.4.13 of the Drainage Strategy. Sections 2.3.6 and 2.4.3 of the Drainage Strategy explain that discharge rates will be limited, as close as practical, to the greenfield runoff scenario for all events up to and including the 1 in 100 year return period (1% AEP) event. For the 1 in 30 year (3.33% AEP) modelling that AW undertook for the eastern side of the Scheme, which allowed for a 10l/s discharge into their combined sewer system, AW estimated there could be an increase in flooding from their system of 5m<sup>3</sup>. The detailed design will include mitigations, to limit the overall impact of the scheme at source, including the attenuation storage options outlined in Sections 2.3.16 and 2.4.15 of the Drainage Strategy.
- 2.4.36** The FRA addresses all potential sources of flooding as discussed in Section 6.1 of the FRA. With respect to surface water the FRA takes a strategic approach to assessing the impact on surface runoff and provides an initial high-level assessment of runoff rates based on the whole red-line boundary of the Principal Application Site. The Drainage Strategy refines these initial runoff and volume values by focussing on individual catchment areas and runoff rates to be drained (see Figures 12C.1 and 12C.2 of the FRA). The assessment in the FRA is conservative to understand the worst case. More refined details of Scheme runoff rates, attenuation and discharge volumes will be provided following the completion of the detailed design

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## 2.5 Biodiversity

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### LIR Comment

#### *Statutory and Non-Statutory Designated Sites*

- 2.5.1 (10.8) Stage 1 of the Habitats Regulations Assessment (HRA) concludes that, in the absence of mitigation, increases in sediment deposition and water pollution resulting from construction and/or operation have the potential to affect habitats of the Outer Thames Estuary SPA; Breydon Water SPA/Ramsar and Southern North Sea SAC. An assessment of the implications was undertaken (Stage 2 HRA), in order to inform an Appropriate Assessment (AA).
- 2.5.2 (10.9) Stage 1 of the HRA also concluded that the scheme does not have the potential to give rise to other adverse effects on any European sites, their qualifying resources or impact the conservation objectives, alone or in combination with other schemes.
- 2.5.3 (10.10) Stage 2 of the HRA concluded that, with appropriate mitigation measures to reduce pollution and sediment, (detailed in the outline Code of Construction Practice (CoCP)) the proposed scheme will not give rise to any likely significant effects that would affect the integrity of any European sites, alone or in combination. Natural England will comment on the appropriateness of the HRA.
- 2.5.4 (10.11) The County Council notes the Stage 2 HRA is based on breeding bird surveys and draws conclusions for wintering bird species for which the SPA/Ramsar sites are notified. In the absence of data, the assessment assumes potential for the displacement of wintering birds resulting from construction and operation activities and acknowledges that habitats onsite are not suitable for wintering or breeding birds for which the SPA/Ramsar sites are notified. The County Council concur with this assessment.

### Applicant's Response

- 2.5.5 The Applicant welcomes NCC's conclusion that the Habitats Regulations Assessment (HRA) (Document Reference 6.11, Planning Inspectorate Reference APP-182) is sufficient and that the conclusions of the assessment are appropriate.

### LIR Comment

#### *NO<sub>x</sub> – (Terrestrial Environment)*

- 2.5.6 (10.12) Chapter 6 of the ES (Document reference 6.1, version number 0, dated 30 April 2019) states that the Lowland Neutral Grassland of Breydon Water SSSI is sensitive to Nitrogen oxide deposition (6.8.40). The report

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concludes that the annual mean NO<sub>x</sub> objective of 30 µg/m<sup>3</sup> at Breydon Water SSSI, SPA and Ramsar, will not be exceeded (6.8.39) (see Table 6.19). No mitigation measures are proposed. The assessment demonstrates that the scheme would not result in these criteria being exceeded at any designated sites, and that effects on such sites due to nitrogen deposition would be negligible.

### **Applicant's Response**

- 2.5.7** The Applicant welcomes NCC's conclusion that the environmental assessment, as presented in Chapter 6 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), demonstrates that the Scheme does not have the potential to result in NO<sub>x</sub> criteria exceedances and that any effects associated with nitrogen deposition rates of NO<sub>x</sub> would be negligible at Breydon Water.

### **LIR Comment**

#### *Birds - Qualifying Features of SPA/Ramsar Sites*

- 2.5.8** (10.13) Breydon Water SPA/Ramsar, The Outer Thames Estuary SPA and the Broads SPA are internationally important for wintering water birds. The focus of the breeding bird surveys was the Common tern. Common tern or other water birds that qualify as features of the Breydon Water SPA/Ramsar were not noted during the 2018 breeding bird survey. It is noted that the Outer Thames Estuary SPA or Broads SPA/Ramsar are not discussed within the report, however this is considered unlikely to affect the assessment as species for which these sites are designated were not observed breeding during the 2018 survey.

### **Applicant's Response**

- 2.5.9** The connectivity between the Scheme and European sites (including the Outer Thames Estuary SPA and the Broads SPA) is fully considered within the Habitat Regulations Assessment (Document Reference 6.11, Planning Inspectorate Reference APP-182). A conclusion of no likely significant effects is reached for all features of the Outer Thames Estuary SPA and the Broads SPA.

### **LIR Comment**

- 2.5.10** (10.14) Wintering bird surveys have not been undertaken, or impacts assessed. However, industrial/urban habitats within the principal application site are unlikely to support wintering birds, for which the SPA/Ramsar sites are designated.

### **Applicant's Response**

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**2.5.11** The Applicant welcomes NCC's conclusion that the Principal Application Site is unlikely to have the potential to support wintering waterfowl. As noted in Chapter 8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), wintering waterfowl are likely to be present in the Outer Thames Estuary Special Protection Area and Breydon Water, an internationally important RSPB nature reserve, a designated Ramsar and Site of Special Scientific Interest (SSSI) but concludes that no significant effects arise from the Scheme in respect of this species at those locations.

### **LIR Comment**

**2.5.12** (10.15) Overall species recorded during the breeding bird survey reflected assemblages typical of habitat present at the site. 33 species of bird were recorded, including 7 of conservation value, either being Schedule 1 Species, UK BAP species, principal species of Importance and/or listed on the Birds of Conservation Concern (BoCC) Red list. One species of note was black redstart, a Schedule 1 species of the Wildlife & Countryside Act 1981 (as amended), which was observed during the first survey visit and it was considered that two to three territories were present.

**2.5.13** (10.16) The proposed scheme has potential to affect breeding birds and this will need to be taken into consideration, with mitigation and recommendations for restoration and enhancements incorporated within the Scheme. Additional survey work may be required depending on the start date of works to enable the identification of nesting birds and exclusion zones.

### **Applicant's Response**

**2.5.14** As part of the Environment Impact Assessment (EIA) process the Applicant undertook bird surveys in accordance with industry guidance. The results of the surveys are presented in the Bird Survey Report (Document Reference 6.2, Planning Inspectorate Reference APP-117). Mitigation measures to minimise the risk of disturbing breeding birds during the construction of the Scheme were identified in Section 8.8 of the Environment Statement (ES) (Document Reference 6.1, Planning Inspectorate Reference APP-096) and incorporated in Paragraphs 5.3.8 to 5.3.10 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187) and Section 6.3 of the Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP196). Compliance with the measures included in the Outline CoCP and the Approach to Detailed Design, are secured through Requirements 4 and 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020). The mitigation measures are inclusive of but not limited to, the provision of artificial nest sites and appropriate landscaping a watching brief for the presence of black redstart and the undertaking of vegetation clearance and demolition activities outside of black

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redstart breeding season. These mitigation measures will ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

### LIR Comment

#### *Terrestrial Environment - Protected and Species of Conservation Concern*

- 2.5.15 (10.17) The ES assessed the likely significant effects on statutory and non-statutory designated sites, important/protected habitats and legally protected species and species of conservation concern. Mitigation measures are proposed in the Outline CoCP during construction. Long term mitigation measures will be secured through the appropriate wording of Requirement 6.

