

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

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## **Document NCC/GY3RC/EX/037: Written summaries of oral submissions made at Compulsory Acquisition Hearing (CAH1) held on 20 November 2019**

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**Planning Act 2008**

**Infrastructure Planning**

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

Planning Inspectorate Reference Number: TR010043

Author: Norfolk County Council

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Date: 28 November 2019

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## Introduction

This note summarises the submissions made by Norfolk County Council (in its capacity as local highway authority and promoter of the Great Yarmouth Third River Crossing ("**the Scheme**") ("**the Applicant**") at the Compulsory Acquisition Hearing (CAH1) which was held on 20 November 2019 ("**the Hearing**") in relation to the Applicant's application for development consent for the Scheme.

Where the Examining Authority ("**the ExA**") requested further information from the Applicant on particular matters, or the Applicant undertook to provide further information during the Hearing, the Applicant's response is set out in this document or, if so stated in this document, will be provided in other documentation either at Deadline 3 (28 November 2019), or, where necessary (to allow full and proper consideration) at a subsequent Examination Deadline.

This document does not purport to summarise the oral submissions of parties other than the Applicant, and summaries of submissions made by other parties are only included where necessary in order to give context to the Applicant's submissions in response.

The structure of this document follows the order of items in the agenda for the Hearing, as published by the ExA on 13 November 2019 ("**the Agenda**"). Numbered Agenda items referred to in this document are references to the numbered items on the Agenda. The Applicant's substantive oral submissions commenced at item 3 of the Agenda, therefore this note does not cover items 1 and 2 on the Agenda which were procedural and administrative in nature.

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<b>3. dDCO provisions</b>		
<b>(a) The Applicant to set out briefly which Articles engage Compulsory Acquisition and Temporary Possession powers</b>	<p>By way of introduction, the Applicant noted that for the purposes of illustration, Sheet 2 of the Land Plans was displayed on the screen (in the Hearing), showing the different coloured plots (pink, blue, green, and hatched pink and blue), each of which, the Applicant noted, had a particular meaning.</p> <p>In this context, the Applicant went on to explain that the key articles in the draft DCO which engage powers of compulsory acquisition and temporary possession are as set out below.</p> <p>The Applicant also made reference to the Explanatory Memorandum, as good reference document providing helpful general explanations of the purposes of each article in the draft DCO.</p> <p><b>Article 25 (compulsory acquisition of land)</b></p> <ul style="list-style-type: none"> <li>○ applies to all pink, blue and pink and blue hatched land on the Land Plans (defined as 'Order Land')</li> <li>○ Subject to:             <ul style="list-style-type: none"> <li>▪ article 28 (compulsory acquisition of rights)</li> <li>▪ article 33 (acquisition of subsoil and airspace etc., only)</li> </ul> </li> </ul>	<p><b>Land Plans</b>          (Document Reference NCC/GY3RC/EX/004; Planning Inspectorate Reference AS-007)</p> <p><b>Draft DCO</b>          (Document Reference NCC/GY3RC/EX/023; Planning Inspectorate Reference REP2-009)</p> <p><b>Explanatory Memorandum to draft DCO</b> (Revision 1) (Document Reference NCC/GY3RC/EX/006;</p>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<ul style="list-style-type: none"> <li>▪ article 35 (temporary use of land for carrying out the authorised development)</li> </ul> <p><b>Article 28 (Compulsory acquisition of rights)</b></p> <ul style="list-style-type: none"> <li>○ applies to all pink, blue and pink and blue hatched land on the Land Plans (but blue land, as identified in Schedule 6 to the dDCO, is not subject to the powers of compulsory acquisition in Article 25)</li> <li>○ allows:               <ul style="list-style-type: none"> <li>▪ acquisition of existing rights over land;</li> <li>▪ creation and acquisition of new rights over land; and</li> <li>▪ imposition of restrictive covenants</li> </ul> </li> </ul> <p><b>Article 33 (Acquisition of subsoil or airspace etc., only)</b></p> <ul style="list-style-type: none"> <li>○ allows the compulsory acquisition of only land/new rights below the surface of land and/or in the airspace above the surface of the land.</li> <li>○ references DCO Schedule 8; land in which only airspace and new rights may be acquired.</li> <li>○ provides another means by which the Applicant can avoid acquiring the full freehold title of land and minimise the amount of land that needs to be taken from affected persons (in contrast to standard land acquisition, where it is assumed that notionally, the extent of land ownership extends downwards to the centre of the Earth and upwards to the heavens).</li> </ul>	<p>Planning Inspectorate Reference AS-009)</p> <p><b>Statement of Reasons</b>, sections 3.1 to 3.4: (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p>

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	<p><b>Article 35 (Temporary use of land for carrying out the authorised development)</b></p> <ul style="list-style-type: none"> <li>○ allows land identified in the dDCO Schedule 9 (green land) to be occupied and used temporarily (only) for the works specified in Schedule 9 itself (for example, within the Scheme, land which forms part of the existing A47 Trunk Road, and which is proposed to be subject to powers of temporary possession only, for the purposes of carrying out the works required to deliver the Scheme.</li> <li>○ also allows temporary occupation and use of any land intended for permanent acquisition, or for the acquisition of new rights, (i.e. pink/blue land, together with the 'Order Land') which has/have not yet been acquired – used in this scenario it can provide an acquiring authority with the flexibility to reduce the impact of the Scheme on affected persons by enabling it to take land temporarily as an alternative to compulsory acquisition, or to delay and minimise the extent of compulsory acquisition that is ultimately required.</li> </ul> <p><b>Article 36 (temporary use of land for maintaining the authorised development)</b></p> <ul style="list-style-type: none"> <li>○ permits temporary possession of land within the Order limits for purposes relating to maintenance of the authorised development once it has been completed (including the construction of temporary works)</li> </ul>	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references				
(b) The Applicant to set out briefly whether Protective Provisions are in a satisfactory form that is agreed with the relevant parties.	<p>The Applicant explained that the draft DCO includes Protective Provisions for the benefit of the statutory undertakers and other parties as identified in Schedule 14 to the draft DCO and (for ease of reference) as listed in the table below.</p> <p>The table indicates where standard Protective Provisions are proposed to be used for a party, and where bespoke protective provisions are being drafted and negotiated.</p> <p>As noted in the Statement of Commonality submitted at Deadline 2, the Applicant is making progress with agreeing the terms of Protective Provisions with relevant parties. In summary, the current position is that the Applicant has agreed the form of bespoke Protective Provisions for the protection of Anglian Water; with the other relevant parties there has been active dialogue; the Applicant awaits confirmation that the various provisions have been agreed and will update the ExA as matters move forward. Further detail is reported in the table below:</p>	<p><b>Draft DCO</b> (Document Reference NCC/GY3RC/EX/023; Planning Inspectorate Reference REP2-009)</p> <p><b>Statement of Reasons</b>, Table 8.2 (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p>				
	<table><tr><th>Party</th><th>Protective Provisions</th></tr><tr><td>GYPA</td><td>Bespoke Protective Provisions agreed in Schedule 14 to the dDCO.</td></tr><tr><td>Environment Agency</td><td>Bespoke Protective Provisions are currently included in Schedule 14 to the dDCO; however, the EA is proposing to provide updated drafting for inclusion in Schedule 14 and this is awaited by the Applicant.</td></tr></table>		Party	Protective Provisions	GYPA	Bespoke Protective Provisions agreed in Schedule 14 to the dDCO.
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GYPA	Bespoke Protective Provisions agreed in Schedule 14 to the dDCO.					
Environment Agency	Bespoke Protective Provisions are currently included in Schedule 14 to the dDCO; however, the EA is proposing to provide updated drafting for inclusion in Schedule 14 and this is awaited by the Applicant.					

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	Essex & Suffolk Water Company	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of water undertakers; confirmation that these are agreed is awaited.	
	Cadent Gas Limited	Bespoke Protective Provisions for the benefit of Cadent are currently being negotiated; once in an agreed form, they will be included in Schedule 14 to the dDCO.	
	Eastern Power Networks plc	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of electricity undertakers; confirmation that these are agreed is awaited.	
	Openreach Limited	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of operators of electronic Communications Code Networks; confirmation that these are agreed is awaited.	
	Virgin Media	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of operators of electronic Communications Code Networks; confirmation that these are agreed is awaited.	
	Cable and Wireless c/o WS Atkins	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of operators of electronic Communications Code Networks; confirmation that these are agreed is awaited.	



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	Anglian Water	Schedule 14 to the dDCO includes Protective Provisions for the benefit of Anglian Water, in a form which has been agreed between the Applicant and Anglian Water.	
	Internal Drainage Board	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of Internal Drainage Board; confirmation that these are agreed is awaited.	
	Vodafone	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of operators of electronic Communications Code Networks; confirmation that these are agreed is awaited.	
	Government Pipelines	Schedule 14 to the dDCO includes draft Protective Provisions for the benefit of gas undertakers; confirmation that these are agreed is awaited.	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<p><b>(c) The Applicant to summarise any other provisions in the dDCO relating to Compulsory Acquisition and Temporary Possession.</b></p>	<p>In addition to the main compulsory acquisition and temporary possession articles which were referenced in relation to Agenda Item 3(a) above, the draft DCO includes a number of other standard ancillary provisions relating to powers of compulsory acquisition and temporary possession. These are as follows:</p> <ul style="list-style-type: none"> <li>• <b>Article 26 (compulsory acquisition of land – incorporation of the mineral code)</b> – <i>excludes mines and minerals from compulsory acquisition</i></li> <li>• <b>Article 27 (time limit for exercise of powers to possess land temporarily and to acquire land compulsorily)</b> – <i>sets a 5-year time limit for the exercise of the compulsory acquisition powers in the DCO</i></li> <li>• <b>Article 29 (private rights over land)</b> – <i>provides for the extinguishment of private rights over land in certain circumstances</i></li> <li>• <b>Article 30 (power to override easements and other rights)</b> – <i>provides for the overriding of easements etc in certain circumstances</i></li> <li>• <b>Article 31 (modification of Part 1 of the Compulsory Purchase Act 1965)</b> – <i>to allow application of that Act to the DCO pursuant to section 125 of PA 2008</i></li> </ul>	

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	<ul style="list-style-type: none"> <li>• <b>Article 32 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)</b> – <i>applies the provisions of that Act to compulsory acquisition under the DCO</i></li> <li>• <b>Article 34 (rights over or under street)</b> – <i>allows the undertaker to appropriate and use land above or below streets within the Order limits without having to acquire the street or any right in or easement over it</i></li> <li>• <b>Article 37 (statutory undertakers and utilities)</b> – <i>allows the undertaker to acquire rights over land owned by statutory undertakers</i></li> <li>• <b>Article 38 (apparatus and rights of statutory undertakers in stopped up streets)</b> – <i>governs what happens to utilities' apparatus under streets that are stopped up under the Order</i></li> <li>• <b>Article 39 (recovery of costs of new connection)</b> – <i>provides that if statutory undertakers' apparatus is removed, the costs of reinstating it can be recovered from the undertaker</i></li> <li>• <b>Article 40 (disregard of certain interests and improvements)</b> – <i>provides for the Tribunal to disregard certain interests in and enhancements to the value of land for the purposes of assessing compensation</i></li> </ul>	

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	<ul style="list-style-type: none"> <li>• <b>Article 41 (set-off for enhancement in value of retained land)</b> – <i>provides that in assessing compensation, the Tribunal shall set off against the value of the land any increase in value of any contiguous or adjacent land where that increase arises from the Scheme</i></li> <li>• <b>Article 42 (no double recovery)</b> – <i>provides that compensation is not payable under the DCO and other compensation regimes for the same loss or damage</i></li> <li>• <b>Article 65 (Service of notices)</b> – <i>governs the procedures for notices served under the DCO</i></li> <li>• <b>Schedule 4 (permanent stopping up of streets and private means of access)</b> – <i>provides details of the public rights of way and private means of access that are to be stopped up or provided / replaced under the DCO</i></li> <li>• <b>Schedule 6 (land in which only new rights may be required)</b> – <i>identifies the land within the Order limits which is proposed to be subject only to the power to create and acquire new rights</i></li> <li>• <b>Schedule 8 (Land in which only airspace and new rights may be acquired)</b> – <i>identifies land within the Order limits in which only airspace and new rights may be acquired</i></li> </ul>	

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	<ul style="list-style-type: none"> <li>• <b>Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights)</b> – <i>relates to article 31 and sets out the modifications to existing compulsory purchase legislation which are necessary to enable that legislation to be applied under the DCO, pursuant to PA 2008</i></li> </ul> <p>In response to the ExA's invitation to the Applicant to outline its overarching approach to compulsory acquisition, the Applicant responded as follows:</p> <p>In light of policy guidance provided in relation to compulsory acquisition in DCOs, which is the same as with all planning powers, compulsory acquisition is seen as a means of last resort, with the first stage in the process being negotiation, to see what can be acquired by agreement. This is the approach that the Applicant has undertaken throughout the process of bringing forward the Scheme.</p> <p>However, there is also a need for certainty that a project can be delivered, and to a certain timescale, which is why even when negotiations are ongoing it is necessary nonetheless to have a back-stop which enables an acquiring authority to proceed in the event that a negotiated solution turns out not to be possible – hence the compulsory acquisition powers which are sought in the Applicant's draft DCO. Negotiations are ongoing despite the compulsory acquisition provisions in the Order. You'll be aware of the agreement that has been negotiated with Great Yarmouth Port Company ("<b>GYPC</b>"), and which includes a significant amount of land; in relation to residential properties too, the Applicant</p>	

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	has acquired by agreement 19 of the 20 residential properties affected by the Scheme – discussions are ongoing with the one remaining property still to be acquired. The Applicant is keen to continue that process as the Examination moves forward.	
<b>4. Statutory conditions and general principles</b>		
<b>(a) The Applicant to confirm that the application includes a request for Compulsory Acquisition in accordance with s123(2) of the PA2008.</b>	Yes, the Applicant confirms that a request for powers of compulsory acquisition is made in the Applicant's Statement of Reasons (SoR para. 6.2.3).	<b>Statement of Reasons</b> , paragraph 6.2.3 (Document Reference 4.1; Planning Inspectorate Reference APP-022)
<b>(b) The Applicant to set out briefly whether and how the purposes for which the Compulsory Acquisition powers</b>	Yes, the Applicant confirms that the purposes for which the compulsory acquisition powers in the draft DCO are sought do <b>comply with section 122(2) of PA 2008</b> because the land which is required to be subject to CA powers: <ul style="list-style-type: none"> <li>○ is required for the development to which the development consent, if granted, would relate (<b>s.122(2)(a)</b>); or</li> </ul>	<b>Statement of Reasons</b> , sections 3.1 to 3.4: (Document Reference 4.1;

