



## Meeting note

<b>Project Name</b>	Great Yarmouth Third River Crossing
<b>File reference</b>	TR010043
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	23 May 2018
<b>Meeting with</b>	WSP on behalf of Norfolk County Council (NCC)
<b>Venue</b>	The Planning Inspectorate, Bristol
<b>Attendees</b>	<b>The Planning Inspectorate:</b> Richard Price (Case Manager) Marie Shoesmith (Senior EIA and Land Rights Advisor) Stephanie Newman (EIA and Land Rights Advisor) Lisa Spice (Case Officer) <b>WSP:</b> Mike Denny (WSP DCO Lead) Jon Davey (WSP Environmental Co-ordinator)
<b>Meeting objectives</b>	Project update meeting
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

It was noted that the key purpose of the meeting was for the Applicant to provide a brief update on the Proposed Development and the Inspectorate to provide clarification in respect of any specific queries raised by the Applicant on the Scoping Opinion (the Opinion) issued by the Inspectorate on 16 May 2018.

### Project update

The Applicant updated the Inspectorate regarding the Proposed Development. The Applicant's preferred road alignment and bridge type had been determined. The proposed bridge was expected to be a double-leaf bascule, the design of which was in the process of being finalised.

The red line boundary had been adjusted slightly since the submission of the Applicant's Scoping Report in April 2018. Amendments had been made to accommodate additional traffic signage on approach roads and in the wider area to

direct traffic flows. The Applicant stated that it understood there were precedents for detached areas of red line boundary in order to deliver works of this type. The Inspectorate drew the Applicant's attention to the M20 Junction 10a DCO which secured analogous works.

The Applicant explained that some of the land originally intended to replace existing allotments was no longer required, whilst additional land had been identified for drainage purposes.

The Applicant had drafted its Statement of Community Consultation (SoCC) and would be sending it to the relevant local authorities for comment. The statutory consultation period was scheduled to run from 20 August 2018 to 5 October 2018. The Inspectorate offered to comment on the draft SoCC.

The Inspectorate highlighted that Norfolk County Council (NCC) would have a variety of statutory functions in respect of the scheme, including as a consultee; in addition to being the Applicant. The Inspectorate requested for the Applicant to include content within the application establishing this separation of functions.

The Applicant confirmed that an application had been made to the Marine Management Organisation (MMO) for a marine licence to undertake ground investigations within the River Yare to investigate possible ground contamination. Method statements had been produced with regards to any archeological remains which may be uncovered during the investigations. The Applicant had also produced a short 'information to inform a Habitat Regulations Assessment' (HRA) report to accompany the marine licence and Natural England had indicated they were content with this approach. Access arrangements had been made with Peel Ports as Harbour Authority.

The Applicant confirmed that it is currently considering the inclusion of a Deemed Marine Licence as part of the Development Consent Order, subject to further consultation with stakeholders.

## **Scoping Opinion**

The Inspectorate explained that the Applicant's Scoping Report was clearly laid out and concise. The Inspectorate welcomed the use of a summary table to present aspects to be scoped in or out of the Environmental Statement (ES). The Inspectorate commented that for clarity and ease of presentation, a table presenting each specific matter to be scoped out would have been helpful, as presentation varied between aspect sections of the Scoping Report and it was not always clear if matters were to be scoped out entirely or be considered elsewhere in the ES.

The Inspectorate noted that the Scoping Report contained limited detailed information with regards to the project description, including proposed construction and operation activities. The Inspectorate advised that the Opinion was based on the information available at that point in time. The Inspectorate explained that it had been unable to scope certain matters out of the ES in a number of instances where the information provided in the Scoping Report did not support or provide evidence to conclude no likely significant effects.

The Inspectorate referred the Applicant to paragraph 3.1.3 of the Opinion, which explains: "*The Inspectorate is content that the receipt of a Scoping Opinion should not*

*prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken”.*

Key points from the discussion are summarised as follows.

- The Applicant confirmed it intended to include a separate overarching chapter to present the impact assessment methodology. Where the impact assessment methodology differed from the overarching methodology, this would be explained in the relevant aspect chapter.
- The Applicant enquired whether the outline Construction Traffic Management Plan (CTMP) should be appended to a Code of Construction Practice (CoCP)/Construction Environmental Management Plan (CEMP), or included separately as an appendix to the ES. The Inspectorate commented that it is for the Applicant to determine the most appropriate location for the outline CTMP. The Applicant should, however, ensure appropriate cross-referencing/signposting to any supporting plans is included in the ES. Where mitigation measures identified in the ES are to be implemented through plans (such as the CTMP or CEMP), these must be appropriately secured through the draft Development Consent Order (dDCO).
- The Inspectorate noted that the extent of proposed works within the River Yare had not been clarified in the Scoping Report. The Applicant explained that this would be dependent on the final bridge design plans. The Applicant was in the process of consulting with the MMO and Natural England to identify potential ecological surveys to be undertaken in support of the ES. The Applicant confirmed that it was engaging a specialist in fish and benthic ecology.
- The Inspectorate advised the Applicant to seek to liaise with appropriate consultation bodies when considering the assessment of environmental effects of noise and vibration, both airborne and underwater.
- The Inspectorate explained that the Scoping Report did not demonstrate the information necessary to support a decision to scope out surveys for reptiles and amphibians and therefore could not agree to scope out this matter. However, as noted in the Scoping Opinion, that did not preclude the Applicant from subsequently agreeing with relevant consultation bodies that such surveys are not required on the basis of further evidence, where appropriately explained and justified.
- The Applicant informed the Inspectorate that it was making progress in respect of air quality monitoring and identifying viewpoints, and was liaising closely with all three relevant local authorities in this regard.
- The Applicant confirmed that it would be undertaking a stand-alone assessment of lighting. The Applicant also intended to consider effects of lighting on vessel movement within the River Yare.