### Applicant's Response

- 2.5.16 The Applicant would also like to draw attention to the provisions included within the Outline Code of Construction Practice (Outline CoCP) (Document Reference 6.16, Planning Inspectorate Reference APP-187) in relation to bats in paragraphs 5.3.5 – 5.3.7. The Outline CoCP includes a series of measures including pre-construction surveys, pre-construction emergence / re-entry surveys and control of artificial lighting during construction. The Outline CoCP is the mechanism by which the construction-related mitigation identified in the ES is secured, pursuant to DCO Requirement 5.

### LIR Comment

#### *Bats*

- 2.5.17 (10.18) Buildings within the footprint of the scheme were assessed for bat roost potential in August 2017 and November 2018 resulting in 22 buildings being identified as having low bat roost potential. Two walked transect surveys were undertaken in July and August 2017 and repeated in 2018. Five common pipistrelle bat passes and one Nyctalus sp. bat pass were recorded indicating low level use of the site. The ES concludes that it is unlikely that bats roost within these buildings and that the site is of low value for bats. In the absence of mitigation, the scheme is anticipated to have a minor adverse effect (not significant).

### Applicant's Response

- 2.5.18 The Applicant would also like to draw attention to the provisions included within the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187) in relation to bats in paragraphs 5.3.5 – 5.3.7, including the measures recommended by the surveys. The Outline CoCP is the mechanism by which the construction-related mitigation identified in the ES is secured, pursuant to DCO Requirement 5.

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## LIR Comment

- 2.5.19** (10.19) Further surveys of structures, including bridges, and any trees need to be undertaken at the appropriate time of year and the results used to assess any Likely Significant Effects and inform the requirement for an EPS mitigation licence, a licence obtained from Natural England, required by the Applicant where it is proposed to disturb, remove or damage the habitats of an EPS. Recommendations for mitigation, compensation and enhancement should be identified and incorporated within the scheme and offsite as necessary.

## Applicant's Response

- 2.5.20** As part of the EIA process the Applicant undertook preliminary bat roost surveys across 13 structures during 2017. The results of the surveys are presented in the Bat Roost Survey Report (Document Reference 6.2, Planning Inspectorate Reference APP-120). Of the 13 structures, 10 were assessed as having low roost suitability, two as having negligible roost suitability and one structure was inaccessible. Further to the Bat Roost Survey Report additional bat roost surveys of 33 structures were carried out in 2018 as recommended in the Preliminary Ecological Appraisal Update Report (Document Reference 6.2, Planning Inspectorate Reference APP-116). Of the 33 structures, 22 were assessed as having low roost suitability and 11 as having negligible roost suitability. Whilst the potential for bat roosts cannot be unequivocally ruled out in those structures with low roost suitability it is considered unlikely.
- 2.5.21** Mitigation measures to minimise the potential for disturbance to bats during the construction of the Scheme were identified in Section 8.8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), further to those bat surveys and incorporated in Paragraphs 5.3.5 to 5.3.7 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). Compliance with the measures included in the Outline CoCP, is secured through Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020). The mitigation measures are inclusive of but not limited to, emergence and re-entry surveys of the 22 structures due where the potential for a roost has not unequivocally been ruled out.
- 2.5.22** In addition, the Applicant can confirm that it has had a meeting with two County Ecologists from NCC to further undertake their queries regarding bats. This included a discussion around the Bat Roost Survey Report (Document Reference 6.2, Planning Inspectorate Reference APP-120) and the existing ecological mitigation measures contained within the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). Whilst the Applicant considers that its survey methodology is robust, the discussion culminated in the Applicant's agreement to undertake a

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further visual inspection late in 2019 of the trees which are likely to be removed as part of construction phase of the Scheme. With regards to the proposed demolition of the existing footbridge on William Adams Way, due to the open metal framed nature of the footbridge, it is considered to have low roost suitability.

### LIR Comment

#### *Water Vole*

- 2.5.23** (10.20) Water vole surveys of the principal application site were undertaken in August 2017 and 2018 and extended in 2019 to include the satellite applications sites. Water voles are present within a total of three ditches along the north of William Adams Way and on the edge of Southtown Common. The water vole population was assessed as being of national value. There is potential for significant impacts to this species resulting from contamination entering the watercourses, although the possibility of this occurring is considered low. The ES concludes that, in the absence of mitigation there would be a moderate adverse effect (significant). Works will directly affect a ditch in which water voles are present, so an EPS mitigation licence will be required. Mitigation and enhancement measures will form part of the licence application and will need to be considered within the drainage and landscaping strategies. This licence will need to be in place in advance of works and works undertaken in line with the mitigation requirements and conditions of the licence.

### Applicant's Response

- 2.5.24** Consultation between the Applicant and Natural England is ongoing. Regarding water voles, the Applicant has submitted a draft method statement devised to avoid any offence under the Wildlife and Countryside Act 1981 (as amended). The aim is to secure a Letter of No Impediment from Natural England. Relevant mitigation measures to minimise effects on water voles during the construction of the Scheme were identified in Section 8.8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) and incorporated in Paragraphs 5.3.1 to 5.3.4 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). Paragraph 5.3.2 of the Outline CoCP notes works that directly impact upon protected species, including water voles, would be subject to a mitigation or conservation licence(s) from Natural England to avoid an offence under the Wildlife and Countryside Act 1981 (as amended), the Applicant will ensure that these licences will be in place prior to the commencement of work, and work would be undertaken in line with the mitigation requirements and conditions of the licence(s). Compliance with the measures included in the Outline CoCP, is secured through Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020).



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## LIR Comment

- 2.5.25** (10.21) The potential impacts of de-watering as the method for the disposal of water and draw-down resulting from de-watering as part of the cofferdam need to be considered so that an effective mitigation strategy can be developed and incorporated within the scheme and included within the licence application.

## Applicant's Response

- 2.5.26** As part of EIA process the Applicant prepared a numeric groundwater model to determine the dewatering zone of influence and thus quantify impacts to local groundwater receptors for the proposed groundwater dewatering of the cofferdams. The impacts are described in Section 11.8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096). To summarise, it is expected that cofferdams are likely to extend beneath groundwater levels, based on the groundwater level monitoring recorded to date within the permeable superficial deposits (as described within Section 11.5). The cofferdams will be water-proofed. Paragraph 11.8.110 notes that groundwater mounding effects could arise on the hydraulically upgradient side of the cofferdams. This could lead to groundwater rise and potentially groundwater emergence. However, due to the size of the cofferdams (approximately 25m wide) and the presence of permeable superficial deposits the magnitude of impact for groundwater mounding is anticipated to be negligible as the groundwater would flow around the cofferdam. Furthermore, a number of mitigation measures to minimise the potential effects to groundwater have been included within Section 11.8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) and incorporated in Paragraphs 6.2.1 to 6.2.4 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). Compliance with the measures included in the Outline CoCP, is secured through Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020). The mitigation measures are inclusive of but not limited to, following the 'The Environment Agency's Approach to Groundwater Protection' (2018) guidance.
- 2.5.27** With specific regard to dewatering discharge, full details will be provided at the detailed design stage as part of the process for obtaining a water discharge activity environmental permit, in accordance with paragraph 4.1.4 of the Consents and Agreements Position Statement (Document Reference 7.3, Planning Inspectorate Reference APP194).

