

The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our Ref: N2-PL-EO-10-5587

Your Ref: TR010043

Date: 23rd December 2019

By email

Dear Sir

Application by Norfolk County Council for an order granting development consent for the Great Yarmouth third river crossing project.

Planning Act (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 8(3)

We write with reference to the direction issued by the Examining Authority pursuant to Rule 8(3) of the above mentioned Regulations that the examination time table will be varied to remove the possibility of further hearings on 27th January 2020.

The Environment Agency remains concerned that the applicant has not adequately addressed the issue of flood risk due to delayed submission of sufficient information in a form that will allow the Environment Agency to be satisfied that the proposed development will not increase the risk of flooding.

The Environment Agency's Relevant Representations advised that the issue of flood risk had not been adequately addressed by the applicant prior to the submission of the draft DCO for examination. The approach taken, by the applicant, was contrary to the guidance contained within the National Policy Statement for National Networks which advises that evidence relating to flood risk assessment should be provided to the Environment Agency before the application is submitted. Due to this omission and due to the fact that the proposed development is within Flood Zone 3 the Environment Agency advised that it was objecting to the proposed DCO.

The Environment Agency confirms that in response to delays in the submission of acceptable information, response targets have been reduced and workloads re-prioritised.

The Environment Agency's position regarding the status of the Flood Risk Assessment (FRA) was raised in the first questions issued by the Examining Authority. You will recall that the Environment Agency were unable to respond within the deadline due to a lack of information submitted by the applicant. Since our letter dated 25th October 2019 our review of the modelling data submitted found it to be incomplete. This resulted in further requests for data which, due to file size and corruption was only available to view as of 10th December 2019. The most recently submitted data has now been confirmed as adequate to inform the submitted FRA. The FRA is now being reviewed by our local teams. In particular, the review considers whether the proposal increases the hazard, depth of any flooding or increases the number of properties at risk. Review of an FRA is essential to ensure that safety critical matters are adequately considered.

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The review of the FRA is being treated as a very high priority. However, the Environment Agency's overriding priority is to provide an immediate response to flooding incidents. At the time of writing there are confirmed flood incidents in East Anglia, and the Area incident response has moved to 24 hour operation requiring staff to divert to activity that ensures the safety of the public. It is hoped that we will be in a position to provide comment on the FRA to the Applicant in the week commencing 6th January 2020 and will endeavour to provide a response earlier if possible.

The Environment Agency will be responding to the second written questions issued by the Examining Authority by 14th January 2020 as required by Deadline 5.

It is hoped that the information submitted will now enable the Environment Agency to be able to fully respond to the Examining Authority on the issue of flood risk, however, until this happens the Environment Agency must retain its objection to the DCO. On this basis it may be that an Issue Specific Hearing will assist the Examining Authority in satisfying itself in respect of the flood risk posed by the proposed development.

We would be grateful to receive the Examining Authority's observations on the matters we raise.

Yours faithfully

Jeremy Patterson

Senior Lawyer

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