

Great Yarmouth Third River Crossing Order 202[*]

NCC/GY3RC/EX/100: Closing Statement

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

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1 Glossary of Abbreviations and Defined Terms

AEP	Annual Exceedance Probability
ALARP	As Low As Reasonably Possible
Annex A	Compulsory Acquisition Objections
CCC	Committee for Climate Change
CPA	County Planning Authority
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
EZ	Enterprise Zone
GHG	Greenhouse Gas
Goodchild Marine	Goodchild Marine Services Ltd
GYBC	Great Yarmouth Borough Council
GYPA	Great Yarmouth Port Authority
GYPC	Great Yarmouth Port Company
LPP2	Part 2 Local Plan
MMO	Marine Management Organisation
NMCs	Non-Material Changes
NPS Accordance Tracker	A checklist in tabular form demonstrating the Scheme's compliance with the policies set out in the NPS NN and in the NPS for Ports, having previously been submitted as Appendix A to the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188); and subsequently updated for the close of the
NPS for Ports	National Policy Statement for Ports
NPS NN	National Policy Statement for National Networks

NSIP	Nationally Significant Infrastructure Project
Outline CoCP	Outline Code of Construction Practice
pNRA	Preliminary Navigation Risk Assessment
pNRA Workshop	Navigation Risk Assessment workshop undertaken on 21st January 2020
RYA	Royal Yachting Association
SoCG	Statement of Common Ground
SRN	Strategic Road Network
The Applicant	Norfolk County Council (in its capacity as Highway Authority and promoter of the Scheme)
The Application	The application that was submitted by the Applicant to the Planning Inspectorate under the Planning Act 2008 for development consent for the Great Yarmouth Third River Crossing Scheme
The Scheme	The Great Yarmouth Third River Crossing project for which the Applicant seeks development consent
VMS	Variable Message Sign

1 Introduction

1.1 Introduction

- 1.1.1 This Closing Statement has been produced by Norfolk County Council ('the Applicant') to summarise in one place its submissions on the matters that have been raised in submissions by Interested Parties and Affected Persons during the Examination of the Applicant's application for development consent for the Great Yarmouth Third River Crossing ('the Scheme'). This Closing Statement is provided to ensure that the Examining Authority, and ultimately the Secretary of State, have clear information about the Applicant's position in relation to these matters and any remaining points of dispute that arise from them.
- 1.1.2 This Closing Statement is accompanied by an updated version of Appendix A to the Applicant's Case for the Scheme – Conformity with the National Policy Statement for National Networks ('NPS NN') and the *National Planning Policy Statement for Ports* ('NPS for Ports') (Document Reference 7.1, Planning Inspectorate Reference APP-188) ("**the NPS Accordance Tracker**"). The updated NPS Accordance Tracker is appended to this Closing Statement (see Appendix A).
- 1.1.3 Together, the Closing Statement and the updated NPS Accordance Tracker re-state the benefits of the Scheme and the Scheme's compliance with the NPS NN, and point the Examining Authority and the Secretary of State to the evidence which is considered relevant to the application of section 104 of the Planning Act 2008.
- 1.1.4 In particular, this document demonstrates that:
- The Applicant has engaged with Interested Persons and Affected Parties and has sought to address concerns and resolve issues raised by them in relation to the Scheme;
 - The Scheme is in accordance with the NPS NN; and
 - The Scheme's benefits would outweigh its adverse impacts.
- 1.1.5 If granted development consent, the Scheme would deliver a much-needed new bascule bridge highway crossing of the River Yare in Great Yarmouth, addressing issues of severance and congestion within the town and bringing improvements in connectivity and resilience for Great Yarmouth Port, benefitting the port's role in the renewable energy sector and the offshore gas and oil industry.
- 1.1.6 The Applicant considers that there is a clear and compelling case in the public interest for the Development Consent Order ('DCO') for the Scheme

to be made and that the powers sought in the draft DCO are necessary, proportionate and justified.

1.1.7 This Closing Statement is structured as follows:

- The need for and benefits of the Scheme
- Policy and regulatory compliance
- Environmental issues
- Compulsory acquisition and other land-related matters
- Maritime and Port operation matters
- Highways and transportation matters
- Design development
- Issues relating to the draft DCO
- Update on Protective Provisions
- Conclusion

2 The need for and benefits of the Scheme

2.1 Need for and benefits of the Scheme

- 2.1.1** The Applicant's Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188) sets out the need for and benefits of the Scheme.
- 2.1.2** In summary, the national significance of and need for the Scheme derive from the improvements in connectivity and resilience that it would deliver to the town and the Port of Great Yarmouth, which has a nationally significant role in the offshore energy industry. The national significance of the Scheme was established by the Direction given by the Secretary of State under section 35 of the Planning Act 2008 (Planning Inspectorate Reference OD-001) and the Scheme is critical to the provision of an improved connection from the A47 (part of the Strategic Road Network ('SRN')) to the Port and associated employment areas in the town of Great Yarmouth.
- 2.1.3** It is in this context that the Scheme is to be treated as development for which development consent under the Planning Act 2008 is required, and in which such application for development consent is to be determined in accordance with section 104 of the Planning Act 2008, which includes consideration of the relevant national policy statement – in this case, the NPS NN.
- 2.1.4** Whilst the Scheme is not a port development and no part of it constitutes the construction or alteration of harbour facilities, it does traverse the River Yare and supports the Port's nationally significant role in the energy industry and as an international gateway. Accordingly, although the NPS NN is the national policy statement relevant to the Scheme itself, regard has also been had by the Applicant, where appropriate, to the National Policy Statement for Ports (NPS for Ports), as detailed in the Applicant's Case for the Scheme at paragraph 7.2 and Appendix A (Document Reference 7.1, Planning Inspectorate Reference APP-188). Appendix A to the Case for the Scheme has been updated to reflect the Applicant's position at the close of the Examination and is now re-submitted in the form of the NPS Accordance Tracker which comprises Appendix A to this Closing Statement.
- 2.1.5** The transport need case is set out in section 4.3 of the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188). In summary, the need for the Scheme stems in part from the current inadequacy of access between the SRN and Great Yarmouth's South Denes Peninsula, which is home to the Port and to the South Denes Enterprise Zone ('EZ') site. In addition, the need for a third river crossing in Great Yarmouth to address issues of local significance, such as congestion, severance and insufficient capacity, is well established within regional and local transport planning policy (as detailed in Section 8 of the Case for the

Scheme). Issues which give rise to a clear need, in transport terms, for the Scheme are identified as follows:

- inadequate connectivity between the SRN and the Port;
- congestion and resilience issues on the local highway network;
- local connectivity and severance issues;
- difficulties for public transport connections;
- barriers to the accessibility of walking and cycling provision; and
- frequency and severity of personal injury accidents.

2.1.6 The regeneration need case is set out in section 4.4 of the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188). Nationally, the Scheme is needed to support the expected growth of the Port, and its increasingly important role in the offshore energy sector. At a local level, the Scheme would facilitate the delivery of growth in housing and employment and would contribute to the achievement of the Great Yarmouth Economic Growth Strategy, by:

- enhancing the role of Great Yarmouth as a hub for energy industries, including other nationally significant energy infrastructure projects;
- enabling wider sub-national growth;
- addressing challenges to the fulfilment of the aspirations of the Great Yarmouth EZ sites; and
- regenerating Great Yarmouth town centre.

2.1.7 Great Yarmouth is in a prime position to benefit from economic growth associated with significant national support for and investment in the offshore wind, oil and gas industries. The South Denes EZ site and the Beacon Park EZ Site were formed to exploit such opportunities; however, the lack of a direct link between the SRN and the Port forces heavy traffic onto unsuitable routes within the town centre, causing congestion and delays.

2.1.8 Clearly, unless these transport issues are resolved, the regeneration potential of the town will continue to suffer; and without the resilient transport infrastructure necessary for capitalising on planned investment, the regeneration of Great Yarmouth's town centre and the maintenance of a thriving visitor economy will not be achieved.

2.1.9 There is a clear need for a scheme which addresses each of the issues outlined above. In order to address those issues, and to take advantage of

the potential opportunities to which resolution of those issues would give rise, the Applicant identified the following Scheme objectives:

- To support Great Yarmouth as a centre for both offshore renewable energy and the offshore oil and gas industry, enabling the delivery of renewable energy Nationally Significant Infrastructure Projects ('NSIP's) and enhancing the Port's role as an international gateway;
- To improve access and strategic connectivity between Great Yarmouth Port and the national road network, thereby supporting and promoting economic and employment growth (particularly in the EZ sites);
- To support the regeneration of Great Yarmouth, including the town centre and seafront, helping the visitor and retail economy;
- To improve regional and local access by enhancing the resilience of the local road network, reducing congestion and improving journey time reliability;
- To improve safety and to reduce road casualties and accidents, in part by reducing heavy traffic from unsuitable routes within the town centre;
- To improve access to and from the Great Yarmouth peninsula for pedestrians, cyclists and buses, encouraging more sustainable modes of transport and also reducing community severance; and
- To protect and enhance the environment by reducing emissions of greenhouse gases and minimising the environmental impact of the Scheme.

2.1.10 The Scheme objectives (above) reflect the strategic aims of the NPS NN, as is shown in Table 4-3 (Alignment between Scheme objective and NPS NN) of the Applicant's Case for the Scheme.

2.1.11 The benefits which the Scheme would deliver are closely aligned with the Scheme objectives (as discussed in detail in the Case for the Scheme), and also with the reasons for which the Secretary of State gave the Section 35 Direction, as noted above.

2.1.12 The table below outlines the public benefits of the Scheme, as they flow from the Scheme objectives.

Table 2.1: Alignment of the benefits of the Scheme with the Scheme objectives

Scheme Objectives	Scheme Benefits	Reference in Case for the Scheme
Improved connectivity for a stronger economy To support Great Yarmouth as a centre for both offshore renewable energy and the offshore oil and gas industry, enabling the delivery of renewable energy NSIPs and enhancing the Port's role as an international gateway	The Scheme would enhance connectivity between the SRN and the Port. The improvements meet the primary aspirations of the Government's Transport Investment Strategy (issued by the Department for Transport and dated July 2017), which are to create a better-connected transport network and to build a stronger economy. Overall, the infrastructure improvements will significantly enhance Great Yarmouth's growing role in supporting the offshore energy sector and assist the Port in reaping the opportunities associated with the delivery of existing and potential renewable energy NSIPs.	Paragraph 9.2.3 and Section 5.6
Local economic development To improve access and strategic connectivity between Great Yarmouth Port and the national road network, thereby supporting and promoting economic and employment growth (particularly in the EZ sites)	The Scheme creates a more direct and shorter link between the SRN and the Port, leading to quicker and more reliable journeys between the two. The Scheme would enhance connectivity between the South Denes and Beacon Park EZ sites, as well as those further afield in the Great Yarmouth and Lowestoft Enterprise Zone, thus creating opportunities for greater synergy between technology and energy related businesses operating within them. The Scheme connects a greater proportion of the town's labour market to employment areas, such as the existing industrial estates and Port.	Paragraph 9.2.3 and Section 5.5 Section 5.6 Section 5.5
Town centre regeneration To support the regeneration of Great Yarmouth, including the town centre and	The Scheme successfully re-routes Port-related traffic away from key links leading into the town centre, such as Haven Bridge, creating capacity for town centre and seafront traffic and reducing congestion, particularly during the peak tourism season.	Paragraph 9.2.3 and Section 5.5

Scheme Objectives	Scheme Benefits	Reference in Case for the Scheme
seafront, helping the visitor and retail economy	The additional network capacity created by the Scheme would support the regeneration of retail, leisure and commercial uses within the town centre, for example within the waterfront area.	Section 5.6
Network resilience To improve regional and local access by enhancing the resilience of the local road network, reducing congestion and improving journey time reliability	<p>Overall, the Scheme leads to reduced congestion and improved journey time reliability on the local highway network, particularly on links leading towards the town centre from the west of the town, such as Haven Bridge.</p> <p>The Scheme would greatly improve the resilience of the local road network, particularly in relation to the need for planned and emergency closures of Haven Bridge for maintenance and repair purposes.</p> <p>The Scheme would significantly improve connectivity for all transport modes by allowing heavy traffic, including abnormal loads, to be re-routed around the periphery of the town centres and freeing up the town centre roads for local traffic and non-motorised users.</p>	<p>Paragraph 9.23 and Section 5.5</p> <p>Sections 4.3 and 5.5</p> <p>Section 4.3</p>
Safety To improve safety and to reduce road casualties and accidents, in part by reducing heavy traffic from unsuitable routes within the town centre	The scheme would result in a projected saving of 54 casualties over the period 2023 to 2082, with the economic benefit of these savings calculated as £0.9m, as reported in the Applicant's Economic Appraisal Report (Document Reference 7.6, Planning Inspectorate Reference APP-200).	Paragraph 9.2.3 and Section 5.5

Scheme Objectives	Scheme Benefits	Reference in Case for the Scheme
Access To improve access to and from the Great Yarmouth peninsula for pedestrians, cyclists and buses, encouraging more sustainable modes of transport and also reducing community severance	<p>The Scheme would provide a quicker route between the west and east of the town for non-motorised users and would significantly improve accessibility for pedestrians and cyclists, which encourages more sustainable modes of transport and reduces community severance.</p> <p>The Scheme would generate around £10 million of savings of the course of its lifetime due to active mode benefits, relating primarily to journey time savings, but also from an improvement in journey quality, increased physical activity and reduced absenteeism.</p> <p>The Scheme results in a general improvement in assessed bus journey times, with an average saving of 12 seconds (1%) in the AM peak and 42 seconds (3%) in the PM peak anticipated. In addition, the Scheme presents an opportunity for new, more direct bus routes into the South Denes area to be introduced.</p>	<p>Paragraph 9.2.3 and Section 5.5</p> <p>Section 5.5</p> <p>Section 5.5</p>
Environment To protect and enhance the environment by reducing emissions of greenhouse gases and minimising the environmental impact of the Scheme	<p>During operation the Scheme would result in a slight beneficial impact on greenhouse gas emissions.</p> <p>The Scheme's impact on the environment would be minimised as far as possible though sensitive design and incorporation of appropriate mitigation.</p>	<p>Paragraph 9.2.3 and Section 7.7</p> <p>Section 7</p>

2.1.13 The benefits noted above, together with additional benefits listed in paragraph 9.2.4 of the Case for the Scheme, have been identified as a result of robust technical assessments set out in the application documentation, including:

- the Transport Assessment (Document Reference 7.2, Planning Inspectorate Reference APP-189);
- the Economic Appraisal Report (Document Reference 7.6, Planning Inspectorate Reference APP-200);
- the Equalities Impact Assessment (Document Reference 6.15, Planning Inspectorate Reference APP-186); and
- the Environmental Statement ((Document Reference 6.1, Planning Inspectorate Reference APP-096).

2.1.14 Further detail on the benefits of the Scheme is set out in Section 9 of the Case for the Scheme.

2.1.15 The Applicant anticipates that the Scheme will inevitably give rise to some disbenefits, as outlined in paragraphs 6.2.19 and 6.2.20 of the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022), and set out in more detail in Section 9.3 of the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188).

2.1.16 However, as is set out in the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096), likely impacts of the Scheme have been minimised and/or avoided wherever possible, through options appraisal assessment and design considerations, as well as through the adoption of appropriate mitigation strategies.

2.1.17 Where disbenefits are anticipated to arise, these are at a local level and generally amount to private losses which, as explained in the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022), would be fairly and appropriately addressed through the payment of compensation. Moreover, it is considered that the significant public benefits provided by the Scheme (as outlined above) outweigh the disbenefits identified.

2.1.18 The Scheme is supported by Norfolk County Council in its capacity as County Planning Authority ('CPA'). As is reported in items 1 to 5 of the Statement of Common Ground ('SoCG') between the Applicant and the CPA at Appendix D of the Applicant's Statement of Commonality (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010), the CPA recognises the contribution the Scheme could make to the economic growth of Norfolk, to the enhancement of strategic connections to the international gateway of Great Yarmouth Port and to the improvement of the landscape and visual character of the area.

2.1.19 The Scheme is also supported by Great Yarmouth Borough Council ('GYBC') in its capacity as the 'host' local authority for the Scheme. As is reported in item 1 of the SoCG between the Applicant and GYBC at Appendix E of the Applicant's Statement of Commonality (Document

Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010), GYBC welcomes the positive and significant economic and social benefits and opportunities which are expected to arise from the Scheme.

- 2.1.20** Great Yarmouth Port Company (Peel Ports) ('GYPC') acknowledges the potential benefits that could arise from the improved road connectivity to the South Denes peninsula and Outer Harbour that the Scheme would bring, and has collaborated with the Applicant, entering into a commercial agreement to address concerns raised by GYPC (see items 1 and 2 of the SoCG between the Applicant and GYPC at Appendix F of the Applicant's Statement of Commonality (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)).
- 2.1.21** In striking the planning balance required, the Applicant considers that the benefits of the Scheme would be delivered locally, regionally, nationally and internationally. By contrast, the adverse impacts that have been identified (as summarised in section 9.3 of the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188), arise at a local level.
- 2.1.22** Consequently, the Applicant takes the view that the benefits of the Scheme should carry significantly greater weight than the impacts. This, alongside careful consideration of the balance of those benefits against those impacts, leads to the conclusion that the Scheme's benefits significantly outweigh its adverse impacts and that the delivery of the Scheme would be in the public interest.

2.2 NPS Accordance Tracker

- 2.2.1** As noted above, the application for development consent for the Scheme is required to be determined by reference to the decision-making framework set out in section 104 of the Planning Act 2008, which requires the Scheme to meet the tests and comply with the policies set out in the relevant national policy statement and other relevant documents, such as appropriate marine policy documents, any local impact report, any matters prescribed in relation to development of the description to which the application relates, and any other matters which the Secretary of State thinks are both important and relevant to his decision. These requirements have been addressed in sections 7 and 8 of the Applicant's Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188). Also, Appendix A to the Case for the Scheme comprised a table demonstrating the Scheme's conformity with the policies set out in the NPSNN and in the NPS for Ports ('NPS Accordance Tracker').
- 2.2.2** As the examination of the application draws to a close, the Applicant has taken the opportunity to review the NPS Accordance Tracker and to update it to reflect fully the Applicant's position on matters that have been the subject

of debate and scrutiny during the examination period. The updated NPS Accordance Tracker is presented as Appendix A to this Closing Statement.

- 2.2.3** Under section 104 of the Planning Act 2008, compliance of the Scheme with the relevant NPS is required except to the extent that one or more of subsections 104(4) to (8) applies.
- 2.2.4** In section 6 of the Case for the Scheme the Applicant set out its view that there were no circumstances which would require the application for development consent for the Scheme to be determined other than in accordance with the NPS NN, being the relevant national policy statement in relation to the Scheme. The Applicant maintains that view. In order to ensure the robustness of that view, the Applicant has, as noted above, updated the NPS Accordance Tracker at Appendix A to this Closing Statement.
- 2.2.5** In addition, the Applicant has included a section in this Closing Statement on climate change (see section 4.7). During the examination, climate change was considered in relation to the assessment of the vulnerability of the Scheme to climate change projections. However, the climate change section in this Closing Statement considers the matter of carbon emissions in the context of the Paris Agreement, the Climate Change Act 2008, as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (SI 2019/1056), the Government's 'net zero' by 2050 emissions reduction target, and current UK carbon budgets.
- 2.2.6** In summary, the Applicant notes that current carbon budgets are based on the Government's previous emissions target of 80% reduction by 2050. The Applicant also acknowledges that its ability to compare the Scheme's forecast greenhouse gas emissions against carbon budgets is restricted by the absence of up to date carbon budgets providing a full trajectory for reductions targets up to 2050. However, the Applicant presents reasoning (in section 4.7 of this Closing Statement) to support its view that the level of carbon emissions forecast to arise from the Scheme is not of a magnitude sufficient to have any material impact on the Government's ability to meet its current carbon reduction targets. In the light of this, it is the Applicant's view that section 104(4) of the Planning Act 2008 would not be engaged, because the determination by the Secretary of State of the application for development consent for the Scheme in accordance with the NPS NN would not lead to the United Kingdom being in breach of any of its international obligations.
- 2.2.7** Section 104(7) of the Planning Act 2008 is applicable in circumstances where the Secretary of State is satisfied that the adverse impacts of the proposed development would outweigh the benefits. As summarised above and as explained in the Applicant's suite of application documents, there are no adverse impacts which outweigh the Scheme's anticipated benefits.

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- 2.2.8 In conclusion, the Applicant considers that the application for development consent for the Scheme is properly and fairly capable of determination in accordance with the NPS NN.

3 Policy and Regulatory Compliance

3.1 Introduction

- 3.1.1** This section of the Closing Statement considers the legal framework for the Secretary of State's determination of the Applicant's application for development consent. It outlines the key limbs of that framework and signposts where the relevant matters are addressed in the documents that have been examined.

3.2 Compliance with National Policy Statements

- 3.2.1** Section 104 of the Planning Act 2008 applies, in relation to an application for an order granting development consent, if a national policy statement has effect in relation to development of the description to which the application relates. Paragraph 1.5 of the NPS NN is clear that it applies to roads that are designated as nationally significant by a direction under section 35 of the Planning Act 2008, such as the Applicant's Scheme. Section 104(2)(a) of the Planning Act 2008 therefore requires the Secretary of State to have regard to the NPS NN when determining the Applicant's application for development consent.
- 3.2.2** Section 104(3) requires the Secretary of State to determine the application in accordance with the NPS NN, except to the extent that sections 104(4) to 104(8) apply. No interested party has submitted that the application of the NPS NN would engage sections 104(4) to 104(8). The Applicant has given further consideration to whether section 104(4) would be engaged by the Scheme in relation to the 'net zero' 2050 carbon target and has concluded that it would not be; see section 4.7 of this Closing Statement for further details.
- 3.2.3** Given the Scheme's relationship with the Port of Great Yarmouth, the Secretary of State may consider the NPS for Ports to be a matter that is both important and relevant to the determination of the Scheme, in accordance with section 104(2)(d) of the Planning Act 2008.
- 3.2.4** Sections 7.2 to 7.6 of the Applicant's Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188) set out the key policy criteria of the NPS NN and the NPS for Ports and demonstrate the Scheme's compliance with those criteria. Appendix A to the Case for the Scheme demonstrates the Scheme's compliance with the detail of those National Policy Statements. The Applicant has taken the opportunity to update Appendix A to the Case for the Scheme to reflect the position at the end of the Examination. That update is included at Appendix A to this Closing Statement where it is referred to as the NPS Accordance Tracker.

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- 3.2.5 Except as noted elsewhere in this Closing Statement, no interested party has challenged the Applicant's assessment that its Scheme complies with the NPS NN and the NPS for Ports.

3.3 Marine Policy

- 3.3.1 Section 104(2)(b) of the Planning Act 2008 requires the Secretary of State to have regard to the appropriate marine policy documents determined in accordance with section 59 of the Marine and Coastal Access Act 2009.
- 3.3.2 Section 7.7 of the Applicant's Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188) demonstrates how the Scheme complies with the UK Marine Policy Statement and the East Inshore and East Offshore Marine Plan.

3.4 Local impact reports

- 3.4.1 Section 104(2)(b) of the Planning Act 2008 requires the Secretary of State to have regard to any validly submitted local impact report ('LIR'). LIRs were submitted by Norfolk County Council (Planning Inspectorate Reference REP2-018) (in its capacity as County Planning Authority and host authority to the Scheme) and by Great Yarmouth Borough Council (Planning Inspectorate Reference REP2-022).
- 3.4.2 Great Yarmouth Borough Council's LIR concluded that the Scheme is in conformity with the Council's Local Plan and, whilst acknowledging some inevitable minor impacts, it concluded that these are "*overwhelmingly outweighed by the social, economic and environmental benefits of the Scheme.*" In relation to those negative impacts, the Applicant responded to Great Yarmouth Borough Council's LIR in its Response to Local Impact Report (Document Reference NCC/GY3RC/EX/033, Planning Inspectorate Reference REP3-004). The parties concluded an SoCG (Appendix E of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)) in which all matters are agreed.
- 3.4.3 Norfolk County Council's (in its capacity as County Planning Authority) LIR (Planning Inspectorate Reference REP2-018) concluded that the Scheme will provide improvements connecting the A47 to the port area, deliver links to support the nationally significant role in the renewable energy sector and the offshore oil and gas industry and encourage economic growth. It notes that there will be some direct and indirect impacts as a result, but that these impacts are capable of being controlled by appropriately worded Requirements within the DCO, should it be made by the Secretary of State. The Applicant responded to the LIR in its Response to Local Impact Report (Document Reference NCC/GY3RC/EX/033, Planning Inspectorate

Reference REP3-004). The parties concluded an SoCG (Appendix E of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)) in which all matters were agreed.

3.5 National and local policy

- 3.5.1** Section 104(2)(d) of the Planning Act 2008 requires the Secretary of State to have regard to any other matters considered to be both important and relevant to the decision to grant development consent.
- 3.5.2** The Secretary of State may consider national and local planning policy to be both important and relevant to the Applicant's Scheme. Section 8 of the Applicant's Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188) demonstrates how the Scheme complies with relevant national and local policy.

3.6 Regulatory matters in the Infrastructure Planning (Decisions) Regulations 2010

- 3.6.1** Section 104(2)(c) of the Planning Act 2008 requires the Secretary of State to have regard to certain prescribed matters. Those matters are prescribed by the Infrastructure Planning (Decisions) Regulations 2010 ('Decision Regulations').
- 3.6.2** Regulation 3 of the Decision Regulations relates to listed buildings, conservation areas and scheduled monuments. The Scheme's impacts in respect of cultural heritage are assessed in Chapter 9 of the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096).
- 3.6.3** Regulation 3(1) requires the Secretary of State to consider the desirability of preserving a listed building, its setting, or any features of special architectural or historic interest it may possess, if an application affects a listed building or its setting. Chapter 9 of the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096) assesses the Scheme's impacts on cultural heritage. The Applicant concluded an SoCG with Historic England (Appendix B of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)) which records at item 4 Historic England's agreement with the Applicant's assessment of listed buildings, in particular agreement that any harm arising to the setting of the Grade II Listed Dolphin Public House would be less than substantial. The Applicant considers that the considerable benefits of the Scheme outweigh the less than substantial harm to the setting of this Grade II Listed Building, as assessed.

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- 3.6.4** Regulation 3(2) of the Decision Regulations requires the Secretary of State to have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Item 5 of the Applicant's SoCG with Historic England confirms agreement with the Applicant's assessment that the Scheme will have no impact on conservation areas.
- 3.6.5** Regulation 3(3) of the Decision Regulations requires the Secretary of State to have regard to the desirability of preserving a scheduled monument or its setting. Chapter 9 of the Environmental Statement assesses the harm to the setting of Nelson's Monument to be less than substantial. In the Applicant's view the less than substantial harm would be outweighed by the substantial public benefits of the Applicant's Scheme.
- 3.6.6** Regulation 3A of the Decision Regulations requires the Secretary of State, when deciding whether to include a deemed marine licence in a development consent order to have regard to the need to protect the environment, human health and the need to prevent interference with the legitimate uses of the sea. The Applicant has agreed the terms of the deemed marine licence included in Schedule 13 with the Marine Management Organisation which has confirmed in its Deadline 7 submission (REP7-015) that there are no matters outstanding between the parties and that the draft DCO and Outline CoCP accurately reflect the agreement reached between the parties and recorded in its SoCG (Appendix J of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)). It should be noted that Regulations 4 and 5 of the Decisions Regulations were repealed and replaced by Regulation 3A.
- 3.6.7** Regulation 6 of the Decision Regulations does not apply as the Applicant has not requested a direction that deems the grant of hazardous substances consent.
- 3.6.8** Regulation 7 of the Decision Regulations requires the Secretary of State to have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. Chapter 8 of the Environmental Statement assesses the Scheme's impacts on nature conservation. The assessment provided in Chapter 8 of the Environmental Statement has been prepared in accordance with the UK Biodiversity Framework from which the protection of sites, habitats and species is derived in England in response to the objectives first set out in the convention.

3.7 Habitats Regulation Assessment

- 3.7.1** The Applicant submitted with its application Information to Inform the Habitats Regulations Assessment (Document Reference 6.11, Planning Inspectorate Reference APP-182) prepared in accordance with the Planning Inspectorate's Advice Note Ten. Stage 1 (screening) of the assessment
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reports that the Scheme has the potential to affect Southern North Sea cSAC, the Outer Thames Estuary SPA, Breydon Water SPA and the Breydon Water Ramsar which were taken forward to Stage 2 (appropriate assessment). The Stage 2 assessment concludes that the Scheme would not affect the integrity of any European site. In combination with other developments, the Scheme is not considered likely to give rise to significant effects on European sites, their qualifying resources or conservation objectives, during either the construction or the operation of the Scheme. It also concludes that there are no effects that would be such that, in combination with those from other developments, would cause such effects to arise during any phase of the Scheme.

- 3.7.2 The Applicant has concluded an SoCG with Natural England (Appendix A of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)) which documents agreement (at items 2 and 4) with the methodology and conclusions of the Applicant's Information to Inform the Habitats Regulations Assessment.

4 Environmental issues

4.1 Introduction

- 4.1.1 The likely significant effects of the Scheme are reported in the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096) and its supporting appendices and figures.
- 4.1.2 This section of the Closing Statement considers environmental issues in relation to which there has been a degree of disagreement or debate with interested parties or relevant regulatory bodies. The purpose of this section of the Closing Statement is to explain how such issues have been progressed, and, in the majority of cases, resolved, prior to the close of the Examination.
- 4.1.3 Additionally, the Applicant has taken the opportunity to address in this Closing Statement the matter of the Government's revised carbon emissions targets, which have been updated in the light of changed circumstances arising since the submission of the Applicant's application.
- 4.1.4 This Closing Statement does not set out to clarify the Applicant's position on all other environmental topics (besides those considered in this Chapter), as those other topics are fully addressed in the Environmental Statement.

4.2 Fisheries and Underwater Noise

- 4.2.1 The issue of fisheries was raised by the Marine Management Organisation ('MMO') in their Relevant Representation (Planning Inspectorate Reference RR-022), in particular the potential for effects on fish species as a result of underwater noise generated by in-river piling activities during the construction phase of the Scheme.
- 4.2.2 Through discussions with the MMO it was agreed that the mitigation measures included within the Outline Code of Construction Practice ('Outline CoCP') (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014) are appropriate to avoid the potential for significant effects on fish species present within the River Yare, with the exception of smelt (*osmerus eperlanus*) and eels (*anguila anguila*). Regarding smelt, given that detailed information on in-river piling works requested by the MMO would not be available during the examination period, the Applicant agreed to a precautionary approach of restricting in-river piling works to the months outside the sensitive spawning season for smelt (period beginning 1 February and ending at the end of 30 April). This restriction, is included in paragraph 10(2) of the Deemed Marine Licence in Schedule 13 to revision 5 of the draft DCO, (Document Reference NCC/GY3RC/EX/082, Planning

Inspectorate Reference REP7-007). In respect of eels, at the request of the MMO, the regulation of in-river piling hours restrictions were included in the Outline CoCP to condition 10(3) of the Deemed Marine Licence to secure the avoidance of adverse effects to European eels. Note general construction hours remain in section 2 of the OCoCP. The Applicant will provide detailed information on in-river piling works, including method, timing and duration to the MMO via condition 5 of the Deemed Marine Licence, as detailed in Schedule 13 of the draft DCO.

- 4.2.3 Agreement on this matter is documented in items 16 and 17 in Table 4.1 Matters Agreed in the signed SoCG with the MMO contained in Appendix J of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010) and confirmed in the MMO's Deadline 7 submission (REP7-015).