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## LIR Comment

### *Reptiles and Amphibians*

- 2.5.28** (10.22) During the PEA of the site in 2018 it was considered that reptiles and amphibians, specifically great crested newts, were unlikely to be present, and specific surveys were not recommended. Reptiles and great crested newts were therefore scoped out of EIA. However, in 2019 the potential of the site to support great crested newts was reassessed (Preliminary Ecological Appraisal Update (Appendix 8C)) and it was recommended that great crested newt surveys of watercourses to the west of the A47 (paragraph 3.2.1) be undertaken. In the PEA in 2018 the allotments were identified as suitable habitat for reptiles.
- 2.5.29** (10.23) There is therefore potential for the scheme to impact great crested newts and reptiles. Surveys for great crested newts and reptiles will need to be undertaken to enable an assessment of any likely significant impacts to be undertaken and to inform the need for an EPS mitigation licence (for great crested newts) and ensure effective mitigation strategy and enhancement measures are incorporated within the scheme.

## Applicant's Response

- 2.5.30** The Applicant has detailed its informed approach to scoping of required surveys through the Preliminary Ecological Appraisal ('PEA'): Appendix 8B: Preliminary Ecological Appraisal Report (Document Reference 6.2, Planning Inspectorate Reference APP-115) which summarises a survey undertaken in September 2016; and Appendix 8C: Preliminary Ecological Appraisal Update (Document Reference 6.2, Planning Inspectorate Reference APP-116) which updates Appendix 8A through a survey undertaken in July 2018. It is acknowledged that the signed SoCG for Natural England (Document Reference NCC/GY3RC/EX/010, Planning Inspectorate Reference REP1-004), submitted at Deadline 1, explained that the scoping out of great crested newt and reptile surveys remained under discussion with Natural England. Subsequent to this and in response to the Examining Authority's written questions (ExQ1) Natural England has accepted that no further survey work is required with respect to amphibians and reptiles (Planning Inspectorate Reference REP2-024).
- 2.5.31** In addition, the Applicant can confirm that it has had a meeting with two County Ecologists from NCC to further undertake their queries regarding reptiles, amphibians and great crested newts. This included a discussion around the existing ecological mitigation measures contained within the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). Whilst the Applicant considers that its survey methodologies have been robust, this discussion culminated in the Applicant's agreement to a number of additional precautionary mitigation measures in respect of

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reptiles, amphibians and great crested newts. These additional mitigation measures are included in Section 5 of the Outline CoCP submitted at Deadline 3.

### LIR Comment

#### *Trees*

- 2.5.32** (10.24) Trees to be removed to facilitate the development are identified in the Arboricultural Report which sets out the arboricultural implications of the construction of the proposal. There are no Category A trees (as per the categorisation method detailed in BS5837:2012 Trees in relation to design, demolition and construction– Recommendations) proposed for removal. Tree 15, a mature sweet chestnut, has been assessed to be a Category B tree of moderate quality. Group 26 and part of Group 22, assessed as Category B are also to be removed. According to BS5837:2012 these should be regarded as being of sufficient value to have material consideration through the consenting process within this scheme.
- 2.5.33** (10.25) The remaining trees and groups of trees proposed for removal were assessed to be Category C trees, deemed to be of low quality, lacking any special significance either arboriculturally, culturally or as prominent landscape features.
- 2.5.34** (10.26) Proposed landscaping secured through Requirement 6 will provide sufficient mitigation for the Category C trees and in the longer term as the landscape matures, will address the loss of the Category B trees.
- 2.5.35** (10.27) An outline Arboricultural Method Statement (AMS) has been compiled and is included within Annex A of the Arboricultural Report. This outline method statement describes in principle the tree protection measures which have been identified as suitable for the scheme. A more refined and accurate AMS will be required to support the detailed design and construction phases. This is recognised in the Outline CoCP (document reference 6.16, Sections 5.6.1 to 5.6.4). An updated AMS along with the detailed recommendations within the Arboricultural Report will provide the details required to ensure that retained trees and proposed new landscaping areas are sufficiently protected for the duration of the development. Appropriate tree protection is fundamental to ensure damage does not occur to the trees to be retained with the Order Limits.

### Applicant's Response

- 2.5.36** With regard to paragraph 10.26 of NCC's LIR (Planning Inspectorate Reference REP2-018), the Applicant considers that Requirements 4 and 6 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020) are appropriate to secure necessary landscaping mitigation. Requirement 4 requires that the design is developed in general accordance

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with the General Arrangement Plans (Document Reference 2.2, Planning Inspectorate Reference APP-007) and the Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196). Requirement 6 requires the landscaping for the Scheme to be developed in general accordance with the Landscaping Plans (Document Reference 2.9, Planning Inspectorate Reference APP-014). The Applicant is continuing to discuss the precise wording of Requirements 4 and 6 with the County Planning Authority with a view to reaching an agreed position.

- 2.5.37** The Applicant considers that the requirements noted in paragraphs 5.6.2 and 5.6.3 of the Outline Code of Construction Practice (Document Reference 6.16, Planning Inspectorate Reference APP-187), to produce a refined and accurate AMS, pursuant to Requirement 5 of the Draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020), will provide sufficient detail to ensure that retained trees and proposed new landscaping areas are protected for the duration of the development.

### **LIR Comment**

#### *Marine Environment*

- 2.5.38** (10.28) Benthic and Fish Survey were conducted on 30th and 31st January 2019. Although the wider estuary environment is classified as a priority habitat, infaunal and epibiota communities identified within the scheme impact zone were identified as being of local value. The ES states the construction and maintenance of the scheme will have little impact relative to the pressures already present due to habitat modification and that the main conservation interest is commercially important fish, which appear to use the area in low numbers, and brown shrimp.
- 2.5.39** (10.29) The ES concludes that there will be a negligible effect (not significant) on benthic and fish communities prior to the implementation of mitigation measures set out in the outline CoCP.

#### *Eels*

- 2.5.40** (10.30) The European eel has not been considered within the ES. There is a potential for impacts resulting from construction and operation resulting from the construction of the cofferdams and modification of river velocity resulting from the narrowing of the river channel as a consequence of the bascule abutments (see Sediment Transport Assessment and the DCO makes reference to pumping stations (other works (n) page 65), and closure/partial reduction in the width of the River Yare (e.g. 23, page 15). It is recommended that surveys be undertaken to identify and assess any likely significant effects to inform any required mitigation measures and recommendations for restoration and enhancements incorporated within the scheme.

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**2.5.41** (10.31) The Norfolk Biodiversity Information Service (NBIS) is a single database of environmental information for Norfolk. The biodiversity and geodiversity data collected is validated and verified by County recorders (made up of a team of professionals and volunteers) and used to provide information to a range of people and organisations. NBIS records show that River Lamprey is not present within the River Yare or Breydon Water SPA/Ramsar or the Broads SAC and Broadland SPA/Ramsar sites. However, further information is likely to be available from the EA and the Broadland Catchment Partnership. Smelt have been recorded in the River Yare catchment, the last record being from 1997 at Cantley Dyke. Smelt is listed on the International Union for Conservation of Nature (IUCN) Red list of Threatened Species, it is a UKBAP Priority Species (identified as being most threatened and requiring conservation action) under a Biodiversity Action Plan (a response to the Convention on Biological Diversity, signed in Rio de Janeiro in 1992), providing details and a species of principal importance for the purpose of conserving of biodiversity under the Natural Environment and Rural Communities Act 2006. It is recommended that further consideration of River Lamprey and Smelt is required, and this can be secured by means of an appropriately worded Requirement.

### **Applicant's Response**

**2.5.42** The Applicant directs the NCC to the Benthic and Fish Ecology Report Report (Document Reference 6.2, Planning Inspectorate Reference APP-122) and the Environmental Statement ('ES'), Chapter 8: Nature Conservation (Document Reference 6.1, Planning Inspectorate Reference APP-096).

**2.5.43** Further to this, the Applicant can confirm that it has had two meetings with the Marine Management Organisation in respect of potential impacts to migratory fish. This included a discussion of the results of further literature reviews which indicated that there may be a presence of migratory fish within the River Yare but which acknowledged that the extent and duration of such a presence at any given time could only be a snapshot, the anticipated construction programme and the existing mitigation measures for fish already contained within the DCO and Outline CoCP. This discussion has culminated in the Applicant's agreement to a number of additional mitigation measures in respect of migratory fish to account for their potential presence at the time of construction. These measures are set out in the DML and CoCP set out at Deadline 3.

