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Your Ref: TR010043  
Date: 28 November 2019

My Ref: GY3RC/TR010043/NMC1  
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Dear Ms Church

**Great Yarmouth Third River Crossing (GY3RC) ('the Scheme') – TR010043**  
**Application for Development Consent Order ('the Application')**  
**Norfolk County Council ('the Applicant')**  
**Applicant's intention to submit a request for proposed changes to the Scheme**

The purpose of this letter is to inform the Examining Authority ('ExA') in writing of the Applicant's intention to request a number of proposed minor changes to the Scheme which is the subject of the Application.

**Procedure and timescales**

Whilst the Applicant does not consider the proposed changes to the Scheme to be material (for the reasons outlined below), it has had regard to the Inspectorate's *Advice Note 16: How to request a change which may be material* (Version 2, issued March 2018) ('AN16') and seeks to present its request for changes to the Scheme in the context of the procedural advice in AN16.

This letter therefore constitutes 'Step 1' (applicant informs the ExA in writing of its intention to request changes to the accepted application) identified in Figure 1 on page 4 of AN16.

Subject to the receipt of advice from the Examining Authority pursuant to 'Step 2' in AN16 (ExA provides advice about the need for, scale and nature of any consultation that the Applicant may need to undertake in relation to the proposed changes), it would be the Applicant's intention to submit a written change request, pursuant to Step 4 in AN16, at Deadline 4 of the Examination (i.e. on Wednesday 11 December 2019).

The Applicant is conscious of the time pressures associated with the DCO Examination process and of the related need for a request for proposed changes to be made early

enough to allow time for the ExA to make appropriate Procedural Decisions and for the changes to be accepted into the Examination of the Application, if appropriate.

It is in this context that the Applicant is aiming to submit a written change request at Deadline 4. The basis on which that request is proposed to be submitted is explained below (see the sections of this letter entitled 'Written change request to be submitted at Deadline 4' and 'Suggested timescales for accommodating a request for Scheme changes within the existing Examination timetable' below).

### **Need for the proposed changes**

The need for the proposed changes has arisen from the Applicant's ongoing negotiations with Affected Persons and Interested Parties, including in some cases points raised through the submission of Relevant Representations, and comments received from Stakeholders. As such, the purpose of the proposed changes is to accommodate the needs of those affected by the Scheme and to improve the integration of the Scheme into its surroundings.

### **Non-materiality of the proposed changes**

The Applicant understands that the question of whether the proposed changes are material or non-material is a matter of planning judgment for the ExA.

In the absence of any definition in relevant legislation of the terms 'material' and 'non-material', the Applicant has had regard to the characteristics that indicate that a change may be more likely to be regarded as a material change, examples of which are considered in Government guidance issued in March 2015 by the Department for Communities and Local Government (as was) - *Planning Act 2008: Guidance on Changes to Development Consent Orders* ('the Guidance') to provide a starting point for assessing the materiality of a change.

Having considered the proposed changes both individually and collectively in the light of the characteristics outlined in the Guidance, the Applicant is of the view that the changes it wishes to propose are **not** material and that they do not change the substance of the Scheme which has previously been consulted on and in respect of which the Application has been made.

### **Consultation**

On the basis that none of the proposed changes would be material, the Applicant anticipates that the proposed changes would need to be subject to the 'non-material change request process' outlined in the right-hand limb of the flowchart in Figure 2 on page 4 of AN16.

The Applicant notes the Inspectorate's advice, in paragraph 2.5 of AN16, that an Examining Authority will want to ensure, in the interests of fairness, that no persons who might wish to comment on the proposed changes would be deprived of the opportunity to make any representation on the changed Application (per the *Wheatcroft* principle). Accordingly, the Applicant is of the view that consultation on the proposed changes will be necessary, notwithstanding their minor nature in the context of the Scheme as a whole. The Applicant has therefore set out below, in outline, its proposals for non-statutory consultation on the proposed changes. These proposals are intended to be proportionate to the nature and scale of the changes proposed, whilst also taking account of the

*Wheatcroft* principle expressed above. The Applicant would welcome any related discussion with or direction from the ExA, as far in advance as possible of the proposed commencement of the consultation at Deadline 4.