4.3 Flood Risk Assessment

- 4.3.1 Building on pre-application discussions, throughout the course of the examination the Applicant has been in ongoing discussions with the Environment Agency regarding the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) and Chapter 12: Flood Risk of the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096), notably in relation to further sensitivity testing of the hydraulic modelling and tidal residual (breach) analysis.
- 4.3.2 With regard to further sensitivity testing, this was undertaken by the Applicant in two stages in response to technical queries raised by the Environment Agency. The first stage of further sensitivity testing and a supporting memorandum were submitted to the Environment Agency for review on 21 and 22 October 2019. This memorandum was presented in Appendix A of the Applicant's Response to the Examining Authority's Request for Further Information (Rule 17) (Document Reference NCC/GY3RC/EX/077, Planning Inspectorate Reference REP7-002).
- 4.3.3 Following the Environment Agency's initial review of the first stage of the further sensitivity testing and the supporting memorandum, two additional technical queries raised by the Environment Agency were received by the Applicant on 13 November 2019. The Applicant responded to these two queries on 28 and 29 November 2019 through the provision of a second stage of further sensitivity testing and a supporting memorandum. This memorandum was presented as Appendix A to the Applicant's Response to Written Submissions made by the Environment Agency at Deadline 5 (Document Reference NCC/GY3RC/EX/064, Planning Inspectorate Reference REP6-005).

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- 4.3.4 Neither the results of the further sensitivity testing nor the memoranda comprise part of the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) or the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096), nor do they alter the conclusions of the assessments, or the mitigation measures, presented in those documents. The Environment Agency agreed that the further sensitivity testing does confirm that the conclusions presented in the Flood Risk Assessment are adequate and that an update to the Flood Risk Assessment is not required (see item 2 in Table 4.1 Matters Agreed of the SoCG contained in the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010) submitted at Deadline 7.
- 4.3.5 The Environment Agency, in its Response to the Examining Authority's Second Written Questions (REP5-011) raised a number of technical queries relating to tidal residual (breach) analysis. Following that submission at Deadline 5, the Applicant further engaged with the Environment Agency and offered to undertake tidal residual (breach) analysis in response to the Environment Agency's queries.
- 4.3.6 The scope of the tidal residual (breach) modelling and the results thereof are presented in the Applicant's Response to Written Representations submitted by the Environment Agency at Deadline 6 (Document Reference NCC/GY3RC/EX/078, Planning Inspectorate Reference REP7-003), which was submitted by the Applicant at Deadline 7. In summary, the tidal (breach) analysis confirms the judgements made in preparing the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) by the competent expert. The Environment Agency has agreed that the breach locations identified, and the 5% Annual Exceedance Probability ('AEP') event which was modelled, are sufficient to support the Applicant's Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) and this was confirmed by the Environment Agency in its Deadline 7 submission (REP7-014) which also indicated that the Environment Agency is working to review and verify the Applicant's findings prior to the close of the examination.
- 4.3.7 Further to the Applicant's Response to Written Representations submitted by the Environment Agency at Deadline 6 (Document Reference NCC/GY3RC/EX/078, Planning Inspectorate Reference REP7-003) the Environment Agency made a written submission at Deadline 8 (REP8-004) which raised two technical queries. The Applicant responded to these queries, which regarded (i) the flood depth difference and extents in the event of a breach of flood defences, and (ii) the identification of an indicative number of properties which may be affected by flooding in the event of a breach of flood defences, at Deadline 9 (Document Reference NCC/GY3RC/EX/099). In addition, the Applicant provided the data requested

as part of the two technical queries to the Environment Agency on the 19th March 2020. That technical data is reported in the Applicant's Response to Written Submissions from the Environment Agency at Deadline 8 (Document Reference NCC/GY3RC/EX/099). In summary, the response to the two technical queries does not affect the results or the conclusions drawn in the Applicant's Response to Written Representations from the Environment Agency at Deadline 6 (Document Reference NCC/GY3RC/EX/078, Planning Inspectorate Reference REP7-003), and the findings are consistent with the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135) as the maximum flood depth, maximum velocity and flood hazard remain unchanged.

4.3.8 In to order inform the preparation of the Emergency Preparedness and Response Plan, pursuant to Requirement 10 of the draft DCO (Document Reference NCC/GY3RC/EX/090), it was agreed that the Applicant will undertake further tidal residual (breach) analysis prior to the Scheme opening for public use. The further analysis will be used to review and update the existing contingency actions following a breach and to assist the agencies in determining trigger water levels for these actions. For example, procedures used for alerting those at risk, actions to be taken by the emergency services and co-ordination during an incident, the identification of safe evacuation routes and the measures to be taken to repair a breach. The further analysis will incorporate the Environment Agency's knowledge of the state of the existing defences (i.e. any defence improvements since the hydraulic modelling undertaken to inform the Flood Risk Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-135)), the detailed design of the Scheme, and the model results will allow a review of the procedures in existing emergency plans for managing tidal residual (breach) flood risk. This commitment is secured via an amendment to Requirement 10 in revision 5 of the draft DCO (Document Reference NCC/GY3RC/EX/082, Planning Inspectorate Reference REP7-007).

4.3.9 Agreement on these matters is documented in the signed SoCG with the Environment Agency contained in Appendix C of the Statement of Commonality for Statements of Common Ground at Deadline 7 (see item 3 in Table 4.1, Matters Agreed) (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

4.4 Sediment Transport

4.4.1 The issue of scour and sediment transport was raised by the MMO in their Written Representation (Planning Inspectorate Reference REP1-012) focusing in particular on the potential impacts climate change could have on any effects on sediment transport created by the Scheme.

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- 4.4.2** Through discussions with the MMO, an agreed method for presenting the sediment transport modelling results that demonstrates that the Scheme would not affect, or be affected by, climate change driven water level rises, was developed. Agreement on this matter is documented in the signed SoCG contained in Appendix J of the Statement of Commonality for Statements of Common Ground at Deadline 7 (see item 20 of Table 4.1 Matters Agreed) (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).
- 4.4.3** The Environment Agency, while critiquing aspects of the sediment transport assessment (Appendix 11C of the Environmental Statement (Document Reference 6.2, Planning Inspectorate Reference APP-130)) in its relevant representation (Planning Inspectorate Reference RR-019) accepted that the conclusions of the assessment are reasonable and do not present significant concerns regarding areas that are within the Environment Agency's remit. This position is recorded in item 23 in Table 4.1 Matters Agreed of the SoCG in Appendix C to the Statement of Commonality for Statements of Common Ground submitted at Deadline 7 (Document Reference NCC/GY3RC/EX085, Planning Inspectorate Reference REP7-010).
- 4.4.4** The potential for sediment accretion in areas around the Scheme bridge knuckles was raised as a potential issue by the Royal Yachting Association ('RYA') and identified in the SoCG as a matter "under discussion" at Deadline 2 (Document Reference NCC/GY3RC/EX/021, Planning Inspectorate Reference REP2-007). This aspect was initially addressed in the Sediment Transport Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-130), and, following further discussions with the RYA in respect of the extent and impact of the predicted effects, along with the securing of maintenance requirements in paragraphs 61 and 62 of Part 6 of Schedule 14 (protective provisions for the benefit Great Yarmouth Port Authority) the matter was agreed in the SoCG between the Applicant and the RYA, (see item 9 in Table 4.1 Matters Agreed) submitted at Deadline 6 and contained in Appendix K of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

4.5 Groundwater

- 4.5.1** The issue of dewatering discharge during the construction phase of the Scheme was raised by the Environment Agency in their Relevant Representation (Planning Inspectorate Reference RR-019). The Environment Agency agreed that the proposed dewatering is unlikely to have any significant and long-term impacts on local groundwater resources, although further detailed information would be required prior to the grant of any abstraction licence. In the Applicant's Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning

Inspectorate Reference REP1-002) it was noted that the Applicant will apply for water abstraction licences and water discharge activity environmental permits in the ordinary manner, in accordance with Paragraph 4.1.4 of the Consents and Agreements Position Statement (Document Reference 7.3, Planning Inspectorate Reference APP-194).

- 4.5.2 Agreement on this matter is documented in the signed SoCG with the Environment Agency at items 16 and 22 in Table 4.1 Matters Agreed in Appendix C of the Statement of Commonality for Statements of Common Ground submitted by the Applicant at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

4.6 Contamination

- 4.6.1 The Environment Agency, in its Relevant Representation (Planning Inspectorate Reference RR-019), agreed with the conclusions of the Interpretative Environmental Ground Investigation Report (Document Reference 6.2, Planning Inspectorate Reference APP-153).
- 4.6.2 However, the Environment Agency within its Relevant Representation (Planning Inspectorate Reference RR-019), raised the issue of attenuation storage and pollution controls and a strategy for unforeseen contamination. Through discussions with the Environment Agency, it was agreed that the proposed attenuation storage and pollution controls, as presented in the Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014) are sufficient. Furthermore, it was agreed that a strategy for unforeseen contamination is necessary and is appropriately addressed by Requirement 9 of the draft DCO (Document Reference NCC/GY3RC/EX/082, Planning Inspectorate Reference REP7-007) and Paragraph 10.3.2 of the Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014).
- 4.6.3 Agreement on these matters is documented in the signed SoCG with the Environment Agency (see items 18, 19, and 20 of Table 4.1 *Matters Agreed*) contained in Appendix C of the Statement of Commonality for Statements of Common Ground submitted by the Applicant at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

4.7 Climate Change and UK Carbon Budgets

- 4.7.1 The matter of the effects of the Scheme on climate change has not been raised as a point of contention during the Examination. However, since the Planning Inspectorate's acceptance of the Applicant's application on 28 May 2019, there has been a change made to the headline figure for the United Kingdom Government's carbon emissions reduction targets. At the time of

the submission of the Applicant's application, the Government's target, as set out in section 1 of the Climate Change Act 2008 at that time, was to reduce the UK's carbon emissions by 80% (compared to 1990 baseline levels) by the year 2050.

- 4.7.2 However, in the light of the United Kingdom's commitment given in the Paris Agreement¹ to take action to limit the increase in global average temperatures to well below 2°C below pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, the target of an 80% reduction by 2050 was revised, with section 1 of the Climate Change Act 2008 being amended by article 2 of the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (SI 2019/1056), which came into force on 27 June 2019.
- 4.7.3 The revised target for 2050, as now prescribed by section 1 of the Climate Change Act 2008 (as amended) is for the net UK carbon account to be at least 100% lower than the 1990 baseline levels. The revised target is therefore commonly referred to as the 'net zero target'.
- 4.7.4 In light of the national net zero target, at a local level Norfolk County Council adopted a new Environmental Policy at its meeting of the full Cabinet held on 25 November 2019. The Environmental Policy² is not a development plan policy within the meaning of section 38 of the Planning and Compulsory Purchase Act 2004, but it notes that it will "*guide all the Council's future decision-making*".
- 4.7.5 Amongst the key policy aims included in the Environmental Policy is a commitment to protect and improve the global environment, by contributing to the achievement of the net zero target: "*Striving to meet this collective global challenge, we will work with our neighbours within the region, specifically Suffolk County Council and the Broads Authority, to collectively achieve 'net zero' carbon emissions on our estates by 2030, but within our wider areas, work towards 'carbon neutrality' also by 2030*".
- 4.7.6 The considerations outlined above form part of the context in which the Applicant anticipates that the Secretary of State may, in making his decision on whether to grant development consent for the Scheme, apply the following elements of the legislative framework set out in the Planning Act 2008:

¹ Made by the parties to the United Nations Framework Convention on Climate Change, in Paris on 12 December 2015.

² Published on Norfolk County Council's website at: <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/environmental-policy>

- Under section 104, in deciding an application for an order granting development consent, the Secretary of State “must have regard to any national policy statement which has effect in relation to the development of the description to which the application relates”. As noted above (in Section 2 of this Statement), the NPS NN has effect in relation to the Scheme. The NPS Tracker at Appendix 1 to this Statement explains how the Scheme complies with the policies in the NPS NN.
- Having been designated by the Secretary of State in December 2014, the NPS NN pre-dates the Paris Agreement and the UK’s adoption of the net zero target and contains policies based on the UK Government’s previous target of an 80% reduction in carbon emissions by 2050.
- The Applicant nevertheless considers that the net zero target, and the question of the Scheme’s effect (if any) on the Government’s national ability to meet that target, are matters which require consideration by the Secretary of State in making his decision on the Application – indeed, under section 104(2)(d) of the Planning Act 2008, the Secretary of State must have regard to any matters which he thinks are “both important and relevant to [his] decision”.
- Furthermore, in determining an application to which a national policy statement applies, the Secretary of State is required by section 104(4) of the Planning Act 2008 to be satisfied that a decision in accordance with the NPS NN “would not lead to the United Kingdom being in breach of any of its international obligations”.

4.7.7 The Applicant therefore considers it to be appropriate to address these matters in this Closing Statement (notwithstanding the fact that they were not raised as an issue during the Examination of the application). The following analysis considers the effects of the Scheme on climate change in the context of carbon budgets.

4.7.8 The Climate Change Act 2008 requires the Government to set five-yearly carbon budgets, twelve years in advance, from 2008 to 2050.

4.7.9 In accordance with the obligations in the Climate Change Act 2008, and as is summarised in paragraph 13.5.42 of Chapter 13 of the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096) and as noted in Table 4.1 below, the Government has, to date, set five carbon budgets, covering the periods listed in column (2) of Table 4.1 below:

Table 4.1 Carbon Budgets

Carbon Budget Sequence (1)	Budget Period (2)	Carbon Budget (3)
First Carbon Budget	2008 to 2012	3,018,000,000 (3,018 MtCO ₂ e*)
Second Carbon Budget	2013 to 2017	2,787,000,000 (2,782 MtCO ₂ e)
Third Carbon Budget	2018 to 2022	2,544,000,000 (2,544 MtCO ₂ e)
Fourth Carbon Budget	2023 to 2027	1,950,000,000 (1,950 MtCO ₂ e)
Fifth Carbon Budget	2028 to 2032	1,725,000,000 (1,725 MtCO ₂ e)

* MtCO₂e means 'million tonnes of carbon dioxide equivalent'

- 4.7.10** The periods for the First and Second Carbon Budgets have now passed and it is likely that, if development consent for the Scheme is granted, the construction of the Scheme will take place predominantly within the period covered by the Third Climate Budget (2018 to 2022), with the operation of the Scheme spanning the Fourth and Fifth Carbon Budgets and future carbon budgets set subsequently.
- 4.7.11** The five carbon budgets (First to Fifth inclusive) are based on the previous emissions target of 80% reduction by 2050. Since adopting the net zero carbon emissions target in June 2019, the UK Government has not revised the Third, Fourth or Fifth Climate Change budgets to take account of the new net zero target. The carbon budgets currently in place cover the period up to 2032; new carbon budgets have not yet been set for the period between 2032 and 2050.
- 4.7.12** The Committee on Climate Change ('CCC') (set up under the Climate Change Act 2008 to advise the Government on the setting of carbon budgets) has acknowledged that to meet the new net zero target a steeper reduction trajectory will be required, with carbon budgets to be reviewed in 2020 to account for the new 2050 target. However, whilst the Applicant has assessed the Scheme against the extant carbon budgets, at this stage, clearly, the Applicant is unable to re-assess the Scheme against any future changes, additions or reductions to the existing carbon budgets made with regard to the new net zero target.

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- 4.7.13 The Applicant's assessment of the Scheme against current carbon budgets is set out in Chapter 13 (see in particular Table 13.12) of the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096). The carbon assessment has considered emissions from the Scheme in two separate phases: emissions during construction and emissions during operation.
- 4.7.14 Construction of the Scheme is a short-term activity which is expected to be fully completed by 2023 and which will therefore fall largely within the Third Carbon Budget period. Emissions from the operation of the Scheme will fall into the Fourth, Fifth and subsequent future carbon budgets (once set) through to 2050 and beyond.
- 4.7.15 The CCC has suggested that, whilst (as noted above) a steeper trajectory is required such that a reduction in carbon budgets may result from its 2020 review, it is likely that later carbon budgets (rather than the more near term ones still to be set) will see a greater reduction in levels. As such, any impact of a reduction in carbon budgets on the Applicant's assessment of the impacts of the Scheme is likely to be minimised.
- 4.7.16 In terms of carbon emissions, the Applicant's assessment, as reported in Chapter 13 (Climate Change) of the Environmental Statement (Document Reference 6.1, Planning Inspectorate Reference APP-096) indicates that:
- The majority (approximately 91%) of the 22,842 tCO₂e of greenhouse gas ('GHG') emissions arising from the construction of the Scheme (taking into account embedded mitigation, as identified in paragraph 13.5.25 of the Environmental Statement) are associated with materials (product stage 'cradle to gate' or 'embodied' GHG emissions), with approximately 8% of GHG emissions arising from the transportation of those materials and minimal GHG emissions associated with waste (approximately 0.5%).
 - In total, these construction emissions represent a very minor contribution to the current Third Carbon Budget (2018 to 2022), equating to only 0.00090% of the total budget. This is assessed as having a **neutral (not significant) effect** on climate change.
 - Once operational, the Scheme will result in changes to end-user traffic-generated GHG emissions throughout its operational life; such changes will result in a **slight reduction** in GHG emissions (a **beneficial** effect, compared to the baseline (without Scheme) scenario. Over the 60-year operational period assessed, this is expected to lead to a **reduction** of 54,024 tCO₂e. The Scheme is

therefore expected to have a **neutral (not significant) effect** on climate change during operation.

- 4.7.17 Consequently, while emissions from the construction of the Scheme could be said to have some notional effect on the UK Government's ability to meet its Third Carbon Budget, the contribution to the carbon emissions budget is a fraction of one per cent (0.00090%). The operational lifetime of the Scheme would lie within the Fourth and Fifth Carbon Budget periods (and any subsequent carbon budgets set by the Government covering the period between 2032 and 2050); during this period, beneficial changes to traffic patterns arising from the operation of the Scheme are likely to correct the Scheme's construction phase deficit. However, as future carbon budgets have yet to be set, the Scheme cannot currently be assessed against them.
- 4.7.18 In this context, the net effect of the Scheme on the UK's ability to meet its Carbon Budgets (in so far as they have been set) and to achieve the net zero by 2050 target, is assessed as being approximately **neutral**, with construction emissions offset by reduced traffic emissions during the period up to 2050 and with continued benefit (net reduction in emissions) after 2050.
- 4.7.19 The operational improvements in emissions to which the Scheme would give rise are also likely to contribute towards Norfolk County Council achieving its 2030 goal as set out in its Environmental Policy.
- 4.7.20 The Scheme, if granted development consent, would therefore not be incompatible with supporting the delivery of the prevailing climate change policies and targets, nor with the UK meeting its international obligations in that regard.
- 4.7.21 The Applicant also notes that paragraph 5.17 of the NPS NN states that it is very unlikely that the impacts of a road project would, in isolation, affect the ability of the Government to meet its carbon reduction plan targets.
- 4.7.22 The NPS NN (at paragraph 4.42) requires the Applicant to take into account the latest UK Climate Projections available at the time, and advises that "should a new set of UK Climate Projections become available after the preparation of any environmental statement, the Examining Authority should consider whether they need to request additional information from the applicant".
- 4.7.23 As is reported in Table 13.2 (Summary of Scoping Opinions received) of the Applicant's Environmental Statement, the baseline data for the Applicant's climate change assessment was prepared using UKCP18 projections insofar as such data was available at the time. As is noted (in item 4.7 Climate Change: ID 6 in Table 13.2), that at the time of the assessment, UKCP18 projection data was not available for snowfall and relative humidity. Information on projected climate change for these two variables was

therefore taken from the previous projections, UKCP09. Since then, however, updated projections for snowfall and relative humidity have been published (UKCP18) and the Applicant has appraised the Scheme in relation to these updated projections. In relation to each of these variables, the Applicant confirms that the updated projections do not lead to any material change to the assessment presented in the Environmental Statement (for more detail, please see Appendix B to this Closing Statement which sets out the Applicant's appraisal of the updated UKCP18 snowfall and humidity variables).

- 4.7.24 In addition, notwithstanding the precautionary nature of the Applicant's assessment, the Applicant recognises the need to have due regard to the challenges of climate change and to mitigate greenhouse gas emissions, and has therefore also committed to examining closely the efficiency of its use (and re-use) and disposal of materials through a Materials Management Plan, and through a Site Waste Management Plan, an outline of each of which is included in the Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014). The Materials Management Plan and the Site Waste Management Plan would be developed prior to commencement of the Scheme (in the event that development consent is granted), approved by the County Planning Authority, and thereafter complied with, in accordance with Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/082, Planning Inspectorate Reference REP7-007).
- 4.7.25 In summary, the revised net zero emissions reduction target does not give cause to alter the conclusion of the Applicant's assessment reported in the Environmental Statement that the Scheme will make an extremely limited contribution to the UK's carbon budget targets. The assessment reported in the Environmental Statement demonstrates that the Scheme complies with key policies and guidance in relation to climate change and supports a finding of **no likely significant effects**.
- 4.7.26 Accordingly, if granted development consent, the Scheme would not be incompatible with achieving the prevailing climate change policies and targets, nor with the UK meeting its international obligations in that regard. As such, it is the Applicant's view that the tests in sections 104(2)(d) and 104(4) of the Planning Act 2008 are met.

4.8 Dredging and Disposal

- 4.8.1 The MMO raised in its relevant representation (Planning Inspectorate Reference RR-022) concerns relating to the potential requirement for dredging and subsequent disposal of the dredged material during the operational phase of the Scheme. The Applicant confirmed in its response (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate

Reference REP1-002) that it is envisaged that the current dredging regime operated by Great Yarmouth Port Company would continue under its existing marine licence reference L/2016/00376/1. As such, the Applicant does not seek to include within the Deemed Marine Licence consent for operational dredging.

- 4.8.2** The MMO also queried references to dredging in the draft DCO and Deemed Marine Licence. Following further discussions with the MMO the Applicant revised the Deemed Marine Licence to make it clear that it does not authorise dredging (see condition 20 of Schedule 13 to the draft DCO). The Applicant confirmed in its response to the MMO (see paragraphs 2.1.8 to 2.1.10 Document Reference NCC/GY3RC/EX/057, Planning Inspectorate Reference REP5-007) that, notwithstanding that it is not seeking a Deemed Marine Licence to carry out operational dredging, it still requires the ability to seek authorisation to do so, therefore provision is included for this in article 43 of the draft DCO. This is to ensure that, in the event that the Applicant (rather than Great Yarmouth Port Company) is required to carry out operational dredging over the 120+ year assumed lifetime of the Scheme, that it has a firm statutory footing on which to do so. Any such operation would be undertaken pursuant to the grant of a new marine licence (as distinct from the Deemed Marine Licence included in Schedule 13 to the draft DCO).
- 4.8.3** This position was accepted by the MMO whose agreement on the matter is documented within the SoCG, see item 10 of Table 4.1 *Matters Agreed* in Appendix J to the Statement of Commonality for Statements of Common Ground (Document Reference NCC/GY3RC/EX/067, Planning Inspectorate Reference REP6-008) and the MMO's confirmation in its Deadline 7 submission (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010) that the matters agreed are accurately reflected in the draft DCO.

4.9 Biodiversity and Net Gain

- 4.9.1** The issue of quantifying biodiversity net gain was raised by the Environment Agency in its Relevant Representation (Planning Inspectorate Reference RR-019) where it noted proposals in the Environment Bill and referred to forthcoming opportunities to enhance biodiversity through the Scheme.
- 4.9.2** In the Applicant's Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) it was noted that a quantified assessment of biodiversity net gain was not considered appropriate. The Environment Bill, currently being reviewed by a Public Bill Committee, would mandate biodiversity net gain for housing and commercial developments, but importantly, it will not apply to nationally significant infrastructure projects under the Planning Act 2008. This is

specifically noted in the Department for Environment, Food and Rural Affairs' ('DEFRA') 2018 consultation on Biodiversity Net Gain and is confirmed in DEFRA's response to that consultation³.

- 4.9.3 In preparing its application for development consent the Applicant has had regard to paragraphs 5.23 and 5.33 of the NPS NN which requires the Secretary of State to consider whether the Applicant has maximised opportunities for building in beneficial biodiversity features as part of good design. This is demonstrated in Appendix A to the Design Report, Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196). Sections 4.7 and 6.3 of that documents set out the Applicant's approach to the detailed design of the landscaping and ecological features of the Scheme. The Approach to Detailed Design is secured via Requirements 4 and 7(2)(c) of the draft DCO (Document Reference NCC/GY3RC/EX/082, Planning Inspectorate Reference REP7-007).
- 4.9.4 Through discussions with the Environment Agency it was agreed that, whilst a quantitative biodiversity net gain assessment has not been undertaken, the Applicant's commitment to incorporating biodiversity enhancement measures is adequate; see item 24 of Table 4.1 *Matters Agreed*, of the SoCG with the Environment Agency contained in Appendix C of the Statement of Commonality for Statements of Common Ground submitted by the Applicant at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

³ Page 5, Department for Environment, Food & Rural Affairs, *Net gain, Summary of responses and government responses*, July 2019
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf)

5 Compulsory acquisition and other land-related matters

5.1 Update on Annex A to the Applicant's responses to Examining Authority's First Written Questions (REP2-008) – objections submitted and not yet withdrawn

- 5.1.1 The Examining Authority, in his First Written Questions (Planning Inspectorate Reference PD-005) requested, in Question 1.3.1 addressed to the Applicant, the completion of a Compulsory Acquisition Objections Schedule in the form provided at Annex A to the First Written Questions ('Annex A'). The Applicant duly completed and submitted Annex A at Deadline 2, as part of its Responses to the Examining Authority's First Written Questions (Document Reference NCC/GY3RC/EX/022, Planning Inspectorate Reference REP2-008).
- 5.1.2 Since Deadline 2, the Applicant has continued to engage with the parties listed in Annex A, with the objective of resolving the issues and addressing the concerns raised by those parties.
- 5.1.3 The following parties were listed in Annex A. The purpose of this section of the Applicant's Closing Statement is to provide the Examining Authority with an update on the matters raised by those parties, together with confirmation of the extent to which any issues previously raised have now been resolved. Where a number of parties identified in Annex A have raised similar or related issues, these are grouped together below. In particular, where an objection was submitted and has now been withdrawn, this is noted in the text which follows:

Residents of Cromwell Road / Cromwell Court

- Concerns relating to the **construction** phase of the Scheme
 - Pauline Ablitt
 - Jennifer Baker
- 5.1.4 In her Relevant Representation (Planning Inspectorate Reference RR-011) Pauline Ablitt raised concerns that there would be noise and mess associated with construction, and that this could result in a reduction of property value.
- 5.1.5 In her Relevant Representation (Planning Inspectorate Reference RR-021) Jennifer Baker also raised concerns regarding noise and dust, together with other types of pollution, loss of amenity, loss of natural habitat and associated wildlife, restricted access to the property, interruptions to

services, and potential threats to the safety of domestic pets (cats) during construction.

- 5.1.6** Chapter 14 of the Applicant's updated Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014) details the mitigation measures and monitoring commitments with regard to Noise and Vibration which are to be adopted by the Contractor during the construction of the Scheme. The Outline CoCP also includes measures (see Chapter 3, Air Quality) for the control and monitoring of dust and other types of pollution, which include an obligation to follow the Environment Agency's Pollution Prevention Guidelines. In addition, the Outline CoCP includes commitments relating to the conservation of wildlife and associated natural habitats (see Chapter 5, Nature Conservation).
- 5.1.7** The Outline CoCP also states that the Contractor would prepare a Site Waste Management Plan as part of the full CoCP. In addition, Requirement 6 of the draft DCO requires that no part of the authorised development is to commence until a code of construction practice for that part of the authorised development has been submitted to and, following consultation with Great Yarmouth Borough Council, the lead local flood authority, the Internal Drainage Board and the Environment Agency, approved in writing by the county planning authority.
- 5.1.8** In terms of access to properties, the draft DCO (Document Reference NCC/GY3RC/EX/090, Planning Inspectorate Reference REP7-007) provides (at article 14) that where any streets or private means of access are proposed to be permanently stopped up and a substitute is proposed to be provided, that substitute street or private means of access must be provided before the permanent stopping up takes place; or a temporary alternative route must be provided until the permanent street or private means of access has been provided. Similarly, where a street is proposed to be temporarily stopped up, altered or diverted, the draft DCO (at article 15) provides that reasonable access must be provided for pedestrians going to or from premises. The draft DCO also includes provision (at articles 37 to 39 and in the Protective Provisions in Schedule 14) for dealing appropriately with statutory undertakers' apparatus where such apparatus is required to be removed or repositioned in consequence of the Scheme.
- 5.1.9** In the Applicant's Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) the Applicant stated that the impact of the Scheme on the value of Pauline Ablitt's property would be dealt with under Part 1 of the Land Compensation Act 1973 at the appropriate time.

- Concerns relating to the **operational** phase of the Scheme
 - Pauline Ablitt
 - Jennifer Baker

5.1.10 In her Relevant Representation (Planning Inspectorate Reference RR-011) Pauline Ablitt raised concerns that the proposed height of the bridge is the same height as windows on the first floor of her property and that as a result people would be able to look into the property. She asked whether the bridge railings could be made of sheet form material and a bit taller. In addition she commented that the double glazing in her property is not sound proof and will have to be renewed, and that the proposed embankment retaining wall opposite her property would obstruct the light and view.

5.1.11 The Applicant can confirm its commitment to consider the provision of a pedestrian barrier 1.4m high with solid infill, or similar, for an appropriate length opposite the properties on Cromwell Road. The Applicant has examined the height of barrier proposed and considers that a 1.4m high barrier would suffice to prevent the majority of vehicle drivers from being able to see into the upstairs windows of the properties on Cromwell Road.

5.1.12 As stated in paragraph 5.1.9 above, the impacts of the Scheme on the value of Pauline Ablitt's property would be dealt with under Part 1 of the Land Compensation Act 1973 at the appropriate time.

5.1.13 In her Relevant Representation (Planning Inspectorate Reference RR-021) Jennifer Baker raised concerns regarding the loss of privacy and security upon losing land in the courtyard (Cromwell Court) that is currently not open to the public. A particular concern was the loss of privacy and security, because the Scheme includes a new public footpath which is proposed to run (from Suffolk Road to the Southtown Road end of Cromwell Road) along the edge of Cromwell Court, with no barrier shown to separate footpath users from the courtyard.

5.1.14 The Applicant can confirm its commitment to consider the provision of a low level fence and planting where the footpath diverges from the Cromwell Court area. The exact form and location of these will be developed as part of the detailed design of the Scheme.

- Concerns related to **parking provision**

5.1.15 In her Relevant Representation (Planning Inspectorate Reference RR-021) Jennifer Baker raised concerns regarding the loss of private parking in Cromwell Court as a result of the proposed permanent acquisition of the whole of this area.

5.1.16 The car park area used by residents of Cromwell Court is currently privately owned and through the draft DCO (Document Reference

NCC/GY3RC/EX/082, Planning Inspectorate Reference REP7-007) the Applicant seeks powers of compulsory acquisition in respect of this area. The powers of compulsory acquisition are required to provide a turning area, that would allow vehicles utilising the proposed parking on Cromwell Road to turn around and exit onto Southtown Road. It would make the whole area public highway and remove the privately-owned parking spaces.

5.1.17 The Applicant has reviewed the space required for the vehicle turning area and can confirm that space for 10 private parking spaces can be provided on the north and east sides of Cromwell Court. In order to address the concerns raised in relation to private parking provision, the Applicant proposes that:

- If consent for the DCO is granted the Applicant will still seek to compulsorily acquire the whole area of Cromwell Court;
- After completion of this acquisition the Applicant proposes to transfer private ownership of 2 individual parking spaces to the freeholder of each of the properties numbered 1 to 5 Cromwell Court.

5.1.18 The Applicant has already undertaken informal discussions regarding this proposal with Jennifer Baker. Following this, the Applicant also informed those parties with an interest in Numbers 1 to 5 Cromwell Court of this proposal. In the event that the proposal, as outlined above, is acceptable to those parties as a form of accommodation works, the matter of proposed private parking provision will be pursued by the Applicant as part of the detailed design of the Scheme.

5.1.19 In his Relevant Representation (Planning inspectorate Reference RR-012) David Baker requested that he be consulted on any changes to Cromwell Court.

5.1.20 The Applicant can confirm that David Baker has been informed of the proposed changes to Cromwell Court, as described in the preceding paragraphs.