### **LIR Comment**

#### *Marine-Biosecurity*

**2.5.44** (10.32) Consideration needs to be given to the potential risk and impacts of introducing non-native invasive species to the marine environment. It is

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recommended that a marine biosecurity operation plan is required, detailing measures to minimise or remove the risk of introducing non-native species into the area during the construction, operational or decommissioning phases of the project.

### Applicant's Response

- 2.5.45** Section 5.5 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187) presents the Applicant's approach to invasive non-native species throughout the construction phase of the Scheme. Section 5.5 covers both the marine and terrestrial environments. The approach includes the undertaking of a biosecurity risk assessment and a management plan to avoid potentially facilitating the spread of non-native species. As noted in Paragraph 5.5.1 of the Outline CoCP the management plan will cover risks of material removed from the inlet during construction being transported beyond the harbour and aspects of the vessels and equipment used in the process and their subsequent use in other areas (where appropriate). Compliance with the approach included in the Outline CoCP, is secured through Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020).
- 2.5.46** There will be little need to transport materials, which have the potential to contain non-native species, outside of the construction phase of the Scheme. Therefore, the Applicant does not believe a biosecurity risk assessment and management plan to be required for any other phase of the Scheme.

### LIR Comment

#### *Conclusion*

- 2.5.47** (10.35) Given the nature and scale of the proposed development, it is expected that biodiversity is at risk of being impacted upon. It is recommended that additional surveys are required to enable:
- an assessment of likely significant effects to be undertaken;
  - to identify the need for European Protected Species licences, and
  - to inform necessary mitigation measures, compensation and enhancement measures.
- 2.5.48** (10.36) Through appropriate wording of Requirements 5 (code of construction practice) and 6 (landscape) in the draft DCO, which should include the Requirement for a Biodiversity Enhancement Plan and Landscape and Ecological Management Plan covering the ecological and nature conservation elements, it is considered potential impacts can adequately addressed. Should there be a delay in commencement and/or if

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more than 12 months have passed since surveys were undertaken then update surveys may be required and additional mitigation measures incorporated into the final detailed design.

- 2.5.49 (10.37) All habitat and species data should be shared with Norfolk Biodiversity Information Service in a timely and efficient manner.

#### **Applicant's Response**

- 2.5.50 Mitigation measures to minimise the potential or disturbance to bats during the construction of the Scheme, inclusive of but limited to emergence and re-entry surveys, are included within the Chapter 5 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). In addition, in accordance with Chapter 5 of the updated Outline CoCP submitted at Deadline 3, should great crested newts be encountered during the proposed works, all activities in the area will cease immediately. If not present on site at the time, the ECoW will be contacted to assess the situation and to determine whether a European Protected Species licence will be required before work in that area proceeds. If considered necessary, guidance will be sought from Natural England. Works will not recommence until the ECoW has confirmed that it is appropriate to do so, or a European Protected Species licence has been obtained, as appropriate. The Applicant confirms that habitat and species data will be shared with Norfolk Biodiversity Information Service.

## **2.6 Highways / Local Transport Issues**

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### **LIR Comment**

- 2.6.1 (11.4) During the construction phase there are likely to be temporary impacts on road users due to construction activities being carried out on the road, diversions and road closures and increased traffic due to construction related traffic/activities. The preparation of a detailed CoCP will seek to minimise these impacts. Table 14.22 in Chapter 14 of the ES (Document reference 6.1, version number 0, dated 30 April 2019), identifies the changes to Non-Motorised Users (NMU), including relief from the existing severance that the absence of a crossing at this location creates and additional NMU facilities available once the development is in operation.

### **Applicant's Response**

- 2.6.2 Mitigation measures to minimise potential effects on Non-Motorised Users (NMU) during the construction of the Scheme are included within the Section 9.2 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187). Such measures are inclusive of, but not limited to, the preparation of a full Construction Traffic Management Plan (CTMP), the separation of NMU movements from construction activity and vehicle /

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machinery movements (where practicable) and maintaining footpaths / cycleways (including diversions) for pedestrians and cyclists affected by the Scheme, including reasonable adjustments to maintain or achieve inclusive access. Compliance with the mitigation measures included in the Outline CoCP, is secured through Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020).

### **LIR Comment**

- 2.6.3 (11.5) The highway/traffic impacts identified above are also relevant during the operation phase. The proposed scheme incorporates measures such as new junctions to tie into the surrounding road network, controlled crossing facilities, relocation/upgrade of an existing bus stop, VMS and monitoring at key points across the network. The County Council is content that the measures will deliver highway improvements, ensure the safe and convenient use of the highway network and minimise delay.

### **Applicant's Response**

- 2.6.4 The Applicant acknowledges that the County Council is content that the measures will deliver highway improvements, ensure the safe and convenient use of the highway network and minimise delay.

## **2.7 Minerals and Waste Planning**

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### **LIR Comment**

- 2.7.1 (12.4) There are potential impacts of waste and materials during construction and operation, and indirect impacts as a result of traffic management operations. Reuse and/or recycling of material arising from the demolition and construction phases are welcomed, and the preparation of a Mineral Resource Assessment will assist in ascertaining whether the extracted materials is suitable for reuse and also inform the Materials Management Plan (MMP). The potential impacts can be addressed through Requirement 5 (CoCP) of the draft DCO.

### **Applicant's Response**

- 2.7.2 The Applicant welcomes NCC's confirmation that Requirement 5 of the draft DCO (Document Reference 3.1, Planning Inspectorate Reference APP-020) is appropriate to mitigate potential effects arising in respect of waste and materials.



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## 2.8 Air Quality and Amenity (including noise, dust and vibration)

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### LIR Comment

- 2.8.1 (13.1) It is expected that issues relating to air quality and amenity (including noise, dust and vibration) are to be addressed by Great Yarmouth Borough Council as part of its statutory function responsible for environmental health. Providing the Borough Council is satisfied the relevant impacts have been identified and adequately addressed in the application submission and draft DCO, no concerns are raised.

### Applicant's Response

- 2.8.2 The Applicant acknowledges that statutory responsibilities for environmental health will be the responsibility of the Environmental Health Officer (EHO) at Great Yarmouth Borough Council. Prior to the submission of the Application the Applicant undertook consultation with the EHO at Great Yarmouth Borough Council in relation to air quality, dust, noise and vibration. A summary of the consultation is provided in Table 6.5 and Table 7.4 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096)
- 2.8.3 This is acknowledged throughout the Application documents, for example, within Paragraph 3.3.2 of the Outline CoCP (Document Reference 6.16, Planning Inspectorate Reference APP-187), it states that dust deposition or real-time continuous PM10 monitoring locations will be agreed with the county planning authority in consultation with Great Yarmouth Borough Council.

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## 2.9 Socio-economic and Community Issues

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### LIR Comment

- 2.9.1 (14.7) During the construction phase the likely significant impact of the proposed development will be associated with employment. Chapter 14 of the ES includes the indicative number of jobs expected to be created during construction, and that construction workers could be sourced from beyond the local and regional areas, which is considered a positive impact to the area. The long term impacts relate to the community and the permanent loss of properties (through demolition) and land associated with the MIND centre, required to facilitate the proposed development. However, the proposed development includes the reinstatement of the MIND centre and relocation of allotments. In addition, the Local Housing Authority have been assisting in rehousing occupiers of residential property. As a Local Authority (carrying out public functions), the Applicant must comply with its Public Sector Equality Duty (PSED) under the Equality Act 2010.