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<b>are sought comply with section 122(2) of the PA2008</b>	<ul style="list-style-type: none"> <li>○ is required to facilitate, or is incidental to that development (<b>s.122(2)(b)</b>).</li> </ul> <p>Appendix A to the Applicant's Statement of Reasons explains how and why each plot of land (as identified on the Land Plans and in the Book of Reference) is required for the development, or is required to facilitate, or is incidental to that development.</p> <p><b>Section 122(2)(c)</b> does not apply because no replacement land is proposed to be given in exchange for special category land under section 131 or 132 of PA 2008.</p> <p><b>Article 25(1) of the dDCO</b> acknowledges that section 122 of PA 2008 is the source of the compulsory acquisition powers sought: the terms of article 25 reflect the wording in ss.122(2)(a) and (b).</p>	<p>Planning Inspectorate Reference APP-022)</p> <p><b>Draft DCO</b> (Document Reference NCC/GY3RC/EX/023; Planning Inspectorate Reference REP2-009)</p> <p><b>Land Plans</b> (Document Reference NCC/GY3RC/EX/004; Planning Inspectorate Reference AS-007)</p>

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<b>(c) The Applicant to state whether and how consideration has been given to all reasonable alternatives to Compulsory Acquisition and Temporary Possession.</b>	<p>The Applicant confirmed that consideration <i>has</i> been given to all reasonable alternatives to compulsory acquisition ('CA') and temporary possession ('TP'). The explanation set out below demonstrates how.</p> <p>By way of overview on alternatives:</p> <ul style="list-style-type: none"> <li>• The evolution of the Scheme – in terms of the process of selecting the preferred location and alignment – is outlined in Chapter 5 of the Applicant's <b>Case for the Scheme</b>.</li> <li>• The <b>Environmental Statement ('ES'), at Chapter 3 (Alternatives)</b> explains the main alternatives considered. The detailed Options Assessment Reports are included as Appendices 3A, 3B and 3C to the ES.</li> <li>• As noted in the <b>Statement of Reasons</b> (at section 6.4), in addition to the options assessment process referenced in the Case for the Scheme and the ES, an assessment of the land and rights needed to deliver the Scheme was carried out in parallel with the consideration of a range of engineering and design alternatives.</li> <li>• The selection process included taking account of various factors such as the views of consultees, environmental impacts, affordability, value for money, the objectives of the Scheme, and safety and operational considerations.</li> </ul>	<p><b>Case for the Scheme, Chapter 5</b> (Document Reference 7.1; Planning Inspectorate Reference APP-188)</p> <p><b>Environmental Statement (ES), Chapter 3</b> (Document Reference 6.1; Planning Inspectorate Reference APP-096)</p> <p><b>ES Appendices 3A, 3B and 3C</b> (Document Reference 6.2; Planning Inspectorate Reference APP-097, APP-098 and APP-099)</p>



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	<ul style="list-style-type: none"> <li>• However, none of the alternatives that were considered obviate the need for the compulsory acquisition ('CA') and temporary possession ('TP') of land.</li> <li>• Therefore, the Order limits: <ul style="list-style-type: none"> <li>○ extend no further than the land that is reasonably required for the construction, operation, mitigation and maintenance of the Scheme;</li> <li>○ have been drawn as tightly as possible, with detailed consideration of the layout, boundaries and ownership of the land; and therefore</li> <li>○ minimise as far as possible the impacts of CA and TP on land.</li> </ul> </li> </ul> <p>In terms of specific alternatives to CA and TP:</p> <ul style="list-style-type: none"> <li>• As is explained in the Statement of Reasons and also in the <b>Negotiations Tracker</b>, the Applicant has sought and continues to seek to acquire land and rights over land required for the scheme by agreement, as an alternative to compulsory acquisition. For instance: <ul style="list-style-type: none"> <li>○ To date, the Applicant has acquired 19 of the 20 residential properties within the Order limits either under Blight notices or by negotiated agreement. Negotiations are ongoing in relation to the</li> </ul> </li> </ul>	<p><b>Statement of Reasons</b>, section 6.4 (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p> <p><b>Negotiations Tracker</b> (Revision 1, updated for Deadline 2) (Document Reference NCC/GY3RC/EX/020; Planning Inspectorate Reference REP2-006)</p>

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	<p>last remaining residential property (owned by an investor and leased to a tenant).</p> <ul style="list-style-type: none"> <li>○ In addition, the Applicant has completed a commercial agreement with GYPC, a significant landowner in the context of the Scheme. The agreement deals with GYPC's compensation claim relating to both the temporary use and the permanent acquisition of land for the purposes of the scheme.</li> <li>● The terms in which the CA powers in the dDCO are drafted allow flexibility, such that where a 'lesser' power proves to be sufficient, that lesser power may be exercised in the alternative. For example: <ul style="list-style-type: none"> <li>○ Land which is subject to powers of full CA could be subject to the acquisition of rights instead (see article 28(1) and the Applicant's response to the ExA's First Written Question 1.4.8).</li> <li>○ Land which is subject to full CA powers and/or land which is subject to the acquisition of new rights may, if appropriate in the delivery of the Scheme, be subject to powers of temporary possession.</li> </ul> </li> </ul> <p>In conclusion, the ExA can be assured that all reasonable alternatives to CA and TP have been considered.</p>	<p><b>Draft DCO</b>  (Document Reference NCC/GY3RC/EX/023; Planning Inspectorate Reference REP2-009)</p> <p><b>Applicant's responses to First Written Questions,</b>  ExQ1. 1.4.8  (Document Reference NCC/GY3RC/EX/022; Planning Inspectorate Reference REP2-008)</p>

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<b>(d) The Applicant to state whether and how the rights to be acquired, including those for Temporary Possession, are necessary and proportionate.</b>	<p>The Applicant confirmed that the rights which are proposed to be acquired are necessary and proportionate.</p> <p>The land which is proposed to be subject to the acquisition of rights is coloured blue on the Land Plans and the relevant plots are listed in Schedule 6 to the draft DCO. Where rights are proposed to be acquired below airspace required for the new bridge, the relevant land is identified in Schedule 8 to the draft DCO.</p> <p>Schedule 6 also sets out (in column 3) the purposes of the rights (including rights to impose restrictive covenants) which are proposed to be acquired. Equivalent clarity is provided in Schedule 8, in column 4. The purpose for which such rights are required is therefore clear on the face of the Order.</p> <p>Land which is proposed to be subject to a power of temporary possession only (i.e. not CA) is shaded green on the Land Plans and the relevant plots are listed in Schedule 9 to the draft DCO.</p> <p>In addition, Appendix A to the Statement of Reasons explains, on a plot by plot basis, the purposes for which each plot of land proposed to be subject to the compulsory acquisition of rights, or to the power of temporary possession, is required.</p>	<p><b>Land Plans</b> (Document Reference NCC/GY3RC/EX/004; Planning Inspectorate Reference AS-007)</p> <p><b>Draft DCO</b> (Document Reference NCC/GY3RC/EX/023; Planning Inspectorate Reference REP2-009)</p> <p><b>Statement of Reasons</b>, Appendix A (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p>

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	<p>As explained above under Agenda item 4(c) (Alternatives to CA / TP), the Applicant has sought wherever possible to minimise land take and to use a 'lesser' power where this is available / appropriate, so that full CA powers are not used where the Applicant's purposes could be achieved through the acquisition of rights (or the imposition of restrictive covenants).</p> <p>This approach to the use and exercise of land use powers is considered to be proportionate.</p> <p>As explained above (also in relation to Agenda item 4(c)), the delivery of the Scheme would not be possible without the acquisition of land and rights over land, and the temporary use and occupation of land.</p> <p>As such, the powers sought in the DCO for the use and acquisition of land are necessary, as well as proportionate.</p> <p>In response to the ExA's question about powers of temporary possession, the Applicant noted the distinction, in relation to the application of statutory provisions, between compulsory acquisition and temporary possession, and explained that not all of the tests applying to compulsory acquisition are equally applicable to temporary possession. In that context, the Applicant emphasised that it had sought wherever practicable to use the lesser power of temporary possession and had built into the draft DCO (as explained in relation to Agenda</p>	

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	item 3(a) above) the flexibility to allow it to use a lesser power where possible to minimise the impact on and interference with affected persons' land interests, and to reduce the overall costs arising from the delivery of the Scheme.	
<b>(e) The Applicant to state whether and how, in accordance with s.122(3) of the PA2008, there is a compelling case in the public interest for the Compulsory Acquisition, both in relation to the need in the public interest for the Proposed Development to be carried out and in respect of the private loss to those affected.</b>	<p>The Applicant confirmed that it has had regard to the requirements in section 122(3) of PA 2008 for there to be a <b>compelling case in the public interest</b> to justify the use of powers of compulsory acquisition.</p> <p>The Applicant considers that there is a <b>need</b> for the project to be delivered; and it is in the <b>public interest</b> for the project to be delivered, for the reasons set out below:</p> <ul style="list-style-type: none"> <li>○ The <b>public benefits</b> arising from the scheme (which are closely aligned to the scheme objectives, as set out in the <b>Case for the Scheme</b> and to the reasons for which the Secretary of State granted a <b>Section 35 Direction</b> confirming the Scheme's status as a nationally significant infrastructure project for which development consent was required) include:             <ul style="list-style-type: none"> <li>• supporting Great Yarmouth as a centre for both offshore renewable energy and the offshore oil and gas industry, enabling the delivery of renewable energy NSIPs and enhancing the Port's role as an international gateway;</li> </ul> </li> </ul>	<p><b>Statement of Reasons</b>, section 6, and paragraph 1.1.6 (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p> <p><b>Section 35 Direction</b> Published 26 February 2018</p> <p><b>Case for the Scheme</b> (Document Reference 7.1, Planning Inspectorate Reference APP-188)</p>

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	<ul style="list-style-type: none"> <li>• improving access and strategic connectivity between Great Yarmouth Port and the national road network thereby supporting and promoting economic and employment growth (particularly in the Enterprise Zone);</li> <li>• supporting the regeneration of Great Yarmouth including the town centre and seafront, helping the visitor and retail economy;</li> <li>• improving regional and local access by enhancing the resilience of the local road network, reducing congestion and improving journey time reliability;</li> <li>• improving safety and reducing road casualties and accidents, in part by reducing heavy traffic from unsuitable routes within the town centre;</li> <li>• improving access to and from the Great Yarmouth peninsula for pedestrian, cyclists and buses, encouraging more sustainable modes of transport and reducing community severance; and</li> <li>• protecting and enhancing the environment by reducing emissions of greenhouse gases and minimising the environmental impacts of the Scheme.</li> </ul>	

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	The Applicant confirmed that the benefits outlined above had been weighed against the potential impacts of the Scheme and noted that this balancing exercise would be considered further under the forthcoming Agenda items dealing with human rights issues.	
<b>5. Review of the Compulsory Acquisition Negotiations and Objections Tracker [NCC/GY3RC/EX/020] and related matters</b>		
<b>(a) The Applicant to summarise outstanding objections and progress with negotiations on alternatives to Compulsory Acquisition.</b>	<p>In response to the ExA's request for an update on the progress of negotiations with affected persons, the Application confirmed that:</p> <ul style="list-style-type: none"> <li>The latest version of the <b>Compulsory Acquisition Negotiations and Objections Tracker</b> is Revision 1, which was submitted at Deadline 2.</li> <li>Outstanding objections are detailed in <b>Annex A to the Applicant's Response to the Examining Authority's First Written Questions, ExQ1 Question 1.3.1.</b></li> </ul> <p>An oral summary of some of the outstanding objections identified in Annex A to the ExA's First Written Questions was provided in the Hearing by the Applicant's</p>	<b>Compulsory Acquisition Negotiations and Objections Tracker</b> , Revision 1, updated for Deadline 2 (Document Reference NCC/GY3RC/EX/020; Planning Inspectorate Reference REP2-006)

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<p>representative, Mr Grant Brewer; but it was agreed that a brief update of all of the persons identified in Annex A would be provided in this post-hearing submission. Accordingly, this update is set out below, in items 1 to 13 (which relate to the persons identified in Annex A to the Applicant's response to ExQ1 1.3.1):</p>	<p><b>Applicant's responses to First Written Questions, ExQ1. 1.4.8</b>          (Document Reference NCC/GY3RC/EX/022; Planning Inspectorate Reference REP2-008)</p> <p><b>SoCGs at Appendices to the Statement of Commonality (SoC)</b>          (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)</p>



ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	1. <b>Pauline Ablitt</b> – (update not provided at the Hearing) – The Applicant considers the issues raised by Ms Ablitt to be matters relating to the detailed design of the Scheme, which the Applicant is progressing and will discuss further with Ms Ablitt.	<b>Applicant's responses to First Written Questions</b> , ExQ1. 1.4.8 (Document Reference NCC/GY3RC/EX/022; Planning Inspectorate Reference REP2-008)
	2. <b>David Baker</b> – please see item 2 in the update on persons identified in the Negotiations Tracker (below).	As above.
	3. <b>Great Yarmouth Port Company</b> – (update not provided under this Agenda item in the Hearing) – The Applicant has completed a commercial agreement with the Port Company covering, inter alia, the compensation for land to be used/acquired in connection with the Scheme; the agreement was completed in March 2019.	As above, plus <b>SoCG at Appendix F to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	4. <b>ASCO</b> – (update not provided under this Agenda item in the Hearing) – Please see Agenda item 6 below.	As above.
	5. <b>Jennifer Baker</b> – (update provided at the Hearing) – Ms Baker's objection concerns Cromwell Court, which was visited during the Accompanied Site Inspection held on 19 November 2019. The Applicant confirmed that discussions regarding the provision of car parking for residents of Cromwell Court and a turning facility for vehicles using Cromwell Road were progressing well. Provisional agreement has been obtained from three of the five properties in Cromwell Court to the Applicant's proposals to provide dedicated parking spaces along the northern area of the current courtyard, adjacent to the properties, with the remainder of the area becoming public highway. The Applicant considers that it may be able to reduce the area of land within Cromwell Court which is proposed to be subject to compulsory acquisition. Should that be the case, it is envisaged that this would be dealt with through side agreements with the relevant landowner(s), rather than through a proposed change to the application documentation (see also the Applicant's response to Agenda item 5(b) below).	As above.
	6. <b>Royal Mail</b> – (update not provided at the Hearing) – The Applicant does not consider this a compulsory acquisition issue as the land in which Royal Mail has an interest will remain public highway.	As above.
	7. <b>Great Yarmouth Port Authority</b> – (update not provided at the Hearing) – The land issues relevant to GYP A are dealt with in the Applicant's	As above.