Local businesses

- Royal Mail
- Alan Forder – owner of A Fordable Car Sales
- Regaland Limited

5.1.21 Royal Mail: In its Relevant Representation (Planning Inspectorate Reference RR-025) Royal Mail requested confirmation on the extent of land required for the Variable Messaging Sign ('VMS') proposed adjacent to Great Yarmouth Delivery Office (Work No. 13D on Works Plans Sheet 6 of 7

(Document Reference NCC/GY3RC/EX/005, Planning Inspectorate Reference AS-008)) as well as details of the proposed construction timescale. In order to address the above concerns Royal Mail requested that the DCO application includes a requirement that Royal Mail is pre-consulted by Norfolk County Council or its contractors on:

- any proposed road closures/ diversions/ alternative access arrangements;
- hours of working, the content of the final Construction Traffic Management Plan ('CTMP');
- details of the VMS proposed adjacent to Great Yarmouth Delivery Office (Work No. 13D).

5.1.22 In the Applicant's Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) the Applicant explained that the area of permanent acquisition, shown as plot 8-01 on the Land Plans Sheet 8 of 9 (Document Reference NCC/GY3RC/EX/004, Planning Inspectorate Reference AS-007), is required to provide a proposed VMS on the North Quay approach to Fuller's Hill Roundabout. Plot 8-01 is shown as extending from the Fuller's Hill Roundabout to Rampant Road, which is across the frontage of properties that include the Royal Mail's Great Yarmouth Delivery Office.

5.1.23 The full extent of Plot 8-01 is considered necessary at this stage to accommodate the VMS and its electrical/communication connections. The position of the VMS will not restrict the access to the Delivery Office. There may be a need to provide connections across the frontage of the delivery office and its access, and in this event the Applicant will work with Royal Mail to mitigate the impact on them. The final position of the VMS and related connections will be determined at the detailed design stage.

5.1.24 Currently the detailed design, including the final position of the VMS, has not yet been completed. However, as detailed in the Applicant's Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) the Applicant can confirm that key stakeholders (including Royal Mail) will be notified of any road closures or any other traffic management measures that could significantly affect traffic flows in the vicinity of their premises. The Applicant's Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014) includes measures (see sections 2.6 Communications, and 2.8 Access for Businesses and Residents) requiring the contractor to communicate with affected businesses and residents; in addition, as part of the full CoCP, the contractor will be required to develop a full CTMP for the construction phase of the Scheme.

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- 5.1.25 Alan Forder:** In his Relevant Representation (Planning Inspectorate Reference RR-009) Alan Forder raised concerns about the proposed parking restrictions outside his business and the impact such restrictions might have.
- 5.1.26** As a result of the concerns raised by Alan Forder the Applicant reviewed the extent of the proposed 'no waiting at any time' restrictions on the east side of Southgates Road. At Deadline 4 (11 December 2019) the Applicant submitted its formal request (the "Proposed Changes Application") (Document Reference NCC/GY3RC/EX/046, Planning Inspectorate Reference REP4-003) for the Examining Authority to consider and accept three non-material changes ('NMCs') proposed to be made to the Application. The non-material change identified as NMC1 in the Proposed Changes Application addressed the concerns raised by Alan Forder with regard to proposed parking restrictions on Southgates Road. NMC1 included the removal of the 'no waiting at any time' restriction and the removal of the 'limited waiting Monday to Saturday between 8am and 6pm (1 hour maximum waiting period, no return within 2 hours)' which were originally proposed in the DCO Application (identified, respectively, as Traffic Regulation Measure References Number 10 and Number 13 on the Traffic Regulation Measures Plans, on Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008)).
- 5.1.27** Following non-statutory consultation on the proposed NMCs the Applicant submitted a report to the Examining Authority, the "Consultation Report on the Proposed Non- Material Changes to the Application" (Document Reference NCC/GY3RC/EX/059, Planning Inspectorate Reference REP5a-002) that detailed the results of this consultation. In his Procedural Decision dated 25 February 2020 (Planning Inspectorate Reference PD-013) the Examining Authority formally accepted the proposed non-material changes into the Application.
- 5.1.28 Regaland Limited:** In its Relevant Representation (Planning Inspectorate Reference RR-013) Roger Hannah Ltd on behalf of Regaland Limited expressed concern about whether the Scheme as proposed best meets the objectives set; whether increased road capacity would be quickly absorbed; whether the environmental impact could be further reduced; and whether the Scheme needed to go further to promote more sustainable modes of transport, improve road safety, and encourage comprehensive regeneration.
- 5.1.29** The Applicant responded to these concerns in its Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) and none of these concerns have been raised further or subsequently by Roger Hannah Ltd or by Regaland Limited in any subsequent discussions the Applicant has had with them.
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5.1.30 Roger Hannah Ltd on behalf of Regaland Limited also raised concern regarding the level of negotiation carried out by the Applicant with Regaland Limited.

5.1.31 As evidenced in the Applicant's Negotiations Tracker (Rev.3) - updated for Deadline 7 (Document Reference NCC/G3RC/EX/086, Planning Inspectorate Reference (REP7-011) provisional agreement on the financial terms for the acquisition of the land interests required by the Applicant from Regaland Limited have been reached with Roger Hannah Ltd. At the time of writing this Closing Statement, formal agreement is awaited from Regaland Limited itself, in order that solicitors can be instructed to complete the transfer documentation required to effect the Applicant's acquisition, by agreement, of land owned by Regaland Limited which is required by the Applicant for the purposes of the Scheme.

'Host' local authority

- Great Yarmouth Borough Council ('GYBC')

5.1.32 Great Yarmouth Borough Council was included in Annex A in respect of its capacity as a landowner affected by the Scheme. However, as noted in Annex A, GYBC has not objected to the Applicant's proposed acquisition of land in which GYBC has an interest in furtherance of the Scheme. As noted in the Applicant's SoCG with GYBC, the Applicant's acquisition of the required land is being progressed by agreement between the parties (see item 2 in Table 4.1 *Matters Agreed* in the SoCG between the Applicant and GYBC, at Appendix E of the Applicant's Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)).

Registered charities

- Hope (Borough of Great Yarmouth) – Kingsgate Community Centre

5.1.33 In its Relevant Representation (Planning inspectorate Reference RR-032) Hope (Borough of Great Yarmouth) expressed concern regarding the extent of the proposed 'no waiting at any time' restriction on Queen Anne's Road outside the Kings Centre. As a result of the concerns raised by Hope (Borough of Great Yarmouth) the Applicant reviewed the extent of the proposed 'no waiting at any time' restriction on Queen Anne's Road outside the Kings Centre. At Deadline 4 (11 December 2019) the Applicant submitted its formal request (the "Proposed Changes Application") (Document Reference NCC/GY3RC/EX/046, Planning Inspectorate Reference REP4-003) for the Examining Authority to consider and accept three NMCs proposed to be made to the Application. The non-material change identified as NMC2 in the Proposed Changes Application addressed the concerns raised by Hope (Borough of Great Yarmouth) with regard to the proposed parking restrictions on Queen Anne's Road. NMC2 included a

reduction by 20m at its western end of the ‘no waiting at any time’ restriction which was originally proposed in the DCO Application on the north side of U61067 Queen Anne’s Road. This restriction was identified as Traffic Regulation Measure Reference Number 03 on the Traffic Regulation Measures Plans, on Sheet 1 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008).

- 5.1.34** In response to the Applicant’s non-statutory consultation on the proposed NMCs, Hope (Borough of Great Yarmouth) stated that it was happy with proposed NMC2 (see email dated 14 January 2020 from section 42(1)(d) consultee in Appendix J to the Applicant’s Consultation Report on the Proposed Non-Material Changes to the Application (Document Reference NCC/GY3RC/EX/059, Planning Inspectorate Reference REP5a-002).
- 5.1.35** Following non-statutory consultation on the proposed NMCs the Applicant submitted a report to the Examining Authority, the “Consultation Report on the Proposed Non- Material Changes to the Application” (Document Reference NCC/GY3RC/EX/059, Planning Inspectorate Reference REP5a-002) that detailed the results of this consultation. In his Procedural Decision dated 25 February 2020 (Planning Inspectorate Reference PD-013) the Examining Authority formally accepted the proposed non-material changes into the Application.
- 5.1.36** The Applicant has continued its engagement with Hope (Borough of Great Yarmouth) with regard to other matters, including the proposed areas of permanent and temporary acquisition, boundary fencing and aspects of the detailed design. The record of this engagement and the matters discussed are detailed in Appendix R to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). The Applicant intends to continue this engagement moving forward.

5.2 Statutory undertakers

- Anglian Water Services Limited

- 5.2.1** The Applicant has agreed to the inclusion in the draft DCO of bespoke Protective Provisions for the benefit of Anglian Water. As noted at Section 9.1 of this Closing Statement, these are included in revision 5 of the draft DCO which was submitted at Deadline 7 (Document Reference NCC/GY3RC/EX/082, Planning Inspectorate Reference REP7-007).

- Cadent Gas Limited

- 5.2.2** The Applicant is currently negotiating bespoke Protective Provisions for the benefit of Cadent. An overview of the negotiations with Cadent is provided in Section 9.2 of this Closing Statement.

5.3 Port occupiers

- 5.3.1 The following parties were also listed in Annex A, but are grouped together below due to their status as occupiers of the Port of Great Yarmouth:
- Great Yarmouth Port Company
- 5.3.2 The Applicant has agreed all outstanding matters with Great Yarmouth Port Company (and Great Yarmouth Port Authority). As indicated in the Applicant's Update on Protective Provisions document (Document Reference NCC/GY3RC/EX/066, Planning Inspectorate Reference REP6-007) and in Section 9 (Protective Provisions) of this Closing Statement, the Applicant has been in discussions with Great Yarmouth Port Company (and Great Yarmouth Port Authority) in respect of a side agreement. It has been agreed between the Applicant, Great Yarmouth Port Company and Great Yarmouth Port Authority that all outstanding points will be resolved by the side agreement.
- 5.3.3 The side agreement has now been finalised and the Applicant, Great Yarmouth Port Company and Great Yarmouth Port Authority will legally complete this agreement as soon as possible. It is anticipated that this will be after the close of the examination. The Applicant will therefore provide a copy of the agreement to the Secretary of State for Transport in due course, and will set out the related necessary amendments to the protective provisions in Schedule 14 to the draft development consent order, once the agreement has been completed.
- 5.3.4 An updated SoCG between the parties is proposed to be submitted to the Examining Authority prior to the close of the Examination.
- Great Yarmouth Port Authority
- 5.3.5 Please see above in respect of Great Yarmouth Port Company.
- 5.3.6 In addition, the Applicant has now received documentation confirming that Great Yarmouth Port Authority became a party to the agreement dated 29 March 2019 which was entered into by the Applicant and the Great Yarmouth Port Company, which covered, inter alia, land acquisition proposals and compensation terms in respect of Great Yarmouth port land. This took place on 17 March 2020.
- ASCO Limited
- 5.3.7 Throughout the DCO process (including the pre-application stage), the Applicant has endeavoured to formulate a package of measures, the provision of which would enable ASCO to continue to service its operations for Perenco from ASCO's existing site in the event that the Scheme was

implemented. Those endeavours are still continuing: negotiations between the Applicant, ASCO and Perenco are ongoing, with the Applicant's aim being, ideally, to secure a reasonable solution which is agreed between all three parties.

- 5.3.8** A detailed explanation of the background to the Applicant's negotiations with ASCO was provided at the Compulsory Acquisition Hearing held on 20 November 2019 and is set out in item 6 of the Applicant's Written Summaries of Oral Submissions made at the Compulsory Acquisition Hearing (CAH1) held on 20 November 2019 (Document Reference NCC/GY3RC/EX/037, Planning Inspectorate Reference REP3-008).
- 5.3.9** Discussions with both ASCO and Perenco have continued following the CAH1 held on 20 November 2019. Although final agreement on a mitigation option has yet to be agreed, the following three options are currently under discussion:
- Perenco retains Neptune House and a smaller yard but also takes the Fish Trading Warehouse Site and part of Berths 7 and 8;
 - Perenco retains Neptune House and a smaller yard and partially relocates to a site within Great Yarmouth during construction of the Scheme; and
 - Perenco retains Neptune House and a smaller yard and partially relocates to the existing Perenco site at Catfield (approximately 13 miles north-west of Perenco's site in Great Yarmouth) during construction of the Scheme. Perenco is about to start trialling the use of the Catfield site as part of an assessment of the viability of this solution.
- 5.3.10** The Applicant believes that an acceptable solution can be found which could be implemented and be operational prior to the existing lay down area being acquired from Perenco for the purposes of the Scheme, should the development consent order be made by the Secretary of State. This would facilitate Perenco and ASCO being able to remain in Great Yarmouth during the construction and operational phases of the Scheme.
- 5.3.11** The Applicant, at Deadline 6, set out in its Response to Written Representations submitted by Perenco UK Limited at Deadline 5 (REP5-013) (Document Reference NCC/GY3RC/EX/075, Planning Inspectorate Reference REP6-016) the Site's potential for alternative employment uses in the event that despite these endeavours to accommodate and retain ASCO and Perenco within the site, they choose to leave their premises at Neptune Wharf in response to the implementation of the Scheme.
- 5.3.12** This response demonstrates that even in that scenario, there would remain an overall potential employment benefit with the Scheme in place and generating jobs as anticipated.

- Perenco Limited

- 5.3.13** Throughout the DCO process (including the pre-application stage), the Applicant has endeavoured to formulate a package of measures, the provision of which would enable Perenco's operations to continue to be serviced by ASCO from its existing site in the event that the Scheme was implemented. Those endeavours are still continuing: negotiations between the Applicant, ASCO and Perenco are ongoing, with the Applicant's aim ideally being to secure a reasonable solution which is agreed between all three parties.
- 5.3.14** A detailed explanation of the background to the Applicant's negotiations with Perenco was provided at the Compulsory Acquisition Hearing held on 20 November 2019 and is set out in item 6 of the Applicant's Written Summaries of Oral Submissions made at the Compulsory Acquisition Hearing (CAH1) held on 20 November 2019 (Document Reference NCC/GY3RC/EX/037, Planning Inspectorate Reference REP3-008).
- 5.3.15** Discussions with both ASCO and Perenco have continued following the CAH1 held on 20 November 2019. Although final agreement on a mitigation option has yet to be agreed, the following three options are currently under discussion:
- Perenco retains Neptune House and a smaller yard but also takes the Fish Trading Warehouse Site and part of Berths 7 and 8;
 - Perenco retains Neptune House and a smaller yard and partially relocates to a site within Great Yarmouth during construction of the Scheme; and
 - Perenco retains Neptune House and a smaller yard and partially relocates to the existing Perenco site at Catfield (approximately 13 miles north-west of Perenco's site in Great Yarmouth) during construction of the Scheme. Perenco is about to start trialling the use of the Catfield site as part of an assessment of the viability of this solution
- 5.3.16** The Applicant believes that an acceptable solution can be found which could be implemented and be operational prior to the existing lay down area being acquired from Perenco should the development consent order be made by the Secretary of State, This would facilitate Perenco and ASCO being able to remain in Great Yarmouth during the construction and operational phases of the Scheme.
- 5.3.17** The Applicant, at Deadline 6, set out in its Response to Written Representations submitted by Perenco UK Limited at Deadline 5 (REP5-013) (Document Reference NCC/GY3RC/EX/075, Planning Inspectorate Reference REP6-016) the Site's potential for alternative employment uses in the event that despite these endeavours to accommodate and retain ASCO

and Perenco within the site, they choose to leave their premises at Neptune Wharf in response to the implementation of the Scheme.

- 5.3.18 This response demonstrates that even in that scenario, there would remain an overall potential employment benefit with the Scheme in place and generating jobs as anticipated.

5.4 Other parties not referenced in Annex A

- 5.4.1 Since the submission of Annex A at Deadline 2 of the Examination (together with the Applicant's Responses to the Examining Authority's First Written Questions (Document Reference NCC/GY3RC/EX/022, Planning Inspectorate Reference REP2-008), the Applicant has also engaged with other parties in relation to their concerns about the Scheme, as noted below. The text which follows explains how the Applicant is addressing issues raised by those parties:

- Norfolk and Waveney MIND

- 5.4.2 The Applicant has continued its engagement with Norfolk and Waveney Mind. Engagement has concentrated on identifying the nature of the works required to relocate features within the existing Mind site (such accommodation works to be carried out pursuant to the exercise of powers in the Order (if made) to take temporary possession of land), in order to allow Norfolk and Waveney Mind to remain on the reconfigured site as detailed in the Application.

- 5.4.3 The record of this engagement and the matters discussed between the Applicant and Norfolk and Waveney Mind are detailed in the SoCG at Appendix Q to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). The Applicant intends to continue this engagement moving forward, to ensure the delivery of an appropriate package of accommodation works to facilitate and ensure the ongoing beneficial use of the Norfolk and Waveney Mind site.

5.5 Applicant's request for powers of compulsory acquisition and temporary possession in relation to land

- 5.5.1 The tests for compulsory acquisition of land (including the creation and acquisition of new rights over land) are set out in section 122 of the Planning Act 2008, and are further explained in the Guidance related to procedures for the compulsory acquisition of land under the Planning Act 2008 (DCLG, 2013) ('the CA Guidance'). In the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022), the Applicant

has set out its case in full for the acquisition of land. Appendix A to the Statement of Reasons contains a plot by plot justification.

- 5.5.2** Section 122 provides that an order granting development consent may include powers of compulsory acquisition only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met. Subsection (2) provides that the land must be: (a) required for the development; (b) required to facilitate or is incidental to the development; or (c) replacement land which is to be given under sections 131 or 132 of the Planning Act 2008. The Order limits include land which falls within (a) and (b) (though the Applicant has not sought to distinguish between the two); there is no special category land within the Order limits and as such no replacement land is required and subsection (2)(c) is not engaged.
- 5.5.3** Subsection (3) provides that there must be a compelling case in the public interest for the land to be compulsorily acquired. The compelling case for the Scheme is not in question. Section 2 of this Statement summarises the need for the Scheme and the benefits which would arise from it, and these are explained more fully in the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188). Section 6 of the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022) sets out the Applicant's detailed justification for seeking to exercise powers of compulsory acquisition and explains how the Applicant has sought to achieve an appropriate balance between public benefits and private losses.
- 5.5.4** In respect of negotiations with landowners, the CA Guidance recognises (at paragraph 25) that, whilst applicants should seek to acquire land by agreement wherever possible, for linear schemes where multiple landowners are affected, negotiations are likely to be required to proceed in parallel with the DCO process. In that respect, the Applicant has sought to engage and negotiate with affected landowners and occupiers to acquire and/or use land by agreement wherever possible. This engagement is recorded in the latest version of the Applicant's Negotiations Tracker (Revision 3), updated for and submitted at Deadline 7 (Document Reference NCC/GY3RC/EX/086, Planning Inspectorate Reference REP7-011).
- 5.5.5** There is no Crown land and no special category land comprised within the Order land.
- 5.5.6** As is explained in the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022), the Applicant's approach to compulsory acquisition has been consistent with the relevant obligations in the Human Rights Act 1998 (see section 9 of the Statement of Reasons) and the Equality Act 2010 (see section 10 of the Statement of Reasons), and an Equalities Impact Assessment was carried out (Document Reference 6.15, Planning Inspectorate Reference APP-186). The Order land is required for

legitimate purposes which justify the interference with the human rights of those affected by the Scheme; there is a compelling case in the public interest which, the Applicant considers, outweighs the interference with the private rights of those affected. The acquisition of the land required for the Scheme is necessary and proportionate; owners will be compensated by the Applicant for the land acquired.

- 5.5.7** In terms of meeting the tests set out in the CA Guidance, the Applicant's examination submissions demonstrate that the Applicant has a clear idea of how the land (proposed to be subject to powers of compulsory acquisition) is to be used. In addition, there is a reasonable prospect of the requisite funds for acquisition becoming available to the Applicant within a reasonable timescales; and it is the case that the Order land is needed for the Scheme and the Applicant seeks no more land than is reasonably required to deliver the Scheme.
- 5.5.8** The Applicant's approach aims to minimise land take so far as possible; this approach is reflected in the drafting of the compulsory acquisition articles in the DCO, which permit a 'downwards ratchet' effect, allowing the use in practice of a 'lesser' power than that sought in the first instance, so that compulsory acquisition powers can be used in a way that is flexible and proportionate – for example the drafting allows temporary possession as an alternative to compulsory acquisition, or compulsory acquisition of rights over land rather than compulsory acquisition of land outright. This 'ratchet' effect may be used where it transpires that a 'lesser' power than that sought is sufficient to deliver any part of the Scheme. Only land which is required for, or to facilitate, or which is incidental to the final detailed Scheme design will be acquired by the Applicant.
- 5.5.9** The draft DCO includes powers for the temporary possession of land; the provisions of the Neighbourhood Planning Act 2017, in so far as they relate to powers of temporary possession, are disapplied by article 3 of the draft DCO. The effect of the DCO (if made) would be to make similar provision for the temporary possession of land which is identified as being required for compulsory acquisition. Whilst not a compulsory acquisition, the exercise of temporary possession powers will be subject to the payment of compensation to affected persons. Appendix A to the Statement of Reasons (Document Reference 4.1, Planning Inspectorate Reference APP-022), sets out why each temporary possession plot is required to be used temporarily only in connection with the Scheme.

- 5.5.10** In conclusion:
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- There is a compelling case in the public interest for the compulsory acquisition of land (Statement of Reasons, section 6 (Document Reference 4.1, Planning Inspectorate Reference APP-022));
 - Scheme alternatives have been considered and the extent of the land required for the Scheme has been minimised and justified (Case for the Scheme, Chapter 5 (Document Reference 7.1, Planning Inspectorate Reference APP-188));
 - There has been extensive engagement with landowners (Negotiations Tracker, Rev 3, (Document Reference NCC/GY3RC/EX/086, Planning Inspectorate Reference REP7-011));
 - Any adverse effects on retained land will be minimised through the measures set out in the Outline Code of Construction Practice, compliance with which is secured by Requirement 6 in Schedule 2 to the draft DCO (Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014)); and
 - Where possible, only temporary possession of land will be taken, and the land subsequently restored to the satisfaction of the owner of the land (Statement of Reasons, section 3 (Document Reference 4.1, Planning Inspectorate Reference APP-022)).
 - In relation to statutory undertakers and operators of electronic communications code networks, the Applicant is of the view that the statutory tests in sections 127 and 138 of the Planning Act 2008 are met (see section 9 of this Closing Statement (below); see also Statement of Reasons, section 8 (Document Reference 4.1, Planning Inspectorate Reference APP-022)).

5.5.11 For the reasons set out above, the compulsory acquisition, temporary possession and other related land use powers sought by the Applicant are considered to be fully justified. The Applicant is therefore of the view that development consent should be granted and the Order should be made including powers of compulsory acquisition and temporary possession in the terms sought.

6 Maritime and Port Operation matters

6.1 Introduction

- 6.1.1 This section of the Applicant's Closing Statement addresses the matters relating to maritime and Port operation matters which were raised and debated during the Examination. The purpose of this section is to explain how such issues were progressed during the Examination, and how the Applicant's position has been settled on those issues prior to the close of the Examination.

6.2 Co-ordination of bridge openings

- 6.2.1 Goodchild Marine Services Limited ('Goodchild Marine') and the RYA raised concerns in their Relevant Representations (Planning Inspectorate References RR-005 and RR-026 respectively) about the impact of having three bridges on the River Yare and the need for certainty that the bridges would open in a synchronised manner to enable vessels to traverse them with minimal delay. Similar comments were also made by Mr Boon at paragraph 8.5 of his Written Representation (Planning Inspectorate Reference REP1-027).
- 6.2.2 These concerns were then reflected in the Examining Authority's consideration of the application, with a question on the point raised in the Examining Authority's First Written Questions, at Question ExQ1, 1.8.3 (Planning Inspectorate Reference PD-005). The matter of coordinated

bridge openings was also discussed in the Issue Specific Hearing on the Effect of the Scheme on Port Operations held on 19 November 2019 (ISH1).

6.2.3 As is evidenced in the following documents:

- Applicant's Response to Relevant Representations, items MP1 and MP12 (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002);
- Applicant's Response to Written Representations paragraphs 3.1.15 and 3.1.20, (Document Reference NCC/GY3RC/EX/035, Planning Inspectorate Reference REP3-006);
- Applicant's Response to Examining Authority's First Written Questions ExQ1 – the Applicant's response to question 1.8.3 (Document Reference NCC/GY3RC/EX/022, Planning Inspectorate Reference REP2-008); and
- Applicant's Responses to Interested Parties' Responses at Deadline 3, in 1 in table 8-1 (Document Reference NCC/GY3RC/EX/045, Planning Inspectorate Reference REP4-002),

the Applicant has made a commitment to work with GYPC, which operates Breydon and Haven Bridges (on behalf of Highways England and Norfolk County Council), to coordinate, where this is feasible, the opening regimes of the three bridges to minimise potential delay.

6.2.4 However, as the Applicant noted at paragraphs 9.1.13 of the Applicant's Response to Written Representations, due to the need for visual safety assessment during bridge operations it is not considered optimal to control bridge operations from remote locations, therefore each bridge will retain its own operating procedure and point of control location.

6.2.5 Further to that commitment, the Applicant has held discussions with GYPC on the principle of, as Mr Mark Kemp stated at the Issue Specific Hearing on the Effect of Port Operations (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007 page 9), *"notifications for bridge openings for all bridges to be made via the Third River Crossing contact process with GYPC as operator of the existing two bridges. If GYPC are in agreement this would mean the requisite sub-notices will be taken care of by the operator of the Third River Crossing and a vessel will only need to make one application to have any number of the bridges opened for an individual passage"*.

6.2.6 At the same hearing, Mr Nick Brown, on behalf of GYPC, confirmed GYPC's agreement to this in principle, but noted that the details of this would need to be considered.

6.2.7 The principles outlined above have been reflected in the Applicant's Statements of Common Ground with Highways England, the RYA and

Goodchild Marine, as contained in Appendices to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010) where the matter is recorded as being 'agreed' with those parties.

- 6.2.8** As also noted in the SoCG with Goodchild Marine, the Applicant will, alongside VHF equipment, have within the control tower facilities for email, web and telephone communications to help facilitate coordinated openings.
- 6.2.9** In conclusion therefore, whilst discussions with the GYPC will continue on the detail of this matter, the Council is committed to working with GYPC to enable the coordination of the three bridges, where feasible, and the principle of this is agreed with GYPC.

6.3 Operational resilience of the bridge

- 6.3.1** Concerns were raised by Alicat Workboats Limited & Richards Dry Dock and Engineering Limited (Planning Inspectorate Reference RR-008), Great Yarmouth Port Authority ('GYPA') in its Relevant Representation (Planning Inspectorate Reference RR-020); Mr Boon in his Written Representation (Planning Inspectorate Reference REP1-027) and Deadline 3 submissions (Planning Inspectorate Reference REP3-023) and Goodchild Marine in its Deadline 3 submissions (Planning Inspectorate Reference REP3-020) as to the operational resilience of the bridge and how maintenance and emergency works would be minimised and managed.
- 6.3.2** At item MP3 of its Response to Relevant Representations (Document Reference NCC/GY3RC/EX/008, Planning Inspectorate Reference REP1-002) the Applicant explained the practical and physical mechanisms that have been put in place to minimise emergencies during the operation of the new bridge and noted the important point that paragraph 70 of Schedule 14 to the draft DCO (Document Reference NCC/GY3RC/EX/090) provides that on a failure to operate, the new bridge is to be kept in the raised position so as to allow vessel passage whilst any operational failure is repaired.
- 6.3.3** The account of these mechanisms was repeated in the Applicant's response to Written Representations (Document Reference NCC/GY3RC/EX/016, Planning Inspectorate Reference REP2-002) (at paragraphs 16.1.23 to 16.1.27), with additional clarity then provided at paragraphs 7.1.11 to 7.1.12 of the Applicant's Response to Interested Parties' responses at Deadline 3 (Document Reference NCC/GY3RC/EX/045, Planning Inspectorate Reference REP4-002) and in Mr Kemp's submissions on behalf of the Applicant at the Issue Specific Hearing on the Effect on Port Operations held on 19 November 2019 (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007, at page 10).

6.3.4 In its response to Goodchild Marine's Deadline 3 submission (Document Reference NCC/GY3RC/EX/045, Planning Inspectorate Reference REP4-002, at section 4, and in particular in paragraphs 4.1.2 to 4.1.6), the Applicant also highlighted the other provisions of the draft DCO which set controls on how any maintenance of the new bridge will be carried out - particularly articles 23(4), (7) and (8); paragraph 2 of Schedule 10; and paragraph 66 of Schedule 14, which, together, provide for notices to be published by the Applicant or GYPA as appropriate to enable river users to understand that maintenance works are planned to occur.

6.3.5 The conclusions to be drawn from the submissions cited above are that the bridge and the processes in the DCO have both been designed to ensure that the need for both emergency and general routine maintenance works is minimised as far as possible, and that the effects of any such works can be managed with minimal disruption to users of the bridge, users of the river, and other members of the public.

6.4 Location of waiting facilities for recreational vessels

6.4.1 The requirement for a facility for small recreational vessels to moor while awaiting a bridge lift was identified early in the development of the Scheme and provision for this on the west bank of the river both north and south of the bridge is incorporated in the Scheme proposal.

6.4.2 During the Examination the location of the pontoons forming this facility was queried by the RYA and by Goodchild Marine as being potentially vulnerable to impacts from aberrant vessels and susceptible to wake and bow thruster action from passing commercial vessels (see Planning Inspectorate References RR-026 and RR-005). The matter was raised again during the Issue Specific Hearing on the Effects of the Scheme on Port Operations held on 19 November 2019, as noted in the Applicant's written summary of oral submissions made during that hearing (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007, see pages 2 to 3).

6.4.3 These aspects were addressed by the Applicant and further considered during the Navigation Risk Assessment workshop undertaken on 21st January 2020 ('the pNRA workshop'), the outputs of which are incorporated in the Applicant's Preliminary Navigation Risk Assessment ('pNRA') updated (and resubmitted) at Deadline 6 (Document Reference NCC/GY3RC/EX/071, Planning Inspectorate Reference REP6-012). At the pNRA workshop, all parties agreed that the mitigation measures proposed for the small vessel waiting facilities (as noted in paragraphs 7.3.6 to 7.3.7 of the pNRA) reduced any associated risks to As Low As Reasonably Practicable ('ALARP'). This was confirmed by the agreement of these aspects in the respective SoCGs with the parties, which are contained in the

Appendices to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

6.5 No requirement for emergency lay-by berth for commercial vessels

- 6.5.1** The potential need for an emergency berth to which a large commercial vessel could proceed in the event of a failure of the bridge to lift was considered during the initial development of the Scheme and a number of potential locations were considered for such a facility. The need for a facility of this type was raised by the GYPA/GYPC along with a number of other parties during the Examination (Planning Inspectorate References RR-014, REP1-021, REP3-023 and REP3-024).
- 6.5.2** Through further assessment the Applicant determined that the risks to large vessels from a failure of the bridge to lift could be adequately mitigated through operational procedures thereby removing the need for a permanent specified emergency lay-by berth. This approach was raised and considered during the Issue Specific Hearing on the Effect of the Scheme on Port Operations held on 19 November 2019, as is reported in the Applicant's written summary of oral submissions made at that hearing (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007, at pages 15 to 17). In addition, it was discussed further during the Navigation Risk Assessment workshop held on 21st January 2020, at which all attending parties (GYPC, RYA, Goodchild Marine, RNLI, Port Pilots, Broad Authority and E.ON/RWE) agreed that the proposed operational procedures, provided sufficient mitigation to reduce the associated risks to ALARP. The procedures agreed are identified in the pNRA at paragraph 5.6 (Document Reference NCC/GY3RC/EX/071, Planning Inspectorate Reference REP6-012).
- 6.5.3** In the light of the above, the Applicant has included in the draft DCO at article 43 and Schedule 10 drafting which provides for the operational procedures referred to above (Document Reference NCC/GY3RC/EX/090). The Applicant shared this drafting with GYPA/C before Deadline 6 and has received confirmation that GYPA/C is satisfied with this drafting.

