



Meeting note

Project name	Great Yarmouth Third River Crossing
File reference	TR010043
Status	Final
Author	The Planning Inspectorate
Date	12 June 2018
Meeting with	Norfolk County Council
Venue	The Planning Inspectorate offices, Bristol
Attendees	The Planning Inspectorate Norfolk County Council (NCC)
Meeting objectives	Consultation approach and project update meeting
Circulation	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.

Design flexibility

The Applicant confirmed, following discussions with potential contractors, it had narrowed down the bridge design from two options – a 'swing' style bridge and a 'bascule' style bridge – to a dual 'leaf' bascule bridge. The Applicant stated that it planned to fix the bridge design in October/ November 2018 at the same time as the appointment of the contractor. The Applicant explained that it therefore was seeking to retain flexibility in the detailed bridge design in the up-coming statutory consultation until the opening mechanism had been determined later in the year.

The Applicant stated that the bridge alignment, redline boundary (RLB), minimum navigable channel width and highway arrangement works had been fixed. The Inspectorate highlighted the requirement to include a plan of RLB within the consultation suite of documents and queried the possibility of the RLB changing later following the fixing of the bridge/ control room. The Applicant believed that changes to the RLB would be unlikely and noted that a copy of the RLB would be included in the consultation documentation.

The Applicant outlined its approach to the statutory consultation in respect of the bridge and opening mechanism elements. The Applicant illustrated two 'extreme' mechanism designs, with alternative counterweight options. The Applicant proposed an 'envelope approach' in the consultation material that set out the worst case scenario parameters within which all the relevant bridge design options would sit.

The Applicant stated that the envelope would assess the two worst-case scenarios: a 'Dutch' style bascule, with the counterweight 'knuckle' located higher out of the water, and a bascule design where the counterweight knuckle lowered fully into the water. The

Inspectorate advised that the Applicant should set clear parameters within the PEIR and queried as to whether the two extreme options were worst-case. The Applicant noted that they were.

The Applicant noted that the approach would be fully explained within the consultation documentation to avoid confusion on the proposed development.

The Inspectorate referred the Applicant to the Inspectorate's [Advice note nine](#), which focusses on use of the 'Rochdale Envelope' approach under the PA2008. The Inspectorate advised that there is no specific guidance on the drafting of the PEIR but some guidance is included within [Advice note seven](#)¹ and in [DCLG's guidance](#)² on the pre-application process. The Inspectorate also identified [Advice note eleven](#)³ as useful guidance regarding working with public bodies.

There was discussion regarding other examples of Nationally Significant Infrastructure Projects (NSIPs) that had sought flexibility in elements of the projects up to and beyond submission stage. The Inspectorate noted that such projects must have addressed the issue of flexibility during their statutory consultation periods.

The Inspectorate advised the Applicant to consider the level of detail that was included in the PEIR to allow the consultation bodies to have enough information to develop an informed view of the likely significant environmental effects of the proposed development.

There was discussion regarding the location of the control tower building, following noted ambiguity within the draft SoCC as to whether the proposed development would definitely include one. The Applicant confirmed the inclusion of a base control building; however, as the chosen bridge design would influence its location, the location was yet to be fixed.

Statutory Consultation

The Applicant explained the previous, non-statutory phases of consultation. 'Stage 1' concluded in January 2017 and focused specifically on understanding views on congestion in Great Yarmouth and the level of support for the scheme. 'Stage 2' was held over summer 2017, concluding in October 2017, and focused on development work carried out up to that date. The Applicant stated that 'Stage 3' statutory consultation would be conducted between August and October 2018 and set out the schedule of planned events which included exhibitions, consultation events and a leaflet distribution exercise. The Inspectorate noted that the separate stages were helpful but stressed the need to differentiate between 'statutory' and 'non-statutory' consultation in the submission documentation.

The Applicant stated that it would be producing a consultation brochure to have copies available at both the deposit locations and exhibitions/ events for visitors to take away. The Applicant emphasised it would be encouraging electronic responses during its statutory consultation by providing electronic devices at the consultation events, as well as encourage the use of computers already available at the deposit locations. The

¹ Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements

² DCLG (2015) Planning Act 2008: guidance on the pre-application process for major infrastructure projects

³ Advice note eleven: Working with public bodies in the infrastructure planning process

Applicant noted it had arranged a drop-in session for affected persons to specifically discuss the Compulsory Acquisition (CA) process under the PA2008 and briefly provided an update on CA progress to date. The Applicant noted it would continue liaising closely with affected local businesses.

There was discussion regarding the content of the draft Statement of Community Consultation (SoCC) following the Inspectorate's review. Please see **Annex A** for the complete list of observations.

The Inspectorate suggested it might be helpful for the SoCC to contain a statement about the separation of functions of NCC as both applicant and relevant authority. In respect of the application process, the Inspectorate urged caution in the use of terminology which appears to suggest that the regime 'displaces or removes' the need for other consents, permissions or licences, rather than the regime wrapping up relevant and necessary consents, permissions or licences in one application process.

In respect of the description of the proposed scheme, the Inspectorate recommended removing any unnecessarily vague or inconsistent references which might have been a result of the drafting process.

The Inspectorate noted that some other projects had added material on to a project's consultation webpage mid-way through the statutory consultation period; The Inspectorate noted that this was potentially confusing and advised that the Applicant should ensure the full suite is correctly published ahead of commencement.