- The Applicant clarified that the bridge would have a design life of 120 years. The Inspectorate advised that the Applicant consider maintenance/replacement activities, where these could result in significant effects.
- The Inspectorate explained that the identification of receptors (marine receptors in particular) and proposed assessment methodologies contained in the Peoples and Communities section of the Scoping Report was not entirely clear. It recommended that the Applicant clearly identify applicable receptors in this aspect chapter of the ES, together with the relevant impact assessment methodology/methodologies to be applied to the assessment.
- The Applicant asked how best to address issues around risk and disaster planning and where to include this in the ES. The Inspectorate clarified that it does not prescribe how ES reports are formatted. The Inspectorate advised the Applicant to have regard to Annex G of Advice Note 11 on the Inspectorate's website and to the response of the Health and Safety Executive appended to the Opinion.
- The Applicant queried the most appropriate place to discuss climate resilience in the ES and whether this should be a standalone assessment. The Inspectorate acknowledged the interrelationships between aspect chapter assessments and climate change matters, and also the relevance of climate change resilience to the project design. The Inspectorate does not prescribe the format of the ES but advised that appropriate cross-referencing be included between aspect chapters. The Inspectorate noted a typo at 4.7.20 with regards to a reference to a 'Climate Tool'. This should have read 'Carbon Tool'.
- The Applicant queried whether the comment at paragraph 3.3.6 of the Opinion applied to the cumulative effects assessment or to the baseline presented in aspect chapters. The Inspectorate clarified that the Applicant should clearly state any assumptions made in the ES, including assumptions used in supporting models. This applies to aspect chapter assessments and cumulative assessment.

## **Policy context**

The National Policy Statements (NPS) were discussed. The Inspectorate commented that whilst the NPS for National Networks would have primacy in the decision-making process, the Applicant should also consider whether the NPS for Ports (which may impact on marine matters) would be a relevant consideration. The Applicant noted that although its proposed scheme did not fall into any of the listed categories in Chapter 3 of the Marine Policy Statement, which has no specific highways options, it would consider this further.

The Applicant enquired how best to proceed regarding the emerging update to the National Planning Policy Framework (NPPF). The Inspectorate suggested that the Applicant tracks the development of relevant policies until the updated NPPF is designated and then aligns its own policy considerations accordingly.

The Applicant referred to paragraph 1.3 of the NPS for National Networks in order to seek some clarity about what the 'relevant development plan' could mean in the context of an application subject to a Direction under s35 of the PA2008. The Inspectorate advised that the local development plan would be a relevant and

important consideration, but clarified that it is the role of the Examining Authority to decide exactly which plans/policies beyond a relevant NPS an applicant should have regard to.

It was noted by the Applicant that the Great Yarmouth Borough Council Core Strategy contained specific policies with regards to a third river crossing.

### **Contact Plan**

The Applicant had opted to use the Contact Plan approach, as outlined in the Inspectorate's Pre-application Prospectus, and had provided a draft Contact Plan for the Inspectorate to comment on ahead of the meeting. In this respect, the Inspectorate recommended that the Applicant reviewed timings around the 'Draft Documents' stage to make clear when then would be submitted, and allowing time for the Inspectorate to carry out a meaningful review before the scheduling of a feedback meeting. The Inspectorate expressed its preference for all draft documents to be submitted at the same time.

In respect of draft environmental documents, the Inspectorate advised that it could review the draft HRA report and the approach/methodology to the ES.

The Inspectorate clarified that any advice which it provided in review of the Applicant's draft documents would be published on its website, but the draft documents themselves would not.

The Applicant confirmed that the dDCO would be drafted in-house by NCC lawyers, who have prior experience of the PA2008 process (Norwich Northern Distributor Road).

The Inspectorate drew the Applicant's attention to new functionality on the Planning Inspectorate's website whereby customers can sign up to be notified when updates are made to advice notes and other important web content.

### **AOB**

The Inspectorate advised the Applicant to consider that any works on the Strategic Road Network which comprise part of a Proposed Development could consist of an 'improvement' of a highway under s22(5) and s235(1) of the PA2008. Where those works are not considered by an applicant to be an NSIP in their own right, applicants should signpost where within the ES it is evidenced that those works are not 'likely to have a significant effect on the environment'. Advice in respect of defining the Proposed Development with sufficient precision was issued in consideration of the provisions of s160 of the PA2008, which deals with offences and convictions.

The Inspectorate advised the Applicant that a Transboundary Screening would be produced by the Inspectorate for the Proposed Development; a copy of which would be provided to the Applicant and also published on the Great Yarmouth Third River Crossing project page on the Inspectorate's website.

### **Specific decisions/ follow up required?**

The following actions were agreed:

- In Inspectorate to provide extant advice about 'improvements' to highways under the PA2008
- The Inspectorate to provide written comments on the Applicant's Contact Plan
- The Applicant to consider providing the Inspectorate with the draft SoCC for comment