6.6 Hydrodynamic modelling and navigational risk assessment

- 6.6.1** To inform the assessment of potential impacts of the Scheme on vessel movements a hydrodynamic model was created to evaluate the probable changes to sediment flow patterns and current velocities post construction. The output of this modelling was presented in the Sediment Transport Assessment (Document Reference 6.2, Planning Inspectorate Reference APP-130) and formed the basis of the vessel simulations undertaken to inform the preliminary Navigation Risk Assessment (Document Reference

NCC/GY3RC/EX/071, Planning Inspectorate Reference REP6-012). Certain aspects of the outputs from the modelling, relating to the potential effects on small vessels passing the new bridge, were queried by the RYA (REP3-026).

- 6.6.2** The potential effects on current sediment pattern changes and their impacts on navigation were discussed during the pNRA workshop, in which it was agreed that the effects would not present a risk to small boats. Agreement on this issue is recorded in the Applicant's SoCG with the RYA, contained in Appendix K of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)
- 6.6.3** During the early stage of the Examination the RYA questioned the extent of consultation that had been undertaken in the preparation of the preliminary Navigation Risk Assessment. The Applicant explained that this was the result of the iterative nature of the preparation of this document and the need to agree the methodology with the principal relevant Statutory Authority, in this instance the GYPA/GYPC, before widening the scope of contributors.
- 6.6.4** Subsequently, a pNRA workshop was held on 21st January 2020, at which the RYA, along with other interested parties, attended and contributed to a full review of all identified risks. The RYA's participation at this workshop is noted in the pNRA (Document Reference NCC/GY3RC/EX/071, Planning Inspectorate Reference REP6-012) and in the Applicant's SoCG with the RYA, contained in Appendix K of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

6.7 River closures during the construction of the Scheme

- 6.7.1** In their Relevant Representations, Alicat Workboats Limited & Richards Dry Dock and Engineering Limited (Planning Inspectorate Reference RR-008) and GYPA (Planning Inspectorate Reference RR-020), raised concerns regarding the potential impact on their businesses and operations of the potential temporary closure of the River Yare to facilitate construction of the Scheme.
- 6.7.2** This matter was then taken up by the Examining Authority in its First Written Questions ExQ1 1.8.1 and 1.8.7 (Planning Inspectorate Reference PD-005) and in agenda item 6 of the Issue Specific Hearing on the Effect of the Scheme on Port Operations held on 19 November 2019, as reported in the Applicant's written summary of oral submissions made at that hearing (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007).

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- 6.7.3** As set out in its response to the Examining Authority's First Written Questions (Document Reference NCC/GY3RC/EX/022 Planning Inspectorate Reference REP2-008), the Applicant confirms that:
- the river will be closed to navigation during construction (i.e. temporary suspension of navigation) on no more than 3 occasions, with the period of closure on each occasion being no longer than 72 hours (as secured through article 23(3) of the draft DCO);
 - the Applicant would provide notice of these closures (as secured through article 23(9), (10) and (12)). Closures of the entire width of the river may only occur following consultation with the GYPA (article 23(2)); and
 - the GYPA must also publish a notice to mariners following the consultation required under article 23(2). The consultation and notice requirements are intended to minimise disruption to neighbouring businesses and other river users.
- 6.7.4** These provisions should also be seen in the context of paragraph 58 of Schedule 14 (Protective Provisions for the benefit of GYPA) to the draft DCO, which provides that construction of the Scheme must be undertaken without unnecessary delay; and in such a manner as to cause as little adverse effect as is reasonably practicable to the river.
- 6.7.5** Further detail as to the potential sequencing of works was discussed by Mr Mark Kemp, on behalf of the Applicant, at the Issue Specific Hearing on the Effect of the Scheme on Port Operations held on 19 November 2019, and can be found at agenda item 6 and Appendix A of the Applicant's written submissions of oral submissions made at that hearing (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007).
- 6.7.6** As also noted in item 5 of the SoCG with Goodchild Marine (as included at Appendix T to the Applicant's Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP6-008), the Outline CoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014), compliance with which is secured through Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090), also contains measures to assist in managing the impact of the temporary closure of the river during construction; including:

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- the appointment of a Port and Community Liaison Officer (paragraph 2.6.1);
 - a commitment to liaise with the Lake Lothing Third River Crossing project to minimise simultaneous possessions of Lake Lothing and the River Yare (paragraph 2.7.2); and
 - a requirement imposed on the Contractor to maintain the navigation channel at all times, except when possession of the entire channel or a restriction on navigation is required to facilitate construction (such as narrowing the vessel size that can pass through the area) (paragraph 2.7.1).

6.7.7 With these measures in place, the Applicant considers that the impacts of closures of the River Yare, required for the construction of the Scheme, will be able to be minimised as far as possible and mitigated appropriately.

7 Highways and Transportation matters

7.1 Introduction

7.1.1 This section of the Applicant's Closing Statement addresses the matters relating to highways and transportation which were raised and debated during the Examination. The purpose of this section is to explain how such issues were progressed during the Examination, and how the Applicant's position has been settled on those issues prior to the close of the Examination.

7.1.2 The key findings, in terms of existing transportation issues in Great Yarmouth, and how those problems are beneficially addressed by the Scheme, are set out in detail in the Applicant's Transport Assessment (Document Reference 7.2, Planning Inspectorate Reference APP-189) and are summarised in section 2 of this Closing Statement (Need for and benefits of the Scheme); they are therefore not further reiterated here. Equally, this Closing Statement does not set out to clarify the Applicant's position on all other highways and transportation matters, as these other matters are effectively addressed in the TA.

7.2 Extent of proposed parking restrictions on Southgates Road and Queen Anne's Road

7.2.1 In response to the Applicant's on-going engagement with Interested Parties and Affected Persons, and in relevant Representations submitted by Interested Parties participating in the Examination (Planning Inspectorate References RR-009 and RR-032) some concerns were expressed regarding the extent of some of the proposed parking restriction measures associated with the Scheme – in particular, the 'limited waiting' and 'no waiting at any time' restrictions proposed on Southgates Road and on Queen Anne's Road. As a result of the concerns raised, the Applicant reviewed the extent of the proposed parking restrictions. At Deadline 4 (11 December 2019) the Applicant submitted a formal request (the "Proposed Changes Application") (Document Reference NCC/GY3RC/EX/046, Planning Inspectorate Reference REP4-003) for the Examining Authority to consider and accept three proposed NMCs to be made to the Application. The non-material changes identified as NMC1 and NMC2 in the Proposed Changes Application comprised:

- The removal of the 'no waiting at any time' restriction and the 'limited waiting' restrictions proposed in the DCO Application (identified as Traffic Regulation Measure Reference Numbers 10 and 13 on the Traffic

Regulation Measures Plans, on Sheet 2 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008));

- A reduction by 20m at its western end of the 'no waiting at any time' restriction proposed in the DCO Application on the north side of U61067 Queen Anne's Road. This restriction was identified as Traffic Regulation Measure Reference Number 03 on the Traffic Regulation Measures Plans, on Sheet 1 of 2 (Document Reference 2.3, Planning Inspectorate Reference APP-008).

7.2.2 Following non-statutory consultation on the proposed NMCs the Applicant submitted a report to the Examining Authority, the "Consultation Report on the Proposed Non- Material Changes to the Application" (Document Reference NCC/GY3RC/EX/059, Planning Inspectorate Reference REP5a-002) that detailed the results of this consultation. In its Rule 9 Letter dated 25 February 2020 (Planning Inspectorate Reference PD-013) the Examining Authority formally accepted the proposed non-material changes into the Application.

7.3 Rail line safeguarding

7.3.1 In his Written Representation (Planning Inspectorate Reference REP1-027), Deadline 3 Submission (Planning Inspectorate Reference REP3-023) and oral submissions made at the Issue Specific Hearing on the Effect of the Scheme on Port Operations held on 19 November 2019 (as reported in the Applicant's written summary of oral submissions made at that hearing (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007)), Mr Boon raised a concern that the Scheme would have an impact on a 'safeguarded' rail alignment on the east bank of the river on the East Quay, the purpose of which was to link the railway station with the Port via Vauxhall bridge. Mr Boon suggested that this rail alignment proposal should continue to be protected given that Port traffic is planned to switch to rail in future European traffic plans.

7.3.2 The Applicant provided a definitive response to this concern in its Response to Written Representations at paragraphs 16.1.102 to 16.1.104 (Document Reference NCC/GY3RC/EX/016, Planning Inspectorate Reference REP2-002) (to which its later submissions refer) which explained that:

- A 2001 Borough Wide Local Plan policy stated that the Borough Council in conjunction with the County Council, as Highway Authority, together with the Port Authority would investigate and ultimately seek to safeguard a non-statutory alignment for a future rail link to the port through negotiations with developers, statutory agencies and other interested parties.
- Though the policy is still extant, it does not have a defined designation on any Proposals Map and it was not actively taken forward in any

subsequent policy in the Great Yarmouth Local Plan: Core Strategy 2013-2030 (Great Yarmouth Borough Council, adopted December 2015). The planning “weight” that can be afforded to the policy is therefore limited, due to its age. It is also not being allocated in the emerging Part 2 Local Plan (‘LPP2’). Therefore, at the point of LPP2 adoption (scheduled for December 2020), the policy will be superseded and will cease to be part of the Development Plan.

- Furthermore, the Vauxhall Bridge, which forms part of this suggested link, has recently been the subject of improvements to promote it as part of a key walking and cycling route, rather than as part of the rail network.

7.3.3 The Applicant acknowledges that, in support of seeking EU funding for the improvements to the Outer Harbour in Great Yarmouth in the early 2000s, a rail feasibility study was undertaken to consider the possibilities of a future potential rail link from the station along the East Quay connecting to a rail terminal at the Harbour. However, it did not form part of the Outer Harbour project, which is now complete, and was therefore, even at that stage, a future aspiration as part of a consideration of funding matters.

7.3.4 Furthermore, such a study within the context of funding considerations is not a planning policy matter. As was noted by Mr Bedford QC, on behalf of the Applicant, at the Issue Specific Hearing on the Effect of the Scheme on Port Operations held on 19 November 2019, the status of such an alignment in the wider context is a matter of land use policy changing over time (see page 13 in the Applicant’s written summary of oral submissions made at that hearing (Document Reference NCC/GY3RC/EX/036, Planning Inspectorate Reference REP3-007).

7.3.5 In conclusion, as set out above, planning policy has moved away from support for such a rail alignment and therefore the matter should attract very little weight in the Examining Authority’s consideration of the application for development consent for the Scheme.

8 Design development

8.1 Development of the detailed design – commitments to engage CPA

- 8.1.1 In the Issue Specific Hearing on the draft DCO held on 20 November 2019, the County Planning Authority raised concerns in relation to how aspects of the detailed design of the Scheme would be finalised and how it could be assured of the quality of the design, in line with the National Policy Statement for National Networks and aspects of the National Planning Policy Framework. The Applicant responded to confirm that its approach to the detailed design of the Scheme is set out in Appendix A to the Design Report, Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196), general accordance with which is secured by Requirement 4 of the draft DCO (Document Reference NCC/GY3RC/EX/090). The Applicant maintains that "general accordance" is appropriate wording which affords a proportionate degree of flexibility to enable the detailed design of the Scheme to be developed and that this mechanism demonstrates the Scheme's conformity with paragraphs 4.28 to 4.35 of the National Policy Statement for National Networks in respect of 'good design' (see pages 29 to 30 of Document Reference NCC/GY3RC/EX/038, Planning Inspectorate Reference REP3-009).
- 8.1.2 Following the Issue Specific Hearing the Applicant held a series of design workshops with the County Planning Authority and further discussed the drafting of the requirements of the draft DCO relevant to the matter of design.
- 8.1.3 As a consequence of this further engagement the Applicant and the County Planning Authority agreed the introduction of a new Requirement 5 (detailed design of specified structures) in the draft DCO. This requires the County Planning Authority's approval (following consultation with Great Yarmouth Borough Council) of the external appearance and finish of the control tower, plant room and bridge deck.
- 8.1.4 Additionally, further amendments were agreed to Requirement 7 (landscaping and ecological management plan) to address concerns raised by the County Planning Authority around boundary treatments, and the maintenance of landscaping and ecological management works.
- 8.1.5 The County Planning Authority's agreement with the revised drafting is recorded in the SoCG, at items 12 and 14 of Table 4.1 *Matters Agreed*, included in Appendix D to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).

9 Update on Protective Provisions

9.1 Anglian Water Services Limited

- 9.1.1 Part 3 of Schedule 14 to the draft DCO includes Protective Provisions for the benefit of Anglian Water, in a form which has been agreed between the Applicant and Anglian Water.
- 9.1.2 The Protective Provisions in Part 3 of Schedule 14 set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding Anglian Water's undertaking whilst enabling the Scheme to proceed. The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.

9.2 Cadent Gas Limited

- 9.2.1 Cadent's Written Representation (Planning Inspectorate Reference REP1-021) confirms that Cadent does not object in principle to the Applicant's Scheme, but it has objected to the inclusion within the draft DCO of provisions authorising any compulsory acquisition affecting its interests in land and to works being carried out in close proximity to its apparatus, unless appropriate protective provisions are included in the draft DCO. Cadent's Written Representation confirms agreement in principle (subject to contract) to the transfer of part of the gas depot site within plot 2-16. Cadent has submitted its preferred form of protective provisions in its written representation (Planning Inspectorate Reference REP1-020) and in its Deadline 7 submission (Planning Inspectorate Reference REP7-013).
- 9.2.2 Cadent and the Applicant have sought to reach agreement on appropriate terms that would enable Cadent to withdraw its objection. The parties are very close to reaching agreement and every effort is being expended by both parties to conclude an agreement before the close of the Examination, but an agreement has not yet been legally completed.
- 9.2.3 In the Applicant's Response to Request for Further Information (Rule 17) (see section 2.9 of Document Reference NCC/GY3RC/EX/088, Planning Inspectorate Reference REP8-002) the Applicant outlined its concerns with Cadent's preferred form of protective provisions and set out why it considers that the protective provisions in Part 1 of Schedule 14 to the draft DCO (Document Reference NCC/GY3RC/EX/090) appropriately safeguard Cadent's interests and its statutory undertaking. The commentary prefacing the ExA's Preferred DCO (Planning Inspectorate Reference PD-015) indicates the ExA's judgement that Cadent's preferred protective provisions are inappropriate in their drafting and are not necessary or expedient for giving full effect to the provisions of the draft DCO.

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- 9.2.4 The Applicant is therefore confident that, with the protections in Part 1 of Schedule 14 to the draft DCO in place, the Secretary of State can be satisfied that the tests in Section 127(3), 127(6) and 138 of the Planning Act 2008 will be satisfied even without the inclusion of bespoke protective provisions for the benefit of Cadent. The Applicant holds this view because the protective provisions in Part 1 of Schedule 14 set out appropriate constraints on the exercise of the powers in the draft DCO with a view to safeguarding Cadent's interests whilst enabling the Scheme to proceed.

9.3 Eastern Power Networks Plc

- 9.3.1 Eastern Power Networks Plc has not requested bespoke protective provisions. Part 1 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of electricity undertakers.
- 9.3.2 The Protective Provisions in Part 1 of Schedule 14 to the draft DCO set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed. The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.
- 9.3.3 The Applicant has again contacted Eastern Power Networks on 20 February 2020 to request confirmation that it does not require bespoke protective provisions. To date no response has been received.

9.4 Environment Agency

- 9.4.1 The Applicant and the Environment Agency have made good progress towards agreeing protective provisions on terms that would enable the Environment Agency to grant its consent under section 150 of the Planning Act 2008 to the disapplication of the relevant consents in article 3 of the draft DCO and it remains the Applicant's intention for this to be agreed before the close of the Examination. The principle of the disapplication of the Environment Agency's consents is agreed, subject to agreeing protective provisions (see SoCG item 2 of Table 5.1, Appendix C to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)).
- 9.4.2 The Applicant understands that, once the provisions for the protection of the Environment Agency are agreed between the Applicant and the Environment Agency, the Environment Agency will grant its consent under section 150 of the Planning Act 2008 to the disapplication of the relevant consents set out in article 3 of the draft DCO. If agreement were to be reached after the close of the Examination the Applicant would provide the Secretary of State with confirmation of the Environment Agency's consent and the agreed form of

protective provisions to be included in the DCO, if development consent is granted.

- 9.4.3** In the unlikely event that agreement cannot be reached with the Environment Agency such that it is not in a position to grant its consent under section 150 of the Planning Act 2008, then the Secretary of State would be obliged to delete the disapplication of the byelaws and the requirement to obtain 'flood risk activity' environmental permits from article 3 of the draft DCO. If development consent were to be granted on that basis the Applicant would be required to obtain those consents in the ordinary fashion. As the matters that remain outstanding in relation to the protective provisions do not relate to the principle of the matters that would be regulated under those consent regimes, the Applicant has no reason to believe, nor has the Environment Agency indicated, that it would refuse to grant those consents. Any outstanding matters in respect of the Environment Agency's protective provisions do not, therefore, reflect an impediment to the delivery of the Scheme.

9.5 Essex & Suffolk Water Limited (part of Northumbrian Water Group ('NWG'))

- 9.5.1** Essex & Suffolk Water (NWG) confirmed on 25 April 2019 that it is satisfied in principle with the content and wording of the protective provisions for the protection of water undertakers included within Part 1 of Schedule 14 to the draft DCO. Essex & Suffolk Water (NWG) confirmed that the protective provisions do follow standard wording and did not propose any amendments to those protective provisions or request bespoke protective provisions.
- 9.5.2** The Protective Provisions in Part 1 of Schedule 14 to the draft DCO set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed. The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.

9.6 Great Yarmouth Port Authority

- 9.6.1** Part 6 of Schedule 14 to the draft DCO includes Protective Provisions for the benefit of the GYPA in a form which has been agreed between the Applicant and the GYPA.
- 9.6.2** A further provision, the wording of which has been agreed between the Applicant and the GYPA, will be included in these Protective Provisions once the Applicant has completed a side agreement with the GYPA and GYPC. The Applicant has now finalised the side agreement with GYPA and GYPC and will legally complete this agreement soon after the close of the Examination. The Applicant will provide a copy of this agreement to the

Secretary of State for Transport in due course (and will set out the necessary amendments to the protective provisions in the draft DCO) once the agreement has been completed.

9.6.3 In addition, the Applicant negotiated and entered into an Agreement dated 29 March 2019 with the GYPC (and, as of 17 March 2020, the GYPA), covering, inter-alia, land acquisition proposals and compensation terms in respect of Great Yarmouth port land. The Agreement is conditional on development consent for the Scheme being granted, funding being secured and notices for the acquisition of land required for the Scheme being served (see the Applicant's Negotiations Tracker, Revision 2, updated for Deadline 6 (Document Reference NCC/GY3RC/EX/065, Planning Inspectorate Reference REP6-006)).

9.6.4 On this basis, the Applicant considers that adequate protection for the GYPA's (and GYPC's) assets are included in the agreed Protective Provisions in Part 6 of Schedule 14 to the draft DCO and that the tests set out in sections 127(3) and 127(6) of the Planning Act 2008 are satisfied.

9.7 GTC Pipelines Limited

9.7.1 GTC Pipelines Limited have has not requested bespoke protective provisions. Part 1 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of utility undertakers.

9.7.2 The Protective Provisions in Part 1 of Schedule 14 to the draft DCO set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed.

9.7.3 The Applicant has contacted GTC Pipelines Limited on 20 February 2020 to request confirmation that it does not seek bespoke protective provisions. To date, no response has been received.

9.7.4 The Applicant therefore considers that the Protective Provisions in Part 1 of Schedule 14 to the DCO provide appropriate protection for GTC Pipelines Limited's assets and that the test set out in section 138 of the Planning Act 2008 is satisfied.

9.8 National Grid Property Holdings Limited

9.8.1 National Grid Property Holdings Limited has not requested bespoke protective provisions. Part 1 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of utility undertakers.

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- 9.8.2** The Protective Provisions in Part 1 of Schedule 14 to the draft DCO set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed. The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.
- 9.8.3** In addition, the Applicant has been seeking to negotiate with National Grid Property Holdings Limited in respect of its land which is required for the Scheme with a view to the Applicant acquiring such land and rights over land by agreement (see the Applicant's Negotiations Tracker, Revision 2, updated for Deadline 6 (Document Reference NCC/GY3RC/EX/065, Planning Inspectorate Reference REP6-006).
- 9.8.4** On this basis, the Applicant seeks engagement with National Grid Property Holdings Limited to enable the tests set out in sections 127(3) and 127(6) of the Planning Act 2008 to be satisfied.

9.9 Openreach Limited

- 9.9.1** The Applicant initially contacted Openreach on 4 April 2019 in respect of protective provisions prior to the submission of the DCO application in April 2019. To date, no response has been received.
- 9.9.2** Part 2 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of operators of Electronic Communications Code Networks which set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed.
- 9.9.3** The Applicant has again contacted Openreach on 20 February 2020 to request confirmation that it does not require bespoke protective provisions. To date, no response has been received.
- 9.9.4** The Applicant therefore considers that the test set out in section 138 of the Planning Act 2008 is satisfied.

9.10 Virgin Media Limited

- 9.10.1** The Applicant initially contacted Virgin Media on 4 April 2019 in respect of Protective Provisions prior to the submission of the DCO application in April 2019.
- 9.10.2** Part 2 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of operators of Electronic Communications Code Networks which set out constraints on the exercise of the powers in the draft DCO with

a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed.

- 9.10.3** The Applicant has again contacted Virgin Media on 20 February 2020 to request confirmation that it does not require bespoke protective provisions. The Applicant received a response from Virgin Media on 2 March 2020 querying the interaction between the Part 2 of Schedule 14 of the draft DCO and the Electronic Communications Code. The Applicant notes that paragraph 13 of Schedule 14 is clear that the Applicant's powers under article 37 of the draft DCO are subject to Part 10 of the Electronic Communications Code (Schedule 3A to the Communications Act 2003) which sets out the procedures to be followed for the protection of code operators' apparatus where an undertaker's works (which includes the works to be authorised by the draft DCO but is also of wider application) will affect the apparatus of Electronic Communications Code operators.
- 9.10.4** The Applicant therefore considers that, by applying the existing statutory regime, the test set out in section 138 of the Planning Act 2008 is satisfied.

9.11 Vodafone Limited

- 9.11.1** The Applicant initially contacted Vodafone on 4 April 2019 in respect of protective provisions prior to the submission of the DCO application in April 2019.
- 9.11.2** Part 2 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of operators of Electronic Communications Code Networks which set out constraints on the exercise of the powers in the draft DCO with a view to safeguarding the statutory undertakers' interests whilst enabling the Scheme to proceed.
- 9.11.3** The Applicant has again contacted Vodafone on 20 February 2020 to request confirmation that it does not require bespoke protective provisions. The Applicant received a response from Vodafone on 3 March 2020 providing its requirements in respect of the diversion of apparatus; Vodafone did not request bespoke protective provisions.
- 9.11.4** The Applicant notes that paragraph 13 of Schedule 14 is clear that the Applicant's powers under article 37 of the draft DCO are subject to Part 10 of the Electronic Communications Code (Schedule 3A to the Communications Act 2003) which sets out the procedures to be followed for the protection of code operators' apparatus where an undertaker's works (which includes the works to be authorised by the draft DCO but which is also of wider application) will affect the apparatus of Electronic Communications Code operators.

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- 9.11.5 The Applicant therefore considers that, by applying the existing statutory regime, the test set out in section 138 of the Planning Act 2008 is satisfied.

9.12 Waveney, Lower Yare and Lothingland Internal Drainage Board

- 9.12.1 Part 5 of Schedule 14 to the draft DCO includes draft Protective Provisions for the benefit of the Internal Drainage Board which have been agreed between the parties. The Internal Drainage Board has given its consent under section 150 of the Planning Act 2008 to the relevant disapplications contained in article 3 of the draft DCO, see item 8 of Table 4.1 Matters Agreed of the SoCG, included in Appendix M to the Statement of Commonality for Statements of Common Ground submitted at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)

10 Conclusion

- 10.1.1 The Scheme successfully delivers the Scheme objectives; if delivered, it would resolve existing traffic problems, support future economic growth and facilitate regeneration of the town centre of Great Yarmouth. It represents a welcome solution to deliver a range of benefits and opportunities on a number of levels, as set out in section 2 of this Closing Statement.
- 10.1.2 The Planning Act 2008 requires that the application for development consent for the Scheme is determined in accordance with the relevant national policy statement. In this case, the NPS NN is the primary basis for decision-making.
- 10.1.3 The Applicant has also carefully considered the policy obligations set out in the NPS NN and a comprehensive NPS Accordance Tracker has been produced and updated – it accompanies this Closing Statement as Appendix A.
- 10.1.4 The NPS Accordance Tracker includes an analysis of the effects and wide-ranging benefits of the Scheme. Taken as a whole, it demonstrates how the careful selection of the Scheme from an assessment of feasible alternatives, and the design work carried out in furtherance of the chosen option, will minimise adverse impacts.
- 10.1.5 The Scheme, if consented, would achieve the Scheme objectives and would deliver significant benefits in the public interest. It would address the issues raised in the transport need case and in the regeneration need case and would kick-start the revitalisation of Great Yarmouth town centre and seafront, whilst also providing tangible improvements to connectivity between the Strategic Road Network and the Port of Great Yarmouth, and supporting the Port's role as an international gateway to and facilitator of the offshore energy sector. Any adverse impacts caused by the Scheme would be outweighed by those benefits.
- 10.1.6 The Applicant has endeavoured to acquire land by agreement for the purposes of the Scheme wherever possible; however, the timely delivery of the Scheme is dependent on the Applicant being authorised to exercise powers of compulsory acquisition and other related powers affecting land (including powers of temporary possession) in the event that acquisition by agreement proves unachievable within a reasonable timescale or at all. These powers are included in the draft DCO; the justification for their inclusion is summarised in section 5 to this Closing Statement and is set out in full in the Statement of Reasons. The Scheme meets all other relevant statutory tests and policy requirements relating to compulsory acquisition. There is a compelling case in the public interest justifying the acquisition of land for the Scheme and the related exercise of powers of compulsory acquisition.

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- 10.1.7 The Application for development consent for the Scheme addresses all relevant aspects of the policy, legislative and regulatory framework for the Secretary of State's determination of the Application, as outlined in Section 3 of this Closing Statement. At the core of that framework is section 104 of the Planning Act 2008, which requires the Secretary of State to have regard to relevant national policy statement(s) (in this case, the NPS NN is key), to other prescribed matters and policy, and to any other matters which may be relevant and important to the decision. Such matters are addressed in this Closing Statement.
- 10.1.8 As is evidenced in Appendix A (NPS Accordance Tracker) to this Closing Statement, the Scheme conforms with the NPS NN and with relevant elements of the NPS for Ports.
- 10.1.9 The granting of development consent for the Scheme would not result in the breach of any of the UK's international obligations. There is no policy or legislative reason that precludes the acceptability of the Scheme.
- 10.1.10 There is, accordingly, a clear and justified case for the DCO for the Scheme to be made.
- 10.1.11 On this basis and in accordance with section 104 of the Planning Act 2008, the Applicant invites the Examining Authority to recommend that the DCO be made, and invites the Secretary of State so to make it and to grant development consent for the Scheme.

Appendix A

Great Yarmouth Third River Crossing

Application for Development Consent Order

Closing Statement Appendix A: Case for the Scheme Appendix A: Conformity with the National Policy Statement for National Networks and the National Planning Policy Statement for Ports (“NPS Accordance Tracker”) – updated for Deadline 9 and close of Examination

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

Planning Inspectorate Reference Number: TR010043

Author: Norfolk County Council

Document Reference: NCC/GT3RC/EX/100

Version Number: 1 – Revision for Examination

Date: 20 March 2020 (Deadline 9)

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Foreword

The Updated Case for the Scheme Appendix A: Conformity with the National Policy Statement for National Networks and the National Planning Policy Statement for Ports ('NPS Accordance Tracker') relates to an application ('the Application') submitted by Norfolk County Council ('the Council' / 'the Applicant') to the Secretary of State ('SoS') for a Development Consent Order ('DCO') under the Planning Act 2008.

If made by the SoS, the DCO would grant development consent for the construction, operation and maintenance of a new bascule bridge highway crossing of the River Yare in Great Yarmouth, and which is referred to in the Application as the Great Yarmouth Third River Crossing (or 'the Scheme').