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	agreement with the Great Yarmouth Port Company (as referenced at item 3 above).	
	8. <b>Anglian Water Services</b> – (update not provided at the Hearing) – The Applicant does not consider this a compulsory acquisition issue as the apparatus in question is within the public highway (and will remain so with the Scheme in place).	As above, plus <b>SoCG at Appendix N to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	9. <b>Cadent Gas Limited</b> – (update provided at the Hearing) – The Applicant confirmed that Cadent Gas Limited have confirmed that they are content with the permanent acquisition proposals and will continue to work with the Applicant in relation to rights requirements and access to land/apparatus (and protective provisions). The Applicant is seeking to commence compensation discussions.	As above.
	10. <b>Great Yarmouth Borough Council</b> – (update provided at the Hearing) – The Applicant confirmed that the Borough Council have confirmed that they are content with the land acquisition requirements and that compensation discussions are ongoing.	As above, plus <b>SoCG at Appendix E to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate

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		Reference REP2-007)
	11. <b>Alan Forder</b> – (updated not provided at the Hearing) – The Applicant considers that this objection relates to on-street car-parking issues (rather than compulsory acquisition), which the Applicant is currently considering.	As above.
	12. <b>Regaland</b> – (update provided at the Hearing) – The Applicant considers that the objection raised concerns the Scheme generally, rather than the specific issue of the compulsory acquisition of Regaland's property interest. The Applicant has requested details of Regaland's compensation claim, which were received by the Applicant shortly after the Hearing.	As above.
	13. <b>Hope (Borough of Great Yarmouth)</b> – (update not provided at the Hearing) – The Applicant remains in ongoing discussions with the landowner on a number of issues.	As above, plus <b>SoCG at Appendix R to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	Updates on some specific entries within the <b>CA and TP Negotiations Tracker</b> , submitted at Deadline 2, were provided in the Hearing by the Applicant's representative, Mr Grant Brewer; but discussions with affected persons have continued since the submission of the Negotiations Tracker at Deadline 2, and	<b>Compulsory Acquisition and Temporary Possession</b>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	therefore it was agreed that an update on all of the entries in that Negotiations Tracker would be provided in this post-hearing submission. Accordingly, this update is set out below, in items 1 to 31 (which relate to the persons identified in the CA and TP Negotiations Tracker):	<p><b>Negotiations Tracker</b>  (Revision 1, updated for Deadline 2)  (Document Reference NCC/GY3RC/EX/020; Planning Inspectorate Reference REP2-006)</p> <p><b>SoCGs at Appendices to the Statement of Commonality</b>  (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)</p>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	1. <b>Highways England</b> – principle of transfer of non-trunk road land from Highways England to the Applicant has been agreed. The Applicant proposes further engagement to try and progress this.	As above, plus <b>SoCG at Appendix G to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	2. <b>Mansi</b> – [No further update.]	As above.
	3. <b>Jones</b> – [No further update.]	As above.
	4. <b>Gabri / Livie</b> – [No further update.]	As above.
	5. <b>Simpsons</b> – [No further update.]	As above.
	6. <b>Hope (Borough of Great Yarmouth)</b> – [No further update.]	As above, plus <b>SoCG at Appendix R to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
		Reference REP2-007)
	7. <b>Great Yarmouth Borough Council</b> – Principle of land acquisition requirements agreed. Compensation offer made. Ongoing negotiations.	As above, plus <b>SoCG at Appendix E to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	8. <b>Regaland</b> – [No further update.]	As above.
	9. <b>Suffolk Road Industrial Estate tenants (of units that will remain)</b> – [No further update.]	As above.
	10. <b>Kelly Milton / MMC Performance Ltd (Unit 10)</b> – Ongoing correspondence and visits to property to encourage the affected persons to engage in looking for alternative accommodation and to instruct a surveyor to act on their behalf.	As above.
	11. <b>Ses Fabrication Ltd (Unit 11)</b> – Further meeting held with tenant to encourage them to look for alternative accommodation. Aware that they are actively doing so.	As above.
	12. <b>Allotment Association</b> – [No further update.]	As above, plus

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		<b>SoCG at Appendix P to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	<b>13. Great Yarmouth &amp; Waveney MIND</b> – Meeting held to discuss detail of accommodation works to be carried out on the retained site and the preparation of Heads of Terms is being progressed.	As above, plus <b>SoCG at Appendix Q to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	<b>14. Church Commissioners – (BoR should now refer to “Dean and Chapter of Norwich”)</b> – Meeting held with agent to discuss requirements and proposals. Agent seeking client's instructions on compensation offer made.	As above.
	<b>15. Saffron Housing Trust</b> – has handed back two further properties to the Applicant. Now only two remaining (plots 1-52 (11 Cromwell Rd) and 1-59	As above.



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	(152 Southtown Road)). Handover of these properties to the Applicant is understood to be imminent.	
	16. <b>Funnell</b> – [No further update]	As above.
	17. <b>Ecclestone / Howkins (13 and 14 Queen Anne's Road)</b> – both properties have been acquired by the Applicant, which now owns the entire terrace of properties on Queen Anne's Road, where land is required for the Scheme.	As above.
	18. <b>Official Receiver / Hill (1 Cromwell Court)</b> – [No further update.]	As above.
	19. <b>Frith / Brain / Johnson / Baker (2-5 Cromwell Court)</b> – Heads of Terms are being prepared for the acquisition / 'exchange' of land for car parking spaces (for more information, please see the Applicant's item 5 (reference Jennifer Baker) under the ExA's Agenda item 5(a) above; together with the Applicant's response to Agenda item 5(b) below).	As above.
	20. <b>Steward (155 Southtown Road)</b> – Following representations made at the Compulsory Acquisition Hearing by the owner of this property, further discussions are ongoing to seek to agree an acquisition figure. Owner accepts that acquisition of the property is required for the Scheme and this is now purely a compensation issue. This is the last of the 20 residential properties required for the Scheme and the only one of those properties which the Applicant has not yet acquired.	As above.

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	21. <b>Cadent Gas Limited</b> – [No further update.] – Principles of land acquisition have been accepted by Cadent. The Applicant is seeking to initiate and engage in discussions with Cadent's in-house property manager.	As above.
	22. <b>National Grid Property Holdings</b> – [No further update.] – The Applicant is seeking to initiate and engage in discussions with National Grid.	As above.
	23. <b>Great Yarmouth Port Authority</b> – The Applicant is seeking confirmation that the Great Yarmouth Port Company and the Port Authority have completed the matter of the Port Authority becoming a party to the commercial agreement signed with the Port Company.	As above, plus <b>SoCG at Appendix F to SoC</b> (Document Reference NCC/GY3RC/EX/021; Planning Inspectorate Reference REP2-007)
	24. <b>Great Yarmouth Port Company</b> – a Commercial Agreement, entered into by GYPC and the Applicant, covering, inter alia, compensation, was completed in March 2019.	As above.
	25. <b>McMillian/Suffling/Ulbricht</b> – land interests covered by the above-referenced agreement between the Applicant and GYPC.	As above.
	26. <b>Robinson</b> – land interests covered by the above-referenced agreement between the Applicant and GYPC.	As above.

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	27. <b>Spinks (car sales site)</b> - Regular visits to site seeking to engage with proprietor setting out scheme timescales, encouraging appointment of surveyor and seeking to assist in finding alternative accommodation.	As above.
	28. <b>Yarmouth Stores/Knight</b> – proposed temporary possession / use only. [No further update.]	As above.
	29. <b>ASCO / Perenco</b> – (update not provided under this Agenda item in the Hearing) – Discussions are ongoing – Please see Agenda item 6 below.	As above.
	30. <b>Eastern Power Networks</b> – [no further update] – Landowner is Borough Council, so proposal is lease variation when land take is confirmed pursuant to the DCO.	As above.
	31. <b>ECW Holdings / Mezen Investment Holdings / Insite Poster Investments</b> – [no further update] – VMS sites – awaiting confirmation on final extent of land requirements for individual VMS.	As above.
<b>(b) The Applicant to summarise any proposed changes to the extent of the Order lands.</b>	<p>The Applicant confirmed that it does not propose to make any changes to the extent of the Order land.</p> <p>At Cromwell Court, the Applicant considers that it may be able to reduce the area of land subject to compulsory acquisition – should that be the case, it is envisaged that this would be dealt with through a side agreement with the</p>	

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	relevant landowner(s), rather than through a proposed change to the application documentation. As such, no changes to the extent of the Order land are proposed.	
<b>6. Other parties who may be affected by provisions in the dDCO – The ExA will invite oral representations from:</b>		
<b>(a) Affected Persons who have notified a wish to make oral representations.</b>	<ol style="list-style-type: none"> <li><b>Jennifer Baker</b> – the Applicant's proposals for land use and acquisition, together with related accommodation works at Cromwell Court (parking area / turning head) were discussed in the Hearing; the proposals for a pedestrian route (providing important connectivity for the Scheme) were clarified by the Applicant by reference to plans and drawings shown on screen. It was agreed that the detail of the arrangements required to give effect to the Applicant's proposals and to accommodate the landowners' requirements would be best dealt with by agreement between the parties outwith the Hearing; it was also confirmed that a slight revision to the Applicant's proposals at Cromwell Court would not necessitate any changes to the Application documentation.</li> <li><b>Great Yarmouth &amp; Waveney MIND</b> – Caroline Fernandez, on behalf of Great Yarmouth &amp; Waveney MIND summarised the anticipated impacts of the Scheme on the MIND site. The Applicant confirmed that it was in dialogue with MIND and was actively seeking to minimise and/or mitigate the effects of the Scheme on the MIND site. The Applicant also explained</li> </ol>	

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	<p>that the purpose of the proposed temporary possession of land within the MIND site was intended to enable the Applicant to deliver an agreed package of accommodation works on that land; there was no intention to locate a construction compound within the boundary of the MIND site.</p> <p>3. <b>Mr and Ms Steward (155 Southtown Road)</b> – Please refer to item 20 under Agenda item 5(a) above. Mr and Ms Steward confirmed in the Hearing that their objection related to matters of compensation only.</p> <p>4. <b>ASCO</b> –</p> <ul style="list-style-type: none"> <li>a. <b>ASCO's position:</b> The ExA noted that ASCO had made representations asserting specifically that the statutory test in section 122 of the PA 2008 had not been met in relation to the proposed permanent compulsory acquisition and the proposed temporary possession of ASCO's land for the purposes of the Scheme. The ExA asked ASCO to explain how it had arrived at that conclusion.</li> <li>b. In response, Alisdair Duncan on behalf of ASCO (referred to henceforth as 'ASCO') explained the nature of ASCO's business operations in the Port area affected by the Scheme and noted that ASCO expected its operations to be significantly affected as a 'knock on' effect of the impacts of the Scheme on the neighbouring business of Perenco.</li> </ul>	

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	<ul style="list-style-type: none"> <li>c. It was noted that Perenco was not present at the Hearing.</li> <li>d. Mark Strachan on behalf of ASCO (referred to henceforth as 'ASCO') explained the complex nature of the arrangements pursuant to which ASCO and Perenco occupy land at Fish Wharf which is owned and managed by Peel Ports / GYPC.</li> <li>e. ASCO acknowledged that it, and Perenco, had been involved in protracted discussions with the Applicant with a view to identifying a solution which would enable ASCO and Perenco to continue their existing operations in Great Yarmouth.</li> <li>f. However, ASCO emphasised its view that as a business it would derive no direct commercial benefit from the Scheme and commented that this situation was contrary to the stated benefits of the Scheme for the oil and gas sector.</li> <li>g. <b>Sequencing of scheme development in relation to the development of ASCO/Perenco premises:</b> Through ASCO's responses to the ExA's questions it was established that:             <ul style="list-style-type: none"> <li>i. The Scheme would cause no loss of buildings / premises to either ASCO or Perenco at Fish Wharf.</li> </ul> </li> </ul>	

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	<ul style="list-style-type: none"> <li>ii. Whilst the Scheme would use approximately 50% of Perenco's site (laydown area) for the purpose of providing a temporary compound during the construction of the Scheme, no land would be taken from ASCO's site.</li> <li>iii. The building on Fish Wharf which is currently occupied by Perenco and which is known as the 'Neptune Warehouse' was originally constructed pursuant to a grant of temporary planning permission in 2013.</li> <li>iv. The planning permission was due to expire in 2022, given the expectation that the Scheme would come forward on its original (2009) alignment.</li> <li>v. However, the original alignment of the Scheme (as fixed in 2009) was re-designed specifically to avoid the need for removal or demolition of the Neptune Warehouse.</li> <li>vi. An application for variation of the 'temporary' condition on the planning permission has been submitted.</li> <li>vii. In summary, the Scheme preceded the Neptune Warehouse, but its alignment has nevertheless been redesigned to accommodate that building.</li> </ul>	