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- 2.9.2 (14.8) At a local level, a priority is to continue to promote employment opportunities, to build relationships between the industrial estates that wholly or partially service the port/energy sector and the wider highway benefits to reduce congestion and attract and retain business to the area. It is recognised by the County Council that the delivery of this proposed infrastructure project will help to deliver both strategic and local objectives to ensure the opportunities to maximise the economy (including job opportunities, investment and growth) of Great Yarmouth are maximised.

### Applicant's Response

- 2.9.3 The Applicant is aware of and has considered NCC's PSED within the application, notably in Chapter 14 of the ES (Document Reference 3.1, Planning Inspectorate Reference APP-020) and through the Equality Impact Assessment (EqIA) (Document Reference 6.15, Planning Inspectorate Reference APP-186). The EqIA considers the impact of the Scheme on persons or groups of persons who share characteristics which are protected under Section 4 of the Equality Act 2010 ('protected characteristics') and might also include others considered to be vulnerable within society such as low-income groups.

## 2.10 Draft Development Consent Order (DCO)

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### LIR Comment

- 2.10.1 (15.1) A number of areas in the draft DCO have been identified where the Council as relevant planning authority is seeking to satisfy itself on the scope and enforceability of the construction methods/controls, mitigation measures and on-going maintenance. Below sets out the County Council's current concerns, and suggested amendments.

### LIR Comment

#### *Schedule 2 Requirements*

- 2.10.2 (15.2) Requirement 4: Paragraph 15.2 of the Planning Inspectorate Advice Note Fifteen: Drafting Development Consent Orders (v2, 2018) states that "requirements should be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects." It is considered that the draft wording of this requirement is not precise and would be difficult to enforce. It is ambiguous in that what is considered to be in 'general' accordance by one individual is not necessarily considered that by another. In the avoidance of doubt, it is requested that the requirement be amended so the authorised development is designed and implemented in accordance with a list of plans/documents.

*Design of the authorised development*

4.—(1) **No part of the authorised development is to commence until the final version of the general arrangement plans and approach to detailed design has been submitted by the undertaker and approved in writing by the county planning authority.** The authorised development must be designed and implemented in **general** accordance with— (a) the general arrangement plan; and (b) the approach to detailed design.

**Applicant's Response**

- 2.10.3 The Applicant considers the proposed new sentence to be unnecessary; the Applicant intends that both the General Arrangement Plans and the Approach to Detailed Design would be documents certified under the Order, in effect approved by the Secretary of State by the making of the Order.
- 2.10.4 In respect of the use of the term "general accordance", the Applicant notes NCC's concerns but does not agree that the term lacks clarity or is ambiguous when considered in the context of the DCO generally and the limits of deviation in particular.
- 2.10.5 The Applicant requires a proportionate degree of flexibility to deliver the Scheme, to respond to unforeseen ground conditions and where appropriate to deliver improved environmental outcomes. The required degree of flexibility is set out in article 6 (limits of deviation) of the DCO which sets out the vertical and lateral limits of deviation by reference to the Works Plans (Document Reference 2.6, Planning Inspectorate Reference APP-011) in respect of lateral limits of deviation, and the Engineering Plans, Sections and Drawings (Document Reference 2.10, Planning Inspectorate Reference APP-015]), in respect of the vertical limits of deviation.
- 2.10.6 The Applicant is concerned that the deletion of "general" in requirement 4(1), would require the Scheme to be constructed in "accordance" with the General Arrangement Plans (Document Reference 2.2, Planning Inspectorate Reference APP-007), and would remove the carefully considered and assessed degree of flexibility built into the draft DCO. This is because the General Arrangement Plans show one way, within the limits of deviation, that the Scheme could be constructed. If, for example, circumstances require the alignment of a road to deviate laterally from the centreline by up to 3m, as permitted by the limits of deviation, it would be necessary adjust other elements of the details shown on the General Arrangement Plans to suit. For example, if there is a lateral deviation of William Adams way (sheet 1 of the General Arrangement Plans) the location of the traffic signals controlling access to the new roundabout would also need to be adjusted within the limits of deviation.

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- 2.10.7 The Applicant further notes that by including a requirement to construct the Scheme in general accordance with the General Arrangement Plans, the Applicant is going further than the majority of other Highway DCOs which do not contain a requirement to accord with a design shown on general arrangement plans secured by the Order.
- 2.10.8 The Applicant's proposed wording, requiring "general accordance", has precedent in Requirement 3 of the Silvertown Tunnel Order 2018.
- 2.10.9 It follows from this that a requirement for the authorised development to be in "general accordance" with General Arrangement Plans is acceptable to the Secretary of State and the Applicant remains of the view that such drafting is appropriate for its Scheme.
- 2.10.10 The Applicant and NCC as the County Planning Authority (CPA) are actively discussing the wording of requirement 4, and the Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196), with a view to reaching an agreed position that will be reported at deadline 4.

### LIR Comment

#### *Schedule 2 Requirements*

- 2.10.11 (15.3) Requirement 5: The county planning authority welcome that the construction is undertaken in accordance with the Code of Construction Practice (CoCP). For the avoidance of doubt, can the Applicant clarify whether criteria (d) includes the Mineral Resource Assessment, Materials Management Plan and Site Waste Management Plan (SWMP) referred to in the ES? Also does criteria (e) cover dust, noise, vibration, mud and air quality during construction?

### Applicant's Response

- 2.10.12 The Applicant has considered CPA's comments and has amended Requirement 5(2) to instead list the subsidiary plans and documents required by the Outline Code of Construction Practice (**Outline CoCP**), rather than to list environmental topic areas. This reflects the intention for the majority of the relevant measures set out in the Outline CoCP to be included in the body of the CoCPs submitted for approval, rather than requiring separate subsidiary plans and documents.
- 2.10.13 The matters that were previously listed in Requirement 5(2) remain firmly secured by Requirement 5(3) which requires the CoCP(s) submitted for approval to be in "accordance" with the Outline CoCP. Each of the matters previously listed in requirement 5(2) are secured through the following sections of the Outline CoCP as summarised below:

- hours of working – see section 2.3 of the Outline CoCP;
- management of traffic during construction of the authorised development – see Appendix A to the Outline CoCP. Note that this subsidiary plan remains listed in the revised Requirement 5(2);
- a travel plan for construction workers – see Appendix A to the Outline CoCP. Note that this subsidiary plan remains listed in the revised Requirement 5(2).
- management and minimisation of site waste – see section 8 of the Outline CoCP. Note that the revised Requirement 5(2) includes an obligations for a CoCP to include a Site Waste Management Plan and a Material Management Plan.
- management of dust – see section 3.2 of the Outline CoCP;
- management of noise and vibration – see section 4.2 of the Outline CoCP;
- control of emissions during construction of the authorised development – see section 3.2 of the Outline CoCP;
- control of pollution of water and land – see sections 6.2 and 10.3 of the Outline CoCP;
- measures to address identified contamination – see section 10.3 of the Outline CoCP and additionally note the duty in paragraph 10.3.3 for earthworks to be completed in accordance with a Materials Management Plan ("MMP") which is listed in Requirement 5(2);
- management of nature conservation impacts – see sections 5.2 to 5.6 of the Outline CoCP;
- flood management – see section 7.2 of the Outline CoCP, noting that the revised Requirement 5(2) retains the obligation to include a flood management plan with any CoCP submitted for approval;
- measures to address climate change – see section 2.13 of the Outline CoCP.

**2.10.14** The Applicant and the CPA are actively discussing Requirement 5 with the intention that an agreed position is reported at Deadline 4.

### **LIR Comment**

#### *Schedule 2 Requirements*

**2.10.15** (15.4) Requirement 6: It is requested that this requirement be amended to include recommendations made in the protected species reports and that Natural England be included as a named consultee in the wording of the requirement.

### Landscaping and Ecology

6.—(1) No part of the authorised development is to commence until a written landscaping and ecological management plan and biodiversity enhancement plan covering the ecological and nature elements scheme for the authorised development has been submitted to and, following consultation with Great Yarmouth Borough Council and Natural England, approved in writing by the county planning authority.