- **Non-statutory Consultation period:** this is proposed to run from Friday 13 December 2019 to Tuesday 14 January 2020, allowing consultees a period (exceeding 28 days to allow for the Christmas/New Year holiday period) within which to consider the Applicant's request for proposed changes to the Scheme.
- **Deadline for receipt of consultation responses:** responses would be required to be submitted to the Applicant by 11.59pm on Tuesday 11 February 2020 (Deadline 6). Copies of consultation responses could be provided to the Inspectorate if required following the close of the consultation and would be included in the Applicant's non-statutory consultation report (see below).
- **Publicity:** the Applicant would publish, affix and serve notices regarding the proposed changes as follows:
  - **notices published in local newspapers** – notices would be published in newspapers previously used by the Applicant for the publication of notices in connection with the Scheme; notices would be published on Friday 13 December 2019.
  - **notices affixed on site** and posted in the Applicant's usual places for posting notices (with notices to be kept in place from Friday 13 December 2019 to Tuesday 14 January 2020).
  - **notices served by post** – notices would be served on those who would or might be interested in one or more of the proposed changes, within the following categories (the scope of which is currently being carefully considered by the Applicant in relation to the proposed changes):
    - (a) prescribed persons (section 42(1)(a) of the Planning Act 2008 ('PA 2008'));
    - (b) the Marine Management Organisation (section 42(1)(aa) of PA 2008;
    - (c) local authorities (section 42(1)(b) of PA 2008);
    - (d) affected persons (section 42(1)(d) of PA 2008);
    - (e) interested parties (as defined in section 102 of PA 2008).
- **Documents placed on deposit and online:** copies of the Applicant's written change request would be placed on deposit at the locations previously used by the Applicant in connection with the Scheme for the duration of the non-statutory consultation period; the Applicant's written change request would also be made available on the Applicant's website.
- **Non-statutory consultation report:** to be prepared by the Applicant and submitted to the ExA on 24 January 2020 (NEW Deadline 5a)

- **Potential for discussion in hearings:** If hearings are held in the week commencing 27 January 2020 (when dates are currently reserved), this would provide an opportunity for oral submissions to be made on the proposed changes at an appropriate hearing.

As noted above, the Applicant would be happy to discuss with the Inspectorate the proposals outlined above and would welcome any comments from the ExA as soon as possible, in order to be able to incorporate (if necessary) those comments in its preparation for submission of the NMC request and launch of the related non-statutory consultation shortly after Deadline 4 (i.e. on Friday 13 December 2019).

## **Environmental appraisal**

The Applicant is currently reviewing and appraising the proposed changes in the context of the environmental impact assessment ('**EIA**') carried out in respect of the Scheme, the findings of which are reported in the Environmental Statement ('**ES**') (Document Reference 6.1, Planning Inspectorate Reference APP-096). The review and appraisal will ascertain whether any of the proposed changes, either individually or cumulatively, would give rise to any new or materially different likely significant effects, beyond those reported in the ES.

## **Written change request to be submitted at Deadline 4**

In its written change request the Applicant intends to set out:

- full details of each of the proposed changes, including 'before and after' excerpts of relevant plans/drawings; information regarding any related ancillary matters; and explanations of why the Applicant considers the proposed changes to be non-material;
- an account of the non-statutory consultation proposed to be carried out;
- an explanation of the position in relation to the Environmental Impact Assessment, the Habitats Regulations Assessment, and the Equalities Impact Assessment carried out in relation to the Scheme;
- confirmation that none of the proposed changes require 'additional land' as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('the CA Regulations') and that, accordingly, none of the proposed changes are expected to engage the CA Regulations or to require any additional consents from affected persons; and
- details of whether, and if so how, any application documentation would need to be updated if the proposed changes were to be accepted into the Examination of the Application.

## **Suggested timescales for accommodating a request for the proposed scheme changes within the existing Examination timetable**

With the aim of assisting the Inspectorate, the Applicant has considered how its request for proposed changes to the Scheme could potentially be accommodated within the remainder of the existing Examination timetable, and suggests the following timeline:

- **Deadline 3 (28 November 2019)** – submission of letter to the Inspectorate (this letter) to advise the ExA of the Applicant's intention to submit a request for proposed changes to the Scheme.
- **Deadline 4 (11 December 2019)** – submission to the Inspectorate of the Applicant's formal written request for proposed changes to the Scheme (as outlined above)
- **Friday 13 December 2019 to 14 January 2020 (Deadline 5)** – non-statutory consultation period, closing on Deadline 5 (14 January 2020). The timing of this non-statutory consultation would allow the ExA to add the NMCs to the agenda for an appropriate hearing if further hearings are to be held in w/c 27 January 2020.
- **NEW Deadline 5a (suggested date: Friday 24 January 2020)** – submission to the Inspectorate of the Applicant's non-statutory Consultation Report to the ExA – proposed date subject to change or confirmation by the Inspectorate. The new deadline would need to be added to the existing Examination timetable and the current Rule 8 letter revised and re-issued.
- **Deadline 6 (Tuesday 11 February 2020)** – deadline for submission of any comments on the Applicant's Non-Statutory Consultation Report (the invitation to submit comments would need to be added by the Inspectorate to the list of Deadline 6 deliverables in an updated Examination timetable/Rule 8 letter).
- **ExA issues Procedural Decision** confirming whether or not the proposed changes are accepted - date to be confirmed by the Inspectorate and added to an updated Examination timetable.
- **Deadline 7 (25 February 2020)** – subject to the Inspectorate's acceptance of the proposed changes, submission to the Inspectorate by the Applicant of all consequentially amended application documentation reflecting the incorporation of the changes into the Scheme.
- **Close of Examination (24 March 2020).**

## **Introduction to the proposed changes**

An outline of the nature of and need for each proposed change is set out below.