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Glossary of Abbreviations and Defined Terms

AEP	Annual Exceedance Probability
AQ	Air Quality
AQMA	Air Quality Management Areas
AW	Anglian Water
CCMA	Coastal Change Management Area
CoCP	Code of Construction Practice
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DM	Do Minimum
DMRB	Design Manual for Roads and Bridges
DS	Do Something
EA	Environment Agency
EIA	Environmental Impact Assessment
EPA	Environmental Protection Act
END	Environmental Noise Directive
ES	Environmental Statement
EZ	Enterprise Zone
FRA	Flood Risk Assessment
GHG	Greenhouse Gas
GYBC	Great Yarmouth Borough Council
HRA	Habitats Regulation Assessment
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
IEMA	Institute of Environmental Management and Assessment
JNCC	Joint Nature Conservation Committee
LARN	Local Affected Road Network

MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
MPS	Marine Policy Statement
NALEP	New Anglia Local Enterprise Partnership
NATS	National Air Traffic Services
NCC	Norfolk County Council (as the Applicant)
NE	Natural England
NERC	Natural Environment and Rural Communities
NIA	Noise Important Area
NIR	Noise Insulation Regulations 1975 (as amended 1988)
NMU	Non-motorised user
NPS NN	National Policy Statement for National Networks
NPS for Ports	National Planning Policy Statement for Ports
NSIP	Nationally Significant Infrastructure Project
NSR	Noise Sensitive Receptor
OCoCP	Outline Code of Construction Practice
PRoW	Public Right(s) of Way
SAC	Special Areas of Conservation
SCI	Site of Community Importance
SMP	Shoreline Management Plan
SNS	Statutory Nuisance Statement
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
SWMP	Site Waste Management Plan
TA	Transport Assessment

The Scheme	Great Yarmouth Third River Crossing project for which the Applicant seeks development consent
TVIA	Townscape and Visual Impact Assessment
UKCP18	UK Climate Projections 2018
WCA	Wildlife and Countryside Act
WFD	Water Framework Directive
WSI	Written Scheme of Investigation

Introduction Appendix A – Conformity with the National Policy Statement for National Networks (NPS NN) and the National Planning Policy Statement for Ports (NPS for Ports)

The table below sets out relevant sections of the National Policy Statement for National Networks (NPS NN) and the National Planning Policy Statement for Ports (NPS for Ports) and advises how the Scheme is compliant in each regard. Where reference is made to the NPS for Ports, policy intent that aligns with that of the NPS NN is noted, although the exact policy wording may alter in some cases.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
AIR QUALITY		
5.6 NPS NN	The NPS NN and NPS for Ports reference that where the impacts of a project (both on and off-scheme) are likely to have significant air quality effects, the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement.	An assessment of air quality ('AQ') effects in accordance with the NPS NN and the NPS for Ports is included in Chapter 6 of the Environmental Statement ('ES'), supported by various appendices and figures (Document Reference 6.1 - 6.3, Planning Inspectorate Reference APP-096 to APP-173), in accordance with NPS NN and the NPS for Ports.
5.7 NPS NN 5.7.5 NPS	Sets out the requirements for applicants to assess air quality effects in relation to the Environmental Impact Assessment ('EIA') process. States that the ES should describe:	Chapter 6 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) details existing air quality levels and forecasts local air quality at the time of opening for both scenarios (i.e. 'Do Minimum' ('DM') and 'Do Something'

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
for Ports	<ul style="list-style-type: none"> • <i>“existing air quality levels;</i> • <i>forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and</i> • <i>any significant air quality effects, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project”.</i> <p>Paragraph 5.7.5 of the NPS for Ports includes similar requirements to undertake a staged approach to the assessment of air quality effects.</p>	<p>(‘DS’)), and any significant air quality effects in the construction and operation phases) and their proposed mitigation. The assessment has identified that:</p> <ul style="list-style-type: none"> • Air Quality in the Great Yarmouth area is deemed to be good, with NO₂, PM₁₀ and PM_{2.5} annual mean background concentrations reported to be well below the respective objective values. There are no Air Quality Management Areas (‘AQMA’) within the area (Document Reference 6.1, Paragraphs 6.10.3 - 6.10.; Planning Inspectorate Reference APP-096); • A Scheme-specific NO₂ baseline air quality monitoring survey, comprising 40 diffusion tubes, was established for a five-month monitoring period from August 2017 to January 2018, covering the operational study area. Details of the monitoring locations and data processing are provided in Chapter 6 of the ES (Document Reference 6.1, Paragraph 6.5.10; Planning Inspectorate Reference APP-096); • The local air quality assessment considers air quality at the time of opening without the Scheme in place (2023 Do Minimum) (Document Reference 6.1, Paragraph 6.4.40; Planning Inspectorate Reference APP-096); • In operation, the Scheme <i>“would not result in any new</i>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>exceedances of the air quality objectives for NO₂, PM₁₀ and PM_{2.5} at all sensitive receptor locations included in the detailed atmospheric dispersion modelling study. Indeed, there are predicted to be no exceedances of these objectives in both the Do Minimum and Do Something Opening Year (2023) scenarios” (Document Reference 6.1, Paragraph 6.10.9; Planning Inspectorate Reference APP-096);</i></p> <ul style="list-style-type: none"> • The ES further states that <i>“Of the 10,787 sensitive receptors included in the modelling study, an improvement in annual mean pollutant concentrations is predicted to occur at 4,423 receptors (NO₂), 3,295 receptors (PM₁₀), and 1,995 receptors (PM_{2.5}) with the Scheme in operation”</i> when compared to the 2023 DM Scenario (Document Reference 6.1, Paragraph 6.10.1; Planning Inspectorate Reference APP-096). <i>“In contrast, 5,631 sensitive receptors are predicted to experience a worsening in annual mean concentrations of NO₂, 3,655 to experience a worsening in PM₁₀, and 2,590 receptors to experience a worsening PM_{2.5}”</i> (Document Reference 6.1, Paragraph 6.10.11; Planning Inspectorate Reference APP-096); • Control measures to be incorporated during construction to prevent or minimise potential fugitive dust emissions

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>are set out in the Outline Code of Construction Practice ('OCoCP') (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014). A Requirement has been included in the DCO to secure the provision of the full Code of Construction Practice (Document Reference NCC/GY3RC/EX/090 Schedule 2);</p> <ul style="list-style-type: none"> • The Scheme is not predicted to result in significant health impacts (Document Reference 6.1, Paragraphs 6.10.14; Planning Inspectorate Reference APP-096); and • The Scheme would not lead to significant effects on the integrity of sites or species protected under the Habitats Regulations (Document Reference 6.1, Paragraphs 6.10.17; Planning Inspectorate Reference APP-096).
5.8 NPS NN	States that an applicant's assessment should be consistent with Department for Environment, Food and Rural Affairs ('DEFRA's) published future national projections of air quality based on evidence of future emissions, traffic and vehicle fleet (but may include more detailed modelling to demonstrate local impacts).	<p>The assessment detailed in Chapter 6 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) is based on the latest version of DEFRA's published future national projections of air quality and is therefore compliant with NPS NN.</p> <p>Detailed local level modelling was completed in conjunction with the AQ assessment. Sensitive receptors, representing properties considered sensitive to changes in air quality within 200m of the Local Affected Road Network ('LARN'), were selected for modelling (Document Reference 6.1, Paragraph 6.4.12;</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		Planning Inspectorate Reference APP-096).
5.9 – 5.15 NPS NN	<p>Paragraph 5.9 requires that the SoS must be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive.</p> <p>Paragraph 5.11 indicates that air quality considerations are likely to be particularly relevant where schemes are proposed:</p> <ul style="list-style-type: none"> • <i>“within or adjacent to Air Quality Management Areas (AQMA);</i> • <i>roads identified as being above Limit Values or nature conservation sites (including Natura 2000 sites and SSSIs, including those outside England); and</i> • <i>where changes are sufficient to bring about the need for a new AQMA; or change the size of an existing AQMA; or bring about changes to exceedances of the Limit Values, or where they may have the potential to impact on nature conservation sites”.</i> <p>Paragraph 5.14 and 5.15 of the NPS NN</p>	<p>At paragraph 6.10.18 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) the assessment concludes that the Scheme would not affect the UK's ability to comply with the Air Quality Directive.</p> <p>Chapter 6 of the ES confirms that there are no AQMA's within the Great Yarmouth area (Document Reference 6.1, Paragraph 6.10.4; Planning Inspectorate Reference APP-096), that background air quality is deemed to be good, with NO₂, PM₁₀ and PM_{2.5} annual mean background concentrations reported to be well below the respective objective values (Document Reference 6.1, Paragraph 6.10.3; Planning Inspectorate Reference APP-096) and no significant environmental effects are predicated within any statutory designated ecological sites during the operational phase of the Scheme (Document Reference 6.1, Paragraph 6.10.17; Planning Inspectorate Reference APP-096).</p> <p>The ES (Document Reference 6.1; Planning Inspectorate Reference APP-096) Paragraph 6.10.16 states that <i>“the assessment has demonstrated that emissions of oxides of nitrogen, particulates (PM₁₀) and carbon dioxide would all decrease during the operational phase of the Scheme in the</i></p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	indicates that the proposed mitigation measures should ensure that the net impact of a project does not delay the point at which a zone will meet compliance timescales, and that the implementation of mitigation measures may require working with partners to support their delivery.	<p><i>opening year (2023) and the design year (2038). Decreases in regional emissions with the Scheme are not considered to constitute a significant environmental effect within the context of the total regional and national emissions”.</i></p> <p>Measures to mitigate air quality effects during construction are set out in Section 3 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014).</p> <p>The ES reports that there are no appropriate mitigation measures for operational air quality impacts and that <i>“no monitoring is considered to be required for the Scheme ... as there are no predicted exceedances of the AQS objectives for NO₂, PM₁₀ or PM_{2.5} as a result of the Scheme in the Opening Year 2023 and the predicted impacts upon local air quality are predominantly negligible ..., and are not significant”</i> (Document Reference 6.1, Paragraph 6.8.37; Planning Inspectorate Reference APP-096).</p> <p>Taking into account these matters the Applicant considers there are no grounds to refuse to grant development consent on the basis of the Scheme's impacts on air quality.</p>
5.14 NPS NN	States that <i>“a construction management plan may help codify mitigation”</i> .	Section 6.8 of the ES (Document Reference 6.1, Paragraph 6.10.1; Planning Inspectorate Reference APP-096) sets out that

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.7.8- 5.7.10 NPS for Ports		during the construction phase, mitigation measures will focus on controlling fugitive releases of construction phase dust. Control measures to be incorporated during construction to prevent or minimise potential fugitive dust emissions are set out in the OCoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014). A Requirement has been included in the DCO to secure the provision of the full CoCP (Document Reference NCC/GY3RC/EX/090, Schedule 2).
5.7.11 NPS for Ports	States that ports are a source of local air pollution, and that change in modal share of transport to a port has the potential to cause air quality effects, including exceedance of limits. Port development may seek to influence modal share to reduce the potential for these impacts.	The Scheme does not specifically seek to deliver a change in the modal share of transport to the Port. As set out in Section 5.5 of the Case for the Scheme (Document Reference 7.1, Planning Inspectorate Reference APP-188), the Scheme would deliver enhanced connectivity between the A47 (south) and Outer Harbour in the 2023 PM peak. As a result, the potential for delays to be experienced by vehicles moving goods and services to and from the Port will be reduced. The Scheme would also enhance accessibility for non-motorised users ('NMU's) wishing to travel from the west of the river to the Port and Outer Harbour, thus increasing the opportunity for more sustainable travel to the Port from locations within Great Yarmouth.
Carbon Emissions		

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.17 NPS NN	States that <i>“where the development is subject to EIA, any ES will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive. It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government’s carbon budgets”</i> .	<p>Chapter 13 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) provides an assessment of the likely significant effects of the Scheme, in relation to both the contribution of the Scheme to climate change, and the vulnerability of the Scheme to climate change (in terms of climate change resilience and adaptation).</p> <p>Table 13.12 in Chapter 13 compares the calculated GHG emissions from the Scheme with the UK Government Carbon Budget, demonstrating that the Scheme would not materially compromise the Government’s ability to deliver the carbon reduction strategy in the Carbon Plan 2011.</p> <p>Paragraph 13.5.40 of the ES Chapter 13 states that <i>“Although the operational GHG emissions are forecast to reduce, GHG emissions are still being produced by the Scheme. The Scheme is therefore expected to have a neutral effect on climate change during operation. IEMA guidance suggests that all GHG emissions are significant in the absence of any significance criteria or defined threshold. However, given the magnitude of GHG emissions (slight reduction) and the context of the Scheme, using professional judgement including previous experience of road infrastructure schemes, it is considered that the neutral effect of this Scheme will not be significant. Furthermore, as presented in Table 13.12, the GHG impacts of</i></p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>the Scheme would not have a material impact on the Government meeting its carbon reduction targets”.</i></p> <p>Finally, it is noted in NPS NN (paragraph 5.17) that “<i>It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets”.</i></p> <p>The Applicant has considered in detail the implications of the Government’s revised target to achieve a reduction in carbon emissions of 100% against 1990 baseline levels (that target having been given legal effect through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, which came into force on 27 June 2019) and the related adoption by Norfolk County Council in November 2019 of a new Environmental Policy – please refer to Section 3.6 of the Applicant’s Closing Statement (Document Reference NCC/GY3RC/EX/100) for a full explanation of the Applicant’s position.</p>
5.18 NPS NN	The Government has an overarching national carbon reduction strategy (as set out in the Carbon Plan 2011) which is a credible plan for meeting carbon budgets. It includes a range of non-planning policies which will, subject to the occurrence of the very unlikely event described	<p>As per response given to paragraph 5.17 of the NPS NN.</p> <p>Notwithstanding the revised emissions target (net zero by 2050), the Applicant considers that the carbon emissions resulting from the Scheme are not sufficient to have a material impact on the ability of the Government to meet its carbon reduction targets and that, accordingly, there is no related reason for the SoS to</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	above, ensure that any carbon increases from road development do not compromise its overall carbon reduction commitments. The Government is legally required to meet this plan. Therefore, any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.	refuse to grant development consent for the Scheme.
5.19 NPS NN	States that <i>“Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout and use of materials) in both design and construction should be presented”</i> and that <i>“the Secretary of State’s view of the adequacy of the mitigation measures relating to design and construction will be a material factor in the decision-making process”</i> .	Paragraph 13.5.25 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) sets out embedded mitigation measures identified in design and to be implemented during construction to limit carbon emissions as a result of the Scheme (for example, the local sourcing of materials, suppliers and waste management facilities will be maximised where possible). Further examples of mitigation employed or proposed are provided in Table 3.10 of the Mitigation Schedule (Document Reference NCC/GY3RC/EX/014, Planning Inspectorate Reference REP1-008), which are secured through Requirement 6 of the draft DCO which requires the approval of a Code of Construction Practice, which must include a Site Waste Management Plan and a Materials Management Plan, before

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		the Scheme is commenced.
Biodiversity and ecological conservation (NPS NN) / Biodiversity and Geological Conservation (NPS for Ports)		
5.22 NPS NN	<i>“Where the project is subject to EIA the applicant should ensure that the ES clearly sets out any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance (including those outside England) on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity and that the statement considers the full range of potential impacts on ecosystems”.</i>	<p>Chapter 8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) reports on the outcome of the assessment of likely significant effects arising from the Scheme upon terrestrial and aquatic ecology. The assessment considers potential effects relating to statutory and non-statutory designated sites; important or protected habitats; and legally protected species and species of conservation concern (Document Reference 6.1, Paragraph 8.1.1; Planning Inspectorate Reference APP-096).</p> <p>The Scheme is located on the River Yare, which is within the Outer Thames Estuary SPA. In addition, the following designated sites are considered in Chapter 8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) and in the HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182):</p> <ul style="list-style-type: none"> • Outer Thames Estuary Special Protection Area ('SPA'); • Breydon Water SPA, Ramsar and Site of Special Scientific Interest ('SSSI'); • Great Yarmouth North Denes SPA and SSSI;

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<ul style="list-style-type: none"> • Broads Special Area of Conservation ('SAC'); • Broadland SPA and Ramsar site; and • Southern North Sea Site of Community Importance ('SCI') / candidate SAC. <p>A Habitats Regulation Assessment ('HRA') is presented in Document Reference 6.11 (Planning Inspectorate Reference APP-182). The HRA concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European Site.</p> <p>The ES assessment concludes (Document Reference 6.1, Section 8.10; Planning Inspectorate Reference APP-096) that, subject to implementation of appropriate mitigation, there are no significant effects upon water voles, breeding birds, the benthic and fish community, or bats.</p>
5.23 NPS NN 5.1.4 - 5.1.5 NPS for Ports	<p><i>"The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests".</i></p> <p>Similar requirements included within 5.1.4 – 5.1.5 of the NPS for Ports.</p>	<p>There are no relevant features of geological interest.</p> <p>Mitigation measures relating to biodiversity are set out in Chapter 8 of the ES. Measures relating to the protection of water voles, breeding birds, the benthic and fish community and bats during the construction period are set out in Section 5 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014). An Ecological Clerk of Works will be responsible for overseeing on-site ecological</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>mitigation and ensuring that measures in the full CoCP (as secured by Requirement 6 to the DCO (Document Reference NCC/GY3RC/EX/090)) are implemented (Section 5.2 of the OCoCP).</p> <p>As discussed in Paragraph 8.8.74 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), the following opportunities for enhancing the Scheme site for water vole will be considered, to include:</p> <ul style="list-style-type: none"> • The planting of native wetland plants, reeds, grasses, rushes and sedges along new channels; • The removal of areas of dense woody vegetation on existing watercourses, to allow increased light to reach watercourses and thereby enable an increase in in-stream and marginal wetland plants; and • The restoration of water channels; with deepening or alteration of bank profile where appropriate to maximise their suitability for water voles. <p>Chapter 16 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) confirms that no geological designated sites exist within 1,500m of the Principal Application Site.</p> <p>Sections 4.6, 4.7 and 6.3 of the Approach to Detailed Design</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>(Document Reference 7.4a, Planning Inspectorate Reference APP-196) sets out the Applicant's approach to the detailed design of public realm planting, street tree and verge planting, and other ecological considerations for the enhancement of biodiversity. The approach described is secured through Requirements 4 and 7 of the draft DCO.</p> <p>The Applicant considers that the above measures show how the Scheme has taken advantage of opportunities to conserve and enhance biodiversity conservation interests.</p>
5.1.6 - 5.1.7 NPS for Ports	Identifies that the additional need for the value and role of biodiversity to be protected should be understood in the context of the challenge of climate change.	<p>Chapter 8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) takes into account the impact of climate change on UK biodiversity in determining the future baseline for assessment. It concludes there is strong evidence that impacts are expected to increase as the magnitude of climate change increases. For example, ES Paragraph 8.5.18 recognises that the climate change <i>"may affect bat populations through changes in their annual hibernation cycle, breeding success and food availability"</i>.</p> <p>ES Paragraph 8.5.20 states that <i>"whilst there may be some changes in species populations and distribution in the longer term, land management is likely to have a greater influence on biodiversity over much of the study area within the timescale of</i></p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<i>construction of the Scheme, which is when the majority of effects from the project would occur. It is considered that land use is likely to be the key predictor of species distributions over the lifetime of the Scheme, given that the majority of habitats affected by the works are urban habitats".</i>
5.25 – 5.26 NPS NN 5.18 – 5.1.9 NPS for Ports	<p>NPS NN paragraph 5.25 states that <i>"As a general principle, and subject to the specific policies below, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. The applicant may also wish to make use of biodiversity offsetting in devising compensation proposals to counteract any impacts on biodiversity which cannot be avoided or mitigated. Where significant harm cannot be avoided or mitigated, as a last resort, appropriate compensation measures should be sought"</i>.</p> <p>NPS NN paragraph 5.26 states that <i>"In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other</i></p>	<p>The HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182) concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European Site.</p> <p>As set out in Section 8.10 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), subject to the implementation of appropriate mitigation measures relating to the protection of water voles, breeding birds, the benthic and fish community and bats during the construction period, as set out in Section 5 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014), no significant effects upon Protected Species are predicted as a result of the Scheme.</p> <p>In accordance with Paragraph 5.3.4 of the OCoCP, opportunities for habitat enhancement for water vole will be implemented by the Contractor in the full CoCP, such as the planting of native wetland plants, reeds, grasses, rushes and sedges along new</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment”.</i></p> <p>Very similar requirements included within 5.1.8 – 5.1.9 of the NPS for Ports.</p>	<p>channels.</p> <p>In terms of geological conservation, Section 16.12 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) outlines that there are unlikely to be any significant effects upon geology, soils and contamination arising from the Scheme.</p> <p>Sections 4.6, 4.7 and 6.3 of the Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196) sets out the Applicant's approach to the detailed design of public realm planting, street tree and verge planting, and other ecological considerations for the enhancement of biodiversity. The approach described is secured through Requirements 4 and 7 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>The Applicant considers that the above measures show how the Scheme has taken advantage of opportunities to conserve and enhance biodiversity conservation interests.</p>
5.27 NPS NN 5.1.10 NPS for	<p>The NPS NN refers to the National Planning Policy Framework (NPPF), stating that a number of sites should have the same protection as European sites:</p> <ul style="list-style-type: none"> “potential Special Protection Areas and 	<p>Designated sites considered within the HRA (Document Reference 6.11, Paragraph 6.1.1; Planning Inspectorate Reference APP-182) include:</p> <ul style="list-style-type: none"> Southern North Sea cSAC / SCI; Outer Thames Estuary SPA;

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
Ports	<p><i>possible Special Areas of Conservation;</i></p> <ul style="list-style-type: none"> <i>• listed or proposed Ramsar sites; and</i> <i>• sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites”.</i> 	<ul style="list-style-type: none"> • Breydon Water SPA; • Breydon Water Ramsar; • Great Yarmouth and North Denes SPA; • The Broads SAC; • Broadland SPA; and • Broadland Ramsar. <p>The HRA concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European Site.</p>
5.29 NPS NN 5.1.11 NPS for Ports	Identifies the approach which should be taken in order to minimise adverse effects on SSSIs, and states that where an adverse effect is likely to occur, the benefits of the development should clearly outweigh both the impacts on the SSSI and any broader impacts on the network of SSSIs.	Chapter 8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) advises that, subject to the implementation of appropriate mitigation, there would be no significant effects upon SSSIs as a result of the Scheme.
5.30 NPS NN 5.1.13 NPS for Ports	“As a public authority, the Secretary of State is bound by the duties in relation to Marine Conservation Zones (MCZs) imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009”.	The Application Site is not within the boundary of a Marine Conservation Zone (‘MCZ’) and the Scheme would not lead to any effects to the protected features of an MCZ nor any ecological or geomorphological process on which conservation of any protected feature of an MCZ is wholly or in part dependant.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.31 NPS NN 5.1.14 NPS for Ports	Refers to regional and local sites (Local Geological Sites, Local Nature Reserves and Local Wildlife Sites and Nature Improvement Areas) and states that the SoS should give them due consideration, noting that these designations in isolation should not be used to refuse development consent.	<p>Section 8.5 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) recognises the potential presence and importance of regional and local sites. The methodology for local and regional consideration is outlined in Sections 8.4 (Scope, Methodology and Significance Criteria) and 8.5 (Baseline Conditions) of the ES.</p> <p>Chapter 8 of the ES advises in paragraph 8.5.5 that there are no non-statutory designated sites within the Main or Broad Study Areas.</p> <p>Paragraph 16.5.1 in Chapter 16 of the ES confirms there are no designated geological sites within 1,500m of the Principal Application Site.</p>
5.32 NPS NN 5.1.15 NPS for Ports	Development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees should not be granted development consent unless the national need for and benefits of the development, in that location, clearly outweigh the loss. <i>“Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this”.</i>	<p>The Detailed Arboricultural Report (Document Reference 6.2, Appendix 8H, Planning Inspectorate Reference APP-121) identifies two high quality arboricultural features, one of which is a ‘veteran’ tree (Tree T5) and the other ‘notable’ (Tree T12). Appendix 8H notes that <i>“although these trees are not currently recorded on the Woodland Trust’s Ancient Tree Hunt Interactive Map, both trees should be considered as an ancient tree in regard to this Scheme”</i> (paragraph 5.2.6).</p> <p>Paragraph 6.2.4 of the Detailed Arboricultural Report confirms that the implementation of the Scheme will not require their</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>removal.</p> <p>Trees subject to Tree Preservation Order or within Conservation Areas are described in Schedule 12 of the Draft DCO (Document Reference NCC/GY3RC/EX/090) and shown on the Tree Preservation Order and Conservation Area Plans (Document Reference 2.8, Planning Inspectorate Reference APP-013).</p> <p>In the light of the above, the Applicant considers that the Scheme complies with paragraphs 5.32 and 5.1.15 of the NPSNN and the NPS for Ports respectively, in that if implemented, the Scheme would not lead to the loss of irreplaceable habitats including ancient woodland or veteran trees.</p>
5.33 NPS NN	States that development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design, and that the SoS should consider whether the Applicant has maximised such opportunities and may use requirements or planning obligations where appropriate in order to ensure that features are delivered where appropriate.	Paragraphs 5.3.1 to 5.3.4 of the Outline Code of Construction Practice (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014) set out habitat enhancement works proposed in respect of water voles. For example, enhancement works include the planting of native wetland plants, reeds, grasses, rushes and sedges along new channels; the removal of areas of dense woody vegetation on existing watercourses, to allow increased light to reach watercourses and thereby enable an increase in in-stream and marginal

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>wetland plants; and the restoration of water channels, with deepening or alteration of bank profile where appropriate to maximise their suitability for water voles. Requirement 6 of the draft DCO secures compliance with the measures set out in the OCoCP.</p> <p>In addition, new biodiversity features, such as trees, hedges, shrubs and species rich grass are included within the landscaping proposals set out in the Landscaping Plans (Document Reference 2.9, Planning Inspectorate Reference APP-014). Sections 4.6, 4.7 and 6.3 of the Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196) sets out the Applicant's approach to the detailed design of public realm planting, street tree and verge planting, and other ecological considerations for the enhancement of biodiversity. These matters are secured through Requirements 4 and 7 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>In the light of the above, the Applicant considers that it has demonstrated that its Scheme design has taken advantage of, and maximised, opportunities to build in beneficial biodiversity features.</p>
5.34 NPS	<i>"Many individual wildlife species receive</i>	Section 8.3 of the ES (Document Reference 6.1, Planning

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
<p>NN</p> <p>5.1.17 – 5.1.18 NPS for Ports</p>	<p><i>protection under other legislative provisions”.</i></p> <p>Development should avoid harm to such species’ habitats. Development should not proceed unless the benefits of development outweigh the harm.</p>	<p>Inspectorate Reference APP-096) identifies the following legislation relevant to the protection of wildlife species;</p> <ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations (‘Habitats Regulations’) 2017 (as amended); • The Wildlife and Countryside Act (‘WCA’) 1981 (as amended); • The Natural Environment and Rural Communities (‘NERC’) Act 2006; and • The UK Post-2010 Biodiversity Framework (2011-2020) (JNCC and DEFRA, 2012). <p>The likelihood and significance of effects on protected species is assessed in Chapter 8 of the ES. Subject to the implementation of appropriate mitigation measures relating to the protection of water voles, breeding birds, the benthic and fish community and bats during the construction period, as set out in Sections 5.3 and 5.4 the OCoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014), no significant effects upon protected species are predicted as a result of the Scheme. Compliance with the measures set out in the OCoCP is secured through Requirement 6 of the draft DCO. As such, the Applicant considers that the Scheme avoids harm to protected species.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
<p>5.35 – 5.36 NPS NN 5.1.19 NPS for Ports</p>	<p>Applicants should take measures to ensure that species and habitats are protected from the adverse effects of development. The SoS should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits of the development (including need) clearly outweigh that harm.</p> <p><i>“Applicants should include appropriate mitigation measures as an integral part of their proposed development, including identifying where and how these will be secured. In particular, the applicant should demonstrate that:</i></p> <ul style="list-style-type: none"> <i>-during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;</i> <i>-during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised (including as a consequence of transport access arrangements);</i> <i>-habitats will, where practicable, be restored after construction works have finished;</i> 	<p>Mitigation and enhancement measures to be undertaken during the construction, operation and maintenance of the Scheme are set out in Sections 8.7 and 8.8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), the HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182),) and Section 5 of the OCoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014). Subject to the implementation of mitigation, Chapter 8 of the ES concludes there would be no significant effects on protected species as a result of the Scheme.</p> <p>Mitigation includes the appointment of an Ecological Clerk of Works (Section 5.2 in the OCoCP), and the creation of new habitat (secured through the Landscaping Plans, (Document Reference 2.9, Planning Inspectorate Reference APP-014). Requirement 6 in Schedule 2 of the draft DCO secures compliance with the CoCP (Document Reference NCC/GY3RC/EX/090) and Requirement 7 secures the Applicant's landscaping proposals.</p> <p>Paragraph 8.8.74 in Chapter 8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) sets out habitat enhancements included in the Scheme in respect of water vole. A ‘green route’ between the new roundabout and the crossing on Southtown Road is also included in the Landscaping Plans</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>-developments will be designed and landscaped to provide green corridors and minimise habitat fragmentation where reasonable;</i></p> <p><i>-opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals, for example through techniques such as the 'greening' of existing network crossing points, the use of green bridges and the habitat improvement of the network verge".</i></p> <p>Paragraph 5.1.19 of the PNPS includes almost identical requirements to those above.</p>	<p>(Document Reference 2.9, Planning Inspectorate Reference APP-014), in addition to tree, shrub and hedgerow planting elsewhere within the Order Limits.</p> <p>Following the delivery of mitigation, the Scheme will not give rise to the fragmentation of retained habitats and/or severance of wildlife corridors (Document Reference 6.1, Table 8.13; Planning Inspectorate Reference APP-096).</p> <p>On this basis, the Applicant considers that appropriate and effective mitigation is secured through the draft DCO (Document Reference NCC/GY3RC/EX/090), such that species and habitats are protected.</p>
Waste Management		
<p>5.42 NPS NN</p> <p>5.5.4 NPS for Ports</p>	<p><i>"The applicant should set out the arrangements that are proposed for managing any waste produced. The arrangements described should include information on the proposed waste recovery and disposal system for all waste generated by the development. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that the</i></p>	<p>Chapter 15 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) states that, for waste, <i>"Construction and demolition waste has been assessed to have an adverse, permanent and direct impact on landfill capacity. Post embedded mitigation, and based on the anticipated quantities of waste to be sent to landfill and the capacity of regional sites to accept the waste, the effect for both inert and non-inert waste is considered slight (not significant)"</i> (paragraph 15.8.14). All effects associated with the Operation phase have</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>alternative is the best overall environmental outcome”.</i></p>	<p>been assessed as not significant (paragraph 15.8.17).</p> <p>Paragraphs 15.8.9 – 15.8.14 outline the process for managing waste produced. Specifically, paragraph 15.8.12 states that <i>“the majority of known arisings are anticipated from earthworks during the demolition of existing residential buildings and structures and from the breaking out of highways and junctions, site remediation and preparation. As described in Table 15.14 and Table 15.15, available information suggests that 85% of the waste from earthworks will be reused on-site or recovered and diverted from landfill”.</i></p> <p>Section 8.3 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014) requires that, in preparing the full CoCP, the Contractor should implement a Site Waste Management Plan (‘SWMP’) to encourage the reduction of waste, reuse of waste and recycling of waste.</p> <p>The OCoCP outlines measures to be included within the SWMP, which are as follows:</p> <ul style="list-style-type: none"> • Reduction of materials wastage through good storage and handling; • Use of modern methods of construction and logistics, encouraging waste reduction and improved materials

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>resource efficiency;</p> <ul style="list-style-type: none"> • Entering into agreements with waste contractors to maximise the recovery of segregated site wastes (e.g. timber, brick, plasterboard, metal); • Ensuring that all suppliers of materials provide returnable or practicably recyclable packaging; • Providing waste minimisation inductions and tool box talks throughout the construction phase; and • Ensuring adequate storage facilities are provided for raw materials and waste streams. <p>Compliance with the OCoCP is secured via Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p>
<p>5.43 NPS NN</p> <p>5.5.5 NPS for Ports</p>	<p><i>“The Secretary of State should consider the extent to which the applicant has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from the construction and operation of the proposed development. The Secretary of State should be satisfied that the process sets out:</i></p> <p><i>-any such waste will be properly managed, both on-site and off-site;</i></p>	<p>Chapter 15 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) considers the volume of waste (inert, non-hazardous and hazardous) anticipated to be generated by the Scheme and determines the potential impact of each waste type on the remaining landfill capacity in the region. This assessment has been completed in the context of the capacity of recovery and waste management facilities in the East of England region.</p> <p>Paragraph 15.4.14 of the ES outlines the assessment process,</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>-the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and</i></p> <p><i>-adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where an alternative is the most sustainable outcome overall".</i></p>	<p>which included:</p> <ul style="list-style-type: none"> • a review of relevant waste legislation, policies and guidance, to identify material use and waste management objectives, commitments and targets; • identification of the types and quantities of waste; • evaluation of the impacts of the Scheme against the regional and national materials markets and the capacity of regional (or if appropriate, national) landfills; • identification of the opportunities to eliminate, reduce, reuse, recycle or recover material resources, site arisings and (potential) waste, in accordance with industry good practice; and • identification of the viable circular economy opportunities in design and construction. <p>Materials required for importation as part of the construction phase are outlined in Table 15.13 of the ES.</p> <p>In addition, Table 15.12 defines the potential impacts and significant effects of consuming material resources and disposing of waste.</p> <p>Paragraph 15.8.18 of the ES states, "All requirements for monitoring are included in the Outline CoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>Reference REP6-014) which is secured by DCO requirement and will be subsequently developed by the Contractor into a full CoCP. The full CoCP, once detailed, will provide a review, monitoring and audit mechanism to determine the effectiveness of and compliance with environmental control measures, which includes the preparation and subsequent review of an SWMP and an MMP”.</i></p> <p>Compliance with the OCoCP is secured by Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090). The Applicant therefore considers that it has proposed an effective process that will be followed to ensure effective management of hazardous and non-hazardous waste arising from the construction and operation of Scheme.</p>
Civil and military aviation and defence interests		
5.55 NPS NN	<i>“Where the proposed development may have an effect on civil or military aviation and/or other defence assets, an assessment of potential effects should be carried out”.</i>	The Scheme is not anticipated to have any impacts upon civil or military aviation and/or other defence assets, as confirmed in consultation responses from the Ministry of Defence and National Air Traffic Services (‘NATS’) (as per Table 9-6 of the Consultation Report, Document Reference 5.1, Planning Inspectorate Reference APP-025). The Civil Aviation Authority did not submit a response to statutory consultation (Table 8-4 of the Consultation Report).

