

Great Yarmouth Third River Crossing Order 202[*]

Document NCC/GY3RC/EX/050: Explanation of Changes to Revision 3 of the draft Development Consent Order

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

Planning Inspectorate Reference Number: TR010043

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Document Reference: NCC/GY3RC/EX/050

Date: 11 December 2019

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Foreword

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

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

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1 Introduction

1.1 Introduction

- 1.1.1 This document provides a commentary on changes made to revision 3 of the draft Development Consent Order submitted at Deadline 4 on 11 December 2019 (DCO Revision 3) compared with revision 2 of the draft DCO (DCO Revision 2) (Document Reference NCC/GYRC/EX/023, Planning Inspectorate Reference REP3-010) submitted at Deadline 3 on 28 November 2019. An electronic .pdf comparison between the two versions has also been submitted at Deadline 4.
- 1.1.2 In broad terms the changes made in the latest draft of the DCO have been made for the following reasons:
- changes arising from the Applicant's consideration of Deadline 3 submissions;
 - changes to reflect comments received from, and ongoing discussions with, interested parties; and
 - typographical corrections and changes to reflect statutory instrument drafting practice.
- 1.1.3 Table 1.1 below includes a summary of the changes to this revision of the draft DCO.

Table 1.1: Summary of changes to the DCO

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 20 Discharge of Water	<p>The Applicant has reached an agreed position with the County Planning Authority ("CPA") in respect of the concerns raised, and drafting solutions proposed, in relation to article 20 in the Issue Specific Hearing on the DCO held on 20 November 2019, summarised in the CPA's Deadline 3 submission [REP3-018].</p> <p>In summary, the Applicant and the CPA have agreed that requirement 11 (surface water drainage) (previously requirement 10 in earlier versions of the draft DCO) as currently drafted, which requires the CPA's approval of written details of the surface water drainage scheme following consultation with Anglian Water, would allow appropriate consideration of the capacity of the receiving drainage system. The Applicant has agreed to amend the final version of the Explanatory Memorandum, to be submitted towards the end of the examination, to make this clear.</p>
Article 23 Temporary suspension of navigation in connection with the authorised development	<p>The Applicant has added two new sub-paragraphs, (d) and (e), to paragraph (6) of this article. Paragraph (6) sets out a non-exhaustive list of the matters the Great Yarmouth Port Authority ("GYPA") must have regard to when determining whether to grant consent to the undertaker for additional closures of the navigation (beyond the 3 closures envisaged in paragraph (3)) under paragraph (4). These amendments have been agreed with the GYPA.</p>
Article 24 Removal of vessels	<p>The Applicant has added a new paragraph (8) to this article which provides that the undertaker and the GYPA may enter into agreements relating to the manner in which the powers of article 24 may be exercised. This amendment has been agreed with the GYPA.</p>
Article 43 Operation of new bridge	<p>The Applicant has made some amendments to article 43 which relate to recreational vessels and 'recreational openings' of the new bridge. These amendments are necessary to set out the principles for recreational vessels transiting the new bridge. GYPA has confirmed that it is satisfied with these amendments.</p>
Article 51 Byelaws	<p>The Applicant has agreed with the GYPA some changes to the amendments to the Great Yarmouth Port Authority</p>

	<p>Navigation (Haven) Byelaws 1997 as set out in article 51(5)(b). Aside from a handful of drafting tweaks, the changes relate to the allocation of responsibilities/powers between the harbour master, the GYPA and 'the new bridge undertaker' to make compliance easier for vessels.</p>
<p>Schedule 2 Requirements Paragraph 5 Detailed design of specified structures</p>	<p>Following further discussions with the CPA in relation to requirement 4, the Applicant has introduced a new a requirement 5.</p> <p>New requirement 5 provides that the details of the external appearance of the control tower and plant room, and the finish and external materials of the bridge deck, must be approved by the CPA (following consultation with Great Yarmouth Borough Council) before the commencement of construction of those parts of the scheme. The Applicant has agreed the drafting of new requirement 5 with the CPA and that, when taken together with requirement 4 and the other controls within the Order, its introduction addresses the matters previously raised by the CPA in respect of requirement 4.</p>
<p>Schedule 2 Requirements Paragraph 7 Landscaping and ecological management plan</p>	<p>The Applicant has significantly amended requirement 7 (previously requirement 6) following further discussions with the CPA.</p> <p>The revised requirement 7 requires a combined landscape and ecological management plan for each part of the authorised development, to be approved by the CPA prior to the commencement of each part, following consultation with Great Yarmouth Borough Council and also, in this revision, Natural England.</p> <p>Sub-paragraph (2) has been restructured. It still requires any landscaping and ecological management plan to be based on the mitigation measures included in the Environmental Statement, to be in general accordance with the landscape plans and the approach to detailed design, but in this revision it must also now not give rise to any new or materially different environmental effects than those assessed in the environmental statement.</p> <p>The list previously included in sub-paragraph (2) has been moved to a new sub-paragraph and now requires details of proposed boundary treatments to be included in the landscaping and ecological management plan. New sub-paragraph (3)(i) secures a 15 year maintenance period and the replacement of planting that dies, becomes seriously diseased or damaged.</p>

	The Applicant understands that the CPA is satisfied with the revisions to this requirement.
Schedule 2 Requirements Part 2 Paragraphs 20 and 21	<p>The Applicant has agreed with the CPA amendments to paragraphs 20 (previously paragraph 19) and 21 (previously paragraph 20) to provide for:</p> <ul style="list-style-type: none"> • an increase in the determination period from 6 weeks to 8 weeks; • an increase in the period of time within which the CPA is entitled to request further information in relation to the details for which approval is sought under the requirements from 21 days to 28 days; and • the retention of drafting relating to the deemed approval of requirements.
Schedule 10 Scheme of Operation Paragraphs 1 and 7 Recreational vessels	Please see the explanation of the amendments to article 43 above. Those amendments are provided for in more detailed drafting in the Scheme of Operation (Schedule 10).
Schedule 13 Deemed marine licence	The Applicant has made a number of minor amendments to the deemed marine licence. The Applicant is continuing to discuss the terms of the deemed marine licence with the MMO and intends to submit a substantive update to the deemed marine licence to reflect an agreed position in due course.
Schedule 14 Protective Provisions Part 6 For the protection of the Great Yarmouth Port Authority	<p>The Applicant has reached agreement with the GYPA in respect of a revised version of paragraph 57. This relates to the giving of general or special directions by the GYPA or the harbour master as relevant in the context of the Scheme.</p> <p>In addition, the Applicant has reached agreement with the GYPA on a further provision to be included in the protective provisions. This relates to a provision which clarifies the position in terms of the effect of the DCO on GYPA's rights, powers and duties (paragraph 75).</p>