(2) The landscaping and ecological management plan and biodiversity enhancement plan scheme prepared under sub-paragraph (1) must be in general accordance with the landscaping plans, and the approach to detailed design and include the following which must comply with the relevant mitigation measures set out in the Environmental Statement –

~~set out~~— (a) details of all proposed hard and soft landscaping works, including location, species, size and planting density of any proposed planting;

(b) cultivation, importing of materials and other operations to ensure plant establishment;

(c) proposed finished ground levels;

(d) hard surfacing materials;

(e) any ecological mitigation areas;

(f) details of any existing trees, hedges and shrubs to be retained;

(g) implementation timetables for all landscaping works; and

(h) details of the maintenance regime for the landscaping scheme, which must provide for maintenance for a period of 15 years commencing with that date of completion of the landscaping works.

~~(i) details of enhancement measures for bats, birds (including black redstart), and water voles;~~

~~(j) details of the landscape, ecological and nature conservation works and measures;~~

~~(k) details of the implementation of the ecological and nature conservation works and measures; and~~

~~(l) details of the management, monitoring and maintenance of ecological and nature conservation works and measures.~~

(3) ~~All landscaping works must be carried out and maintained in accordance with the landscaping scheme approved under sub-paragraph (1).~~ The landscape and ecological management plan and the biodiversity enhancement plan must be implemented in full.

*(4) Any plants planted as part of the approved Landscape and Ecological Management Plan that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the county planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species as that originally planted.*

*(5) In the event that any European protected species is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, the species and its location must be reported immediately to Natural England and the county planning authority.*

*(6) A scheme for the protection of, and mitigation measures for, the relevant European protected species, must be agreed in writing with Natural England and implemented immediately.*

### Applicant's Response

- 2.10.16 While the Applicant can broadly see the merit of dealing with both landscape and ecological management within the scope of this requirement, it has concerns with aspects of the proposed drafting. The Applicant and the CPA are actively discussing this requirement with the intention of reporting an agreed position at deadline 4.

### LIR Comment

#### *Schedule 2 Requirements*

- 2.10.17 (15.5) Requirement 9: In respect of this requirement the county planning authority will consult with Norfolk Fire and Rescue Service (NFRS) on the emergency preparedness and response plan in the event of a fire. It is requested that NFRS be included as a named consultee in the wording of the requirement.

#### *Emergency Preparedness and Response Plan*

9.—(1) No part of the authorised development is to be opened to the public until an emergency preparedness and response plan has been submitted to and, following consultation with Great Yarmouth Borough Council, the lead local flood authority, **Norfolk Fire and Rescue Service** and the Environment Agency, approved in writing by the county planning authority.

(2) The submitted emergency preparedness and response plan must include provision as to the actions and measures to be taken in relation to the authorised development to prepare for and respond to the following

*emergencies— (a) a flood event; (b) a fire event; and (c) an incident involving terrorism or other substantial threat to security.*

*(3) The approved plan must be implemented in full.*

### Applicant's Response

- 2.10.18 Through further active discussions with the County Planning Authority, the Applicant understands that the CPA would, in addition to the Norfolk Fire and Rescue Service, like to see Norfolk Constabulary listed as a consultee under Requirement 9(1). The Applicant is content to agree this and has included both bodies in that requirement in revision 2 of the draft DCO.

### LIR Comment

#### *Schedule 2 Requirements*

- 2.10.19 (15.6) Requirement 10: It is intended to connect the proposed development to an Anglian Water (AW) combined sewer, therefore in respect of this requirement the county planning authority will consult AW in relation to a surface water drainage strategy. It is requested that AW be included as a named consultee in the wording of the requirement.

*Surface water drainage 10.—(1) No part of the authorised development which comprises any part of a surface water drainage system is to commence until written details of that surface water drainage system have been submitted to and, following consultation with **Anglian Water**, Great Yarmouth Borough Council, the lead local flood authority and the IDB, approved in writing by the county planning authority.*

*(2) The surface water drainage system submitted for approval **by the county planning authority** under sub-paragraph (1) must be in accordance with the drainage strategy and include a timetable for implementation.*

*(3) The surface water drainage system must be constructed in accordance with the system approved under sub-paragraph (1).*

### Applicant's Response

- 2.10.20 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, - Planning Inspectorate Reference REP1-002)). Following further discussions with the CPA the Applicant is content for Anglian Water to be consulted under Requirement 10(1) but only in respect of its sewerage undertaker functions. The Applicant does not object to the minor typographical



amendment to Requirement 10(2). Both amendments have been made in revision 2 of the DCO submitted for Deadline 3.

### LIR Comment

#### *Schedule 2 Requirements*

- 2.10.21 (15.7) Requirement 11: For consistency throughout the wording of the Requirements, it is suggested that this requirement is amended.

*Lighting 11.—(1) No numbered work comprised in the authorised development is to commence until a written scheme of the lighting to be provided for that work on opening for public use (except lighting to be provided to interior of a building) has been submitted to and, following consultation with Great Yarmouth Borough Council, approved in writing by the county planning authority.*

*(2) The written scheme of proposed lighting submitted for approval **by the county planning authority** under sub-paragraph (1) must be in accordance with the lighting report and include a timetable for implementation.*

*(3) The numbered work in question must be carried out in accordance with the scheme approved under sub-paragraph (1) and the approved lighting must be permanently maintained thereafter.*

*(4) Nothing in this requirement restricts lighting of the authorised development during its construction or as temporarily required for maintenance*

### Applicant's Response

- 2.10.22 As noted above, the Applicant does not object to this minor typographical amendment, which has been made in Revision 2 of the draft DCO submitted for Deadline 3.

### LIR Comment

#### *Part 2 of the draft DCO*

- 2.10.23 (15.8) Article 18(1): Given the scale of the development, the level of details required to be submitted post decision and the number of external consultees involved in the process to discharge to the requirements of the DCO, the 6 weeks deemed discharge process set out in the draft DCO is considered to be insufficient to be able to consider the subsequent applications. In the interests of consistency, it is respectfully requested that the wording of this article be amended in line with the provisions set out in the Town and Country Planning Act 1990.

18.—(1) *Where an application has been made to the relevant discharging authority, the discharging authority must give notice to the undertaker of the discharging authority's decision on the application within— (a) a period of 86 weeks beginning with— (i) the day immediately following that on which the application is received by the discharging authority; or (ii) where, further information has been requested by the discharging authority under paragraph 19, the day immediately following— (aa) the day the further information was supplied; or (bb) where an appeal has been made by the undertaker under sub-paragraph 20(1)(d) or (e) and the appeal is allowed, the day on which the appeal was determined by the Secretary of State; or (cc) where an appeal has been made by the undertaker under sub-paragraph 20(1)(d) or (e) and the appeal is dismissed, the day on which the relevant further or additional information is supplied; or (b) such longer period as the discharging authority and the undertaker may agree in writing.*

(2) *Subject to sub-paragraph (3), in determining an application for a specified consent, the discharging authority may— (a) grant the specified consent, either unconditionally or subject to reasonable conditions; or (b) refuse the specified consent, and where the specified consent, agreement or approval is refused or granted subject to conditions, the discharging authority must provide reasons for the refusal or (as the case may be) conditions in the notice of its decision with the notice of the decision.*

(3) *In the event that the discharging authority does not give notice of its decision within the period set out in sub-paragraph (1), the discharging authority is taken to have granted the specified consent sought by the application without any condition or qualification at the end of that period.*

### **Applicant's Response**

**2.10.24** The CPA's concerns with respect to the process for the discharge of requirements were discussed at the DCO Issue Specific Hearing held on 20 November 2019. The Applicant's submissions in that regard are noted in its summary of its submissions made at that hearing.