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	<p>h. <b>Suggested relocation of the eastern landing point 50 metres northwards:</b> The ExA noted ASCO's suggestion (it its representations) that the bridge could be further relocated some 50 metres to the north of its currently proposed alignment and advised that the Application currently being examined by the Planning Inspectorate did not include sufficient flexibility to accommodate such a change, either by the Inspectorate during the examination phase or by the Secretary of State during the determination phase.</p> <p>i. In response, ASCO commented that this was why its objection was focused in the main on the economic case for the Scheme, noting that if ASCO were to leave Great Yarmouth this would be severely detrimental to the economic case for the Scheme.</p> <p>j. <b>Severance at Fish Wharf:</b> The ExA queried ASCO's assertion that the Scheme would cause severance to the Fish Wharf site (given the inclusion in the Scheme of provision for an underpass linking the areas north and south of the bridge). The Applicant explained that the underpass had been added to the Scheme at GYPC's and Perenco's request.</p> <p>k. <b>Access and traffic disbenefits:</b> The ExA also sought to explore ASCO's assertion that it would not benefit from any of the traffic-related benefits associated with the Scheme and would instead</p>	



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	<p>suffer access issues as a result of the Scheme itself and its effects on traffic using the highway network.</p> <p>l. <b>Location of Berths 7 and 8:</b> It was established that Berths 7 and 8 were not directly adjacent to ASCO's and Perenco's sites at Fish Wharf, but were further to the south and that a potential relocation solution might involve the use of these Berths by some of ASCO's other site occupants (not Perenco, which does not have access to the quayside).</p> <p>m. <b>Number of berths lost to the Scheme:</b> It was also confirmed that of the 95 berths in the river, only some 4-5 would be permanently lost to the Scheme. However, it was acknowledged that not all of the remaining berths would have infrastructure adequate to accommodate the types of vessels serviced by Perenco.</p> <p>n. <b>Applicant's observations on distinctions between ASCO and Perenco:</b> Mr Michael Bedford QC for the Applicant (hereinafter referred to as "the Applicant") noted that notwithstanding their inter-dependence, there were distinctions to be drawn between ASCO and Perenco:</p> <p style="padding-left: 40px;">i. Perenco's operation is focused on the Neptune Warehouse and associated open areas. On the basis of figures provided by ASCO, Perenco employs 22 people.</p>	

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	<p>ii. ASCO employs 120 people, but not all of those jobs are located on the land adjacent to Perenco's site (the figure relates to ASCO's employees in Great Yarmouth as a whole). Some 14 of ASCO's employees are co-located within Perenco's site for at least part of their time. [NB: ASCO confirmed during the Hearing that there were 20 such employees, rather than 14).</p> <p>iii. Albeit that Perenco is an important client of ASCO's, it is not ASCO's only client: ASCO has a wider client base which necessarily fluctuates over time, given its role as a service provider in the logistics sector catering for the offshore energy industry.</p> <p>o. <b>Applicant's endeavours to accommodate retention of ASCO and Perenco in Great Yarmouth:</b> The Applicant highlighted that it was keen to identify a solution which would enable Perenco's operation to be retained in Great Yarmouth, whether by means of some reconfiguration of the retained element of the existing Perenco site together with the use of some areas currently within ASCO's operational site (which would displace ASCO's operations to Berths 7 and 8) ("<b>Option A</b>"), or by means of relocation elsewhere in Great Yarmouth (which would leave ASCO's current operations in situ at its existing site) ("<b>Option B</b>"). The Applicant</p>	

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	<p>confirmed that both of these permutations were currently 'live' and being discussed with both ASCO and Perenco.</p> <p>p. <b>Detailed explanation of background to the Applicant's negotiations with ASCO and Perenco and the related development of the Scheme:</b> Prior to explaining what the likely consequences would be if neither of these options proved deliverable, the Applicant invited its representative Mr Mark Kemp (Project Manager for the Scheme) to explain in more detail the 'journey' travelled by ASCO, Perenco and the Applicant in arriving at its current position. The account of this 'journey' is reproduced in two notes prepared by Mr Kemp, as follows:</p> <p>i. <b>'Background to Negotiations with ASCO and Perenco'</b> – annexed to this written submission at <b>Appendix A</b>. This note sets out the detail of Options A and B (as referenced above) together with a further potential solution (Option C), and includes, at its Appendices, copies of the plans and drawings which Mr Kemp showed on the screen at the Hearing in order to explain:</p> <p>1. the <b>spatial relationship between ASCO's and Perenco's operational sites</b> at Fish Wharf and the location of Berths 7 and 8; and</p>	

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	<p>2. the <b>package of measures devised and pledged by the Applicant to mitigate the impacts of the Scheme</b> on ASCO and Perenco (in connection with Option A).</p> <p>ii. <b>'Scheme Development and Alignment in relation to ASCO and Perenco'</b> – annexed to this written submission at <b>Appendix B</b>. This note recounts the options consultations carried out in relation to the Scheme and explains how the current proposed alignment was arrived at, in collaboration with ASCO and Perenco and in consideration of their interdependent business operations at Fish Wharf. It also provides an account of the impacts which would be likely to flow from a decision to relocate the current alignment/landing point 50 metres northwards on the east bank of the river (as proposed by ASCO) at this stage in the Scheme's development.</p> <p>q. <b>Applicant's aspiration to retain ASCO and Perenco in Great Yarmouth:</b> The Applicant considers that the notes at Appendices A and B provide evidence of the very considerable lengths that it has gone to in endeavouring to identify a solution that enables both ASCO and Perenco to continue to operate effectively in Great Yarmouth.</p>	

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	<p>r. <b>Applicant's assessment of employment impacts:</b> The Applicant is also currently working to identify and quantify the potential impacts of the Scheme on employment figures in the event that either ASCO or Perenco or both were to leave their current locations at Fish Wharf.</p> <p>s. <b>Applicant's response to perceived technical issues associated with retention of the ASCO site with the Scheme in place</b> (as raised by ASCO): Prior to responding to the ExA's invitation to set out what the potential fallback position might be in the absence of an agreement between the Applicant and ASCO and Perenco, the Applicant noted that there were two technical points raised in ASCO's representations which the Applicant hoped to be able to address constructively. The two points to be addressed were as follows:</p> <ul style="list-style-type: none"> <li>i. providing confirmation that <b>vehicular access</b> to ASCO's site, where retained during construction, would still be workable, by explaining the proposed arrangements for site access and highway network connectivity; and</li> <li>ii. providing confirmation that <b>access to berths</b> at ASCO's site would not be constrained by congestion caused by</li> </ul>	

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	<p>recreational vessels waiting unmoored in the river in anticipation of a bridge opening.</p> <p>t. In relation to the two points above, Mr Mark Kemp, and Mr Stephen Horne, for the Applicant, explained (respectively) as follows:</p> <p>i. <b>Vehicular access:</b> ASCO's suggestion that its site traffic would need to be diverted out to the sea front was not correct: no such diversion would be necessary because the Applicant would manage the works by means of temporary traffic controls on the highway network around the site of the Scheme. In addition, the Applicant would appoint (pursuant to the Outline Code of Construction Practice) a Port Community Liaison Officer, whose objectives would include minimising the impacts of the construction process on the Port and its occupants, for example by engaging in consultation on timings of works, promoting effective lines of communication, and ensuring that any road closures were planned and communicated in advance.</p> <p>ii. <b>Access to berths:</b> The methodology envisaged for the Scheme of Operation (in Schedule 10 to the draft DCO) involves recreational vessels being instructed to wait for an opening whilst moored at the waiting pontoons; as such these vessels would be outside the navigable channel and</p>	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<p>would have no impact on shipping. In a scenario where there were too many vessels at one time to be collectively accommodated on the waiting pontoons, then a bridge opening would be instructed. As such, a situation in which recreational vessels were left waiting and unmoored in the river would not be permitted to arise. It follows that the suggestion that ASCO's berths would be inaccessible due to congested river traffic is unfounded.</p> <p>u. <b>Potential for detrimental impacts of bow thrusters on waiting recreational vessels:</b> In response to ASCO's further concern (as first expressed in ISH1 on the Effects on Port Operations, held on 19 November 2019, and raised again in the Hearing on 20 November 2019) about the potential use of bow thrusters and the related need to clear small recreational vessels from the waiting pontoons, the Applicant acknowledged that this procedure could potentially increase bridge opening times (due to the longer vessel passage times arising from the collective passage of a number of small vessels) depending on the direction in which vessels were moving (with longer passage times more likely to occur for outbound movements, thereby temporarily restricting inbound commercial movements).</p> <p>v. <b>Applicant's view of the likely economic impacts of a failure to identify a solution that retains ASCO/Perenco in Great</b></p>	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<p><b>Yarmouth:</b> In response to the ExA's query about the fallback position in the absence of agreement relating to any of Options A, B or C (as set out in the note at Appendix A hereto), the Applicant acknowledged that if Perenco was not retained in Great Yarmouth, there would be some detriment arising from the loss of Perenco's employment activities; however, the net effect – taking into account the employment potential of the residual area and, with the Scheme in place, the increased attractiveness of Great Yarmouth as a whole – is not anticipated to be a disbenefit in either economic or employment terms. Even if that finding proved incorrect, and Perenco was displaced, the overall balance of benefits in the public interest (arising from the Scheme) would more than outweigh the detriment that would be caused by the loss of some employment – even in the absence of an agreed solution for the retention of ASCO and/or Perenco in Great Yarmouth.</p>	
<b>(b) Other Affected Persons.</b>	There were no other affected persons wishing to speak at the Hearing.	
<b>(c) Persons whose land or rights are not proposed to be acquired compulsorily but who may be affected</b>	There were no persons whose land or rights are not proposed to be acquired compulsorily, but who may be affected and able to make a relevant claim, wishing to speak at the Hearing.	



ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
and able to make a relevant claim.		
(d) Any section 102 parties or Category 3 interests.	There were no section 102 parties or affected persons with Category 3 interests wishing to speak at the Hearing.	
<b>7. Impacts on other land and interests</b>		
(a) Temporary use of land	<p>Insofar as this matter was covered in the hearing, please refer to the Applicant's submissions above, under Agenda items 3(a), 3(c), 4(c) and, in particular, 4(d), in relation to the temporary possession and use of land in connection with the Scheme.</p> <p>To consolidate the information in the above-mentioned submissions, the Applicant submits as follows:</p> <ul style="list-style-type: none"> <li>As is explained in the Applicant's <b>Statement of Reasons</b>, at section 3.4 (Powers to use and possess land temporarily), and in the <b>Explanatory Memorandum to the draft DCO</b>, there are two ways in which temporary possession powers may be deployed in connection with the construction of the Scheme:               <ul style="list-style-type: none"> <li>Firstly, article 35, in conjunction with Schedule 9 to the <b>draft DCO</b>, allows the land identified in Schedule 9 (by reference to the plots</li> </ul> </li> </ul>	<p><b>Statement of Reasons</b>, section 3.4 (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p> <p><b>Draft DCO</b> (Document Reference NCC/GY3RC/EX/023; Planning Inspectorate Reference REP2-009)</p>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<p>shaded green on the <b>Land Plans</b>) to be occupied and used temporarily while the works are carried out. This is land which is required temporarily during the construction of the authorised development, but which is not required permanently, and which is therefore not proposed to be acquired, but only to be subject to powers of temporary possession.</p> <ul style="list-style-type: none"> <li>○ Secondly, article 35 also allows for the temporary possession of any of the land intended for permanent acquisition (i.e. land shaded pink on the Land Plans) or for the acquisition of new rights (i.e. and shaded blue on the Land Plans). Temporary possession of such land may be taken prior to acquisition of the land or rights in question, for the purposes of facilitating the construction of the Scheme.</li> <li>• Such possession of land requires prior notification to the owner(s) and any occupier(s) of the land. The notice period is a minimum of 28 days.</li> <li>• The purpose of this provision is to enable the Scheme to proceed without any delay potentially arising from vesting or conveyancing procedures.</li> <li>• Compensation is payable by the Applicant to landowners and occupiers in connection with the temporary possession of their land.</li> </ul>	<p><b>Land Plans</b> (Document Reference NCC/GY3RC/EX/004; Planning Inspectorate Reference AS-007)</p>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<b>(b) Any other matters not already covered</b>	No such matters were raised at the Hearing.	
<b>8. Statutory Undertakers</b>		
<b>(a) The Applicant to set out the current position in respect of representations made and whether there are any remaining which have not been withdrawn.</b>	<p>The Applicant confirmed in the Hearing that there were no particular matters to report in relation to representations from statutory undertakers.</p> <p>For information, a summary of the current position is provided below:          The Applicant's response to Agenda item 3(c) above included reference to a number of statutory undertakers, namely Anglian Water, Cadent (gas), National Grid, Eastern Power Networks and the Great Yarmouth Port Authority (GYPA).</p> <p>In response to Agenda item 8(a), the following statutory undertakers have submitted representations, with references as listed below. To date, representations have yet to be withdrawn; however, discussions between the Applicant and all of those statutory undertakers listed in the table below are ongoing.</p>	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019			Relevant document references
	Statutory Undertaker	Representation(s) submitted	Status of negotiations	
	Anglian Water	Relevant Representation (RR-027) Written Representation (REP1-014)	Ongoing	
	Cadent (gas)	Relevant Representation (RR-028) Written Representation (REP1-020)	Ongoing – negotiating terms of protective provisions and land acquisition	
	National Grid	None	Applicant seeking to progress negotiations	
	Great Yarmouth Port Authority (GYPA)	Relevant Representation (RR-020) Written Representations (REP1-021 & REP1-024)	Negotiations are ongoing; many issues are resolved; some remain outstanding, as detailed in the SoCG with GYPC.	
	Great Yarmouth Port	Relevant Representation (RR-014)		

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019			Relevant document references
	Company (GYPC)	Response to Rule 6 - Accepted at the discretion of the Examining Authority (AS-004)		
	GYPA & GYPC	Written Representation (REP1-016) Responses to Examining Authority's written questions (ExQ1) (REP2-020)		
9. Human rights and Public Sector Equality Duty (PSED)				
(a) Article 1 of the First Protocol to the European Convention on Human Rights (ECHR)	The Applicant confirmed in the Hearing that it had set out its position on Human Rights considerations in some detail in its Statement of Reasons, which effectively draws together a number of the matters discussed during the Hearing. The Applicant also confirmed that it was comfortable that the interference with private rights that would be caused by the Scheme was necessary and proportionate and would be outweighed by the benefits of the Scheme.			Statement of Reasons, paragraphs 9.2.4 to 9.2.9 (Document Reference 4.1; Planning Inspectorate Reference APP-022)