### **PROPOSED CHANGE #1 - Reduction of waiting restrictions on the east side of Southgates Road / South Denes Road**

As noted in its Responses to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) the Applicant stated that it was happy to consider a potential reduction of the proposed 'no waiting at any time' restrictions on approaches to the South Denes Road Traffic Signalled junction providing that the operation of the junction would not be impeded by parked vehicles. These proposed restrictions are identified as Traffic Regulation Measure Reference Numbers 10 and 12 on Traffic Regulation Measures Plan Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008).

The Applicant provided its reasoning for justification for the extension of the no-waiting restrictions alongside the eastern side of Southgates Road north of the Barrack Road junction in its response to the Examining Authority's 1<sup>st</sup> Written Question 1.5.2 (Document Reference NCC/GY3RC/EX/022, Planning Inspectorate Reference REP2-008). In this response the Applicant stated that the length of the proposed no waiting restriction shown as Reference 10 on Traffic Regulation Measures Plan Sheet 2 of 2 is not required to accommodate the forecast maximum queue length at the opening year 2023, this additional no waiting restriction length reflects the forecast maximum queue length on this approach to the proposed signalised junction in the design year 2038.

As a result of the above reasoning the Applicant proposes the following non-material change:

- ***Removal of the 'no waiting at any time' restriction (identified as Traffic Regulation Measure Reference Numbers 10 on Traffic Regulation Measures Plan Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008)).***

In addition to the above, the Applicant has also received a separate request from a local business seeking the removal from the Scheme of the proposed limited waiting restriction (1 Hour Parking - 2 Hours No Return) between 8am & 6pm Monday to Saturday. This proposed restriction is identified as Traffic Regulation Measure Reference Number 13 on Traffic Regulation Measures Plan Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008).

This measure was proposed to restrict longer period parking, which could prevent shorter term parking outside the frontage businesses. However, the Applicant has undertaken informal engagement with frontage businesses who have expressed concern about the impact of this proposal on their business.

As a result, the Applicant proposes the following non-material change:

- ***Removal of the restriction identified as Traffic Regulation Measure Reference Numbers 13 on Traffic Regulation Measures Plan Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008)).***

## **PROPOSED CHANGE #2 - Reduction of waiting restrictions on the north side of the access road to the Kingsgate Community Centre**

As noted in its Responses to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) the Applicant stated that it is happy to consider a potential reduction in the extent of the 'no waiting at any time' restrictions proposed for the north side of Queen Anne's Road, providing the approach to and egress from the roundabout would not be impeded by parked vehicles. This proposed restriction is identified as Traffic Regulation Measure Reference Number 03 on Traffic Regulation Measures Plan Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008).

The Applicant has reviewed the approach to and egress from the roundabout and as a result, it proposes the following non-material change:

- ***Reduction by 20m at its western end of limited waiting restriction (1 Hour Parking - 2 Hours No Return) between 8am & 6pm Monday to Saturday on the north side of Queen Anne's Road (identified as Traffic Regulation Measure Reference Number 03 on Traffic Regulation Measures Plan Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008)).***

### **PROPOSED CHANGE #3 - Provision of a disabled parking bay within the proposed new parking area on the south side of Cromwell Road**

In connection with its on-going engagement with residents of Cromwell Road, the Applicant has received a request for the inclusion of a disabled parking bay within the proposed new on-street parking provision on the south side of this road. The Applicant has examined this request and considers that a single disabled parking bay could be provided at the western end of the parking bay which is proposed to be located on the south side of Cromwell Road.

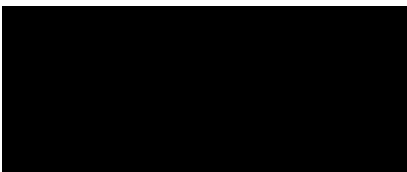
As a result, the Applicant proposes the following non-material change:

- ***The provision of a 6.6m long disabled parking bay (available at all times) to be located at the western end of the proposed parking bays which are proposed to be provided along the southern side of Cromwell Road.***

I should be grateful if you would please contact me if you have any questions on any of these matters, or if there is anything else to which you believe we should have regard whilst preparing to submit the above-mentioned proposed change request at Deadline 4.

In any event, as mentioned above, I look forward to discussing with you imminently the need for and scope of any additional consultation required in connection with the proposed changes.

Yours sincerely,



**Mark Kemp**  
**GY3RC Project Manager**