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.56 NPS NN	<i>"The applicant should consult the MoD, CAA, National Air Traffic Services (NATS) and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests".</i>	As per response given above to paragraph 5.55 of the NPS NN.
5.57 NPS NN	<i>"Any assessment on aviation or other defence interests should include potential impacts during construction and operation of the project upon the operation of CNS infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures".</i>	As per response given above to paragraph 5.55 of the NPS NN.
5.58 NPS NN	<i>"If any relevant changes are made to proposals for an NSIP during the pre-application period or before the end of the examination of an application, it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible".</i>	Not relevant at this time.
5.62 NPS NN	<i>"Where, after reasonable mitigation, operational changes and planning obligations and requirements have been proposed, development</i>	As per response given above to paragraph 5.55 of the NPS NN.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>consent should not be granted if the Secretary of State considers that:</i></p> <ul style="list-style-type: none"> <i>-a development would prevent a licensed aerodrome from maintaining its licence;</i> <i>-the benefits of the proposed development are outweighed by the harm to aerodromes serving business, training or emergency service needs;</i> <i>or</i> <i>-the development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training”.</i> 	
Coastal Change		
5.67 NPS NN	For infrastructure projects proposed on the coast, coastal change is a key consideration and, under paragraph 5.67 of the NPS NN, development should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas, or adding to the impacts of physical changes to the coast	The Flood Risk Assessment ('FRA') (ES Appendix 12B (Document Reference 6.2, Planning Inspectorate Reference APP-135)), in addition to Chapters 11 (Road Drainage and the Water Environment) and 13 (Climate Change) of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), acknowledges the need to locate development away from vulnerable coastal change areas. The Scheme is located 2.5km upstream from the river Yare's outlet to the North Sea at Gorleston-on-Sea. Paragraph 11.4.6 of Chapter 11 states “ <i>The</i>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>findings of the sediment transport assessment (Appendix 11C) show the Scheme will only result in localised impacts on the hydromorphological regime of the River Yare and the effects will not extend to cause any significant changes to coastal processes”.</i></p> <p>On this basis Chapter 11 of the ES concludes that effects arising from the Scheme on coastal processes would be insignificant. The Applicant therefore considers that the Scheme would not add to the impacts of physical changes to the coast.</p>
5.68 NPS NN 5.3.2 NPS for Ports	<p><i>“The construction of national networks infrastructure on the coast may involve, for example, dredging, dredge spoil deposition, marine landing facility construction, and flood and coastal protection measures which could result in direct effects on the coastline, seabed, marine ecology and biodiversity, and the historic environment”.</i></p>	<p>A HRA is provided in Document Reference 6.11 (Planning Inspectorate Reference APP-182). The HRA concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European Site.</p> <p>As stated above, paragraph 11.4.6 of ES Chapter 11 states <i>“The findings of the sediment transport assessment (Appendix 11C) show the Scheme will only result in localised impacts on the hydromorphological regime of the River Yare and the effects will not extend to cause any significant changes to coastal processes”.</i></p> <p>Dredging is not proposed as part of the construction of the new crossing. Cofferdams would be formed within the river channel, and any excavated material removed from site and</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>reused/disposed of at an appropriately licensed facility.</p> <p>The River Yare channel is affected by continuous dredging activity, where the river bed is lowered to around -7m AOD and the channel is characterised by steep banks (walls). Dredging may be required during operation to remove any sediment build up within the navigation channel. Any operational dredging will be incorporated into the current dredging regime along the River Yare and is not expected to significantly alter the current dredging regime (paragraph 11.7.3, Chapter 11). Protective provisions are included in the Draft DCO (Document Reference NCC/GY3RC/EX/090) relating to the Great Yarmouth Port Authority's continued dredging of the river for navigational purposes.</p>
5.3.4 NPS for Ports	Where relevant, applicants should undertake coastal geomorphological and sediment transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures.	<p>The Sediment Transport Assessment (Appendix 11C, Document Reference 6.2, Planning Inspectorate Reference APP-097)) concludes that there is a negligible change in the overall flow of sediment along the River Yare and the wider coastline during the operational phase of the Scheme. Paragraph 7.1.6 states <i>"this means that the overall volume of sediment transport in the estuary is not affected by the Scheme simply because the volume taken up by the Piers is negligible when compared to the estuary as a whole"</i>. Appropriate mitigation for potential temporary construction impacts is also identified within Chapter</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>11 of the ES.</p> <p>These mitigation measures have been agreed with the Marine Management Organisation ('MMO') and captured in the Applicant's Statement of Common Ground ('SoCG') with the MMO (at item 17 in Table 4.1, <i>Matters agreed</i>) in Appendix J of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).</p>
5.3.5 NPS for Ports	<p><i>"The ES (see section 4.7) should include an assessment of the effects on the coast. In particular, applicants should assess:</i></p> <ul style="list-style-type: none"> <i>-the impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes, the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast;</i> <i>-the implications of the proposed project on strategies for managing the coast, as set out in</i> 	<p>Chapter 11 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) contains an assessment of the potential effects of the Scheme on coastal change. Potential hydromorphological effects associated with the in-channel structures are not expected to affect coastal processes, such as sediment transport or supply (Paragraph 11.4.6). As such, the potential effects on coastal change have not been considered in detail as part of the ES.</p> <p>The Drainage Strategy (ES, Appendix 12C) confirms the design parameters that must be adopted in the Contractor's detailed design and includes provision stipulating that <i>"an allowance for climate change will also be applied to the drainage design by increasing the rainfall intensity by 40%"</i>.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>Shoreline Management Plans, any relevant marine plans, River Basin Management Plans and capital programmes for maintaining flood and coastal defences;</i></p> <p><i>-the effects of the proposed project on marine ecology, biodiversity and protected sites;</i></p> <p><i>-the effects of the proposed project on maintaining coastal recreation sites and features; and</i></p> <p><i>-the vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life and any decommissioning period".</i></p>	<p>Chapter 11 of the ES uses the Water Framework Directive ('WFD') assessment (Appendix 11E, Document Reference 6.2, Planning Inspectorate Reference APP-132) to assess the Scheme against the key objectives of the WFD. Paragraph 1.6.5 of the WFD Assessment states "<i>the Scheme will not prevent the achievement of the wider WFD objectives in the Anglian River Basin District and is not predicted to have an impact on any other waterbody within the Anglian River Basin District or the proposed mitigation measures to achieve Good status</i>".</p> <p>Paragraph 11.4.6 in Chapter 11 of the ES states that the Scheme is not expected to cause significant changes to coastal processes, such as sediment transport, erosional and depositional patterns and beach development along the Great Yarmouth shoreline.</p> <p>The HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182) concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European Site.</p> <p>As set out in Section 8.10 of the ES , subject to the implementation of appropriate mitigation measures relating to the protection of water voles, breeding birds, the benthic and fish community and bats during the construction period, as set out in</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>Section 5 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014), no significant effects upon Protected Species are predicted as a result of the Scheme.</p> <p>Paragraphs 11.7.1 and 11.8.9 of the ES recognise the potential impacts construction and in particular demolition can have on particle emission and their detrimental effect on air and water features. Mitigation measures to control the emission of dust during construction are set out in Section 3 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014).</p>
5.71 NPS NN	<p><i>“Applications for development in a Coastal Change Management Area (CCMA) should make it clear why there is a need for it to be located in a CCMA. For developments in a CCMA, applicants should undertake an assessment of the vulnerability of the proposed development to coastal change, taking account of climate change, during the project’s operational life”.</i></p>	<p>CCMAs are to be allocated in Part 2 of the Great Yarmouth Local Plan. Part 2 of the Great Yarmouth Local Plan (currently within the Representation Period), identifies one proposed CCMA within the Borough of Great Yarmouth. The proposed CCMA, as shown in the Final Draft Local Plan: Policies Map, is aligned with the coastline. At its closest point the CCMA is located approximately 300 m from the Scheme.</p> <p>Further consultation on Part 2 of the Great Yarmouth Local Plan took place between August and October 2019. The updated draft local policies map now shows two CCMAs (as opposed to one). Full adoption is not expected until winter 2020.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.72 NPS NN 5.3.6 NPS for Ports	<i>“For any projects involving dredging or disposal into the sea, the applicant should consult the Marine Management Organisation (MMO), and where appropriate, for cross-boundary impacts, Natural Resource Wales and Scottish Natural Heritage, at an early stage. The applicant should also consult the MMO on projects which could impact on coastal change, since the MMO may also be involved in considering other projects which may have related coastal impacts”.</i>	<p>Neither dredging nor disposal at sea is proposed as part of the construction of the Scheme.</p> <p>Dredging may be required during operation to remove any sediment build up within the navigation channel. Any operational dredging will be incorporated into the current dredging regime along the River Yare and is not expected to significantly alter the current dredging regime. Protective provisions are included in the Draft DCO (Document Reference NCC/GY3RC/EX/090) relating to the Great Yarmouth Port Authority’s continued dredging of the river for navigational purposes.</p> <p>Consultation has been undertaken with the MMO regarding the Deemed Marine Licence (‘DML’) and ecological assessment. The details of such consultation are presented in Table 11.4 in Chapter 11 of the ES. The Draft DCO (Document Reference NCC/GY3RC/EX/090) includes provision for a DML, pursuant to article 56 of the draft DCO. The proposed DML wording is set out in Schedule 13 of the draft DCO, which the MMO has agreed, as is noted in the Applicant’s SoCG with the MMO, at (Table 4.1, <i>Matters agreed</i>) in Appendix J of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010)</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.73 NPS NN	<i>“The applicant should examine the broader context of coastal protection around the proposed project, and the influence in both directions, i.e. coast on project, and project on coast”.</i>	Paragraph 11.4.6 in Chapter 11 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) states that the Scheme is not expected to cause significant changes to coastal processes, such as sediment transport, erosional and depositional patterns and beach development along the Great Yarmouth shoreline.
5.74 NPS NN 5.3.7 NPS for Ports	<i>“The applicant should be particularly careful to identify any effects of physical changes on the integrity and special features of Marine Conservation Zones, candidate marine Special Areas of Conservation (SACs), coastal SACs and candidate coastal SACs, coastal Special Protection Areas (SPAs) and potential coastal SPAs, Ramsar sites, Sites of Community Importance (SCIs) and potential SCIs and sites of Special Scientific Interest. For any projects affecting the above marine protected areas, the applicant should consult Natural England and where appropriate, for cross-boundary impacts, Natural Resource Wales and Scottish Natural Heritage, at an early stage”.</i>	<p>The Principal Application Site is within the Outer Thames Estuary SPA. In addition, the Southern North Sea Candidate SAC is located approximately 500m to the east of the Principal Application Site. Within Chapter 8 of the ES, and the HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182), the full list of designated sites within the extended study area is set out in response to NPS NN paragraph 5.27.</p> <p>Due to the Scheme’s location within the SPA, and in the vicinity of other sites protected by the Habitat Regulations, a HRA has been carried out. The HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182) concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European site.</p> <p>Natural England’s (‘NE’) advice has been sought throughout the design of the Scheme. Details of consultation with NE in respect of sites protected under the Habitat Regulations are set out in</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		Table 3.1 of the HRA.
5.75 NPS NN	<p>When assessing applications in a CCMA, the SoS should not grant development consent unless it is demonstrated that the development:</p> <ul style="list-style-type: none"> • will be safe over its planned lifetime and will not have an unacceptable impact on coastal change; • will not compromise the character of the coast covered by designations; • provides wider sustainability benefits; and • does not hinder the creation and maintenance of a continuous signed and managed route around the coast. 	<p>The Scheme is not located in a CCMA and is therefore deemed to be compliant with the requirements of paragraph 5.75 of the NPS NN.</p>
5.77 NPS NN	<p>The Marine and Coastal Access Act 2009 provides for the preparation of a Marine Policy Statement ('MPS') and a number of marine plans. The SoS must have regard to the MPS and applicable marine plans in taking any decision which relates to the exercise of any function. The relevant information will include Shoreline Management Plans, capable of affecting any part of the UK marine area. In the event of a conflict</p>	<p>An assessment of the Scheme's compliance with the Marine Policy Statement and East Inshore Marine Plan is set out in Section 7 of the Case for the Scheme.</p> <p>Paragraph 11.4.6 in Chapter 11 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) states that the Scheme is not expected to cause significant changes to coastal processes, such as sediment transport, erosional and depositional patterns and beach development along the Great</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	between any of these marine planning documents and this NPS, the NPS prevails for the purposes of decision making given the national significance of the infrastructure.	Yarmouth shoreline. Chapter 12 (Flood Risk) of the ES and the FRA (Appendix 12B) take account of the Kelling to Lowestoft Ness Shoreline Management Plan (SMP).
5.78 NPS NN	Substantial weight should be attached to the risks of flooding and coastal erosion. The applicant must demonstrate that full account has been taken of the policy on assessment and mitigation in paragraphs 5.91- 5.114 of this NPS, taking account of the potential effects of climate change on these risks.	Paragraph 11.4.6 in Chapter 11 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) explains that the Scheme is not expected to cause significant changes to coastal processes, such as sediment transport, erosional and depositional patterns and beach development along the Great Yarmouth shoreline and so mitigation for those effects is not required. Flood risk to the Scheme and the impact of the Scheme on flood risk has been assessed in detail in the Flood Risk Assessment (FRA, Appendix 12B). The FRA has assessed the Scheme against present day flooding and flood risk in the future as a result of climate change. In summary, the FRA concludes that the most significant source of flooding, in Great Yarmouth as a whole and to the Principal Application Site, is tidal flooding (paragraph 9.1.5). The FRA has shown that the bridge deck itself is not at risk of tidal flooding even in the extreme climate change scenarios tested, however the approach roads to the bridge are shown to be at risk even in

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>the present day flooding scenarios tested (paragraph 9.1.9). With the adoption of mitigation, namely the implementation of the Emergency Preparedness Plan secured as a Requirement in the Draft DCO (Document Reference NCC/GY3RC/EX/082 Planning Inspectorate Reference REP7-007), the Scheme would have slight adverse effects on flood risk at worst, as confirmed in Table 12.18 of the Chapter 12 (Flood Risk). The impact of the Scheme is reduced for the climate change scenarios where the base flood level is higher than for the present day (paragraphs 9.1.10 – 9.1.11). Given the existing level of tidal flood risk within Great Yarmouth, as detailed in the FRA, it has been deemed impractical to provide mitigation to reduce the modest impact of the Scheme on tidal flooding within Great Yarmouth (paragraph 9.1.19).</p> <p>The provision of a Flood Management Plan by the Contractor in their full CoCP is included for in Section 7.2 of the OCoCP (DCO Document 6.16).</p> <p>The FRA concludes that <i>“The Principal Application Site was found to be at risk of surface water flooding and as the Scheme will result in an increase in impermeable area within the Principal Application Site, the Scheme will increase surface runoff from the area. Embedded mitigation within the Scheme design will be included to manage surface water runoff from the Principal</i></p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>Application Site. The risk of surface water flooding to the Scheme during construction is considered to be negligible given the relatively short duration of the construction phase". However, Tthe Drainage Strategy (Appendix 12C in DCO Document 6.2) provides details of how surface water runoff will be managed within the Principal Application Site to avoid an increase in surface water flood risk elsewhere.</i></p>
<p>5.79 NPS NN 5.3.15 NPS for Ports</p>	<p><i>"Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast in consultation with the MMO, the Environment Agency, Natural England, Natural Resource Wales, Scottish Natural Heritage, Local Planning Authorities, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate".</i></p>	<p>As per the conclusions drawn in Chapter 11 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), the Scheme is not expected to affect coastal processes, such as sediment transport or supply, along the Great Yarmouth shoreline. Chapter 11 considers there to be a risk that contaminated sediments in the River Yare could be mobilised during construction of the Scheme and potentially migrate downstream to impact on the coastal water quality. Mitigation has been formulated in consultation with the MMO, EA, NE and Lead Local Flood Authority (Norfolk County Council) (Table 11.4).</p> <p>Mitigation is detailed in paragraph 11.7.1 of Chapter 11 of the ES and summarised in Table 3.6 of the Mitigation Schedule (Document Reference NCC/GY3RC/EX/014, Planning Inspectorate Reference REP1-008). A Requirement is included in Schedule 2 to the Draft DCO (Document Reference</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>NCC/GY3RC/EX/090) to secure the implementation of measures set out in the OCoCP within a full CoCP to be provided by the Contractor.</p> <p>The Applicant has agreed SoCGs with the Environment Agency ('EA'), NE, Norfolk County Council and the Internal Drainage Board ('IDB'); the SoCGs are included in the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010) covering sediment transport (item 23 of table 4.1 (<i>Matters agreed</i>) of the EA SoCG) amongst other matters noted above.</p>
Dust, Odour, Artificial Light, Smoke, Steam (NPS NN) / Dust, Odour, Artificial Light, Smoke and Steam and Insect Infestation (NPS for Ports)		
5.81 – 5.82 NPS NN	<p><i>“Because of the potential effects of these emissions (odour, dust, steam, smoke and artificial light) and in view of the availability of the defence of statutory authority against nuisance claims described previously, it is important that the potential for these impacts is considered by the applicant in their application, by the Examining Authority in examining applications and by the Secretary of State in taking decisions</i></p>	<p>The OCoCP identifies mitigation in relation to the control of fugitive air quality emissions during construction (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014).</p> <p>For example, as set out in paragraph 3.2.2 of the OCoCP, fine material will not be stockpiled to an excessive height in order to prevent exposure to wind or dust nuisance.</p> <p>Section 3.4 in the Statutory Nuisance Statement (Document Reference 6.10; Planning Inspectorate Reference APP-181)</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>on development consents”.</i>	concludes that new lighting introduced by the Scheme is <i>“unlikely to significantly increase the perception of lighting in the construction or operational phases and is not predicted to give rise to any nuisance, nor be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act 1990”.</i>
5.84 – 5.86 NPS NN 5.8.4 – 5.8.6 NPS for Ports	<p><i>“Where the development is subject to an EIA, the applicant should assess any likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light and describe these in the ES”.</i></p> <p><i>In particular, the assessment provided by the applicant should describe:</i></p> <ul style="list-style-type: none"> <i>-the type and quantity of emissions;</i> <i>-aspects of the development which may give rise to emissions during construction, operation and decommissioning;</i> <i>-premises or locations that may be affected by the emissions;</i> <i>-effects of the emission on identified premises or locations; and</i> <i>-measures to be employed in preventing or</i> 	<p>Chapters 6, 7 and 10 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) provide an assessment of likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light as a result of the Scheme. Each Chapter sets out the consultation undertaken with the relevant authority / agency in order to agree the scope and methodology of the assessments.</p> <p>In respect of air quality, Chapter 6 of the ES identifies 10,721 residential dwellings that have the potential to be affected by the Scheme. In addition, cumulative effects upon residential amenity are considered in Chapter 19 (Cumulative Effects) of the ES.</p> <p>Section 3 of the OCoCP sets out measures to be implemented within the Contractor’s full CoCP to mitigate the effects of dust related emissions during construction. Compliance with the OCoCP is secured through Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>Provision for dust and PM₁₀ monitoring is also included within</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>mitigating the emissions.</i></p> <p><i>The applicant is advised to consult the relevant local planning authority and, where appropriate, the Environment Agency about the scope and methodology of the assessment”.</i></p> <p><i>Paragraph 5.8.4 – 5.8.5 of the NPS for Ports identifies that port infrastructure has the potential for infestation of insects.</i></p>	<p>paragraphs 3.3.1 and 3.3.2 of the OCoCP for medium to high risk sites, as defined by the Institute of Air Quality management ('IAQM').</p> <p>Chapter 6 concludes that through adopting the significance criteria in the guidance provided by IAQM, the local air quality impacts associated with the operation of the Scheme (see Paragraph 6.8.60) would not constitute a significant environmental effect.</p> <p>The Statutory Nuisance Statement (Document Reference 6.10; Planning Inspectorate Reference APP-181) identifies the potential for insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance (Paragraph 2.1.2), however, no specific mitigation is proposed.</p>
5.87 NPS NN	The SoS should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of odour, dust, steam, smoke and artificial light. This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.	As noted in the responses to 5.84-5.86 of the NPS NN Above, the Applicant considers that all reasonable steps have been taken to minimise the detrimental impact of any emissions of odour, dust, steam, smoke and artificial light arising from the Scheme.
5.88 NPS	If development consent is granted for a project,	The Statutory Nuisance Statement ('SNS') (Document

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
NN	the SoS should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If the SoS cannot conclude that this is justified, then the defence should be disapplied, in whole or in part, through a provision in the Development Consent Order.	<p>Reference 6.10, Planning Inspectorate Reference APP-181) identifies the matters set out in Section 79(1) of the Environmental Protection Act ('EPA') 1990 in respect of statutory nuisances and considers whether the Scheme would engage one or more of those matters.</p> <p>With mitigation in place, as outlined in the SNS, it is not expected that there would be a breach of section 79(1) of the EPA 1990 during construction or operational activities. Construction activities that have the potential to create a nuisance will be controlled through the measures set out in the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014). Requirement 6 of the draft DCO secures compliance with the measures described in the OCoCP and as such it is not necessary or appropriate to disapply the statutory authority defence in this case.</p>
5.89 NPS NN 5.8.9 – 5.8.10 NPS for Ports	Paragraph 5.89 states that the applicant should provide sufficient information to show that any necessary mitigation will be put into place. Such mitigation should cover both construction and operation phases of development and should consider mitigation concerning emissions of	Section 3 of the Outline Code of Construction Practice (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014) sets out measures to mitigate air quality effects during the construction and operation of the Scheme. Compliance with the measures described in the OCoCP is secured through Requirement 6 of the draft DCO

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p>odour, dust, steam, smoke, artificial light from the development to reduce any loss to amenity which might arise during the construction and operation of the development. A construction management plan may be utilised to organise such mitigation techniques.</p>	<p>(Document Reference NCC/GY3RC/EX/090).</p> <p>Section 3.4 in the Statutory Nuisance Statement (Document Reference 6.10; Planning Inspectorate Reference APP-181) concludes that new lighting introduced by the Scheme is <i>“unlikely to significantly increase the perception of lighting in the construction or operational phases and is not predicted to give rise to any nuisance, nor be prejudicial to health under section 79(1)(fb) of the Environmental Protection Act 1990”</i>.</p>
Flood Risk		
<p>5.91 – 5.93 NPS NN 5.2.4 NPS for Ports</p>	<p>The National Planning Policy Framework (paragraphs 100 to 104) makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. But where development is necessary, it should be made safe without increasing flood risk elsewhere.</p> <p>Para 5.92 of NPS NN outlines the locations where applications for projects should be accompanied by a Flood Risk Assessment ('FRA').</p> <p>Para 5.93 states that an FRA <i>“should identify and</i></p>	<p>An FRA has been undertaken (ES Appendix 12B) (Document Reference 6.2; Planning Inspectorate Reference APP-135). The FRA, along with Chapter 12 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096), considers the risk of all forms of flooding to and from the project. This includes fluvial, tidal, surface and coastal flood risks. The FRA should be read in conjunction with the ES (Chapter 12) and the Drainage Strategy (Appendix 12C, Document Reference 6.2, Planning Inspectorate Reference APP-136). The FRA also considers mitigation, which is set out in Section 7 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014) . Requirement 6 (in Schedule 2 to the draft DCO, Document Reference</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account”.</i></p>	<p>NCC/GY3RC/EX/090) has been prepared to secure the submission of the measures set out in the OCoCP within a full CoCP; Requirement 10 secures an Emergency Preparedness and Response Plan (which includes measures to address flood events) and Requirement 11 secures the detailed design of the surface water drainage system in accordance with the Drainage Strategy.</p> <p>The Scheme is predominantly located within Flood Zone 3 (3a). A sequential test was applied and there is no opportunity to locate the development in Flood Zones 1 or 2 (as reported in paragraph 4.2.3 of the FRA. The Scheme is classified as essential transport infrastructure which has to cross the area at risk (in accordance with Table 2 of the PPG) and therefore the Exception Test is applicable.</p> <p>Part 1 of the Exception Test, as set out in paragraph 5.108 of the NPS NN, requires an applicant to demonstrate that the project provides wider sustainability benefits to the community that outweigh flood risk. The significant wider public and sustainability benefits to which the Scheme would give rise are set out in sections 5.5 and 5.6 (and are summarised in section 9.2) of the Applicant’s Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference APP-188). It is the Applicant’s view (as explained in paragraph 9.3.1 of the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>Case for the Scheme) that these benefits outweigh flood risk. As such, the Applicant considers that Part 1 of the Exception Test is met. For further detail as to why the Applicant considers this to be the case, please refer to the Applicant's commentary below in relation to paragraph 5.106 of the NPS NN.</p> <p>The FRA forms Part 2 of the Exception Test and assesses the risk of flooding to the Scheme over its lifetime and the impacts of the Scheme on flood risk elsewhere, taking into account the future implications of climate change.</p> <p>The design life of the Scheme is 120 years and the FRA deems it appropriate to use the year 2140 for future flood scenarios taking into account climate change as requested by the EA (paragraph 3.1.4 of the FRA). The UKCP09 were considered as part of this assessment but updated climate projections, the UK Climate Projections 2018 ('UKCP18'), were released in November 2018. The EA stated in its consultation response in October 2018 that if the UKCP18 guidance was published before the FRA was finalised, the assessment must consider the new guidance. The UKCP18 guidance has been used to inform the climate change sea level rise scenarios included in the FRA.</p> <p>In summary, the FRA concludes that the most significant source of flooding, in Great Yarmouth as a whole and to the Principal Application Site, is tidal flooding (paragraph 9.1.5). The FRA has</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>shown that the bridge deck itself is not at risk of tidal flooding even in the extreme climate change scenarios tested. Measures to ensure the safety of the bridge during such events will be detailed in the Emergency Preparedness and Response Plan to be produced in accordance with Requirement 10 of the draft DCO (Document Reference NCC/GY3RC/EX/090). However, the approach roads to the bridge are shown to be at risk of flooding, as would be much of the town of Great Yarmouth which the Scheme will serve, even in the present-day flooding scenarios tested (paragraph 9.1.9). With the adoption of mitigation, namely the implementation of the Emergency Preparedness and Response Plan referenced in Table 3.7 of the Mitigation Schedule (Document Reference NCC/GY3RC/EX/014, Planning Inspectorate Reference REP1-008), and secured through Requirement 10 in the draft DCO (Document Reference NCC/GY3RC/EX/090), the Scheme would have slight adverse effects on flood risk at worst, as confirmed in Table 12.18 of ES Chapter 12 (Flood Risk). The impact of the Scheme is reduced for the climate change scenarios where the base flood level is higher than for the present day (paragraphs 9.1.10 – 9.1.11). Given the existing level of tidal flood risk within Great Yarmouth, as detailed in the FRA, it has been deemed impractical to provide mitigation to reduce the modest impact of the Scheme on tidal flooding within Great Yarmouth (paragraph</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>9.1.19).</p> <p>As noted above, the draft DCO includes Requirement 10, which requires the Applicant to submit an Emergency Preparedness and Response Plan for approval in writing by the County Planning Authority following consultation with Great Yarmouth Borough Council ('GYBC'), the lead local flood authority, the EA and other relevant organisations. To address the tidal (breach) residual flood risk, Requirement 10 of the draft DCO requires the Applicant to include a tidal (breach) residual risk analysis with the details to be approved as part of the Emergency Preparedness and Response Plan. This information will be used to inform the detailed emergency preparedness measures.</p> <p>The preparation of a Flood Management Plan by the Contractor as part of its full CoCP is provided for in Section 7.2 of the OCoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-014), to address the risk of flooding during construction.</p> <p>The FRA concludes that surface water runoff from the Principal Application Site will increase as a result of the Scheme, however the Drainage Strategy (Appendix 12C in Document Reference 6.2, Planning Inspectorate Reference APP-136) provides details of how surface water runoff will be managed within the Principal Application Site to avoid an increase in surface water flood risk</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>elsewhere. All sources of flooding are assessed in the FRA but the risk of flooding to the Application Site is negligible for all sources apart from tidal and surface water flooding.</p> <p>On this basis it is considered that the wider sustainability benefits of the Scheme for the community, as set out in the Applicant's Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference APP-188) in response to paragraph 5.106 in the NPS NN, do outweigh flood risk, and that the Exception Test is met.</p> <p>The Applicant has undertaken tidal residual (breach) analysis in advance of Deadline 7, the results of which were submitted at Deadline 7, providing sufficient information to support the FRA (Document Reference 6.2, Planning Inspectorate Reference APP-135) as submitted, giving an indication of the likely risks and parties affected in the event of a breach occurring. The Applicant has agreed an SoCG with the EA, which is included in Appendix C to the Statement of Commonality for the Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010), albeit this particular matter is yet to be fully agreed with the EA (item 1 of Table 5.1 in the SoCG).</p>
5.94 NPS	Paragraph 5.94 states that in preparing an FRA	See response to paragraphs 5.91-93 of the NPS NN above.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
NN 5.2.5 NPS for Ports	<p>the applicant should consider multiple targets, in regard to the Proposed Development, these include;</p> <p><i>“- consider the risk of all forms of flooding arising from the project (including in adjacent parts of the United Kingdom), in addition to the risk of flooding to the project, and demonstrate how these risks will be managed and, where relevant, mitigated, so that the development remains safe throughout its lifetime;</i></p> <p><i>- take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;</i></p> <p><i>- consider the vulnerability of those using the infrastructure including arrangements for safe access and exit;</i></p> <p><i>- include the assessment of the remaining (known as ‘residual’) risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project;</i></p> <p><i>- consider if there is a need to remain operational during a worst case flood event over the</i></p>	<p>The FRA has been prepared in accordance with the requirements of paragraph 5.2.5 of the NPS for Ports.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>development's lifetime;</i></p> <ul style="list-style-type: none"> <i>- provide the evidence for the Secretary of State to apply the Sequential Test and Exception Test, as appropriate".</i> <p>Paragraph 5.2.5 of the NPS for Ports contains additional requirements for FRA, indicating that the minimum requirements for FRAs are that they should:</p> <ul style="list-style-type: none"> <i>"- be proportionate to the risk and appropriate to the scale, nature and location of the project;</i> <i>- consider the risk of flooding arising from the project, in addition to the risk of flooding to the project;</i> <i>- take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;</i> <i>- be undertaken by competent people, as early as possible in the process of preparing the proposal;</i> <i>- consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow</i> 	

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>channels, flood storage areas and other artificial features, together with the consequences of their failure;</i></p> <ul style="list-style-type: none"> <i>- consider the vulnerability of those using the site, including arrangements for safe access;</i> <i>- consider and quantify the different types of flooding (whether from natural or human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made;</i> <i>- consider the effects of a range of flooding events, including extreme events on people, property, the natural and historic environment and river and coastal processes;</i> <i>- consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems;</i> <i>- include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate</i> 	

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>that this is acceptable for the particular project;</i></p> <ul style="list-style-type: none"> <i>- consider if there is a need to be safe and remain operational during a worst case flood event over the development's lifetime; and</i> <i>- be supported by appropriate data and information, including historical information on previous events".</i> 	
<p>5.96 NPS NN</p> <p>5.2.7 NPS for Ports</p>	<p>Paragraph 5.96 states that “applicants <i>for projects which may be affected by, or may add to, flood risk are advised to seek sufficiently early pre-application discussions with the Environment Agency, and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards, sewerage undertakers, highways authorities and reservoir owners and operators</i>”.</p> <p>Such consultation should be used to identify the likelihood and possible extent and nature of the flood risk, to help scope the FRA.</p>	<p>The EA has been consulted on the scope of the FRA, as set out in Table 12-4 in Chapter 12 of the ES. In addition, Anglian Water (‘AW’) and the IDB have also been consulted during the design stage. The Applicant has agreed SoCGs with the EA (as noted in item 2 of table 4.1 (<i>Matters agreed</i>) of the EA SoCG), AW and the IDB, and these SoCGs are included in the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).</p>
<p>5.98 NPS NN</p>	<p><i>Where flood risk is a factor in determining an application for development consent, the Secretary of State should be satisfied that, where</i></p>	<p>An FRA (ES Appendix 12B) (Document Reference 6.2; Planning Inspectorate Reference APP-135) has been submitted in support of the DCO application, in which details of the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>relevant:</i></p> <ul style="list-style-type: none"> • <i>the application is supported by an appropriate FRA;</i> • <i>the Sequential Test (see the National Planning Policy Framework) has been applied as part of site selection and, if required, the Exception Test (see the National Planning Policy Framework).</i> 	<p>application of the Sequential Test are included (paragraph 4.2.3 in the FRA). Part 1 of the Exception Test is addressed in the Applicant's consideration of and response to NPS NN Paragraph 5.106 (please see commentary below) and the FRA forms Part 2 of the Exception Test.</p>
5.99 NPS NN	<p><i>When determining an application the Secretary of State should be satisfied that flood risk will not be increased elsewhere and only consider development appropriate in areas at risk of flooding where (informed by a flood risk assessment, following the Sequential Test and, if required, the Exception Test), it can be demonstrated that:</i></p> <ul style="list-style-type: none"> • <i>within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and</i> • <i>development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk</i> 	<p>See response to paragraphs 5.91-93 of the NPS NN.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>can be safely managed, including by emergency planning; and priority is given to the use of sustainable drainage systems.</i>	
5.100 NPS NN 5.2.10 NPS for Ports	<i>“For construction work which has drainage implications, approval for the project’s drainage system will form part of any development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any Sustainable Drainage Systems (SuDS), including any necessary access rights to property. The Secretary of State, should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the</i>	<p>A Drainage Strategy (Appendix 12C in Document Reference 6.2, Planning Inspectorate Reference APP-136) has been prepared and provides details of the attenuation required as part of the Scheme.</p> <p>Paragraph 1.6.1 of the Drainage Strategy sets out the Design Standards to be used to develop the drainage strategy into a detailed design. They include:</p> <ul style="list-style-type: none"> • Design Manual for Roads and Bridges - Volume 4 Section 2 based on HD33/16, HA 107/04 and HD45/09; • CIRIA C753 - The SuDS Manual; • Sewers for Adoption 7th Edition 2012; • Guidance on Norfolk County Council’s Lead Local Flood Authority role as Statutory Consultee to Planning (located on Norfolk County Council’s Information for Developers webpage); and • DEFRA - Non-statutory technical standards for sustainable drainage systems. <p>Requirement 11 of the draft DCO (Document Reference NCC/GY3RC/EX/090) has been prepared to secure the</p>