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<p>As is explained in the Statement of Reasons, the Applicant has had regard to Article 1 of the First Protocol to the European Convention on Human Rights, which provides –</p> <ul style="list-style-type: none"> <li>• a right to peaceful enjoyment of possessions; and that</li> <li>• such interference must be in the public interest, lawful and proportionate.</li> </ul> <p>The Applicant understands that in determining whether interference with Convention Rights (in article 1 Protocol 1) is proportionate, a fair balance must be struck between the public benefit sought and the interference with affected private rights.</p> <p>The Applicant considers that, in respect of this Scheme, that balance is appropriately struck.</p>	
<b>(b) Article 6 of the ECHR</b>	<p>The Applicant has had regard to Article 6 of the European Convention on Human Rights – right to a fair and public hearing by an independent and impartial tribunal.</p> <p>The procedures under PA 2008 are compliant with the Human Rights Act 1998 and in so far as these duties are observed by the Applicant, the Applicant's duties under the Human Rights Act 1998 are discharged.</p> <p>In particular (as set out in the Statement of Reasons, at paragraph 9.2.3):</p> <ul style="list-style-type: none"> <li>• the DCO process provides opportunities to make representations;</li> </ul>	<p><b>Statement of Reasons,</b>          paragraphs 9.2.2 and 9.2.3          (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<ul style="list-style-type: none"> <li>• under sections 42 and 44 of PA 2008, the Applicant consulted:               <ul style="list-style-type: none"> <li>○ all known owners and occupiers of the land needed for the Scheme;</li> <li>○ persons who would or might be entitled to claim compensation under section 10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973;</li> </ul> </li> <li>• beneficiaries of restrictive covenants and of other rights overridden may claim compensation under section 10;</li> <li>• the public can make representations in response to notice served under s.56 of the PA 2008 and/or during the examination of the Application (e.g. in CA hearings) or in any written representations procedure the ExA holds;</li> <li>• if the DCO is made by the Secretary of State, a person aggrieved could mount a judicial review challenge in the High Court under section 118 of the PA 2008; and</li> <li>• for disputed compensation, there is a right to apply to the Upper Tribunal of the Lands Chamber (an independent tribunal).</li> </ul>	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<b>(c) Article 8 of the ECHR</b>	<p>As is explained in the Statement of Reasons (paragraphs 9.2.4 to 9.2.9), the Applicant has had regard to Article 8 of the European Convention on Human Rights, which provides:</p> <ul style="list-style-type: none"> <li>• a right to respect for private and family life and home; and that</li> <li>• any interference with that right by a public authority must be lawful, proportionate and necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.</li> </ul> <p>The Applicant understands that in determining whether interference with Convention Rights (in article 8) is proportionate, a fair balance must be struck between the public benefit sought and the interference with affected private rights.</p> <p>In seeking to strike that balance, the Applicant has had regard to:</p> <ul style="list-style-type: none"> <li>• the need for the Scheme and the public benefits it would bring; and</li> <li>• the interference with affected private rights.</li> </ul> <p>On balance, the Applicant considers that the public benefits which the Scheme would bring outweigh the private loss which would arise from interference with private rights.</p> <p>The Applicant therefore considers that the proposed compulsory acquisition of land and rights over land is legitimate, necessary and proportionate.</p>	<p><b>Statement of Reasons,</b>          paragraphs 9.2.4 to 9.2.9          (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p>



ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<b>(d) The degree of importance to be attributed to the existing uses of the land which is to be acquired.</b>	<p>As is explained in the Statement of Reasons, the Applicant is cognisant of all interests in land affected by the Scheme and has tried to minimise the impact of the Scheme on all affected interests. In particular:</p> <ul style="list-style-type: none"> <li>• The Statement of Reasons describes (in sections 4.3 to 4.5) the existing uses of the land.</li> <li>• The Applicant does not consider that any single affected interest is of such importance as to outweigh the important public benefits which the Scheme would deliver.</li> <li>• The Applicant does not consider that the cumulative private loss (arising on a Scheme-wide basis) is of such magnitude or severity as to outweigh the importance of the public benefits which the Scheme would deliver.</li> <li>• The Applicant continues to discuss the impacts of the Scheme with the persons most affected by those impacts, with the dual aim of <ul style="list-style-type: none"> <li>○ minimising as far as possible the loss suffered by those persons; and</li> <li>○ ensuring that any loss suffered is fairly and properly compensated.</li> </ul> </li> </ul>	<p><b>Statement of Reasons,</b> paragraphs 9.2.7 to 9.2.8; and sections 4.3 to 4.5 (Document Reference 4.1; Planning Inspectorate Reference APP-022)</p>

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<b>(e) The weighing of any potential loss of ECHR rights against the public benefit if the Order is made.</b>	Paragraph 9.2.11 of the Statement of Reasons confirms the Applicant's view that, <i>"On balance, the Applicant considers that the public benefits which the Scheme would bring outweigh the private loss which would arise from interference with private rights affected by the Scheme."</i>	<b>Statement of Reasons</b> , paragraph 9.2.11 (Document Reference 4.1; Planning Inspectorate Reference APP-022)
<b>(f) Public Sector Equality Duty (PSED)</b>	<p>The Applicant confirmed in the Hearing that it was content that it had complied with its Public Sector Equality Duty.</p> <p>More particularly, the Applicant's position is as follows:</p> <ul style="list-style-type: none"> <li>• As a public authority, the Applicant is subject to the public sector equality duty ('PSED') under section 149 of the Equality Act 2010 ('EqA 2010').</li> <li>• The Applicant must therefore, in the exercise of its functions, have regard to the need to: <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> </li> </ul>	<b>Statement of Reasons</b> , section 10 (Document Reference 4.1; Planning Inspectorate Reference APP-022)

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
	<ul style="list-style-type: none"> <li>• The PSED applies to “public authorities” in the exercise of their functions. “Public authority” is defined in section 150 of the EqA 2010 as a person specified in Schedule 19. Both the Applicant and “A Minister of the Crown” are listed in Part 1 of Schedule 19 so both the Applicant and the Secretary of State are required to have due regard to the PSED.</li> <li>• The Applicant has had due regard to its PSED and has undertaken an extensive Equalities Impact Assessment (“EqIA”). EqIA screening was carried out prior to, and informed the production of, the full EqIA.</li> <li>• The EqIA identified that during construction there is likely to be a low, medium term negative effect on sensitive equality receptors, such as construction noise and vibration, construction air quality, reduced access to community facilities. Measures to address these impacts are incorporated in the Outline Code of Construction Practice (Application Document 6.16 / APP-187).</li> <li>• The EqIA determined that with the Scheme in place (operational phase) there would be a low to medium long-term positive effect on groups with protected characteristics including an overall improved access to community facilities for all users.</li> </ul>	

ExA's Agenda Item	Summary of the Applicant's Oral Submissions made in the Compulsory Acquisition Hearing held on 20 November 2019	Relevant document references
<b>10. Any Other Business</b>		
There was no other business arising in the Hearing.		

## Appendix A

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## 1 Background

- 1.1.1 Prior to the submission of the application for a development consent order, the Applicant had a number of meetings with ASCO and Perenco between November 2017 and 19 March 2019. The aim of these meetings was to better understand ASCO's and Perenco's respective and interdependent operational requirements and to work collaboratively with both organisations to find a solution to enable Perenco to stay in Great Yarmouth and maintain its close working relationship with ASCO.
- 1.1.2 Perenco currently operate from the northern part of the Fish Wharf site and they indicated that they could not operate on a reduced site either temporarily during construction of the Scheme or permanently once the Scheme was constructed. The plan that was displayed at the Compulsory Acquisition Hearing 1 which showed the ASCO and Perenco operational areas on the western quayside is contained in Appendix A.
- 1.1.3 ASCO offered to make available part of the southern part of the Fish Wharf site which they currently operated to service other clients and they would relocate operations for other clients elsewhere as shown on the site plan. The plan that was displayed at the Compulsory Acquisition Hearing 1 which showed the ASCO and Perenco operational areas on the western quayside in greater detail is contained in Appendix B.



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## 2 Options

### 2.1 Option A

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2.1.1 The discussions resulted in the Applicant drafting a plan. This is referred to as Option A for the purposes of the Examination.

2.1.2 Option A included a suite of 9 measures to mitigate the impacts and this was shared with Perenco and ASCO in June 2018. The 9 measures were:

- Retention of a left turn only onto South Denes Road
- Increased access radius on road junction
- Highway access stopped and given over to shared ASCO/ Perenco site
- Existing ASCO building to be demolished
- Provision of Underpass
- Additional Land from Peel Ports
- Provision of an ASCO/ Perenco receipting extension to current warehouse building
- Retention of Perenco parking
- Perenco warehouse to be given Full permanent planning not temporary

2.1.3 The plan that was displayed at the Compulsory Acquisition Hearing 1 which showed the suite of 9 measures is contained in Appendix C.

2.1.4 The Applicant agreed to provide funding to enable ASCO to instruct Architects to reconfigure the site and for Quantity Surveyors to provide a cost estimate for the package of mitigation works.

2.1.5 A meeting was held between representatives of Perenco, Norfolk County Council and Great Yarmouth Borough Council on the 26 September 2018 and on the 3 October 2018 a joint letter from NCC and GYBC was sent to Perenco to confirm the position on the 9 identified measures, a copy of this letter is contained in Appendix D.

2.1.6 As a result, the Applicant agreed to provide the following mitigation:

- Left turn only onto South Denes Road from the ASCO/Perenco retained site
  - Increased access radius on road junction (at junction of Swanston's Road with South Denes Road)
  - Highway access stopped up to increase the area of the retained ASCO/Perenco site
  - Provision of an underpass beneath the new Third River Crossing
- 2.1.7 The letter stated that it was agreed that some of the 9 measures would need to be considered as part of the wider land compensation package to be agreed between respective valuers.
- 2.1.8 Following the meeting Perenco indicated that they would be committed to staying in Great Yarmouth subject to finalising commercial agreements with others.
- 2.1.9 Negotiations then commenced between all three parties working towards reaching an agreement on the proposed mitigation measures. This resulted in further dialogue and iteration of the package of mitigation works and the preparation of cost estimates.
- 2.1.10 A significant amount of work has been undertaken on this, including design work to develop the mitigation package. The cost of all this work has been underwritten by the Applicant.
- 2.1.11 The current mitigation package proposes that the southern part of the Fish Wharf site is reconfigured to accommodate Perenco and that ASCO's other clients are relocated to Berths 7/8, The plan that was displayed at the Compulsory Acquisition Hearing 1 which showed the location of Berths 7/8 is contained in Appendix A.
- 2.1.12 The Applicant agreed to underwrite legal costs from ASCO and Perenco to develop a legal compensation and works agreement and a deadline was set for the 30 September 2019 to complete the agreement. Prior to the legal agreement being signed, ASCO introduced a request for further post scheme payments from the Applicant. This was not accepted by the Applicant. The legal agreement was put on hold by the Applicant pending resolution of this matter. Negotiations are still ongoing between the Applicant and ASCO to bring this matter to a conclusion.
- 2.1.13 To protect the programme for the mitigation works the Applicant has agreed for design development work to continue at risk and should the agreement be signed the mitigation works are capable of completion to enable Perenco to move into the reconfigured site before the Applicant takes possession of the land required to construct the Scheme.

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- 2.1.14 The Applicant has also agreed at risk to underwrite the legal costs to draft the lease agreements necessary to facilitate the mitigation works in anticipation of the signing of the compensation and works agreement.

## 2.2 Option B

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- 2.2.1 Due to the uncertainty over Option A, Perenco have asked the Applicant to work with them to investigate an alternative solution which would enable Perenco to continue to operate from Great Yarmouth.
- 2.2.2 Perenco and the Applicant have identified a site within Great Yarmouth remote from the quayside which is available, and negotiations have commenced with the owner of the site. A proposal, including a site layout plan, is being developed by Perenco and the Applicant, and is about to be submitted to the owner for consideration.
- 2.2.3 This option is a very much more recent development, hence why it has not been able to be progressed before now, and why it is still under negotiation.

