BDB PITMANS

Your Ref

Our Ref
ENB/198943.0001

Date
28 November 2019

**By Email**

Dear Sir/Madam

**TR010043 GY3RC - Deadline 3**

Please find attached:

(1) the written submission of GYPC and GYPA's oral case to the ISH 1 held on 19 November 2019; and

(2) comments of GYPC on the Applicant's Update Preliminary Navigational Risk Assessment and its appendices – Document Reference: NCC/GY3RC/EX/029 (REP 2-015)

We shall be grateful if you will kindly acknowledge receipt.

Yours faithfully

[redacted]

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Norfolk County Council

## Great Yarmouth Third River Crossing

### Application for Development Consent Order

Comments from GYPC Nov 15, 2019 outlined below:

| Document | Comments |
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| 6.14 | ***Preliminary Navigation Risk Assessment*** |
| Page 5, 3.2.10 | Noted the foreseeable risks identified refer to the "stage of design". Recognise there may be a requirement to revisit this process, pending any changes to bridge design and/or to address issues arising in the period post-Construction. |
| Page 10, 5.2.1 | All individual vessel movements for commercial traffic are NOT controlled by the Statutory Harbour Authority. There is a requirement to inform the Port of intended movements. The Port, via its Local Port Services will provide information to assist safety of navigation. Control is exercised where assessed appropriate and is exercised e.g. by Pilotage requirement. When requested, marine support for movements is provided by the Port (Pilotage and Mooring). However, the degree of CONTROL exercised by GYPC is significantly less than under a Port VTS Service. The Port exercises very little regulation of Non-Commercial movements in the port. This latter point will require review with pontoon waiting areas for Leisure vessels planned to be situated adjacent to the bridge. |
| Page 15, 7.3.5 | It should be clear that a Vessel commences a movement with a *Berth to Berth* Passage Plan i.e. designating a single destination. Presently, there is no express provision to deal with a closed bridge at the location proposed for the GYTRC. After the bridge in in place, the vessel Passage Plan for all vessels wishing to transit the bridge will require amendment. The amendment will recognise a port blockage exists at the time of final approach to the harbour (or at point before all mooring lines are disconnected in case of a departing vessel).<br>As a direct consequence to this new hazard, a radically different set of risk assessment criteria will become applicable. Also, a heightened requirement arises for dynamic re-assessment, constantly applied until the bridge is confirmed open.<br>In the event of bridge failure to open, there is a possibility of mitigation for the vessel by using *alternative manoeuvre*. However, the effectiveness will diminish with closing proximity to the bridge (with exception of manoeuvre to a designated emergency layby berth - which provides a complete mitigation). An alternative complete mitigation is to confirm the bridge is open before entry to the port.<br>The availability of *alternative manoeuvre* and its effectiveness (if the option is viable) will vary significantly by Vessel and by prevailing conditions and congestion in the port at the material time. The potential exposure arising from miscalculation is Very High. The number of Variables inherent in the assessment is |