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	<i>applicant, the landowner, the relevant local authority, or another body such as the Internal Drainage Board”.</i>	submission of a surface water drainage system, to be provided in accordance with the Drainage Strategy, and to provide a timetable for implementation. The surface water drainage system is to be approved by the county planning authority following consultation with GYBC, the lead local flood authority, AW, the EA and the IDB, prior to the commencement of the construction of the surface water drainage system.
5.101 NPS NN	If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the SoS can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try and resolve the concerns.	<p>The Applicant has worked closely with the EA on matters relating to flood risk with a view to addressing the EA’s concerns. This engagement is detailed in the Applicant’s SoCG with the EA, set out at Appendix C to the Applicant’s Statement of Commonality for the Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). Table 2.1 in the SoCG details the Applicant’s engagement with the EA in relation to the Scheme.</p> <p>Items 1 and 2 in Table 4.1 <i>Matters Agreed</i> of the SoCG confirm that the EA is content with the additional sensitivity testing undertaken by the Applicant, and that the testing confirms the conclusions of the FRA (Document Reference 6.2, Planning Inspectorate Reference APP-135).</p> <p>In respect the EA's outstanding concerns in respect of tidal</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>residual (breach) risk, the Applicant has carried out additional modelling, the results of which are presented in its Deadline 7 submission – Response to the Environment Agency (Document Reference NCC/GY3RC/EX/078, Planning Inspectorate Reference REP7-003). This confirms that the slight changes in flood extent and velocity are not significant when the flood hazard is compared. The Scheme does not lead to new areas of 'danger to most' and the modelling concludes that the overall effect of the Scheme does not lead to new areas being at risk or to an increase in hazard within the flooded area in the event of a breach of the existing flood defences.</p> <p>Item 3 in Table 4.1 (<i>Matters Agreed</i>) of the Applicant's SoCG with the EA confirms that the key parameters for the modelling, the breach locations and the event modelled (5% Annual Exceedance Probability ('AEP')) have been agreed with the EA. At Deadline 8 (REP8-004) the Environment Agency confirmed that most matters of concern have been addressed by the Applicant with the exception of a request for the results of the residual tidal (breach) analysis to be presented in the form of figures showing the difference in flood depth matching the flood extents identified. The Applicant has submitted this information at Deadline 9. The Applicant anticipates that the Environment Agency will be in a position to confirm that it is now content with</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>the consideration of flood risk before the close of the Examination.</p> <p>The Applicant considers that tidal residual (breach) risk is adequately addressed and examined. Nevertheless, the Applicant has also committed to providing further analysis, to inform the preparation of the Emergency Preparedness and Response Plan, required before the Scheme opens for public use in accordance with Requirement 10(3) of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>In the circumstances, the Applicant considers that all reasonable steps have been taken by the Applicant to resolve the concerns of the EA.</p>
5.102 NPS NN	<p>The SoS should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others. However, the nature of linear infrastructure means that there will be cases where:</p> <ol style="list-style-type: none"> 1. upgrades are made to existing infrastructure in an area at risk of flooding; 2. infrastructure in a flood risk area is being replaced; 	<p>The Scheme is a committed development and, given its nature, is unavoidably located within, and serves areas in, Flood Zone 3.</p> <p>Given the baseline level of flood risk within Great Yarmouth, it is not possible to completely remove the risk of flooding to the Scheme access roads during tidal flood events. Ideally, all elements of the Scheme would be raised above the 0.5% AEP Climate Change tidal flood level but this would involve significant raising of the approach roads to the bridge and would likely render the design impractical (paragraph 7.2.5, FRA).</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<ol style="list-style-type: none"> 3. infrastructure is being provided to serve a flood risk area; and 4. infrastructure is being provided connecting two points that are not in flood risk areas, but where the most viable route between the two passes through such an area. 	<p>The requirement to submit an Emergency Preparedness and Response Plan for approval in writing by the County Planning Authority following consultation with GYBC, the lead local flood authority, Norfolk Fire and Rescue, Norfolk Constabulary and the EA, is included in Requirement 10 of the DCO (Document Reference NCC/GY3RC/EX/090). The Emergency Preparedness and Response Plan must include provision as to the actions and measures to be taken to prepare and respond to emergencies including flood events.</p> <p>In terms of the impact of the Scheme on flood risk elsewhere, paragraph 9.1.21 of the FRA concludes that two properties would experience a moderate adverse impact in the Present Day scenario and for other receptors in Great Yarmouth there is only a slight adverse impact in the Present Day and Climate Change scenarios. The FRA concludes it would be impractical to provide specific mitigation for the two properties to reduce the level of flooding in these circumstances, however, the implementation of measures within the Emergency Preparedness and Response Plan would mean that the significance of flooding to the two properties in question would be reduced from moderate adverse to slight adverse.</p>
5.103 NPS	The design of linear infrastructure and the use of embankments in particular, may mean that linear	It is recognised that linear infrastructure projects have the potential to simultaneously reduce the risk of flooding. Due to

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
NN	infrastructure can reduce the risk of flooding for the surrounding area. In such cases the SoS should take account of any positive benefit to placing linear infrastructure in a flood-risk area.	the nature and position of the Scheme, opportunities to reduce flood risk in this regard are not apparent.
5.104 NPS NN	Where linear infrastructure has been proposed in a flood risk area, the SoS should expect reasonable mitigation measures to have been made, to ensure that the infrastructure remains functional in the event of predicted flooding.	<p>The Scheme is a committed development and, given its nature, is unavoidably located within, and serves, land in Flood Zone 3. Given the baseline level of flood risk within Great Yarmouth, it is not possible to completely remove the risk of flooding to the Scheme's access roads during tidal flood events. Ideally, all elements of the Scheme would be raised above the 0.5% AEP Climate Change tidal flood level but this would involve significant raising of the approach roads to the bridge and would likely render the design impractical (paragraph 7.2.5, FRA).</p> <p>The FRA, in paragraph 9.1.20, recommends that the bridge deck of the Scheme is closed for public use (of the highway) during major flooding events in order to prevent vehicles or people becoming stranded. It should be noted that as the major risk of flooding in Great Yarmouth is from tidal sources, which can be predicted 24-48 hours in advance, there is time for event-specific appropriate action to be taken. Once the bridge has been closed, the existing measures to be taken during a flood event in Great Yarmouth, as set out in the existing emergency plan for Great Yarmouth, will apply. The Emergency</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		Preparedness and Response Plan (which the Applicant is required to produce in connection with the Scheme) will include provision as to the actions and measures, such as the closure of the bridge, to be taken during major flood events. The requirement to submit an Emergency Preparedness and Response Plan for approval in writing by the County Planning Authority, following consultation with GYBC, the lead local flood authority, Norfolk Fire and Rescue, Norfolk Constabulary and the EA, is included in Requirement 10 of the draft DCO (Document Reference NCC/GY3RC/EX/090).
5.105 NPS NN 5.2.13 NPS for Ports	<i>"Preference should be given to locating projects in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, then projects can be located in Flood Zone 2. If there is no reasonably available site in Flood Zones 1 or 2, then national networks infrastructure projects can be located in Flood Zone 3, subject to the Exception Test. If the development is not essential transport infrastructure that has to cross the area at risk, it is not appropriate in Flood Zone 3b, the functional floodplain where water has to flow and be stored in times of flood".</i>	The Scheme is predominantly located within Flood Zone 3 (3a). A sequential test was applied and there is no opportunity to locate the development in Flood Zones 1 or 2 (as reported in paragraph 4.2.3 of the Flood Risk Assessment (ES Appendix 12B in Document Reference 6.2, Planning Inspectorate Reference APP-097). The Scheme is classified as essential infrastructure which has to cross the area at risk and therefore the Exception Test is applicable.
5.106 NPS	<i>"If, following application of the Sequential Test, it</i>	In order to meet Part 1 of the Exception Test it must be

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
NN 5.2.14 – 5.2.15 NPS for Ports	<p><i>is not possible, consistent with wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3a, the Exception Test can be applied. The test provides a method of managing flood risk while still allowing necessary development to occur.</i></p> <p><i>The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site, taking into account the need for essential infrastructure to remain operational during floods”.</i></p> <p><i>“It may also be appropriate to use it [the Exception Test] where, as a result of the alternative site(s) at lower risk of flooding being subject to national designations such as landscape, heritage and nature conservation designations, e.g. Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS), it would not be appropriate to require the development to be located on the alternative site(s)”.</i></p>	<p>demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk. Both the NPS NN and the NPS for Ports state that this is to include benefits (including need) for the infrastructure, as set out in Chapter 2 of the NPS NN.</p> <p>In making a Direction (Planning Inspectorate Reference OD-001) under section 35 of the Planning Act 2008, confirming he was satisfied the Scheme was nationally significant, the SoS noted the nationally significant role the Port plays in the renewable energy sector and the offshore gas and oil industry. Section 4 of the Case for the Scheme confirms the vital transport and regeneration needs case for the Scheme, highlighting the current lack of connectivity between the SRN and the South Denes peninsula and associated problems this has for Great Yarmouth’s highway network as a whole. The lack of a direct link between the SRN and the Port forces heavy traffic onto unsuitable routes within the town centre causing severe congestion and delays. Unless resolved, the town suffers from a lack of the resilient transport infrastructure necessary to capitalise on the planned investment whilst regenerating its town centre and maintaining a thriving visitor economy.</p> <p>In the Section 35 Direction (Planning Inspectorate Reference OD-001), the SoS notes that the Scheme will substantially</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>improve connectivity and resilience for port activities, support the delivery of existing and potential renewable energy Nationally Significant Infrastructure Projects ('NSIP's) and support the Port's role as an International Gateway. The benefits of the Scheme, discussed in Section 5 of the Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference APP-188) and summarised in Section 9, support these conclusions.</p> <ul style="list-style-type: none"> • The Scheme would create a more direct and shorter link between the SRN and the Port leading to quicker and more reliable journeys between the two. It would enhance connectivity between the SRN and the Port and in doing so would meet the primary aspirations of the Government's Industrial Strategy and Transport Strategy, which are to create a better-connected transport network and build a stronger economy. Overall, the infrastructure improvements would significantly enhance Great Yarmouth's growing role in supporting the offshore energy sector and would assist the Port in reaping the opportunities associated with the delivery of existing and potential renewable energy NSIPs. • The Scheme would improve connectivity between the South Denes and Beacon Park Enterprise Zone sites, as

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>well as those further afield in Lowestoft, thus creating opportunities for greater synergy between technology and energy related businesses operating within them. It would also connect a greater proportion of the town's labour market to employment areas, such as the existing industrial estates and Port.</p> <ul style="list-style-type: none"> • The Scheme would successfully re-route Port-related traffic away from key links leading into the town centre, such as Haven Bridge, creating capacity for town centre and seafront traffic and reducing congestion, particularly during the peak tourism season. The additional capacity created would support the regeneration of retail, leisure and commercial uses within the town centre, for example within the Waterfront Area. • The Scheme would lead to reduced congestion and improved journey time reliability on the local highway network, particularly on links leading towards the town centre from the west of the town, such as Haven Bridge. It would greatly improve the resilience of the local road network, particularly in relation to the need for planned and emergency closures of Haven Bridge for maintenance and repair purposes. It would also significantly improve connectivity for all transport modes by allowing heavy traffic, including abnormal loads, to be

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>re-routed around the town centre, freeing up the town centre roads for local traffic and NMUs.</p> <ul style="list-style-type: none"> • The Scheme would result in a saving of 54 casualties over the period 2022 to 2081. • The Scheme would provide a quicker route between the west and east of the town for NMUs and would significantly improve accessibility for pedestrians and cyclists, thereby encouraging more sustainable modes of transport and reducing community severance. The Scheme would result in a general improvement in assessed bus journey times with an average saving of 12 seconds (1%) in the AM peak and 42 seconds (3%) anticipated in the PM peak. In addition, the Scheme presents an opportunity for new, more direct bus routes into the South Denes area to be introduced. <p>In terms of the flood risk to be balanced against the sustainability benefits to the community, the FRA (Appendix 12B, Document Reference 6.2, Planning Inspectorate Reference APP-135) concludes that the most significant source of flooding, in Great Yarmouth as a whole and to the Principal Application Site, is tidal flooding (paragraph 9.1.5). The FRA has shown that the bridge deck itself is not at risk of tidal flooding even in the extreme climate change scenarios tested, however the approach</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>roads to the bridge are shown to be at risk even in the present day flooding scenarios tested (paragraph 9.1.9). The impact of the Scheme on the level of flood risk in Great Yarmouth has at worst been found to be moderate (up to 0.1m increase in flood level in a small area) and the impact of the Scheme is reduced for the climate change scenarios where the base flood level is higher than for the present day (paragraphs 9.1.10 – 9.1.11). Given the existing level of tidal flood risk within Great Yarmouth, as detailed in the FRA, it has been deemed impractical to provide mitigation to reduce the modest impact of the Scheme on tidal flooding within Great Yarmouth (paragraph 9.1.19).</p> <p>The requirement to submit an Emergency Preparedness and Response Plan for approval in writing by the County Planning Authority following consultation with GYBC, the lead local flood authority Norfolk Fire and Rescue, Norfolk Constabulary and the EA, is included in Schedule 2 of the DCO at Requirement 10 (Document Reference NCC/GY3RC/EX/090).</p> <p>The preparation of a Flood Management Plan by the Contractor in their full CoCP is provided for in Section 7.2 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014).</p> <p>The FRA concludes that surface water runoff from the Principal Application Site will increase as a result of the Scheme, however</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>the Drainage Strategy (Appendix 12C Document Reference 6.2, Planning Inspectorate Reference APP-136) provides details of how surface water runoff will be managed within the Principal Application Site to avoid an increase in surface water flood risk elsewhere. All sources of flooding are assessed in the FRA but the risk of flooding to the Application Site is negligible for all sources apart from tidal and surface water flooding.</p> <p>The FRA concludes that surface water runoff from the Principal Application Site will increase as a result of the Scheme, however the Drainage Strategy (Appendix 12C Document Reference 6.2, Planning Inspectorate Reference APP-136) provides details of how surface water runoff will be managed within the Principal Application Site. The FRA concludes it would be impractical to provide specific mitigation for the two properties experiencing a moderate adverse impact to reduce the level of flooding in these circumstances, however, the implementation of measures within the Emergency Preparedness and Response Plan would mean that the significance of flooding to the two properties in question would be reduced from moderate adverse to slight adverse. All sources of flooding are assessed in the FRA but the risk of flooding to the Application Site is negligible for all sources apart from tidal and surface water flooding.</p> <p>On this basis, it is considered that the Scheme would deliver</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		wider sustainability benefits to the community that outweigh flood risk and as such Part 1 of the Exception Test is met.
5.108 NPS NN 5.2.16 NPS for Ports	States that to pass the Exception Test, it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh the flood risk and a FRA must demonstrate that the project will be safe in its lifetime without increasing flood risk elsewhere and where possible to reduce overall flood risk.	<p>The Exception Test has been applied, as per response to paragraph 5.106 of the NPS NN above.</p> <p>As stated in paragraph 7.2.5 of the FRA, the bridge itself, which is a safety critical element, remains operational and safe during all flood events modelled but the access roads leading to the bridge do not. Given the baseline level of flood risk within Great Yarmouth, it is not possible to completely remove the risk of flooding to the access roads during tidal flood events. Ideally, all elements of the Scheme would be raised above the 0.5% AEP Climate Change tidal flood level but this would involve significant raising of the approach roads to the bridge and would likely render the design impractical (paragraph 7.2.5, FRA).</p> <p>The requirement to submit an Emergency Preparedness and Response Plan for approval in writing by the County Planning Authority following consultation with GYBC, the lead local flood authority, Norfolk Fire and Rescue, Norfolk Constabulary and the EA, is included in Schedule 2 to the DCO (Document Reference NCC/GY3RC/EX/090). The Emergency Preparedness and Response Plan must include provision as to the actions and measures to be taken, such as the closure of the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>bridge, during major flood events.</p> <p>As noted in paragraphs 2.1.37 to 2.1.38 of the Applicant's Response to Request for Further Information (Rule 17) (Document Reference GY3RC/EX/077, Planning Inspectorate Reference REP7-002), the new bridge design includes an emergency operation mode which, when activated, will allow the bascule bridge to raise to allow safe vessel passage in emergency events. The Applicant considers, therefore, that the bridge will remain safe in the flood events assessed.</p> <p>In terms of the impact of the Scheme on flood risk elsewhere, paragraph 9.1.21 of the FRA concludes that two properties would experience a moderate adverse impact in the Present Day scenario and for other receptors in Great Yarmouth there is only a slight adverse impact in the Present Day and Climate Change scenarios. The FRA concludes it would be impractical to provide specific mitigation for the two properties to reduce the level of flooding in these circumstances, however, the implementation of measures within the Emergency Preparedness and Response Plan would mean that the significance of flooding to the two properties in question would be reduced from moderate adverse to slight adverse.</p> <p>The approach roads are expected to be affected by flooding where the levels start to approach the 0.5% AEP H++ event.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		However, there is a reduction in approach road flood depths predicted with the Scheme, compared to the baseline, in the 0.5% AEP H++ climate change event.
5.109 NPS NN 5.2.27 NPS for Ports	States that that <i>“any project that is classified as ‘essential infrastructure’ and proposed to be located in Flood Zone 3a or b should be designed and constructed to remain operational and safe for users in times of flood; and any project in Zone 3b should result in no net loss of floodplain storage and not impede water flows”</i> .	As per response to paragraph 5.108 of NPS NN above.
5.110 – 5.113 NPS NN 5.2.21 – 5.2.24 NPS for Ports	<p>Outlines guidance with regards to flood risk mitigation. Sustainable approaches to surface water drainage management are identified as follows:</p> <ul style="list-style-type: none"> • <i>“source control measures including rainwater recycling and drainage;</i> • <i>infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities;</i> • <i>filter strips and swales, which are vegetated features that hold and drain</i> 	<p>A Drainage Strategy (Appendix 12C) (Document Reference 6.2; Planning Inspectorate Reference APP-136) provides details of the attenuation required as part of the Scheme and is secured in a Requirement in Schedule 2 to the DCO (Document Reference NCC/GY3RC/EX/090). Section 2.2 and 2.3 of the Drainage Strategy outline the Scheme drainage design.</p> <p>The Drainage Strategy concludes in Section 3 as follows:</p> <p><i>“For the western side of the Scheme, discharge rates and volumes into receiving waterbodies/systems to be limited, as close as practical, to the greenfield runoff scenario for all events</i></p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>water downhill mimicking natural drainage patterns;</i></p> <ul style="list-style-type: none"> <i>• filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed;</i> <i>• basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding; and</i> <i>• flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding”.</i> <p><i>“Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</i></p> <p><i>The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect”.</i></p>	<p><i>up to and including the 1 in 100 year return period event. Where this is not achievable, the post development runoff rates and volumes should not exceed existing scenario values.</i></p> <p><i>The preferred discharge option for the western side of the Scheme is to the IDB ordinary watercourse, however an alternate discharge into the River Yare via pumped system is also considered.</i></p> <p><i>For the eastern side of the Scheme, discharge rates and volumes into receiving waterbodies/systems to be limited, as close as practical, to the greenfield runoff scenario for all events up to and including the 1 in 100 year return period event. Where this is not achievable, the post development runoff rates should not exceed 10l/s as defined by AW.</i></p> <p><i>An adequate inclusion of attenuation, pollution treatment and SuDS is to be included within the Contractor’s detailed drainage design”.</i></p> <p>Requirement 11 of the draft DCO (Document Reference NCC/GY3RC/EX/090) requires the approval of written details of the surface water drainage system, including measures for the management of flood risk, to be approved by the County Planning Authority prior to the commencement of any part of the drainage system. GYBC, the lead local flood authority, AW, the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		EA and the IDB are all required to be consulted on the detailed design of the drainage scheme, which must be in accordance with the Drainage Strategy.
5.114 NPS NN 5.2.25 NPS for Ports	<i>"It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation".</i>	As per above response to paragraphs 5.110 – 5.113 of the NPS NN.
5.115 NPS NN 5.2.26 NPS for Ports	<i>"The sequential approach should be applied to the layout and design of the project. Vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using SuDS".</i> Paragraph 5.2.26 of the NPS for Ports outlines	The Scheme is predominantly located within Flood Zone 3 (3a). The sequential test was applied and there is no opportunity to locate the development in Flood Zones 1 or 2 (as reported in paragraph 4.2.3 of the Flood Risk Assessment (ES Appendix 12B in Document Reference 6.2, Planning Inspectorate Reference APP-135). As stated in Section 2.3 of the Drainage Strategy (Appendix 12C, Document Reference 6.2, Planning Inspectorate Reference APP-136) opportunities to utilise swales and ponds are to be incorporated in the detailed design for the western side of the Scheme, providing amenity and habitat creation benefits as well

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	similar requirements.	as fulfilling attenuation and treatment purposes.
5.2.28 NPS for Ports	<p><i>“The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood warning and evacuation plans should be in place for those areas at an identified risk of flooding. Applicants should take advice from the emergency services when producing an evacuation plan for the project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA”.</i></p>	<p>Paragraph 9.1.20 of the FRA (Document Reference 6.2, Planning Inspectorate Reference APP-135) states <i>“The response to significant flood events is coordinated by the Norfolk Resilience Forum (made up of the emergency services, local authorities, volunteer organisations and PPGY), any response is based on the predicted severity of the flood event. However, any existing emergency procedures will not address the issues specific to the Scheme and additional mitigation is recommended”.</i></p> <p>An Emergency Preparedness and Response Plan, which must include provision as to the actions and measures to be taken, such as the closure of the bridge, during major flood events, will be provided in accordance with a Requirement in Schedule 2 to the draft DCO (Document Reference NCC/GY3RC/EX/090). The Emergency Preparedness and Response Plan will be submitted for approval in writing by the County Planning Authority, following consultation with GYBC, Norfolk Fire and Rescue, Norfolk Constabulary, the lead local flood authority and the EA, as required by Requirement 10 of the DCO (Document Reference NCC/GY3RC/EX/090).</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		The preparation of a Flood Management Plan by the Contractor in their full CoCP is provided for in Section 7.2 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014) the provision of which is secured by Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).
Land Instability		
5.117 – 5.118 NPS NN	<p><i>“Where necessary, land stability should be considered in respect of new development, as set out in the National Planning Policy Framework and supporting planning guidance. Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land instability. If land stability could be an issue, applicants should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority if necessary.</i></p> <p><i>A preliminary assessment of ground instability should be carried out at the earliest possible</i></p>	<p>Chapter 16 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) assesses land stability. Paragraph 16.5.8 states that <i>“The Principal Application Site is not underlain by historical mining, coal mining activities, non-coal mining activities, non-coal mining cavities, natural cavities, brine extraction, gypsum extraction, tin mining, kaolin or ball clay and none are recorded within 1,000m of the study area”.</i></p> <p><i>“The GroundSure Report also provides the following information on natural ground subsidence:</i></p> <ul style="list-style-type: none"> <i>• Shrink-swell clay: Negligible to low risk;</i> <i>• Ground dissolution of soluble rocks: Negligible risk;</i> <i>• Compressible deposits: Negligible to high risk;</i> <i>• Collapsible deposits: Negligible to very low; and</i> <i>• Running sands: Very low to moderate risk”.</i> <p>Paragraph 16.5.10 of the ES concludes that <i>“The Scheme</i></p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>stage before a detailed application for development consent is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development. The site needs to be assessed in context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report”.</i></p>	<p><i>involves significant earthworks and infrastructure to be constructed close to a river and quay wall. The potential loadings are high and could lead to land stability issues close to the quay wall if the foundations are insufficient. Piled foundations are therefore proposed for both the highway embankments and the bridge structure / cofferdam and therefore land stability issues are not considered likely to exist with suitable foundation design and construction working practices and are not considered further”.</i></p> <p>In this context, the Applicant is content that the Scheme appropriately accounts for land stability.</p>
5.119 NPS NN	<p><i>“Applicants have a range of mechanisms available to mitigate and minimise risks of land instability. These include:</i></p> <ul style="list-style-type: none"> <i>-Establishing the principle and layout of new development, for example avoiding mine entries and other hazards.</i> <i>-Ensuring proper design of structures to cope with any movement expected, and other hazards such as mine and/or ground gases;</i> 	<p>As per above commentary provided in response to paragraphs 5.117 – 5.118 of the NPS NN.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p>or</p> <p><i>-Requiring ground improvement techniques, usually involving the removal of poor material and its replacement with suitable inert and stable material. For development on land previously affected by mining activity, this may mean prior extraction of any remaining mineral resource”.</i></p>	
The historic environment		
5.125 NPS NN	<p><i>The SoS should also consider the impacts on other non-designated heritage assets (as identified either through the development plan process by local authorities, including ‘local listing’, or through the nationally significant infrastructure project examination and decision making process) on the basis of clear evidence that the assets have a significance that merits consideration in that process, even though those assets are of lesser value than designated heritage assets.</i></p>	<p>Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) reports the outcome of an assessment of likely significant effects arising from the Scheme upon cultural heritage.</p> <p>The assessment within Chapter 9 considers non-designated heritage assets within a 500m Study Area around the Principal Application Site (Document Reference 6.1, Paragraph 9.4.9, Planning Inspectorate Reference APP-096). Eighteen below ground heritage assets are recorded within the Principal Application Site ((Document Reference 6.1, Paragraph 9.5.19; Planning Inspectorate Reference APP-096).</p> <p>Chapter 9 identifies the potential for significant effects on eight non-designated below ground heritage assets during the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>construction phase:</p> <ul style="list-style-type: none"> • The Icehouse and Three Salt Stores (HER 55685); • Wharf side Buildings (WSP09); • Fish Wharf (WSP10); • Site of buildings on west side of Southtown Road (WSP11, WSP12 and WSP13); and • Site of 19th century house (WSP08) and Site of Marsh House (WSP14). <p>The sensitivity of these assets is judged to be low based on the currently available evidence. Mitigation is provided in the form of either preservation in-situ or preservation by record as informed by a programme of evaluation, as set out in the Archaeological Written Scheme of Investigation ('WSI') (Document Reference 6.9, Planning Inspectorate Reference APP-180). The WSI is secured by a Requirement in Schedule 2 to the DCO (Document Reference NCC/GY3RC/EX/090). Residual construction phase impacts on the non-designated assets are predicted to reduce to long term neutral or slight (not significant).</p>
5.126 NPS NN	<i>"Where the development is subject to EIA the applicant should undertake an assessment of any likely significant heritage impacts of the proposed project as part of the EIA and describe these in</i>	Chapter 9 of the ES (Document 6.1, Planning Inspectorate Reference APP-096) includes an assessment of the likely significant effects on designated and non-designated heritage assets as a result of the Scheme.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>the ES</i>".</p> <p>Similar requirements are outlined in the NPS for Ports at paragraphs 5.12.6 and 5.12.7.</p>	<p>A summary of effects for cultural heritage is outlined in Section 9.11 and Table 9.10 of Chapter 9, as follows:</p> <ul style="list-style-type: none"> • During the construction phase, there is the potential for significant effects on eight non-designated below ground heritage assets within the Principal Application Site. With mitigation, effects are reduced to neutral to slight (not significant); • During the construction phase, there is the potential for currently unknown below ground archaeological assets of unknown sensitivity, but effects could vary from negligible to very high level. With mitigation, effects are reduced to slight adverse (not significant) to moderate (significant); • During the operation phase, there is the potential that below ground archaeological remains present in the Principal Application Site would be adversely impacted through changes in the local hydrology, resulting in the compaction, desiccation or waterlogging of below ground remains. Residual effects would range from neutral (not significant) to moderate (significant) with mitigation, depending on the sensitivity of the assets changed; • The paleoenvironmental assessment notes that there is the potential for residual effects ranging from neutral to slight adverse (not significant) where deposits are

