

Great Yarmouth Third River Crossing Order 202[*]

Document NCC/GY3RC/EX/070: Explanation of Changes to Revision 4 of the Draft DCO

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

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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 4 of the draft Development Consent Order submitted at Deadline 6 on 11 February 2020 (DCO Revision 4) compared with revision 3 of the draft DCO (DCO Revision 3) (document reference NCC/GYRC/EX/048, Planning Inspectorate reference REP4-105) submitted at Deadline 4 on 11 December 2019. An electronic .pdf comparison between the two versions has also been submitted at Deadline 6.
- 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 submissions at Deadlines 4 and 5;
 - 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 13 Classification of roads	Article 13(2) has been amended to include the full classification number of the specified road.
Article 24 Removal of vessels	The Applicant has made a minor amendment to article 24(3)(a) to remove redundant wording in the requirements to publish notice of the exercise of the power to removal vessels under article 24(1). The Applicant considers that the requirement to publish a notice for two successive weeks in a locally circulating newspaper is sufficiently clear and reflects equivalent drafting in regulations 4(2)(b) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (which prescribe the duty to publicise proposed and accepted applications under sections 48 and 55 of the Planning Act 2008).
Article 43 Operation of new bridge	<p>The Applicant has introduced new sub-paragraphs (6)(g) and (h) to this article, which secure the following principles in the scheme of operation.</p> <p>New sub-paragraph (6)(g) addresses the transit of the bridge by large vessels. It provides for the circumstances in which the bridge must be opened prior to a large vessel entering the port. This will be the case if the harbour master considers that, were the bridge not to open, a large vessel would not be able to perform a safe alternative manoeuvre and the GYPA is unable to arrange a suitable emergency berth prior to the large vessel entering the port.</p> <p>New sub-paragraph (6)(h) addresses the interaction of large vessels and recreational vessels transiting the bridge. It requires any recreational vessels using the vessel waiting facilities to transit the bridge before the large vessel, subject to any direction given by the harbour master for the purposes of safe navigation.</p> <p>A definition of “large vessel” is included at sub-paragraph (9)(a) to align with the port’s pilotage directions.</p> <p>Additionally, the Applicant has amended the definition of “recreational vessel” in sub-paragraph (9)(d) to address the</p>

	<p>concerns raised at Issue Specific Hearing 1 on 19 November 2019 regarding potential ambiguities in the definition, including by Goodchild Marine.</p> <p>The Applicant has shared these amendments with GYPC/A in advance of Deadline 6, however the Applicant is still awaiting any substantive comments.</p>
<p>Article 44 Extinguishment of right of navigation within the river Yare in connection with authorised development</p>	<p>The Applicant has made minor clarifications to the notice requirements in sub-paragraphs (3)(b) and (c). Sub-paragraph (3)(b) follows the drafting that was previously included in article 24(3)(a) and has been amended in the same fashion for the same reasons (see above). Sub-paragraph (3)(c) has been amended for clarity.</p>
<p>Article 67 Arbitration</p>	<p>The Applicant has introduced a new paragraph (2) to article 67 which has the effect of ensuring that the deemed marine licence in Schedule 13 will not be subject to the arbitration provisions in paragraph (1). The drafting has been agreed with the Marine Management Organisation.</p>
<p>Schedule 1 Authorised development</p>	<p>The Applicant has made a minor amendment to Work No.12 to make it clear that the work includes both mitigation and accommodation works for the benefit of Great Yarmouth and Waveney Mind, following discussions with that organisation.</p>
<p>Schedule 2 Requirement 11 Surface water drainage</p>	<p>The Applicant has amended requirement 11(1) to require the details of the surface water drainage system to also include measures for the management of flood risk. This amendment has been agreed with the Lead Local Flood Authority.</p>
<p>Schedule 2 Requirement 13 Completion and availability of particular works</p>	<p>The Applicant has slightly rephrased requirement 13(1) to avoid any potential ambiguity arising from the use of the defined term "commence" in the context of the highway comprised in the new bridge and new bridge western approach being "opened for public use".</p>
<p>Schedule 9 Land of which only temporary possession may be taken</p>	<p>The Applicant has made a minor amendment in column (3) in respect of plot 2-07 to provide for temporary possession for the purposes of providing both mitigation and accommodation works, for the benefit of the MIND Centre and Grounds, for consistency with the equivalent amendment made to Work No.12 in Schedule 1 (see above).</p>
<p>Schedule 10</p>	<p>The Applicant has transcribed the new definition for "large vessel" and the amended definition of "recreational vessel"</p>

<p>Scheme of Operation Paragraph 1 Interpretation</p>	<p>used in article 43 (see above), to Schedule 10 for consistency.</p> <p>The Applicant has shared these amendments with GYPC/A in advance of Deadline 6, however the Applicant is still awaiting any substantive comments.</p>
<p>Schedule 10 Scheme of Operation Paragraph 7 Large vessels</p>	<p>The Applicant has inserted a new paragraph 7 which follows the drafting of the new article 43(6)(g) (see above).</p> <p>The Applicant has shared these amendments with GYPC/A in advance of Deadline 6, however the Applicant is still awaiting any substantive comments.</p>
<p>Schedule 13 Deemed marine licence</p>	<p>The Applicant has made a series of amendments to the deemed marine licence, which have been agreed with the MMO.</p> <p>In summary:</p> <p>Paragraph 3 (details of licensed marine activities) has been significantly redrafted to reflect the descriptions of those numbered works in Schedule 1 that are in the immediate proximity of the River Yare. It requires those works to be carried out within the limits of deviation (as set out in article 7 by reference to the Works Plans and the Engineering Plans, Drawings and Sections) for the purposes of the deemed marine licence.</p> <p>Paragraph 4 (notification of commencement and completion of licensed activities) has been amended to require the Applicant to notify the MMO local office of the start and anticipated end date of temporary closures of the River Yare under article 23 of the draft DCO, except in cases of emergency.</p> <p>Paragraph 5(1)(c) (construction method statement) has been deleted as equivalent provision is now made in paragraph 7.</p> <p>A new paragraph 6 (noise registry) has been inserted at the request of the MMO to ensure that the Marine Noise Registry is supplied with information in connection with impact pile driving carried out under the deemed marine licence.</p>

	<p>Paragraph 7 (cofferdam dewatering and excavation), which was previously headed "dredging method statement", has been redrafted to more accurately reflect the nature of the works to be carried out and regulated under this condition.</p> <p>Paragraph 10 (piling techniques) has been amended to include a prohibition of piling activities during the smelt spawning season and a prohibition of in-river piling activities outside of the core working hours, unless the MMO is satisfied in either instance that to do so would not lead to significant adverse effects.</p> <p>Paragraph 20 (previously paragraph 19) has been amended to reflect a prohibition of all of the activities authorised under article 49(1)(b) of the Order, for the purposes of the DML, unless otherwise agreed in writing with the MMO.</p> <p>The former paragraph 20 (exclusion of arbitration) has been deleted, as its subject matter is now dealt with in article 67(2) (see above).</p>
<p>Schedule 15 Documents to be certified</p>	<p>The Applicant has updated column (2) to reflect any updated versions (as at Deadline 6) of the documents to be certified. The Applicant will review Schedule 15 as necessary should the Examining Authority, in its Procedural Decision due to be issued on 25 February 2020, accept for examination the Applicant's Proposed Changes Application (Document NCC/GY3RC/EX/046, Examination Library Reference REP4-003).</p>