## 2.3 Option C

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- 2.3.1 The Applicant, Perenco and ASCO sought a possible solution from Great Yarmouth Port Company (GYPC) who identified potential land that could be made available north of the bridge adjacent to Atlas Warehouse.
- 2.3.2 The Underpass was requested as part of the initial mitigation package which would enable Perenco to operate from both sides of the bridge once construction work for the Scheme was completed.
- 2.3.3 Terms for an agreement were discussed and a letter of intent confirming these discussions was provided to the Applicant by Perenco's solicitor. However, GYPC later on in discussions with Perenco stated that they could not provide a definitive response to any such agreement until their compensation package had been agreed. A copy of this letter is contained in Appendix E.
- 2.3.4 Part of the issue with this solution is the temporary situation during construction and that finding a suitable operational arrangement for Perenco during construction is an ongoing issue.
- 2.3.5 This option still remains another possible alternative, should neither of Option A or Option B prove feasible.
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## 3 Summary

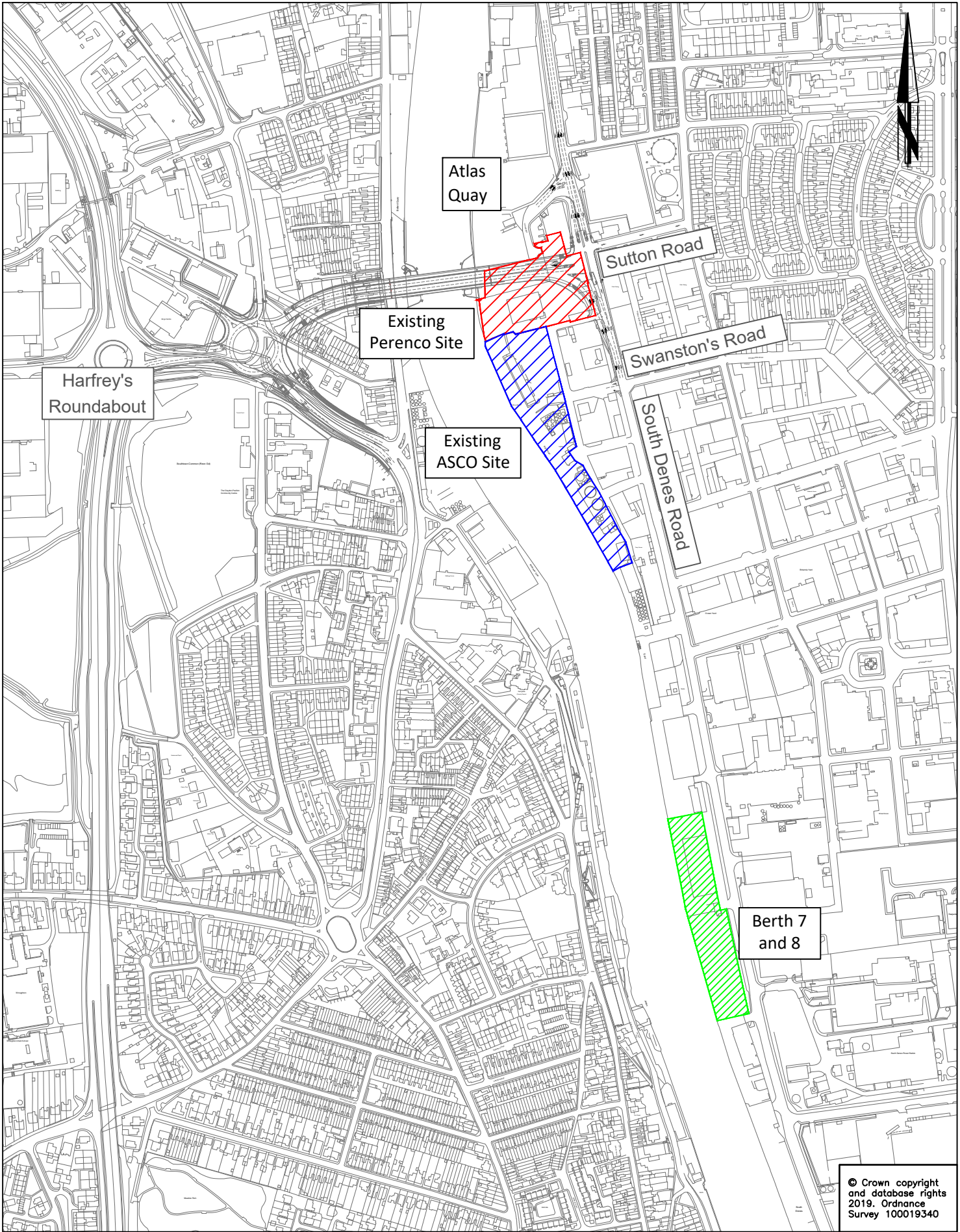
- 3.1.1 The Applicant has always recognised the need for co-operation/collaboration with both Perenco and ASCO and that trying to impose a solution (e.g. compulsory acquisition of part of ASCO's site in order to provide a reconfigured site for Perenco) without the agreement of both parties would not have been reasonable.
- 3.1.2 The Applicant is of the view that there are a number of options available to mitigate the impact of the Scheme on Perenco's operational site and that it has done everything reasonably possible to ensure that a solution can be found which facilitates Perenco (and ASCO) remaining within Great Yarmouth during the construction and operational phases of the Scheme.
- 3.1.3 Every effort is being made by the Applicant to draw this matter to conclusion and we are continuing to work with all parties to achieve this.

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## Appendix A





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DRAWING TITLE

ASCO/Perenco Site Plan

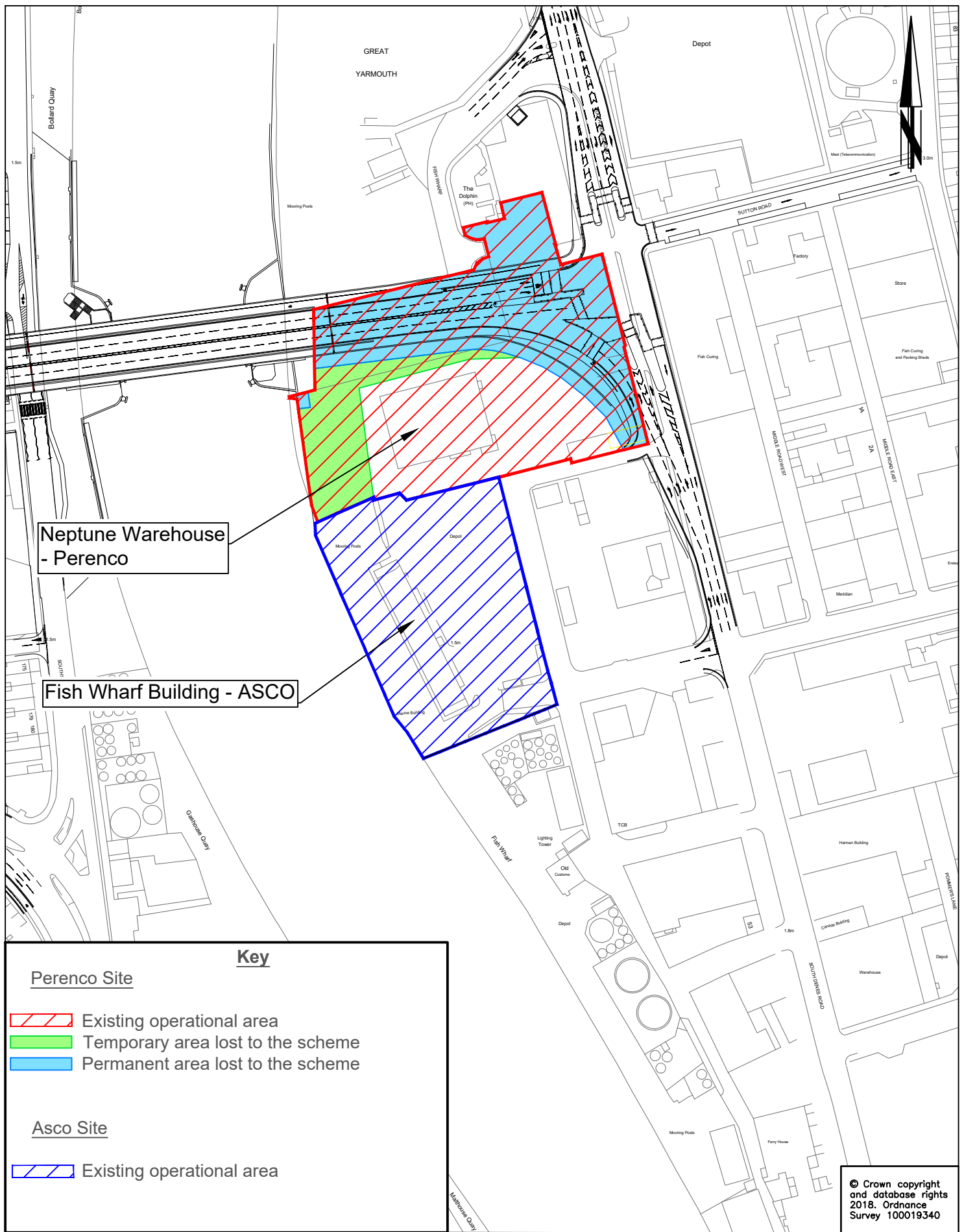
**Tom McCabe**  
Executive Director of  
Community and Environmental Services  
Norfolk County Council  
County Hall  
Martineau Lane  
Norwich NR1 2SG

REV.	DESCRIPTION	DRAWN	CHECKED	DATE

INITIAL	DATE	DRAWING No.
OS	2019	PKA018-MP-161
KP	11/2019	PROJECT TITLE
KP	11/2019	Great Yarmouth
GB	11/2019	Third River Crossing
GB	11/2019	SCALE
		NTS
		FILE No.
		PKA018

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## Appendix B



**DRAWING TITLE**

Great Yarmouth Third River Crossing  
Indicative Perenco and ASCO Areas  
Affected By The Scheme

**Tom McCabe**  
Executive Director of  
Community and Environmental Services  
Norfolk County Council  
County Hall  
Martineau Lane  
Norwich NR1 2SG

REV.	DESCRIPTION	DRAWN	CHECKED	DATE
A	Updated April 2019	CM	MK	04/19
B	Updated Nov 2019	GB	MK	11/19

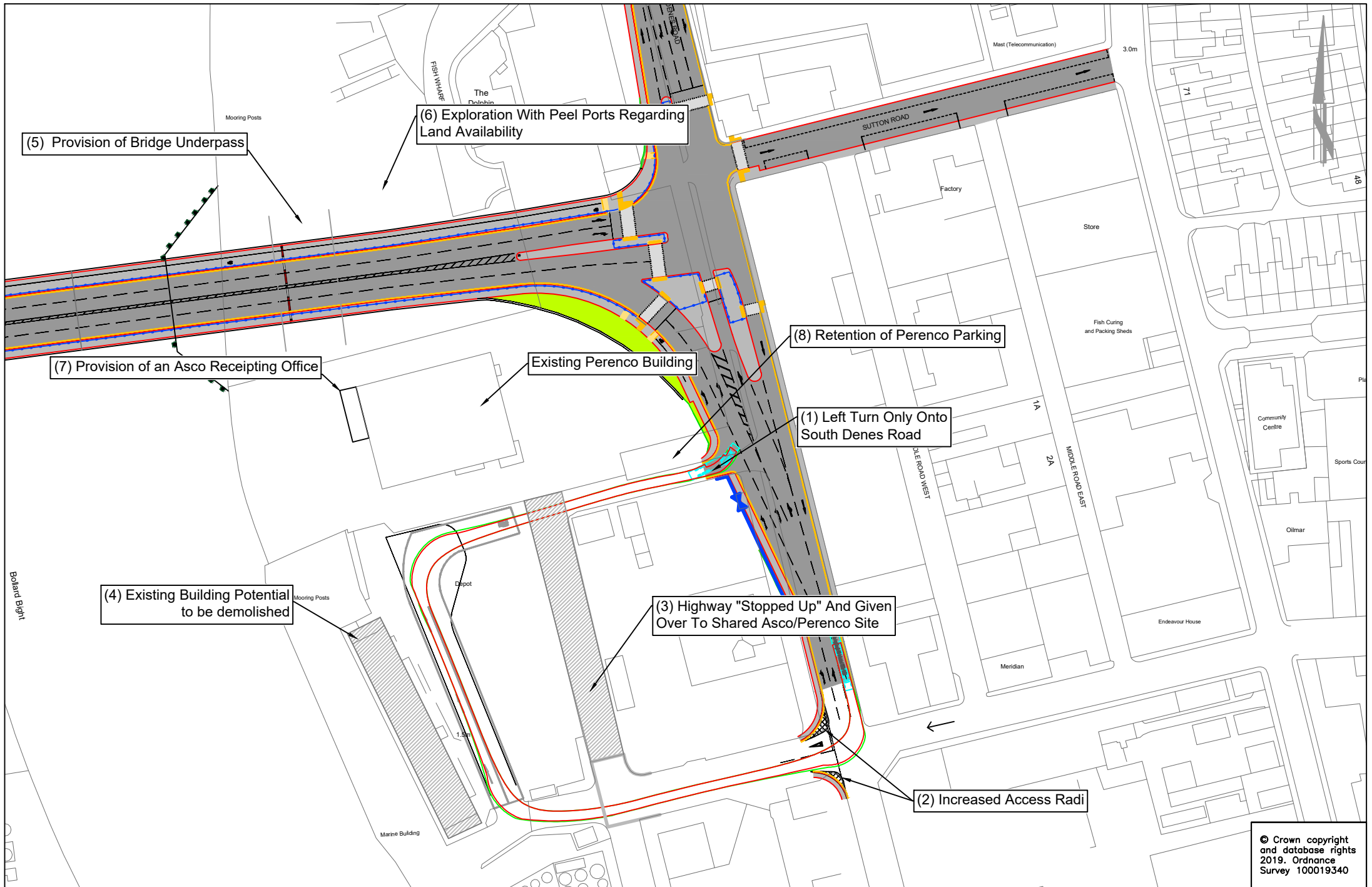
SURVEYED BY	INITIAL	DATE	DRAWING No.
DESIGNED BY	BL	07/2018	PKA018-MP-045b
DRAWN BY	BL	07/2018	PROJECT TITLE
CHECKED BY	RF	07/2018	Great Yarmouth Third River Crossing
			SCALE 1:1250
			FILE No. PKA018



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## Appendix C



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Survey 100019340

REV.	DESCRIPTION	DRAWN BY	CHECKED	DATE

	INITIALS	DATE	DRAWING No. PKA018-MP-042
SURVEYED BY	OS	2019	PROJECT TITLE
DESIGNED BY	KP	11/2019	Great Yarmouth
DRAWN BY	KP	11/2019	Third River Crossing
CHECKED BY	GB	11/2019	SCALE 1:1000@A3
			FILE No. PKA018

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## Appendix D



Norfolk County Council



GREAT YARMOUTH  
BOROUGH COUNCIL

**via e-mail**

David Waters  
Perenco Norwich Office

Community and Environmental Services  
County Hall  
Martineau Lane  
Norwich  
NR1 2SG

NCC contact number: 0344 800 8020  
Text relay no.: 18001 0344 800 8020

Copies to:  
Chris Starkie, New Anglia LEP  
David Allfrey, NCC  
Mark Kemp, NCC

Your Ref:  
Date: 3 October 2018

My Ref: CES/GY3RC/TMcC/SO/JH  
Tel No.: 0344 800 8020  
Email: [REDACTED]

Dear David

**Ref. Great Yarmouth 3rd River Crossing project**

Thank you for the meeting held on Wednesday 26 September at your offices. It was helpful to better understand your business operations and your concerns regarding the impact on those operations that the new bridge could create. It was also good to hear you setting out your general support for the 3rd River Crossing project subject to receiving confidence that we can resolve those concerns. We agreed that we would provide you with a joint letter confirming our position on these key issues.

