

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rule 2010 – Rule 8 etc

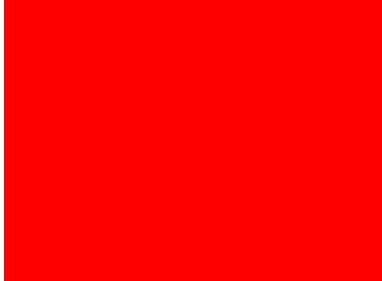
Application by Norfolk County Council for an Order Granting Development Consent Order for the Great Yarmouth Third River Crossing

Written Representations by Great Yarmouth Port Company

1. The Great Yarmouth Port Company Limited (GYPC) trades as Peel Ports Great Yarmouth. It operates the commercial port operations at the Port of Great Yarmouth, under an agreement with the Great Yarmouth Port Authority (GYPA). Under that agreement, GYPC also acts as agent for the harbour authority in the discharge of the GYPA's statutory functions except for those functions that GYPA cannot delegate to its agent, namely the making of bye-laws, the levying of ships dues, the appointment of the harbour master and decisions relating to the laying down of navigation buoys and the erection of lighthouses.
2. GYPC acknowledge the potential benefits that the improved road connectivity to the peninsula and Outer Harbour by means of the new crossing will bring. GYPC do, however, have significant concerns over the potential adverse impact upon the considerable commercial activity upon the River Yare. GYPC consider the contents of the National Policy Statement for Ports (January 2012) to be a relevant policy consideration for the Examining Authority to have regard to. It unsurprisingly stresses the importance of Ports for the UK economy. In particular, the policy states at Para. 3.1.4, that shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy.
3. Further, at Para. 3.1.6, sea ports play an important role in the tourism and leisure industries, supporting many different forms of economic and social activity, including passenger cruise liners, channel ferries, sea going yachts and dinghies. The policy statement continues by stating that "Ports continue to play

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an important part in local and regional economies, further supporting our national prosperity.” (Para. 3.1.7). GYPC believe that the Port of Great Yarmouth needs adequate protection to protect the economic benefits which derive from its success.

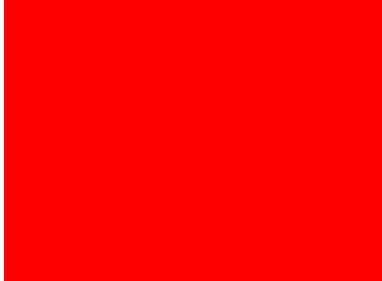
4. The Great Yarmouth Port is divided into two distinct infrastructure assets, comprising the River (Yare) Port and the Outer Harbour. Whilst the commercial activity is split approximately equally between the River Port and the Outer Harbour, commercial vessel activity is split approximately two thirds to one third in favour of the River Port. Similarly, the River Port has a higher proportion of operational activity / leased areas than the Outer Harbour.
5. From the site visit, the Examining Authority may well see why GYPC has concerns over the potential adverse impact. The new crossing will sever GYPC’s operational landholdings and a number of its tenants and operators. Of particular relevance to GYPC is the safeguarding of commercial port activity upstream of the proposed crossing. Therefore, GYPC seek to ensure the continued primacy of the harbour in terms of current and future shipping activity in an unfettered manner. The Applicant has acknowledged these concerns and has entered into negotiations with GYPC. These have been set out in the Statement of Common Ground (SoCG). Many of the concerns of GYPC have been met, but some, as outlined in the SoCG, have remained outstanding.
6. In particular, GYPC remain concerned that there is a disagreement between the parties in relation to the flow of the river and the hydrological effects of the construction of the new bridge. The terms of reference and scope for navigation simulation also remain outstanding. The navigational risk assessment therefore is unclear and unfinished.
7. As indicated previously, GYPC strongly recommend that a lay-by berth should be provided for shipping, located to the south of the proposed crossing. It is the view of the harbour master, the port director and those that advise them that if there is no provision of a lay-by berth, the new bridge will have to be opened at the request of inbound Vessels before they enter the Inner Harbour and to remain open for at least 30 minutes to complete their transit. This provision will

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become a requirement for vessels wishing to transit the bridge that cannot pass under the closed bridge. This recommendation is on account that once the vessel has entered the harbour, there is no place for the vessel safely to be berthed if, for whatever reason, the bridge does not open. No prudent Master/pilot will permit such a vessel to pass into the Inner Harbour unless the bridge is confirmed open or there is a safe lay-by berth for the vessel. GYPC recognises it is in no-one's interests for the bridge to remain open for such a prolonged time period not least because the risk of severe disruption and congestion that will be caused to the free flow of traffic upon the surrounding road network. Proper arrangements to provide an emergency lay-by berth will mitigate the safe navigation risk ALARP and facilitate a reduction in bridge opening times.

8. Further details will be provided in answer to the Examining Authority's questions contained within the Rule 8 letter. Further questions and information can also be provided at the proposed Issue Specific Hearing in respect of the Port. Details of the concerns of GYPC in respect of the drafting issues set out in the latest SoCG can also be discussed at the Hearing into the draft DCO.

8th October 2019

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