There was further discussion regarding how the s42 consultees would be provided with the suite of application documents. The Inspectorate noted that other applicants had circulated USB sticks of the full suite of application documents.

There was discussion regarding the list of s42 statutory consultees. The Applicant confirmed the list of s42 consultees had been marginally narrowed down. The Inspectorate advised that the list of prescribed consultation bodies provided with the Scoping Opinion is compiled for the purposes of fulfilling its duty under Regulation 11 of the EIA Regulations. Whilst this list can be used to inform the Applicant's own consultation, it cannot be relied upon for this purpose. It is the Applicant's responsibility to ensure that their consultation fully accords with the requirements of the PA2008 and associated regulations and guidance and is adequately reasoned within the Consultation Report.

General Data Protection Regulations

There was discussion on the implications following the introduction of the General Data Protection Regulations (GDPR) on the 25 May 2018. The Applicant noted its current considerations in respect of drafting land referencing letters. The Inspectorate advised it would continue to publish the Book of Reference as part of the application suite of documents, but the document would be de-published once the Examination had closed. The Applicant was directed to the Inspectorate's [Privacy Notice](#) published on the National Infrastructure Planning website for further information regarding data collection and privacy.

AOB

There was brief discussion regarding a potential site visit.

The Inspectorate enquired about the status of the application documents and asked when the Applicant might be seeking a review of any draft documents. The Applicant suggested they might send draft documents for review after the close of statutory consultation and after a suitable design fix.

The Applicant set out its anticipated project timetable. The Applicant was anticipating commencing construction by 2020 ahead of being operational by 2023. The Applicant noted its anticipated submission date of March 2019.

Specific decisions/ follow-up required?

The following actions were agreed:

- Both parties agreed to keep in contact going forward.
- The Inspectorate to look into providing examples of schemes that had built in flexibility with the PEIR.





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Draft Statement of Community Consultation (SoCC) review

The commentary included in this document comprises the Planning Inspectorate's observations in respect of the draft SoCC provided by the Applicant on 31 May 2018. Any advice is issued under section 51 of the Planning Act 2008 (PA2008). It does not constitute legal advice upon which applicants or others should rely.



Para	Extract	Comment
Section 3		
3.2	"...will take place under the Planning Act's consenting regime for nationally strategic infrastructure projects."	Replace with 'significant'.
3.2	"this displaces the need for planning permission..."	Is the need for planning permission 'displaced'? Is this language appropriate/helpful/clear?
3.3	"a copy of the Secretary of State's decision ..."	Use 'direction' as previous? Could be misleading.
3.4	"an application to the Secretary of State ..."	Could be helpful to make clear separate functions of secretaries of state here ie make explicit application made to the SoS for Housing, Communities and Local Government (who takes the decision about whether to accept the application for examination); distinct from the SoS for Transport (who takes the final decision about whether not development consent should be granted).
3.6	"...and matters concerning the River Yale."	Explain that the DCO will include a Deemed Marine Licence?
3.6	"The DCO can impose any conditions or requirements..."	DCOs impose Requirements (which may be described as being broadly analogous to planning conditions).
3.8	"the applicant has carried out effective pre-application consultation..."	The SoS must be satisfied that the Applicant has carried out consultation in accordance with the provisions in the PA2008.
3.8	"...is a key part of the DCO examination process."	'Examination' is a distinct stage in the process. Could be misleading.
Circa 3.8	-	Could be helpful to establish and the six stage process (including timeframes) in a simple diagram?
3.9	"which Interested Parties can attend."	Replace with 'will be invited to'?



3.10	" <i>The Examining Authority may also decide to hold hearings.</i> "	Interested Parties can also cause hearings to be held by requesting an Open Floor Hearing or Compulsory Acquisition Hearing. Clarify?
3.11	" <i>...a recommendation to the Secretary of State.</i> "	See previous comment regarding separate SoS functions.
3.11	" generally within a period of approximately three months."	The statutory timeframe is three months.
Section 4		
4.1	Table	The table could usefully make explicit that Stage 1 and Stage 2 consultations were non-statutory.
4.2	" <i>local people and other interested parties...</i> "	'Interested Party' has a very specific meaning under the PA2008. Consider alternative term?
Section 5		
5.4.1	" <i>NCC intends to produce...</i> "	" <i>NCC will consult on the following Consultation Documents...</i> "?
5.4.1	PEIR bullet	Say explicitly that 'the development is EIA development as defined by the 2017 EIA Regulations'?
5.5	" <i>What information will we consult on?</i> "	Is 'the information' not the Consultation Documents? Does this section instead cover the 'specific matters' the Applicant is inviting comments about?
5.6.2	Public Exhibitions	Will these be staffed? If not, make explicit?
5.6.3	" <i>to allow interested parties...</i> "	See previous comment regarding meaning of Interested Party under the PA2008.
5.11	" <i>NCC will also attempt to contact local minority groups...</i> "	Explain how?
5.11	" <i>or in a different language...</i> "	Any language?
Section 6		
6.0/ 6.1	Environmental Information	Same information appears earlier in document. Is this repetition necessary/ justified?



Section 7		
7.2/ 7.3	Prescribed duty	Should the language used make explicit that the applicant 'must have regard to any relevant responses'?
Appendix B		
-	Area boundary	The boundary line is very thick, representing several tens of metres. Does this provide people with sufficient certainty about whether or not they should expect to receive a leaflet?