

Great Yarmouth Third River Crossing Order 202[*]

Document NCC/GY3RC/EX/084: Explanation of Changes to Revision 5 of the Draft DCO

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

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Author: Norfolk County Council

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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 7 on 3 March 2020 (DCO Revision 5) compared with revision 4 of the draft DCO (DCO Revision 4) (document reference NCC/GY3RC/EX/068, Planning Inspectorate reference REP6-009) submitted at Deadline 6 on 11 February 2020. An electronic .pdf comparison between the two versions has also been submitted at Deadline 7.

1.1.2 In broad terms the changes made in the latest draft of the DCO have been made for the following reasons:

- incorporation of the three non-material changes accepted by the Examining Authority through its procedural decision on 25 February 2020 (Planning Inspectorate reference PD-013);
- changes arising from the Applicant's consideration of submissions at Deadline 6;
- 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 3 Disapplication of legislation, etc.	The Applicant has introduced a new paragraph (3) which disapplies the provisions of the Allotments Act 1922 in respect of the exercise by the undertaker of any functions under the Order. The provisions of the Allotments Act 1922 pre-date, and are inconsistent with, the modern regime for the compulsory acquisition of land and interests over land. While the Applicant considers the inconsistent provisions to have been impliedly repealed, the disapplication is necessary to ensure that this is the case.
Schedule 1 Authorised development	The Applicant has added wording to Work No. 5C to reference the disabled parking bay (referred to below as traffic regulation measure reference 38) which is to be provided pursuant to the Examining Authority's acceptance (given in its procedural decision issued on 25 February 2020 (Planning Inspectorate reference PD-013)) of non-material change reference NMC 3.
Schedule 2 Requirements Paragraph 10 Emergency Preparedness and Response Plan	<p>The Applicant has included new drafting in this requirement to require an application for the county planning authority's approval of an emergency preparedness and response plan to be accompanied by tidal (breach) analysis.</p> <p>The proviso in paragraph 10(3) that would enable an application for approval under requirement not to be accompanied by such an analysis, with the agreement of the county planning authority following consultation with the Environment Agency is to avoid requiring further analysis, where such analysis is unnecessary. For example, if approval was sought for amendments to a previously approved Emergency Preparedness and Response Plan which do not have any bearing on tidal (breach) risks such as in relation to fire or terrorism events.</p>
Schedule 2 Requirements Paragraph 11 Surface water drainage	The Applicant has included the Environment Agency as a person to be consulted on the details of the surface water drainage system.
Schedule 5 Traffic Regulation	The Applicant has amended Schedule 5 to give effect to the three non-material changes accepted by the Examining Authority in its procedural decision issued on 25 February

<p>Measures Part 1</p>	<p>2020 (Planning Inspectorate reference PD-013).</p> <p>NMC 1 References 10 and 13 in Part 1 of Schedule 5, which previously applied no waiting at any time and limited waiting measures respectively on Southgates Road, have been deleted.</p> <p>NMC 2 Reference 03 in Part 1 of Schedule 5 has been amended to reflect the reduction in the application of the no waiting measure on the north side of Queen Anne's Road.</p> <p>NMC 3 A note has been added at the beginning of Part 1 of Schedule 5 to apply the meanings of the “disabled person’s badge” and “relevant position” given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000. Those terms are then employed in new reference 38 in Part 1 of Schedule 5 to give effect to the new disabled parking bay towards the eastern end of Cromwell Road on the south side of that road. A corresponding amendment is made to the extent of the revocation of the existing no parking measure described in reference 36 in Part 3 of Schedule 5.</p>
<p>Schedule 15 Documents to be certified</p>	<p>The Applicant has updated Schedule 15 to reflect the updated Traffic Regulation Measures Plans consequent on the ExA's acceptance of the Applicant's three non-material changes to the application.</p>
<p>General</p>	<p>Please note that the track changes version of revision 5 of the draft DCO (document reference NCC/GY3RC/EX/083) displays changes to the format of the footnotes (from numbered footnotes to lettered footnotes). This is despite the fact that both revision 4 and revision 5 of the draft DCO use lettered footnotes. The apparent change shown in the track changes version is an artefact of the comparison software and should be disregarded.</p>