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| | significant, many out-with control and others constantly changing (e.g. tide)<br><br>NCC recognises the significance of appropriate bridge operational procedures. Discussion with the Port is essential to develop suitable measures and ensure adequate resource is provided to implement the procedures agreed. |
| WSP Hazard ID Table<br>ID No 14 | This item deals with consequence for bridge asset.<br>There must be an additional Haz ID to deal with failure of bridge to Open as the hazard, with scenario involving an approaching Commercial (Large) vessel. |
| ID 62 | This correctly is Ranked No.1. The Hazard type = Port Blockage and Cause = Bridge failure to Open.<br>Mitigations include Bridge design/resilience, Methodology to open including Staff available 24/7, provision of Emergency Layby Berth to mitigate Vessel striking the bridge and/or damage to the Vessel and/or Infrastructure and/or Environment |
| | ***Mouchel GYTRC dated 14 Dec, 2016*** |
| Page 15, 5.4 | Bridge Operational Constraints<br>We note the estimate of time to complete the process to open the bridge = 4 minutes. Suggest this is VERY BEST CASE. Does this duration account for the time to receive the Open request (including transaction + reaction) time(s)?<br>The comment suggesting an approach time equal to the travel time for an approaching vessel and a multiple 2 x vessel length radically misleads a proper assessment of the bridge time open duration. |
| | ***WSP document dated March 2019*** |
| Page 36 | Key Point. The difficulties encountered…<br>Note there are no existing (general) restrictions preventing vessel movements. There may be a requirement to recommend/impose restrictions after the bridge is in place (and/or during construction) as a consequence of the new structure. |
| Page 37, 6.1 Key Findings | Bullet point 5<br>The following text should be added "In the bridge open for vessels position…". The addition of the bridge in its normal closed position clearly is significant to this category of vessel.<br>Bullet point 10<br>Whilst the 6 knots rate was recorded elsewhere and not considered as part of the simulations, the tide is a factor for a vessel transit to/from the bridge location and is relevant to the Passage Plan and available mitigations in event of bridge failure to open.<br>Bullet point 11<br>There are no restrictions presently in place and movements are assessed on basis of prevailing conditions. There may be a requirement for restrictions post-bridge. These could degrade the commercial position of the port and/or incur increased cost of working.<br>Bullet Point 13<br>This requires confirmation (as it is not our recollection from the simulations). Further, it has no appreciation of a VESSEL under way in restricted-to-manoeuvre circumstances with arising |

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| | consequence for BRIDGE and VESSEL. The expected bridge Open time must be calculated in an altogether different manner. The reference to vessel movements data supplied by Peel is similarly misleading.<br>No comment on the Scheme traffic assessment is made here. |
| | **Shipmove GY3C V2 11/10/2019** |
| Page 18 4.4 | Conclusions<br>Bullet point 1<br>We disagree the comment "these effects are of a similar order to those already existing and reference to vessels berthed both sides of the river".<br>The comments in this section omit any mention of the bridge failure to open; this is the default position after construction. |
| Page 19, 5.2 | Query the Jet Stream effect being experienced at differing distances up/downstream from the bridge. Our experience of the river indicates the Ebb is stronger than Flood. Hence, downstream effect is expected to be greater/certainly no less than the Upstream. The likely effect on Berths immediately downstream of the bridge is anticipated to become a greater challenge for mooring safely.<br>The effect of movement on berths immediately upstream is significantly changes as a consequence of the bridge. These (Bollard Quay) may require to be clear for safe departure from Atlas Quay. |
| Page 19, 5.4 | Vessel Limits and Entry Times<br>The para commencing "PSV vessels berth.." is incorrect. It is frequently the case PSVs swing within the river. A suitable position to make the manoeuvre is off the berth at ASCO.<br>The bridge, when construction commences, will remove an accepted swinging area for PSVs and for Gen Cargo vessels using Berth 14. This loss of room to manoeuvre consequentially increases the requirement for transits astern (with the attendant parameters affecting this evolution) |
| Page 20 5.5.1 | The statement on current rate (low) at the bridge does not match our experience (particularly at/near Spring tides) |
| Page 20, 5.6 | Bridge Failure Contingencies<br>There was no in-depth discussion at this time of mitigation available for failure of the bridge to open. The statements following (1-4) must be taken in context of no formal assessment. |
| Page 20 5.7 | Slack Water Transits<br>The comment relating to not ruling out a requirement for more than 1 tide being required for certain transits is noted. This is not presently the case and such scenario will have commercial consequences for the Port and its stakeholders. |
| Page 22 6.2 | Berth Occupancy<br>The port has express intention all berths are full at all times. The predictability of traffic movements at GY is highly variable. Customers expect the Port to deliver on berth requests based on a 2-hour advance notice regime. Planning for empty berths would be extremely difficult and lead to loss of Income for the Port. The need to vacate berths to accommodate other vessels does not frequently arise and brings incremental risk to safe |

