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The Secretary of State  
c/o Kevin O'Hanlon  
Department for Transport  
Great Minster House  
33 Horseferry Road  
Westminster  
London  
SW1P 4DR

Date: 4 August 2020

Tel No.: 01603 223430  
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Dear Sir,

**The Planning Act 2008; the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015; and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Norfolk County Council for an order granting development consent for the Great Yarmouth Third River Crossing**

1. We write further to your letter dated 21 July 2020 ("Consultation Letter") in respect of the above-mentioned application by Norfolk County Council ("Applicant") for development consent for the Great Yarmouth Third River Crossing scheme ("the Scheme").
2. The Consultation Letter requests comments from the Applicant and others in connection with:
  - a. protective provisions for the benefit of the Environment Agency; and
  - b. development consent order drafting amendments arising from the completion of the construction liaison agreement between the Applicant, and Great Yarmouth Port Authority and Great Yarmouth Port Company (together referred to as "GYPA/C").

3. Additionally, the Applicant would like to update the Secretary of State on matters which remained outstanding at the close of the examination, but which have since been progressed; namely:
  - a. Natural England's issue to the Applicant of a Letter of No Impediment to the grant of a water vole mitigation licence; and
  - b. an update on the Applicant's negotiations with Perenco UK Limited ("Perenco"), tenant and occupier of land within the Port of Great Yarmouth.
4. Accordingly, please find enclosed with this letter:
  - a. a revised draft development consent order ("Revised dDCO");
  - b. a comparison of the Revised dDCO with revision 7 of the draft development consent order submitted at the close of the examination (document reference NCC/GY3RC/EX/102, Planning Inspectorate's examination library reference AS-024) ("the dDCO"); and
  - c. confirmation of SI validation of the Revised dDCO.
  - d. Letter of No Impediment issued by Natural England.

#### **Protective provisions for the protection of the Environment Agency**

5. The Environment Agency, in its letter to the Planning Inspectorate dated 2 June 2020 (reference AE/2019/124), confirms that agreement has been reached with the Applicant on the terms of protective provisions for the benefit of the Environment Agency and confirms the grant of the Environment Agency's consent, required under section 150 of the Planning Act 2008 and regulation 5 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, to the disapplication of its consent requirements in connection with the Applicant's application for development consent for the Scheme.
6. The agreed form of protective provisions is now included in Part 4 of Schedule 14 (Protective Provisions) to the Revised dDCO.

#### **Amendments arising from the conclusion of the Construction Liaison Agreement with GYPA/C**

7. In the Addendum to its Closing Statement (reference NCC/GY3RC/EX/107, Planning Inspectorate's examination library reference AS-026) submitted to the examination on 24 March 2020, the Applicant confirmed that the Construction Liaison Agreement with GYPC/A was in an agreed form, but that, due to the logistics of its execution (during the early days of the Covid-19 lockdown), it would not be completed prior to the close of the examination.
8. In the Addendum to its Closing Statement, the Applicant indicated that a number of drafting amendments would be required to the dDCO as consequence of the conclusion of the Construction Liaison Agreement.

9. The Construction Liaison Agreement was completed on 3 April 2020. Its completion was confirmed in a letter to the Planning Inspectorate dated 20 April 2020 from BDB Pitmans, on behalf of GYPC/A (reference ENB/198943.0001). The letter also confirmed the withdrawal of GYPA/C's original objections.
10. The agreed drafting amendments are included in the Revised dDCO and comprise:
  - a. the deletion of article 3(1)(e) (disapplication of legislation, etc.), which has the effect of removing the proposed disapplication of byelaws 20, 48 and 56 of the Great Yarmouth Port Authority Navigation (Haven) Byelaws 1997; and
  - b. the insertion of a new paragraph 75 in Part 6 of Schedule 14 (Protective Provisions) to the Revised dDCO, which makes provision for the Applicant to indemnify GYPC/A.
11. It is the Applicant's understanding that, once GYPA/C has received confirmation that the Revised dDCO has been submitted to the Secretary of State in response to the Consultation Letter, GYPA/C will write to the Secretary of State to confirm its agreement to the terms of the Revised dDCO.

#### **Letter of No Impediment**

12. Following the close of the examination on 24 March 2020, on 12 June 2020 Natural England issued to the Applicant a Letter of No Impediment to the grant of a mitigation licence in relation to water voles. Natural England's letter, dated 11 June 2020 (reference 2020-45129-SCI-SCI) confirms, "*Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.*"
13. Natural England also confirmed that the purpose of the Letter of No Impediment is, "*...to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.*"
14. A copy of the Letter of No Impediment is enclosed.

#### **Update on the Applicant's negotiations with Perenco**

15. Negotiations between the Applicant and Perenco have continued since the close of the examination. Heads of Terms documenting the basis of a solution for the relocation of Perenco within Great Yarmouth have now been agreed between the parties. At the time of writing, a legal agreement, based on those agreed Heads of Terms, is being drawn up and is expected to be completed shortly, in advance of the deadline for the Secretary of State's decision on the Applicant's application for development consent.

Yours sincerely



Mark Kemp

GY3RC Project Manager