We went through 9 key points, as set out on the attached drawing (draft plan PKAO18-MP-042), and we agreed the following points:

1. **Retention of a Left turn only onto South Denes Road** – The principle of this has been agreed and is with the project team to incorporate this change to the project design detail.
2. **Increased access radius on road junction** – The principle of this has been agreed and is also with the project team to incorporate as part of the project design detail.
3. **Highway access stopped and given over to shared ASCO/ Perenco site** – This is also agreed in principle, however as discussed it would need to be resolved as part of the wider Development Consent Order process. The project team will incorporate this proposal, however it will require dialogue with the utility companies that have apparatus currently in place within that highway. There may be a need to include wayleaves to maintain access to their apparatus once the area is stopped up. The project team will continue to keep you advised on progress with this item.

*Continued.../*

It was agreed that the following items (4 to 9) will need to be considered as part of the wider land compensation package to be agreed between our respective valuers. Some of the points will also require the agreement of Peel Ports as part of that process, which is outside of our control. We are happy to assist this with if you think it would be helpful, but understand that you have already had some helpful initial discussions with Peel.

4. **Existing ASCO building to be demolished** – Clearly in the land negotiations there will need to be consideration of your need for this for your operational reasons and planned expansion balanced against the need for this as a consequence of the delivery of the 3rd River Crossing.

5. **Provision of Underpass** – This was considered to be the most important issue regarding the impact of the project to your future operations. We confirm that the bidders currently engaged in the procurement process for the project have already been instructed to include an underpass in their design solution and tender submission. We are working with them to confirm the minimum requirements for an underpass and you confirmed that a minimum clearance of 4.9m and a single traffic lane would meet your needs. If we can exceed these requirements, we will.

6. **Additional Land from Peel Ports** – This is more directly subject to agreement with Peel Ports but as set out above, we are more than happy to support you in any engagement you have with them if you think this would be of assistance.

7. **Provision of an ASCO/ Perenco receipting extension to current warehouse building** – This will need to be confirmed as part of any planning permissions needed for the existing warehouse building, and any proposed changes to that (please see related comments on the in item 9 below).

8. **Retention of Perenco parking** – The principle of this is agreed and it would need to be incorporated within the land retained by ASCO/Perenco following construction of the scheme.

9. **Perenco warehouse to be given Full permanent planning not temporary** – This is subject to a separate planning process and cannot therefore be confirmed within this letter. However, as discussed, there is support for this, not least demonstrated by the fact that the alignment of the bridge project has been changed to avoid any impacts to the existing building.

The granting of planning permissions related to the points above would be the responsibility of Great Yarmouth Borough Council. We are aware that a very positive pre-planning application meeting regarding the warehouse & possible extension has already been held with the GYBC planning team on 18/9/18. A letter confirming the details discussed will be provided to you. A planning application would need to be submitted to seek permanent consent and extension for the building independently to the 3rd River Crossing project, but we hope you appreciate the decisions we have already taken that have made this possible by already amending the alignment of the bridge project.

*Continued.../*

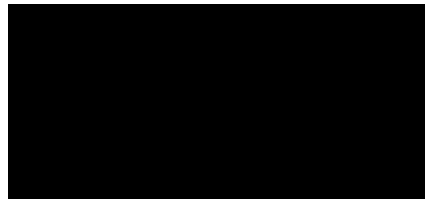
We trust that the above confirmation on these key points provides you with the increased confidence that you need to support your desire to maintain your operations in Great Yarmouth. In fact, we hope as you do, that this also provides a platform for the expansion of your current operations and that we collectively see more opportunities for your business to expand in Great Yarmouth. As discussed, to facilitate this, we would be happy to engage with you and Peel Ports to examine all future opportunities to increase the potential that Great Yarmouth has to offer.

Yours sincerely

Co-signed



Tom McCabe  
Executive Director (CES), NCC



Sheila Oxtoby  
Chief Executive, GYBC

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## Appendix E

FAO M Kemp  
Norfolk County Council  
Community and Environmental Services  
County Hall, Martineau Lane  
Norwich, Norfolk  
NR1 2DH

Date: 19th November 2018  
Our Ref: SDC/C.IP/094270-0044  
Your Ref: [REDACTED]  
Direct No: [REDACTED]  
Direct Fax: [REDACTED]  
Email: [REDACTED]  
Dept: [REDACTED]

**By Email**

Dear Mark

**Our Client: Perenco UK Limited**  
**Neptune Warehouse Great Yarmouth – Issues re Third River Crossing**

Perenco UK Limited have been in discussions with Peel Ports as to occupation of the land to the north of the proposed third river crossing. This will include the land to the north of the bridge to include the grain warehouse store.

Terms of occupation of this land have been approved in principle with Peel Ports but any such terms are conditional on Peel Ports agreeing compensation terms with Norfolk County Council which are acceptable with Peel Ports. Clearly if there are any changes in the agreed compensation then this may affect the terms with Perenco.

It is proposed that some form of legal agreement binding Peel Ports and Perenco to the proposals will be entered into by way of possibly a call option agreement for the grant of a lease. However the form of agreement has not been discussed or agreed with Peel Ports and in particular the length of the option period will need to tie in with the construction of the third river crossing since the land cannot be occupied while the works are being carried out to the third river crossing due to access issues.

[REDACTED]  
**Simon Cunningham**  
**Partner**  
**Ashtons Legal**



## Appendix B

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# 1 Scheme Development and Alignment

## 1.1 Overview

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- 1.1.1 Chapter 5 of the Case for the Scheme (CfS) (document reference 7.1, Planning Inspectorate Reference APP-188) sets out an overview of the evolution of the Scheme and Chapter 3 of the Environmental Statement (ES) (document reference 6.1, Planning Inspectorate Reference APP-096) explains the main alternatives considered. The detailed Options Assessment Reports are included as Appendices 3A, 3B and 3C of the ES (document reference 6.2, Planning Inspectorate Reference APP-097, 098 and 099).
- 1.1.2 Sections 5.2, 5.3 and 5.4 of the CfS summarise the options appraisal process and related public consultation undertaken for the Scheme.
- 1.1.3 I would like to use the key stages in the public consultation process to explain scheme development as it specifically relates to ASCO and Perenco.

## 1.2 Para 5.2.12 of CfS mentions the preferred corridor for the Scheme

---

- 1.2.1 Option Alignment was adopted by Norfolk County Council in December 2009 following completion of technical studies and public and stakeholder consultation. The plan showing the adopted alignment that was displayed at the Compulsory Acquisition Hearing 1 is contained in Appendix A.
- 1.2.2 The route has been supported / safeguarded in the adopted Great Yarmouth Local Plan Core Strategy (2015) i.e. the Local Plan has been through public scrutiny and independent examination.
- 1.2.3 The protection/"safeguarding" of the Third River Crossing route in the Local Plan is consistent with the National Planning Policy Framework (NPPF 2019) paragraph 104, which indicates that Planning Policies should,
- 1.2.4 identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.
- 1.2.5 Temporary planning permission for Neptune Warehouse was granted in February 2013 to protect the preferred route adopted in 2009 with the temporary permission expiring on 15 May 2022. It is understood that at the time the warehouse could not be accommodated on any other sites, either within ASCO's existing holdings, or outside. All other quayside accessible sites were fully occupied, either by ASCO's commitments to their existing clients, or beyond their holding, by other businesses under lease from Eastport who were the owners of Great Yarmouth Port at the time.

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### **1.3 Non-statutory Stage 1 and Stage 2 consultation**

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- 1.3.1** Para 5.4.1 of the CfS provides an overview of the non-statutory consultation. The Stage 1 consultation (Nov 2016 to Jan 2017) was a non-statutory consultation to understand views on congestion, share emerging proposals and understand the level of support for a proposed crossing. Little detail was provided regarding alignment, but the consultation did show a very basic bridge alignment which appeared to go through Neptune Warehouse.
- 1.3.2** An Extract from the Public Consultation Report Appendix D-2 Stage 1 Public Consultation Leaflet (Document Reference 5.2, Planning Inspectorate Reference APP-031) that was displayed at the Compulsory Acquisition Hearing 1 is contained in Appendix B.
- 1.3.3** Following a request for the bridge to be moved further north, the alignment for the Outline Business Case submission in March 2017 was modified so the Scheme avoided a direct impact on Neptune Warehouse. The plan showing the Outline Business Case submission alignment that was displayed at the Compulsory Acquisition Hearing 1 is contained in Appendix C.
- 1.3.4** At the time it was felt that the alignment had been moved as far north as was possible for the following reasons:
- The location of the tie in to existing highway on the West bank is fixed, due to the highways requirements and property locations;
  - A 'skewed' bridge may affect vessel navigation and would have resulted in vastly increased costs due to longer bridge length overall, and the increased length of the unsupported span across in the navigation channel;
- 1.3.5** The Stage 2 Consultation (August 2017 to October 2017) showed a Scheme alignment which avoided Neptune Warehouse.
- 1.3.6** An Extract from the Public Consultation Report Appendix D-4 Stage 2 Public Consultation Leaflet (Document Reference 5.2, Planning Inspectorate Reference APP-033) that was displayed at the Compulsory Acquisition Hearing 1 is contained in Appendix D.

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### **1.4 Stage 3 Statutory consultation (August 2018 to March 2019)**

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- 1.4.1** Moving onto Para 5.4.2 of the CfS, for the statutory consultation (NCC's Stage 3 consultation) the Scheme alignment was as the Stage 2 consultation but included slightly more detail than the Stage 2 consultation.
- 1.4.2** An Extract from the Consultation Report Appendix G-02 Consultation Materials Consultation Brochure (Document Reference 5.2, Planning

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Inspectorate Reference APP-040) that was displayed at the Compulsory Acquisition Hearing 1 is contained in Appendix E.

1.4.3 For the final application mitigation works requested by Perenco and ASCO were included comprising:

- Left turn only onto South Denes Road;
- Increased access radius on road junction;
- Highway access stopped up to increase the retained ASCO/Perenco operational site;
- Provision of an underpass.

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## 2 Implications of Realignment to Avoid ASCO and Perenco Operational Site

ASCO have suggested in representations to the ExA mentioned earlier that the alignment is modified to move the landing position of the proposed bascule bridge northwards on the eastern side of the river by circa 40/50m.

The main implications of such a proposal can be summarised as follows:

### 2.1 Alignment and Bridge form

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- 2.1.1 For the purpose of this analysis, the western tie-in of the river crossing is taken to be the new roundabout in the proximity of the existing junction between Sutton Road and William Adams Way.
- 2.1.2 Moving the eastern abutment 40/50m north would have necessitated demolition of the Grade II listed Dolphin public house. The eastern tie-in is therefore assumed to coincide with the existing junction between Southgates Road and Fish Wharf. This would result in a skewed bridge crossing the river as shown in diagrammatic form on the sketch drawing that was shown at the Compulsory Acquisition Hearing 1 and is contained in Appendix F.

### 2.2 Constructability

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- 2.2.1 A skewed bascule span increases the span length and therefore construction complexity. This increase in span length is exacerbated in bascule bridges, for which the axis of rotation is generally set perpendicular to the deck centreline for various technical reasons.

### 2.3 Increased opening period and consequent impact on traffic/journey time saving

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- 2.3.1 The skewed bascule span is likely to increase the overall bridge raising time due to additional time for vessels to transit the bridge, and additional time for pedestrians to clear the bridge.
- 2.3.2 This would result in longer queues forming on the highway and more time needed for those queues to clear.

### 2.4 Navigation Risk Assessment and vessel simulation

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- 2.4.1 The offset of the knuckles would create a far more complex hydrodynamic regime with flow accelerations different between the two banks and potentially introducing significant cross currents during high flow velocity periods; this would create a more difficult navigation environment for vessels, almost

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certainly creating additional tidal restrictions on vessel transits and potentially increasing the risk of impacts.

## **2.5 Land**

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- 2.5.1** Additional acquisition and demolition would be required on the western side of the river. The reasons for this increase are because the number of properties required for acquisition is not reduced by the skewed alignment, but additional residential properties would require acquisition. Permanent land take would also be required from Atlas Quay on the eastern side of the river.

## **2.6 Cost**

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- 2.6.1** The skewed bascule span is estimated to increase the overall Scheme construction cost by circa £13m (over 10% cost increase).



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## Appendix A



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## Appendix B



## The Great Yarmouth Third River Crossing Is a vital part of the economic growth strategy for the Great Yarmouth area

The new crossing will provide much needed connections between the strategic road network and the fast growing energy related Enterprise Zone. This proposal is crucial in providing linkages across the River Yare to the economic growth hub in the South Denes peninsula. The current lack of connectivity severely inhibits movement in Great Yarmouth resulting in congestion and ultimately limiting the economic potential of the Great Yarmouth Enterprise Zone, Great Yarmouth Energy Park, the South Denes Business Park and the deep water outer harbour, operated by Peel Ports Great Yarmouth.