**2.10.25** The Applicant can see the merit in it carrying out consultation prior to the submission of details for approval under requirements and reporting the contents and outcomes of that consultation in a "mini-consultation report" to accompany the submitted details. This would shift some of the burden of carrying out consultation to the Applicant, rather than the CPA, and would enable the Applicant to address consultee concerns prior to submission of details for approval. This is consistent with the Planning Act 2008's underlying focus on pre-application consultation. On this basis the Applicant has included additional drafting in revision 2 of the draft DCO to reflect this intention.

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- 2.10.26 The Applicant is currently considering both the CPA's proposed deletion of the deemed consent provision and the length of determination period sought. These matters are under active discussion and it is intended that the parties will reach an agreed position to be reported to the examination for Deadline 4.

## 2.11 Conclusions

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### LIR Comment

- 2.11.1 (16.1) The delivery of the Great Yarmouth Third River Crossing has been a strategic ambition of the County Council for a number of years, which in summary will provide for highway improvements connecting the A47 to the port area, deliver links to the nationally significant role in the renewable energy sector and the offshore oil and gas Industry, and encourage economic growth to the wider area.
- 2.11.2 (16.2) This LIR has been prepared to consider the impacts of the proposed development on the administrative area of Great Yarmouth.
- 2.11.3 (16.3) The LIR demonstrates that there will be some direct and indirect impacts as a result of the proposed development. As the relevant planning authority, subject to satisfactory resolution of outstanding matters, it is satisfied that the impacts are capable of being controlled by appropriately worded requirements contained within the DCO should the DCO be made.

### Applicant's Response

- 2.11.4 The Applicant welcomes the CPA's support for the Scheme and acknowledgment of the benefits that it would deliver. The Applicant will continue to engage with the County Planning Authority throughout the examination with a view to resolving outstanding areas of disagreement.

## 3 Response to LIR Submitted by Great Yarmouth Borough Council (REP2-022)

### 3.1 Introduction

3.1.1 The LIR submitted by Great Yarmouth Borough Council provided comment on impacts of the Scheme under the following topic headings:

- Open Space;
- Flood Risk;
- Air Quality;
- Transport Assessment;
- Natural Environment;
- Historic and Built Environment/Cultural Heritage;
- Socio-economic Elements;
- Conclusions.

3.1.2 For consistency the Applicant's responses have been provided below using the same headings.

### 3.2 Open Space

#### LIR Comment

3.2.1 The open space situation is detailed in paragraphs 8.3.68-80 of NCC Document 7.1: The Case for the Scheme (including Planning Statement) and therefore does not need to be repeated at length by the Council. However, briefly, part of the land needed for the 3RC is an area classed as Open Amenity Space (saved Local Plan policy REC11). Although this policy remains part of the Development Plan for the time being, it is almost 20 years old and not entirely consistent with the National Planning Policy Framework and can thus probably be given only a limited amount of weight in any planning decision. This policy is due to be replaced on adoption of the Part 2 Local Plan, which is scheduled to be in December 2020. In any case, as stated above, Core Strategy Policy CS16 contains an adopted 3RC route alignment, and as the more recently adopted Local Plan document, this carries more weight than Policy REC11.

3.2.2 The Council's position is that this land is surplus to requirements, is of no value for existing or planned future recreational facilities (and that there are also extensive sport/recreational facilities just across the road from this piece

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of land). The Council acknowledges that the site does have some value in terms of local visual amenity but considers that this is very limited. The loss involved would be significantly outweighed by the value to the wider through the provision of the Third River Crossing.

### **Applicant's Response**

- 3.2.3** The Applicant acknowledges the Borough Council's comments which are in line with the Applicant's position on Open Space and in particular to this area of land located to the east of the Kingsgate Community Centre – as set out in paragraphs 12.2.22 to 12.2.32 of the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022).

### **LIR Comment**

- 3.2.4** The new landscaping proposals as part of the 3RC are warmly welcomed by the Council and as set out in the Statement of Common Ground, the Council will continue to work with the Applicant on the ongoing development and refinement of these proposals.

### **Applicant's Response**

- 3.2.5** The Applicant acknowledges the Borough Council's comment that the new landscaping proposals are warmly welcomed. Pursuant to Requirement 6 of the draft DCO, the Borough Council will be consulted on the detailed landscaping scheme for each part of the authorised development.

## **3.3 Flood Risk**

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### **LIR Comment**

- 3.3.1** As stated above, the whole of the 3RC area lies within Flood Zone 3. The area is vulnerable to tidal flooding but also has some vulnerability to river flooding and surface water flooding. The Flood Risk Assessment (FRA, document 6.2 in the examination library) concludes that there is negligible risk to the scheme from fluvial, groundwater, sewer and artificial sources of flooding. The FRA also concludes that the scheme has the potential to increase tidal flooding elsewhere, albeit (paragraph 7.2.2) it is a very small area and affects only two properties. Given the small number of the affected properties, the FRA does not propose any specific physical mitigation measures but proposes the preparation of an emergency preparedness and response plan, which would (it says in para 7.2.3) reduce the overall impact to "slight adverse".
- 3.3.2** The Council is aware of the Environment Agency's "holding" objection on (tidal) flood risk grounds, as set out in its Relevant Representation. Whilst the Council obviously does not wish to see any significant increase in flood

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risk to its residents and businesses as a result of the 3RC scheme, it notes NCC's response to Relevant Representations (document NCC/GY3RC/EX/008, published on 10th October 2019). In particular reference to the EA's objection, NCC says it will continue to engage with the EA, but that it believes that further sensitivity modelling it (NCC) is undertaking is not thought likely to change the outcomes and conclusions of the FRA. The Council is therefore content with the tidal flood risk position as it stands.

### **Applicant's Response**

- 3.3.3** The Applicant acknowledges the Borough Council's confirmation that it is content with the tidal flood risk position as it stands in the Application.

### **LIR Comment**

- 3.3.4** In terms of flooding elsewhere, the area around the western part of the 3RC scheme has seen regular flooding over the years. This tends to be surface water flooding and/or flooding from ordinary watercourses – most recently, there was flooding during the very heavy rain of 6th October 2019. The drainage infrastructure is mainly ordinary watercourses managed by the relevant Internal Drainage Board and/or riparian owners. Whilst the IDB has worked with the Council and NCC to deliver some improvements to the situation (cleaning culverts and installing a retention pond), the overall lack of capacity of the system to deal with intense rainfall will remain a problem. It is therefore important to the Council that any surface water runoff from the 3RC does not worsen the situation – again, this matter is detailed in the Council's/NCC's Statement of Common Ground.
- 3.3.5** The Drainage Strategy (document 6.2) notes (paragraph 2.3.1 and 2.3.2) that the two options are to drain via a pumped system to the River Yare or (NCC's preferred option) to discharge via gravity to the IDB ordinary watercourse area. Whilst the Council would prefer discharge to the River Yare, it notes that the Drainage Strategy says (para 2.3.5) that receiving culverts etc will be improved if necessary and that (para 2.3.16) there will be two attenuation storage ponds developed. The Council is content that this will, at least, not lead to an increase in flood risk downstream of the 3RC site.
- 3.3.6** On the eastern side of the river, the Drainage Strategy says (para 2.3.13-14) that discharge to combined sewers is the preferred option as alternatives are not viable. Attenuation features will be required (para 2.4.15); the Council is content with this.

### **Applicant's Response**

- 3.3.7** The effects of the Scheme on flood levels are detailed in Section 6 of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate

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Reference APP-135) and in more detail in Annex A of the same document. The Flood Risk Assessment considered flood risk from a variety of sources, inclusive of, but not limited to, surface water. As described in Section 5.1 and Section 5.2 of the Flood Risk Assessment available previous studies and historic information were used to corroborate the predicted flood risks, it should be noted that this would not have included the 6th October surface water flooding event that occurred in Great Yarmouth as this occurred after the submission of the Application for a DCO.