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| | navigation. A designated emergency layby berth alleviates this issue. |
| | **HR Wallingford DJR6162-RT001-R02-00** |
| Summary | The para commencing For supply vessel operations..<br>Suggest delete the word "reduced" and replace with "less".<br><br>This Summary raises 2 key points:<br>1. Difficulty with departure from Berth 14. Use of Atlas Quay becomes significantly different, as a direct consequence of the bridge. Tidal stream changes and close proximity to the bridge require a much greater degree care and skill is exercised for a VESSEL safely to manoeuvre on/off of Atlas. The residual navigation safety risk is mitigated by Bollard Quay remaining clear. Bollard Quay is expected to be a location for the Leisure vessel waiting area(s) and the residual length to the N of the bridge will also need to be kept clear (as demonstrated in the relevant simulations). This could lead to Bollard becoming essential to support safe navigation and becoming non-viable as an operational berth.<br>2. Critical that communication protocols are agreed and in place. These will be dependent on availability and location of an emergency layby berth. |

Re: Great Yarmouth Third River Crossing Order – Planning Inspectorate Ref No TR010043

Matter: Great Yarmouth 3rd River Crossing DCO

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**Planning Inspectorate Ref No. TR010043**

1. This document summarises the case put forward by GYPC and GYPA (the Port) at the Issue Specific Hearing 1 on the Effect on Port Operations which took place at Lord Nelson Conference Centre Great Yarmouth Racecourse on 19 November 2019.

2. Nick Brown (NB) of BDB Pitmans represented GYPC and GYPA and was assisted by Gary Doyle (GD) and Richard Goffin (RG).

3. The ExA inquired whether the Port remained concerned at the lack of provision of an emergency lay-by berth as set out in representations made at Deadline 2. NB confirmed that the Port was still concerned by the potential risk to vessels, users and the Port.

4. At NB's request GD detailed the Port's concerns.

5. GD explained that when a vessel approaches the Harbour it designates a single destination. If a vessel plans to reach a berth north of the proposed bridge it must be recognised that a closed bridge exists as a blockage at the time when the vessel sets out to make its final approach to the Harbour. The new bridge constitutes a new hazard and a new risk assessment is required taking this into account.

   If the bridge does not open for whatever reason as explained at 7.3.5 of the Applicant's Preliminary Navigation Risk Assessment (NCC/GY3RC/EX/029) there is a possibility of mitigation for the vessel by using an alternative manoeuvre. The effectiveness of this diminishes the closer the vessel gets to the bridge unless there is an emergency lay-by berth.

   The effectiveness of such alternative manoeuvre will vary significantly vessel by vessel and by prevailing conditions and congestion in the harbour at the material time.

   The river is narrow. There are a number of areas where combustible material is stored. There may well be no alternative berths available and even if there were they may not be manned at the appropriate time and may have insufficient draft at low tide. There are also electric cables crossing the bottom of the river close to the new bridge which pose an additional hazard.

6. It should also perhaps be noted that the pontoons provided for the use of recreational craft awaiting a bridge opening are also in close proximity. The danger to the craft was expressed at the Hearing by both those representing the RYA and Goodchild Marine Services Limited.

7. In response Mark Kemp for the Applicant, Norfolk County Council, expressed the view that an emergency lay-by was unnecessary believing that the additional risk could be mitigated.

He explained as follows:

(i) Smaller vessels could manoeuvre into a safe place or return to sea;

(ii) Larger commercial vessels could berth at an emergency berth which could be arranged in coordination with the GYPA and

(iii) If no safe emergency berth was available the bridge would be opened prior to the vessels entering the River.

8. On learning this NB thought at first glance that this suggestion might be a way forward. He wondered whether such an offer might be secured by way of a Requirement in the Order. It was essential that the position was secured in the Order for the protection of all stakeholders of the Inner Harbour.

9. Michael Bedford QC for the Applicant said that he would like to consider with his clients the most appropriate way of securing this protection.

28 November 2019
BDB Pitmans LLP