**Norfolk County Council has invested close to £4m towards the scheme to date:**

- 2003-2009: invested £1.1m to identify the preferred crossing type and route
- 2009-2015: £2.8m to acquire properties and land to safeguard the route
- 2015-2016: £2m funding secured via the New Anglia Local Enterprise Partnership
- 2016: £1.2m bid submission to Department for Transport

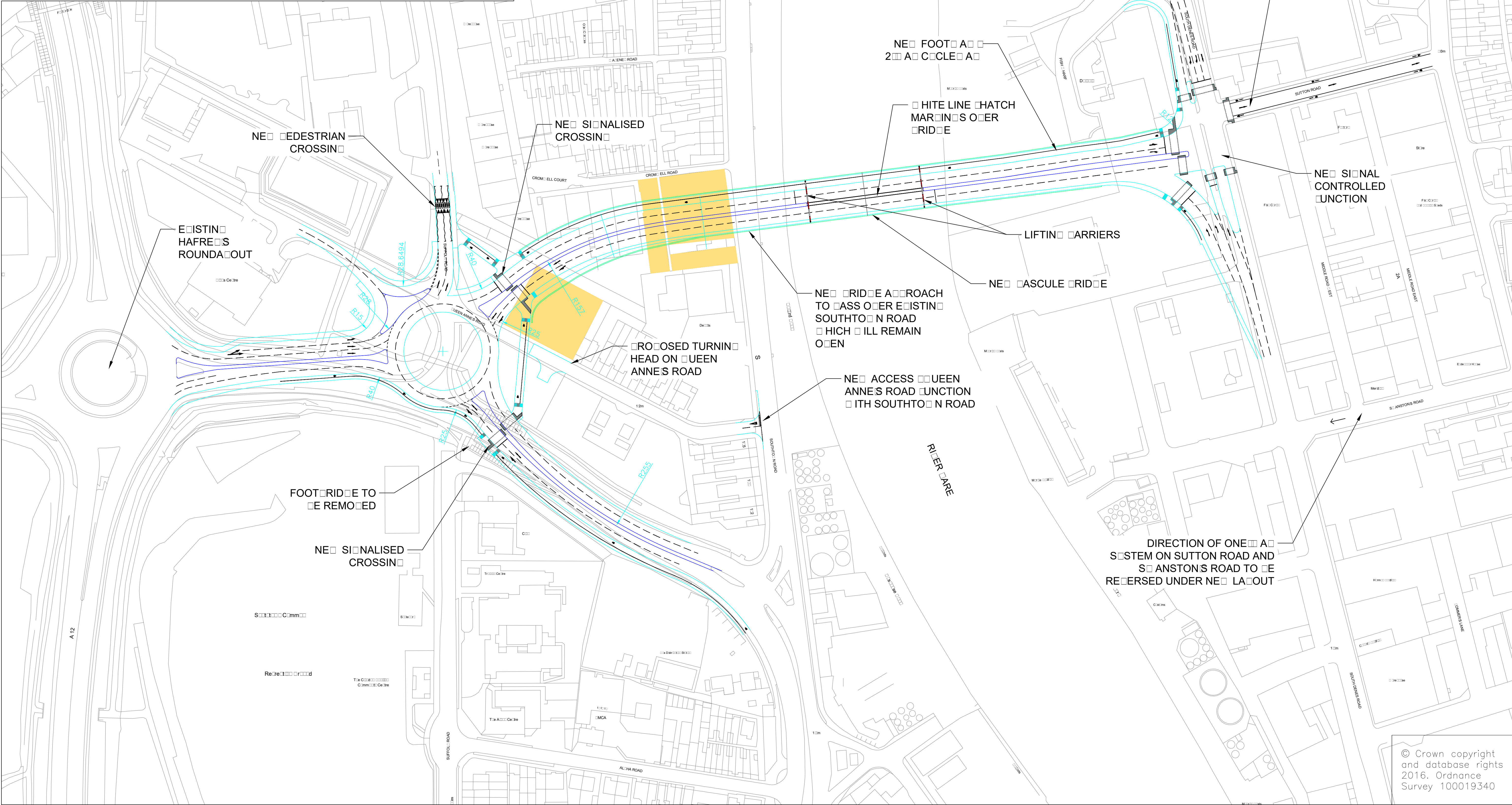
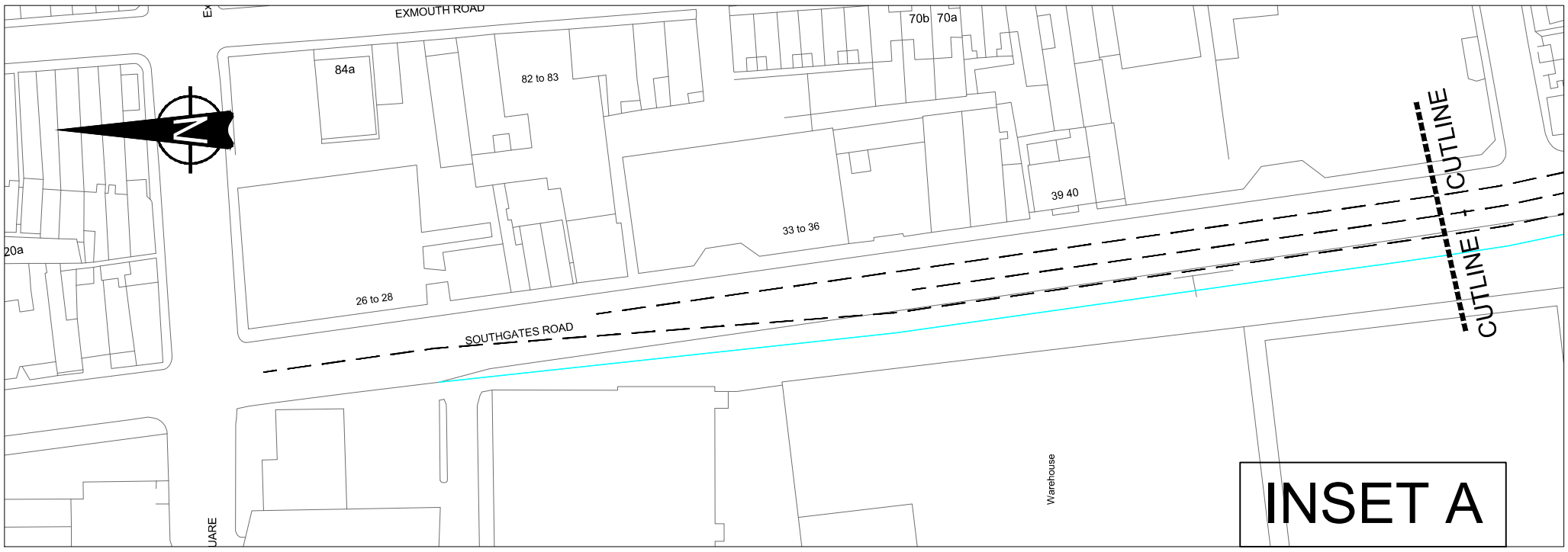
A new crossing would support the town's role as part of the East of England Energy Zone, as a Centre for Offshore Renewable Engineering and provide the capacity for regeneration, economic growth and act as a catalyst for investment.

The crossing would also support tourism in East Angles; tourism is worth £577million per annum locally to the borough of Great Yarmouth and creates jobs for 30% of the local workforce; and the borough of Great Yarmouth hosts more than a third of all tourists staying in Norfolk and a quarter of all tourists staying in Norfolk and Suffolk.

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## Appendix C





REV	DESCRIPTION	DRAWN	CHECKED	DATE
A	FIRST ISSUE	L	MM	FE17

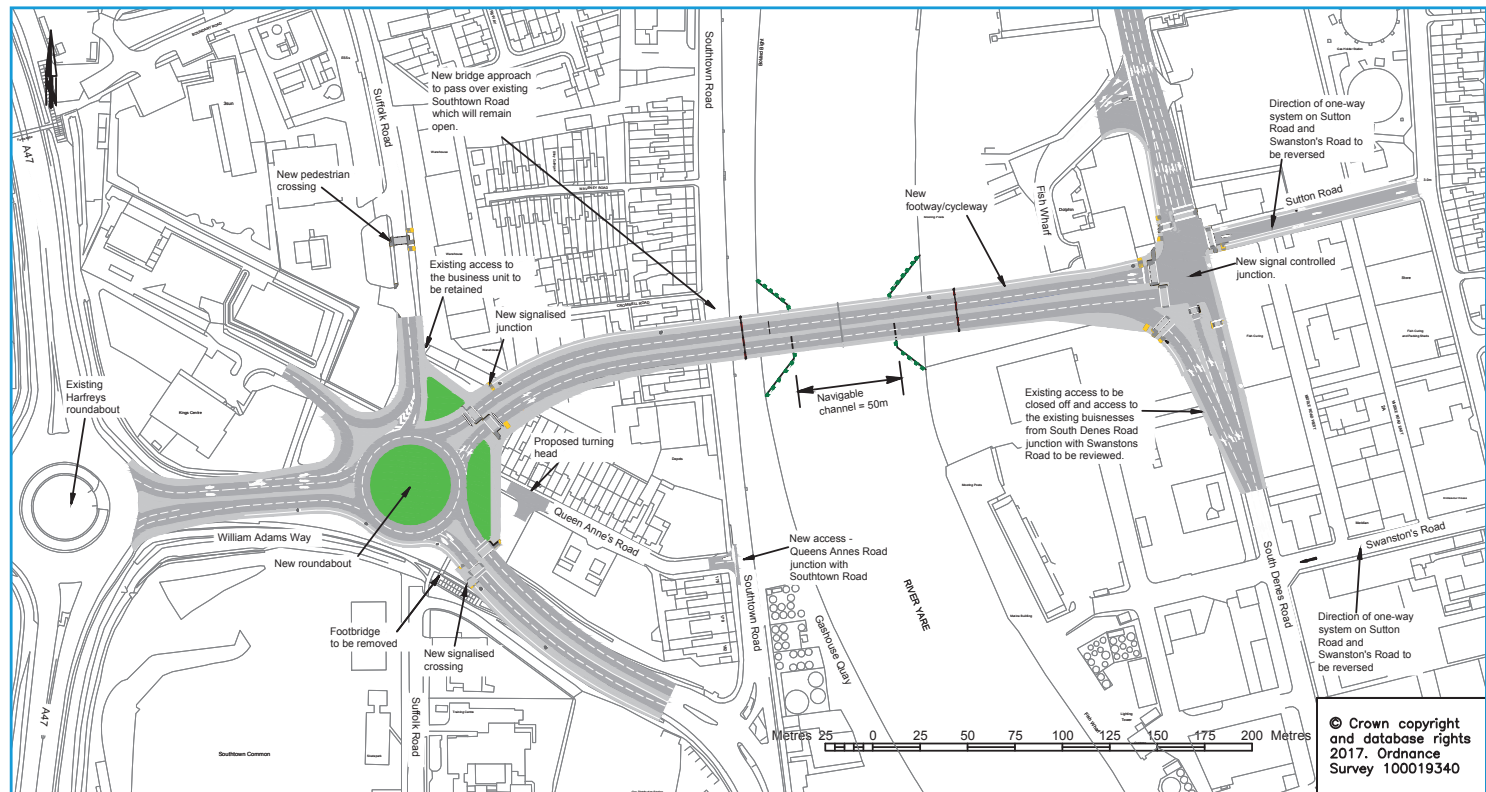
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DRAWN	L	FE17	10155	REAT ARMOUTH
CHECKED	MM	FE17	10155	THIRD RIVER CROSSING
APPROVED	R	FE17	10155	SCALE 1:1000 A1 FILE NO 0001



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## Appendix D





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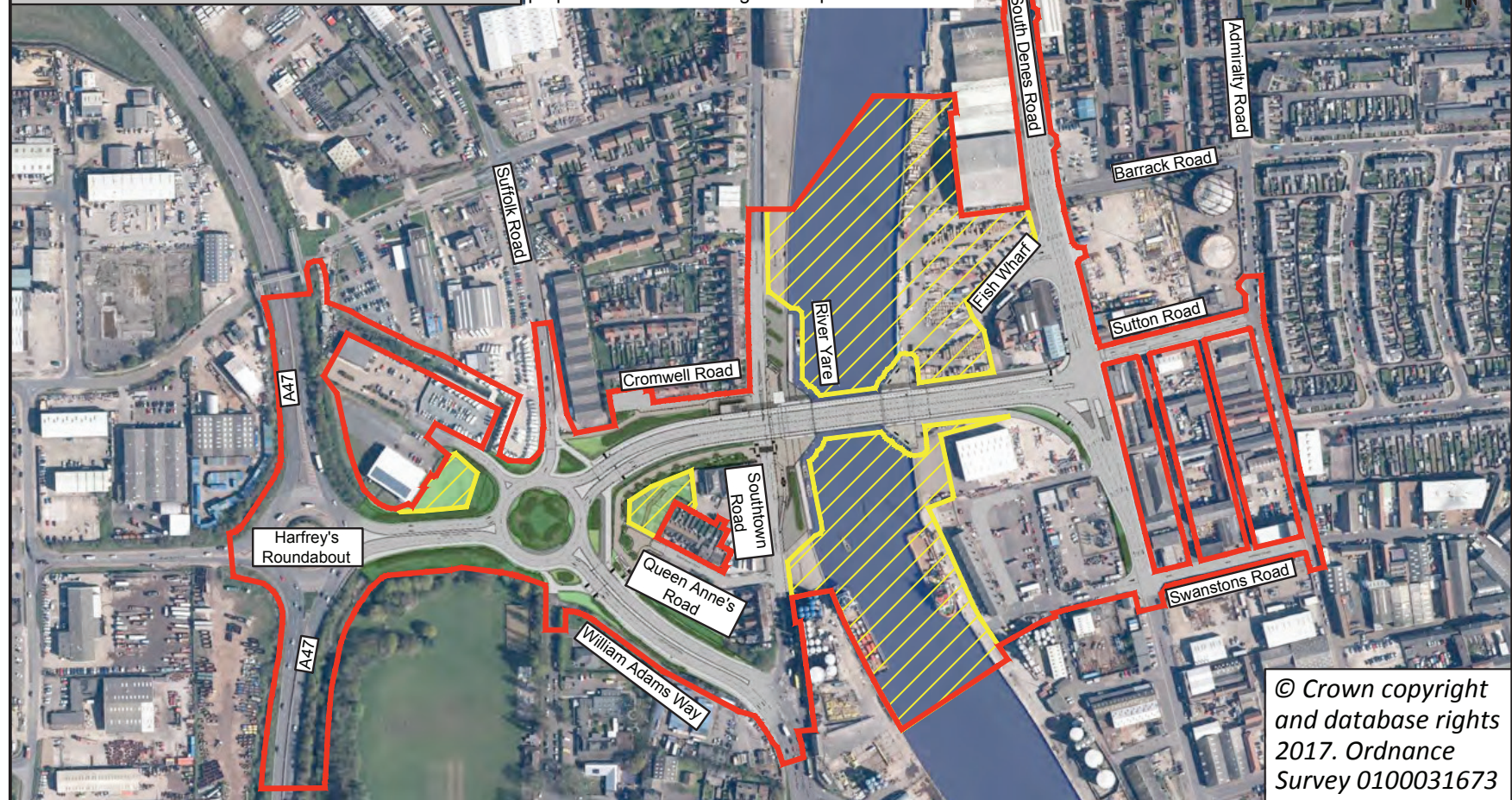
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## Appendix E

# Key

- Red Line Boundary
- Temporary Construction Area

This figure shows one of a number of double bascule bridge designs currently being considered, however the final opening mechanism design is not likely to materially impact on the proposed land use arrangements presented here.



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## Appendix F