**3.3.8** As noted in Section 7.3 of the Flood Risk Assessment, mitigation measures to manage the potential effects associated with surface water flooding are included within the Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136). Furthermore, embedded mitigation is included in the design of the Scheme to reduce the risk of surface water flooding to the Scheme and prevent an increase in surface water runoff as a result of the Scheme. At this stage the preferred option to manage runoff from the Scheme is to discharge to the IDB watercourses and Anglian Water sewers. However, discharging to the River Yare has not been ruled out to allow flexibility in the drainage design for the Scheme. Where it is proposed to discharge into Anglian Water sewers, the runoff rates will be restricted to Anglian Water requirements and include mitigation to limit the overall impact of the scheme at source to ensure the Scheme does not lead to sewer flooding. This will include the attenuation storage options outlined in Section 2.4.15 of the Drainage Strategy. Furthermore, as noted in Paragraph 6.4.3 of the Flood Risk Assessment, given the distance of the reported sewer flooding incidents in Great Yarmouth from the Scheme, flood risk to the Scheme from sewers is considered negligible. The form of SuDS features within the Scheme is dependent on the site constraints and underlying ground conditions. The Drainage Strategy document considers this in detail and discusses the proposed embedded mitigation for additional surface water runoff. The proposed SuDS features to be used as part of the Scheme are detailed further in the Drainage Strategy and Requirement 10 of the draft DCO ensures that the detailed surface water drainage scheme submitted for approval accords with the Drainage Strategy.

**3.3.9** In addition, pursuant to Requirement 10(1) (Schedule 2, Draft DCO, Document Reference 3.1, Planning Inspectorate Reference APP-020) no part of the authorised development is to commence until the details of the proposed drainage system have been submitted for the approval of the county planning authority, following consultation with Great Yarmouth Borough Council, the lead local flood authority and the Waveney, Lower Yare & Lothingland Internal Drainage Board (IDB). Revision 2 of the draft DCO, submitted for Deadline 3, now requires Anglian Water to also be consulted in respect of its sewerage undertaker functions. Furthermore, Requirement 10(1) requires that the drainage system submitted for approval by the CPA must be in accordance with the submitted Drainage Strategy (Document Reference 6.2, Planning Inspectorate Reference APP-136).

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## 3.4 Air Quality

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### LIR Comment

- 3.4.1 The air quality monitoring and modelling work undertaken by NCC concludes (paragraph 4.1.5 of the ES Non-Technical Summary) that no sensitive receptors within 200m of road links to the scheme will see any exceedance of any Air Quality Objectives. It also concludes that more properties will see a moderate improvement of air quality through re-routing of traffic away from Hall Quay and the town centre. This is, of course, one of the major benefits of the scheme and is warmly welcomed by the Council as it aligns well with the Council's Town Centre Masterplan and regeneration aspirations in the Core Strategy.

### Applicant's Response

- 3.4.2 The Applicant acknowledges the Borough Council's comment relating to air quality, and confirmation that it warmly welcomes the Scheme and that it aligns well with its Town Centre Masterplan.

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## 3.5 Transport Assessment

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### LIR Comment

- 3.5.1 The Council has relatively few comments on the bulk of the Transport Case for the scheme, being very supportive of it. The key conclusions – and the rationale for the whole scheme – are that (pages 2 and 3 of the Transport Assessment, document 7.2):
- Traffic using the Haven Bridge is projected to be reduced by 41-45%; and
  - There will be significantly faster journey times, particularly between A47 (south) and the Outer Harbour, but also for other trips for locals, visitors and businesses.
- 3.5.2 As stated earlier in the LIR, the Council feels strongly that these changes will be of significant economic benefit to the town, borough, county, region and country, given Great Yarmouth's international reputation for excellence in the offshore and related sectors. The considerable predicted improvements in north-south travel times in the Borough (caused by lower reliance on the existing two bridges, especially in the event of a breakdown in one of the bridges) is a major benefit. The reduction in traffic through the town centre will also lead to significant environmental and social benefits.

### Applicant's Response

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- 3.5.3** The Applicant acknowledges the Borough Council's comment that the reduction in traffic through the town centre will also lead to significant environmental and social benefits.

**LIR Comment**

- 3.5.4** The introduction/strengthening of links for walking and cycling – to better connect the two sides of the river – is also welcomed by the Council.

**Applicant's Response**

- 3.5.5** The Applicant acknowledges the Borough Council's comment that the introduction/strengthening of walking and cycling links will better connect the two sides of the river, in particular, the direct connection across the proposed bridge between South Denes Road and Suffolk Road, together with the proposed green infrastructure route between Suffolk Road and Southtown Road.

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**3.6 Natural Environment**

**LIR Comment**

- 3.6.1** The immediate 3RC area is not within any Conservation Areas, although the Camperdown Conservation area lies a short distance to the north-east of the eastern end of the 3RC area. Several other heritage assets, such as the Nelson monument, are also close by. Whilst a large and imposing new structure will inevitably have effects on the townscape, the Council is content with the conclusions of the ES of impacts being limited.

**Applicant's Response**

- 3.6.2** The Applicant acknowledges the Borough Council's confirmation that it is content with the conclusions of the ES that townscape and heritage impacts will be limited.

**LIR Comment**

- 3.6.3** In relation to the landscaping and use of materials and surfacing treatments at either end of the bridge it is important – especially on the eastern side – that they are harmonious with existing signage, materials, planting treatments and landscaping so that they do not appear as “discordant” elements in the streetscape. The Council will continue to work with the Applicant to agree the precise details as the scheme progresses (as set out in the Statement of Common Ground) and the significant improvements to the western end are welcomed.

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### Applicant's Response

- 3.6.4 The Applicant welcomes the opportunity for ongoing dialogue and appropriate and timely engagement with the Borough Council during the development of detailed design of signage, materials, planting treatments and landscaping.

### 3.7 Socio-economic Elements

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#### LIR Comment

- 3.7.1 The Council acknowledges that there will be some negative effects – including the loss of some houses and some inevitable disruption to some residents and visitors (noise, dust, traffic impacts etc) during construction. There will also be disruption to some local businesses, in some cases permanently through their land being required for the 3RC, and in some cases temporarily during the construction period (traffic disruption, noise, dust etc).
- 3.7.2 However, appropriate mitigation measures – such as re-housing affected people and dust control measures – should ensure that these impacts are reduced to acceptable levels.

#### Applicant's Response

- 3.7.3 As noted in Paragraph 14.8.35 of the (Document Reference 6.1, Planning Inspectorate Reference APP-096) the majority of the Housing Association tenants of the Applicant owned properties had already been rehoused, with only five of the seventeen properties still occupied by tenants at the time of the submission of the Application. The Applicant can confirm that all these tenants have now been rehoused. Negotiations are ongoing with directly affected businesses to mitigate the impact of the Scheme on their operations or assist in helping them find alternative premises in the Borough.

#### LIR Comment

- 3.7.4 The wider benefits of making the port area more accessible for businesses, and reducing traffic (especially HGV traffic) through the town centre are considerable, and are likely to lead to the whole area (town, borough and wider environs) becoming more attractive place to live, work, recreate and do business in.

#### Applicant's Response

- 3.7.5 The Applicant welcomes the Borough Council's support for the wider benefits of the Scheme.

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## 3.8 Conclusion

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### LIR Comment

- 3.8.1 The Council believes that the Third River Crossing project is in conformity with the Council's Local Plan and would lead to significant improvements to the immediate and wider area. Whilst there are – inevitably – some minor negative impacts, these are concluded to be overwhelmingly outweighed by the social, economic and environmental benefits of the scheme.

### Applicant's Response

- 3.8.2 The Applicant acknowledges the Borough Council's confirmation of the social, economic and environmental benefits of the scheme