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>preserved in-situ, and moderate (significant) where any change would occur;</p> <ul style="list-style-type: none"> • There are two non-designated built heritage assets within the Principal Application Site which would be demolished during the construction phase. Residual effects after mitigation are predicted to be slight (not significant); and • Significant effects are anticipated on the settings of the Grade I Nelson's Monument (NHLE 1246057) and Grade II Listed Gas Holder (NHLE 1096789) during both construction and operation as a result of the visual intrusion of the road, bridge, control tower and plant room. There are no mitigation measures proposed to reduce or remove the temporary adverse impacts on the setting of these Grade I and Grade II Listed Buildings during the construction or operational phases. The Scheme would cause Less than Substantial Harm to the Grade I Nelson's Monument and the Grade II Gas Holder.
5.127 NPS NN 5.12.7 NPS for Ports	<i>"The applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal"</i>	<p>Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) describes the significance of historic environment assets. The assessment has been carried out based on both desk study and fieldwork and included a review of the Norfolk Historic Environment Record.</p> <p>The response provided to NPS NN paragraph 5.126 above</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p><i>on their significance. As a minimum the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation”.</i></p> <p>The requirement stated in Paragraph 5.12.7 of the NPS for Ports is similar to that in the NPS NN.</p>	<p>provides a summary of the effects of the Scheme on Cultural Heritage.</p> <p>Mitigation in order to minimise the impact of the Scheme is set out in Section 9.9 of the ES and in accordance with the Archaeological WSI (Document Reference 6.9, Planning Inspectorate Reference APP-180). A Requirement has been included in the DCO to ensure that construction work must be carried out in accordance with the WSI (Schedule 2 to the draft DCO, Document Reference NCC/GY3RC/EX/090).</p> <p>The Scheme will require two sets of 19th century terraced housing (on Southtown Road and Queen Anne’s Road (non-designated heritage assets) (Table 9.10) to be demolished. The demolition works will be subject to a programme of building recording prior to commencement as set out in the WSI.</p>
5.129 NPS NN	<p><i>In considering the impact of a proposed development on any heritage assets, the SoS should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal</i></p>	<p>Paragraph 9.4.18 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) recognises the potential impact of the Scheme on the significance of heritage assets and the value that they hold for this and future generations, stating “assessment of the value of cultural heritage assets has involved consideration of the heritage interest of the asset to this and future generations. That interest may be archaeological, architectural, artistic or historic, and may derive not only from the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>asset's physical presence, but also from its setting, and from individual or group qualities, either directly or potentially".</i></p> <p>Table 9.10 and Section 9.11 of Chapter 9 of the ES summarise the potential effects upon the designated and non-designated features identified and assesses their significance prior to and following the application of mitigation. Mitigation will be in the form of preservation in-situ or through preservation by record and is set out in an Archaeological WSI (Document Reference 6.9, Planning Inspectorate Reference APP-180). The WSI is secured by Requirement 14 of the DCO (Document Reference NCC/GY3RC/EX/090).</p>
5.131 NPS NN 5.12.13 NPS for Ports	<p><i>"Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II* Listed Buildings, Registered Battlefields, and grade I and II* Registered Parks and</i></p>	<p>Paragraph 9.11.6 in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) concludes that the Scheme would result in significant effects on the setting of the Grade I Nelson's Monument (NHLE 1246057) and Grade II Listed Gas Holder (NHLE 1096789) during both construction and operation as a result of the visual intrusion of the road, bridge, control tower and plant room. In both cases paragraphs 9.11.7 – 9.11.8 of the ES conclude that the Scheme would cause Less than Substantial Harm to the designated heritage assets.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>Gardens should be wholly exceptional”.</i>	
5.134 NPS NN	Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.	<p>The Scheme would deliver substantial public benefits which outweigh the less than substantial harm to Grade I Nelson’s Monument (NHLE 1246057) and Grade II Listed Gas Holder (NHLE 1096789), as set out below.</p> <p>Section 4 of the Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference APP-188) confirms the vital transport and regeneration needs case for the Scheme, highlighting the current lack of connectivity between the SRN and the South Denes peninsula and associated problems this has for Great Yarmouth’s highway network as a whole. The lack of a direct link between the SRN and the Port forces heavy traffic onto unsuitable routes within the town centre, causing severe congestion and delays. Unless resolved, the town suffers from a lack of the resilient transport infrastructure necessary to capitalise on the planned investment whilst regenerating the town centre and maintaining a thriving visitor economy.</p> <p>In his Section 35 Direction (Planning Inspectorate Reference OD-001), the SoS notes that the Scheme will substantially improve connectivity and resilience for port activities, support the delivery of existing and potential renewable energy NSIPs and supports the Port’s role as an International Gateway. The</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>benefits of the Scheme, discussed in Section 5 of the Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference APP-188) and summarised in Section 9, support these conclusions.</p> <p>Paragraph 9.11.7 in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) states that the Scheme would not result in a significant change to the architectural, historical and artistic interest of the Nelson's Monument and that it would only slightly reduce the contribution the setting makes in a few locations in the wider setting by diminishing its visual prominence. The introduction of the Scheme would provide new opportunities to view the asset from the bridge itself.</p> <p>Paragraph 9.11.8 in Chapter 9 of the ES states that the introduction of the Scheme would not impact significantly on the architectural interest of the Gas Holder, as there would be no direct physical impacts, and would not change the historic value in any way. The asset has unintentionally become a prominent feature in the wider landscape and the Scheme would impact on the asset by reducing and removing some views towards it.</p> <p>On this basis it is considered that the substantial public benefits delivered by the Scheme outweigh the less than substantial</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>harm identified to two designated heritage assets.</p> <p>The SoCG agreed with Historic England, contained in Appendix B of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010) confirms that Historic England agrees with the Applicant's assessment of significance of key heritage assets and its assessment of the Scheme's effects on listed buildings. Historic England's written representation (REP1-011) confirms its agreement with the Applicant's assessment that the Scheme would give rise to less than substantial harm to designated heritage assets.</p>
5.137 NPS NN	<p><i>"Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".</i></p>	<p>Paragraphs 9.11.6 – 9.11.8 in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) conclude that the Scheme would result in significant effects on the setting of the Grade I Nelson's Monument (NHLE 1246057) and Grade II Listed Gas Holder (NHLE 1096789) but that in both cases the harm caused would be less than substantial, with the wider benefits of the Scheme outweighing the less than substantial harm on the designated heritage assets, as outlined in response to paragraph 5.134 of the NPS NN above.</p> <p>Paragraph 9.5.47 in Chapter 9 of the ES confirms that the value</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>of the remaining assets identified within the study area, including Conservation Areas, would not be impacted upon to result in significant effects.</p> <p>A full description of these assets, the contribution of the setting, the impacts and resulting effects are presented in the Heritage Desk Based Assessment (Document Reference 6.2, Appendix 9B; Planning Inspectorate Reference APP-124).</p>
5.140 NPS NN	<p><i>“Where the loss of the whole or part of a heritage asset’s significance is justified, the Secretary of State should require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the importance and the impact. Applicants should be required to deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated in a local museum or other public depository willing to receive it”.</i></p>	<p>The construction phase would require the demolition of the non-designated late 19th century terraced buildings on Southtown Road (WSP06) and Queen Anne’s Road (WSP04) to accommodate the Scheme. The remaining built heritage assets will be retained and therefore will not be subject to direct physical impacts.</p> <p>Paragraph 9.5.40 in Chapter 9 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) confirms that a programme of historic building recording in advance of the demolition of the buildings is set out in the Archaeological WSI (Document Reference 6.9, Planning Inspectorate Reference APP-180). Also provided for in the WSI are preservation in situ and preservation by record, as appropriate following a programme of evaluation, for any heritage assets identified. The WSI is secured by Requirement 14 of the draft DCO (Document</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		Reference NCC/GY3RC/EX/090).
Landscape and visual impacts		
5.144 NPS NN 5.11.13 NPS for Ports	<p><i>“Where the development is subject to EIA the applicant should undertake an assessment of any likely significant landscape and visual impacts in the EIA and describe these in the environmental assessment. A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment should include reference to any landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed project. The applicant’s assessment should also take account of any relevant policies based on these assessments in local development documents in England”.</i></p> <p>Paragraph 5.11.3 of the PNPS includes an identical requirement.</p>	<p>Chapter 10 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) sets out a townscape and visual impact assessment (‘TVIA’), which includes an assessment of the likely significant townscape and visual effects of the Scheme.</p> <p>The TVIA references the GYBC Landscape Character Assessment (2008) and the Broads Landscape Character Assessment (2016).</p> <p>The assessment methodology has been agreed with the Broads Authority and Norfolk County Council (as County Planning Authority).</p> <p>The assessment considers and takes account of the regulatory and policy framework. This is set out in Table 10.1 of the ES which references the NPS NN, NPS for Ports, NPPF and other relevant policies.</p>
5.145 NPS NN	<p><i>“The applicant’s assessment should include any significant effects during construction of the project and/or the significant effects of the</i></p>	<p>Chapter 10 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) defines the significant townscape and visual significance (including that of historic</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.11.4 NPS for Ports	<i>completed development and its operation on landscape components and landscape character (including historic landscape characterisation)".</i>	<p>setting) during both construction and operational phases.</p> <p>Section 10.11 provides a summary of the TVIA, which notes:</p> <ul style="list-style-type: none"> • <i>"The assessment predicts that effects would be no greater than Slight Adverse on townscape during construction, with the greatest effects limited to those townscape character areas where the Scheme would be located. There are therefore no significant effects on townscape predicted during construction.</i> • <i>The assessment predicts Slight or Moderate Adverse effects on visual receptors during construction due to the clearance of vegetation, demolition of buildings and construction activities. The greatest effects are predicted to be on associated receptors at Viewpoints 1, 2, 6, 14, 15 and 16.</i> • <i>At Year 1 the greatest operational effects on townscape are predicted to be Slight Adverse to TCA 3 due to a noticeable reduction in tranquillity. A Slight Beneficial effect to TCA 1, and Neutral effects to TCA 2, 4, 5, 6, 7 and 9 are predicted for Year 1. There are therefore no significant operational effects on townscape predicted for Year 1 or beyond.</i> • <i>At Year 1 Moderate Adverse operational effects are predicted on people at Viewpoints 1, 6, 15 and 16, Slight</i>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p><i>Adverse effects on people at Viewpoints 2, 5, 7, 9 and 14 and neutral effects on Viewpoints 3, 4, 8, 10, 11, 12, 13, 17 and 18.</i></p> <ul style="list-style-type: none"> <i>At Year 15 following establishment of embedded mitigation there would be Slight Beneficial operational effects on people at Viewpoints 1 and 16 with a Slight Adverse effect on Viewpoints 6 and 15. There are therefore no significant operational effects on visual amenity predicted for Year 15.</i> <p>A summary of significant effects is provided in Table 10.13.</p>
5.146 NPS NN 5.11.5 NPS for Ports	<i>“The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquillity and nature conservation”.</i>	The assessment in Chapter 10 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) considers the townscape and visual effects of the Scheme in both the construction and operation phases. The assessment includes the temporary effects associated with construction works and the presence of plant on site. The effects of artificial lighting associated with the Scheme are assessed in Section 10.9.
5.152 NPS NN	<i>“There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of</i>	<p>The Scheme is not located in a National Park, the Broads or an Area of Outstanding Natural Beauty. The Broads National Park is located approximately 1km to the northwest of the Scheme.</p> <p>Chapter 10 concludes there are no predicted effects on the</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs vary significantly”.</i>	landscape of The Broads (screened out of the assessment as insignificant, as noted in paragraph 10.4.8). Visual effects on the Broads are considered in viewpoints 17 and 18, which conclude a neutral (not significant) effect during construction and operation.
5.154 – 5.155 NPS NN 5.11.10 NPS for Ports	<p><i>“The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include projects in England which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland.</i></p> <p><i>The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent”.</i></p>	As per response given above to paragraph 5.152 of the NPS NN.
5.156 NPS NN	<i>“Outside nationally designated areas, there are local landscapes that may be highly valued</i>	Paragraph 10.4.20 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) notes that “ <i>The</i>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>locally and protected by local designation. Where a local development document in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development”.</i>	<p><i>Great Yarmouth Borough Landscape Character Assessment (2008) (Ref 10.7) identifies the town of Great Yarmouth as ‘urban’ with no local townscape characterisation.”</i></p> <p>Section 10.5 of the ES defines the baseline and designated sites.</p> <p>Section 10.4.8 confirms that effects on the Venetian Waterways Registered Park and Garden are considered to be insignificant and were therefore not assessed further.</p> <p>With regards to the Conservation Areas, Section 10.11.4 states that no significant effects are predicted on townscape for Year 1 or beyond.</p>
5.158 NPS NN	<i>The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast, especially those defined as Heritage Coast.</i>	<p>Paragraph 10.4.44 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) indicates 18 viewpoint locations were selected as part of the TVIA, which included heritage and cultural locations, alongside side that of residential receptors.</p> <p>Section 10.11 of the ES provides a summary of the TVIA, as noted in the above response to NPS NN paragraph 5.145.</p>
5.160 NPS	<i>“Adverse landscape and visual effects may be</i>	Chapter 10 of the ES (Document Reference 6.1, Planning

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
NN 5.11.17 NPS for Ports	<i>minimised through appropriate siting of infrastructure, design (including choice of materials), and landscaping schemes, depending on the size and type of proposed project. Materials and designs for infrastructure should always be given careful consideration".</i>	<p>Inspectorate Reference APP-096) comprises a TVIA, which includes an assessment of the likely significant townscape and visual effects of the Scheme.</p> <p>It is recognised that due to the location, massing and scale of the development, that bridge structure mitigation is unfeasible in this instance. Therefore, embedded mitigation (public realm improvements, tree planting and vegetated embankments) has instead been incorporated within the proposed design, which seeks to respond to and integrate the Scheme with the existing townscape. Paragraph 10.8.5 notes that <i>“Embedded mitigation is included within the Scheme, and there is no proposed additional mitigation for the Scheme”</i>.</p> <p>Embedded mitigation is further described in Section 6 of the Design Report (Document Reference 7.4; Planning Inspectorate Reference APP-195) and the Landscaping Plans (Document Reference 2.9, Planning Inspectorate Reference APP-014), and the Approach to Detailed Design (document reference 7.4a, Planning Inspectorate Reference APP-196). Requirements 4 and 7 of the draft DCO secure accordance with the Approach to Detailed Design and the Landscaping Plans, with the landscaping proposals being subject to the approval, prior to commencement of the Scheme, of the County Planning Authority following consultation with GYBC and NE.</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		Materials and designs for the Scheme are also considered in the Design Report (Document Number 7.4; Planning Inspectorate Reference APP-195) and in respect of the elements specified in Requirement 5 of the draft DCO (Document Reference NCC/GY3RC/EX/090), are subject to the approval of the County Planning Authority, following consultation with GYBC.
5.161 NPS NN	<i>"It may be appropriate to undertake landscaping off site, although if this occurred any landscaping consented by the order would need to be included in the order limits for the application"</i>	No landscaping outside of the Application Site is proposed as part of the Scheme.
Land use including open space, green infrastructure and Green Belt		
5.165 NPS NN 5.13.5 NPS for Ports	<p><i>"The applicant should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate".</i></p> <p>The approach set out in Paragraph 5.13.5 of the NPS for Ports is the same but the requirement is</p>	<p>Chapter 14 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) identifies existing and proposed land uses within the Principal Application Site and assesses the effects of the Scheme on those uses. The Third River Crossing is designated within the Great Yarmouth Local Plan: Core Strategy 2013 – 2030 (adopted December 2015 under policy CS16 (Improving accessibility and transport)) and its existence is therefore fully accounted for, and supported by, the development plan for the area.</p> <p>Table 19.15 in Chapter 19 of the ES presents those developments considered within the cumulative assessment</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	worded differently.	process. The matrix identifies a total of 57 separate developments.
5.166 NPS NN 5.13.6 NPS for Ports	<p><i>“Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority’s assessment of need for such types of land and buildings”.</i></p> <p>Paragraph 5.13.6 of the NPS for Ports specifies a similar approach.</p>	<p>The Statement of Reasons (Document Reference 4.2; Planning Inspectorate Reference APP-023) confirms there is no ‘Special Category Land’ (for the purposes of sections 131 and 132 of the Planning Act 2008) within the Order Limits.</p> <p>The definition of ‘open space’ in the context of NPS NN is found in footnote 105, and is as follows:</p> <p><i>“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”</i></p> <p>Neither the MIND Centre and Grounds, nor the area of ‘Open Amenity Space’ referred to in the GY Core Strategy, and located to the east of Kingsgate Community Centre, is open space in this context, but may be ‘recreational buildings and land’, and therefore paragraph 5.166 of NPS NN is relevant to the Scheme.</p> <p>Land to the east of Kingsgate Community Centre:</p> <p>As reported in Paragraph 8.3.78 of the Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>APP-188), GYBC has noted that <i>“the land is surplus to requirements; it is of no existing or planned recreational or sport value; and it makes a limited contribution to visual amenity in the immediate vicinity of the site”</i>. GYBC has assessed the requirement for replacement of this land elsewhere, and has confirmed that this is not required. GYBC notes that, in this context, <i>“There is an extensive Council owned open recreational space, ‘Southtown Common’, immediately across the road from the site (to the South). Southtown Common already provides significant recreational and sport facilities, and makes a contribution to local visual amenity value. In line with the Council’s current leisure strategy, any additional sports provision or investment for the locality is expected to be provided here”</i> (see the Case for the Scheme, paragraphs 8.3.77 – 8.3.80).</p> <p>MIND Centre and Grounds:</p> <p>It is acknowledged that there is a requirement for land to be replaced by equivalent or better provision in terms of quantity and quality, however this does not preclude the reconfiguration of the site and some loss of land.</p> <p>Whilst there will be a loss of land quantity within the MIND Centre and Grounds, the overall facilities post construction would be of a similar standard and would remain in a suitable location which the users are familiar with. The overall judgement as to whether the ‘lost’ land has been replaced by equivalent or</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>better provision is a planning judgement.</p> <p>As documented in Chapter 3 of the ES, the Scheme design has evolved since the statutory consultation to minimise impacts, and further consultation has taken place with the users of the MIND Centre and Grounds and other relevant consultees. Details of the changes to the developing Scheme design are discussed in Table 10.15 of the Consultation Report (Document Reference 5.1; Planning Inspectorate Reference APP-025) and are shown in Appendix Q3 of the Consultation Report – Appendices (Document Reference 5.2; Planning Inspectorate Reference APP-084).</p> <p>As reported in Section 11.3.2 of the Consultation Report, five responses were received in response to the further consultation on the changes to the Scheme to minimise the impact on the MIND Centre and Grounds. Norfolk County Council and GYBC confirmed that they had no objections to the proposals.</p> <p>As per Table 11-3 of the Consultation Report, the Applicant has confirmed that sites have been identified within the Order Limits to house existing infrastructure and land uses, including the relocation of disabled pathways, labyrinth, nature reserve area, and orchard site.</p> <p>The Applicant has agreed Statements of Common Ground with both Hope (Borough of Great Yarmouth) and Norfolk and</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>Waveney Mind. These SoCGs are included at Appendices R and Q respectively in the Applicant's Statement of Commonality for Statements of Common Ground at Deadline 7 (Document reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).</p> <p>The Applicant has had discussions with both Norfolk and Waveney Mind and GYBC, with regards to the future lease of the Mind Centre and Grounds. Both parties agree to engage in further discussions to develop land transfer and lease agreements.</p> <p>This agreement to cooperate is documented in the SoCG which the Applicant has agreed with GYBC and which is contained within Appendix E of the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).</p> <p>Taking all of the above into account the Applicant is of the view that the Scheme meets the tests in paragraph 5.166 of the NPS NN and paragraph 5.13.6 of the NPS for Ports.</p>
5.168 NPS NN	<i>"Applicants should take into account the economic and other benefits of the best and most</i>	The Scheme is located in an existing urban area and will not result in impacts upon agricultural land.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.13.8 NPS for Ports	<p><i>versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed. Where possible, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this”.</i></p> <p>Paragraph 5.13.8 of the NPS for Ports includes an almost identical requirement.</p>	Chapter 16 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) assesses the effects of the Scheme on soils, and the potential for disturbance of potentially contaminated soil. At paragraph 16.12.6, the assessment concludes that “ <i>There are not considered to be any significant effects upon geology, soils and contamination arising from the Scheme”.</i>
5.169 NPS NN	<p><i>“Applicants should safeguard any mineral resources on the proposed site as far as possible”.</i></p>	As stated in the Case for the Scheme (paragraph 8.3.92) (Document Reference 7.1; Planning Inspectorate Reference APP-188), the Scheme will not conflict with any existing, permitted and allocated mineral extraction and associated

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>development.</p> <p>As stated in Paragraph 15.5.6 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) the <i>“Norfolk Minerals and Waste Core Strategy and Development Framework identifies mineral safeguarding areas. The Scheme is partially underlain by a sand and gravel Mineral Safeguarding Areas. However, the [site of the] Scheme is already sterilised due to development”</i>.</p>
5.174 NPS NN	<i>“The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities”.</i>	As per response given above to paragraph 5.166 of the NPS NN.
5.175 NPS	<i>“Where networks of green infrastructure have</i>	Policy CS18 of the GY Core Strategy defines green

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
NN	<i>been identified in development plans, they should normally be protected from development, and, where possible, strengthened by or integrated within it. The value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account when assessing the impact on green infrastructure”.</i>	<p>infrastructure as public sport, general recreation, children’s play and food production areas.</p> <p>The response given above to paragraph 5.166 of the NPS NN addresses areas of open amenity space identified in the development plan.</p> <p>Allotments owned by the Great Yarmouth and Gorleston Allotment Association Limited will be replaced as part of the Scheme where possession of existing allotments is required to facilitate the Scheme design and delivery.</p> <p>As reported in Section 6.2 of the Design Report (Document Reference 7.4, Planning Inspectorate Reference APP-195), the linear nature of the Scheme design will be utilised to support biodiversity through the implementation of ‘green routes’ to enhance connectivity to Queen Anne’s Road and Suffolk Road from Southtown Road. It is proposed that these routes feature landscaping to benefit biodiversity and add visual interest. The Applicant’s Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference APP-196) provides further details of these corridors. Compliance with the Applicant’s Approach to Detailed Design is secured via Requirements 4 and 7 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.178 NPS NN	<i>When located in the Green Belt national networks infrastructure projects may comprise inappropriate development. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development”.</i>	The Scheme is not located in Green Belt and therefore Green Belt policy is not engaged.
5.179 NPS NN	“Applicants can minimise the direct effects of a project on the existing use of the proposed site, or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.	The Design Report (Document Reference 7.4, Planning Inspectorate Reference APP-195) describes the Scheme design for which consent is sought, and explains how the application of ‘good design’ has been incorporated within the constraints of the Scheme. The Applicant's Approach to Detailed Design (Document Reference 7.4a, Planning Inspectorate Reference

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>APP-196) provides further details. The Applicant's Approach to Detailed Design is secured via Requirements 4 and 7 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>Chapter 16 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) assesses the effects of the Scheme on soils, and the potential for disturbance of potentially contaminated soil. At paragraph 16.12.6, the assessment concludes that <i>"There are not considered to be any significant effects upon geology, soils and contamination arising from the Scheme"</i>. Paragraph 16.9.3 provides details of embedded mitigation to protect soils during construction, including as an example:</p> <ul style="list-style-type: none"> • <i>"...the development of method statements and risk assessments for the various construction activities and use of good construction practices; and</i> • <i>"...All fuel, oil and chemicals would be stored in a designated secure area, with secondary containment provided"</i> <p>The OCoCP (Document Reference NCC/GY3RC/EX/073, Planning Inspectorate Reference REP6-01) includes measures for the protection of soils, compliance with which is secured through Requirement 6 of the draft DCO (Document Reference</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		NCC/GY3RC/EX/090).
5.180 NPS NN 5.13.20 NPS for Ports	<i>“Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of way”.</i>	As per above response to NPS NN paragraphs 5.166 and 5.175.
5.182 NPS NN	<i>“Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources”.</i>	As per response given above to paragraph 5.169 of the NPS NN.
5.183 NPS NN 5.12.23 NPS for	<i>“Where a project has a sterilising effect on land use there may be scope for this to be mitigated through using the land for nature conservation or wildlife corridors”.</i>	Please note response (above) to NPS NN paragraph 5.175. The land required for the Scheme has been safeguarded in the adopted Great Yarmouth Local Plan Core Strategy (adopted December 2015), which was subject to public scrutiny and

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
Ports		<p>independent examination, and therefore there will be no sterilisation effect. Nonetheless, the Applicant has maximised opportunities to secure biodiversity improvements through the design of the Scheme.</p> <p>The Landscaping Plans (Document Reference 2.9, Planning Inspectorate Reference APP-014) include embedded mitigation such as tree, shrub and hedge planting, as well as species rich grass planting to maximise opportunities for nature conservation within the Order Limits.</p> <p>As set out in Paragraph 6.2.29 of the Design Report (Document Reference 7.4, Planning Inspectorate Reference APP-195), either side of the embankment between Southtown Road and the proposed roundabout at William Adams Way, adequate space is required for maintenance access. This offers an opportunity to provide shared pedestrian and cycle routes at this location to enhance connectivity to Queen Anne's Road and Suffolk Road from Southtown Road. It is proposed that these routes feature landscaping to benefit biodiversity and add visual interest, for which reason these routes are referred to as 'green routes'.</p> <p>Specific habitat enhancement measures for water voles are detailed in the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-</p>

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		014). Compliance with the OCoCP is secured through Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090) to secure the implementation of the measures set out in the OCoCP within a full CoCP to be provided by the Contractor.
5.184 NPS NN 5.13.24 NPS for Ports	<i>“Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent”.</i>	Paragraph 14.8.1 in Chapter 14 of the ES, anticipates that the Scheme would cause <i>“temporary disruption and change in accessibility for public routes as a result of temporary road closures and diversions”</i> during the construction phase. In this phase, the <i>“contractor would maintain pedestrian and cycle access and provide reasonable adjustments for inclusive access”</i> . Paragraph 14.8.15 notes a similar issue for access to community resources. Figure 14.3 of the ES (Document Reference 6.3, Planning Inspectorate Reference APP-170) shows the PRoW and facilities within 500m of the Principal Application Site. With regards to the PRoW, the ES (Document 6.1, paragraph 14.8.4, Planning Inspectorate Reference APP-096) states that, for the construction stage <i>“magnitude of change is considered to be minor as there would be no significant increase in journey time. Therefore, there is likely to be a direct, temporary, short-term, slight adverse (not significant) effect on NMUs”</i> .

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		<p>The Figure shows that a Sustrans Cycle Route 517 intersects the Principal Application Site and runs along Southtown Road and Malthouse Lane, which both join William Adams Way. Paragraph 14.8.5 of the ES states that, for the construction stage, <i>“the closure of Southtown Road would be limited, meaning the magnitude of change is considered to be minor as the alteration of the route would be minimal. Therefore, there is likely to be a direct, temporary, short-term, slight adverse (not significant) effect on NMUs”</i>.</p> <p>Section 9.2 of the OCoCP provides additional mitigation relating to temporary public right of way closures required as a result of construction. They include the provision of appropriate and quality diversions which would be established prior to construction. Clear directions for any alternative routes and appropriate alternative diversions would be clearly publicised by the Contractor. Public notices would be issued in advance so to inform local residents and businesses of dates and durations of road and rights of way closures. The Contractor would ensure provision and maintenance of suitable and sufficient signs and barriers indicating temporary and permanent closures to public accesses and rights of way.</p> <p>A cycleway and footpath will be provided as part of the Scheme along the proposed bridge, which would enable pedestrians and</p>

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		cyclists to safely cross the River Yare. As a result, paragraph 14.8.90 in Chapter 14 of ES states “ <i>therefore, there is likely to be a direct, permanent, long-term, moderate beneficial (significant) effect on NMUs crossing the River Yare</i> ”.
Noise and Vibration		
5.189 NPS NN	<p><i>Where a development is subject to EIA and significant noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment, which should form part of the environment statement:</i></p> <ul style="list-style-type: none"> <i>-a description of the noise sources including likely usage in terms of number of movements, fleet mix and diurnal pattern. For any associated fixed structures, such as ventilation fans for tunnels, information about the noise sources including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise.</i> <i>-identification of noise sensitive premises and noise sensitive areas that may be affected.</i> <i>-the characteristics of the existing noise</i> 	<p>Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) considers the significance of noise and vibration effects which may arise due to the Scheme.</p> <ul style="list-style-type: none"> A description of the noise sources is set out in the ES chapter (Section 7.8); There are 10,436 dwelling receptors and 179 other sensitive receptors including other receptors such as schools and community facilities as well as areas of interest to nature conservation and cultural heritage (Section 7.6); The characteristics of the existing noise environment are set out in Section 7.5 of the ES which considers the baseline environment; An assessment of how the noise environment will change, and an assessment of the effect of predicted changes is set out at Section 7.8 of the ES; and Noise and vibration mitigation is set out in Section 7.8 of

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	<p><i>environment.</i></p> <p><i>-a prediction on how the noise environment will change with the proposed development:</i></p> <p><i>-In the shorter term such as during the construction period;</i></p> <p><i>-in the longer term during the operating life of the infrastructure;</i></p> <p><i>-at particular times of the day, evening and night as appropriate.</i></p> <p><i>-an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas.</i></p> <p><i>-measures to be employed in mitigating the effects of noise. Applicants should consider using best available techniques to reduce noise impacts.</i></p> <p><i>-the nature and extent of the noise assessment should be proportionate to the likely noise impact”.</i></p>	<p>the ES and in Table 3.2 of the Mitigation Schedule (Document Reference NCC/GY3RC/EX/014, Planning Inspectorate Reference REP1-008).</p> <p>At Section 7.10, the assessment presented in the ES concludes that:</p> <ul style="list-style-type: none"> • <i>“With appropriate mitigation in place, including compliance with the CoCP, residual significant adverse construction noise and vibration effects remain...”;</i> • <i>“No significant effects are predicted due to construction traffic noise on the existing road network...”;</i> • <i>“Residual significant adverse operational road traffic noise effects are predicted. Opportunities to offset the predicted effects are limited due to the urban nature of the surrounding area. Therefore, significant adverse effects would remain because of the operation of the Scheme, notwithstanding that some receptors may be eligible for noise insulation under the NIR...”;</i> and • <i>“No significant adverse effects are predicted due to the operation of the bridge opening (wig wag) alarm...”.</i> <p>Noise and vibration can have impacts on ecological assets, therefore noise levels at areas of interest to nature conservation have been presented in Tables 7.45 and 7.46 of Chapter 7 to</p>

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		facilitate additional consideration within Chapter 8: Nature Conservation.
5.190 NPS NN	<i>“The potential noise impact elsewhere that is directly associated with the development, such as changes in road and rail traffic movements elsewhere on the national networks, should be considered as appropriate”.</i>	<p>The noise assessment in Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) is based upon the traffic model for the Scheme and as such, operational noise and vibration effects elsewhere on the highway network as a result of the Scheme are considered. Paragraphs 7.4.13 and 7.4.14 of Chapter 7 of the ES state <i>“The study area for the operational noise assessment has been determined using the guidance contained within DMRB HD 213/11, paragraph A1.11. The resulting study area is shown on Figure 7.1. The DMRB HD 213/11 study area requires calculations of noise effects within 600m of new, improved and bypassed routes, and within 600m of any other ‘affected routes’ within 1km of new, improved and bypassed routes. This 600m buffer extent is referred to as the ‘calculation area’”.</i></p> <p>Paragraph 7.4.18 of Chapter 7 confirms that <i>“the study area for operational noise is defined as</i></p> <ul style="list-style-type: none"> -1km from the Scheme carriageway edge (including proposed, bypassed or improved routes), which also encompasses the 600m calculation area; and -50m from any affected routes beyond 1 km”.

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5.191 NPS NN 5.10.6 NPS for Ports	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. The prediction of road traffic noise should be based on the method described in Calculation of Road Traffic Noise. The prediction of noise from new railways should be based on the method described in Calculation of Railway Noise. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) defines the operational and construction noise standards required for the Scheme. Such assessments will include, where relevant, reference to the British Standard, and Calculation of Road Traffic Noise. Operational and construction levels for noise have been defined in accordance with; <ul style="list-style-type: none"> Noise Insulation Regulations 1975 (as amended 1988) (NIR); Environmental Noise (England) Regulations 2006 (S.I. 2006/2238); and Directive 2002/49/EC of the European Parliament – Assessment and management of environmental noise (better known as the Environmental Noise Directive - END).
5.192 NPS NN 5.10.7 NPS for Ports	<i>“The applicant should consult Natural England with regard to assessment of noise on designated nature conservation sites, protected landscapes, protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may</i>	The assessment of acoustics in Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) also takes into account relevant information contained in aspect chapters elsewhere in the ES, including Nature Conservation (Chapter 8). During construction and operation, and with regards to noise and vibration, Chapter 8 concludes that negligible (not

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	<p><i>also need to be taken into account”.</i></p> <p>Paragraph 5.10.7 of the NPS for Ports includes a similar requirement, but also includes a requirement to consult the Environment Agency and the MMO in relation to marine protected species in England.</p>	<p>significant) effects will result from the Scheme on Statutory Sites, benthic ecology and fish, breeding birds and bats prior to the implementation of mitigation measures.</p> <p>Paragraph 8.8.117 in Chapter 8 of the ES concludes that, in relation to effects on water voles due to noise, there would be a minor effect (not significant) prior to the implementation of additional operational phase mitigation measures.</p> <p>Paragraph 8.8.120 – 8.8.121 concludes that, taking into account the local value of bat populations at the Principal Application Site and the current urban environment of the Scheme already being exposed to levels of noise and disturbance operational activities that will directly affect bat populations are unlikely. On this basis Chapter 8 predicts the effects upon bats due to noise would be negligible.</p> <p>Noise and vibration impacts have also been considered on the following European Designated Sites within the HRA (Document Reference 6.11, Planning Inspectorate Reference APP-182);</p> <ul style="list-style-type: none"> • Southern North Sea Candidate SAC; • Outer Thames Estuary SPA; • Breydon Water SPA; • Breydon Water Ramsar; • Great Yarmouth and North Denes SPA;

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		<ul style="list-style-type: none"> • The Broads SAC; • Broadland SPA; and • Broadland Ramsar. <p>The HRA concludes that the Scheme, alone or in combination with any other plan or proposal, would not affect the integrity of any European Site.</p> <p>Table 3-1 in the HRA summarises the content of pre-application consultation with NE, the EA and MMO. Included is advice in relation to the consideration of the effects of noise on habitats and species protected under the Habitat Regulations.</p>
5.193 NPS NN	Developments must be undertaken in accordance with statutory requirements for noise. Due regard must have been given to the relevant sections of the Noise Policy Statement for England, National Planning Policy Framework and the Government's associated planning guidance on noise.	<p>Section 7.1 in Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) recognises the requirement for the proposed development to be in accordance with the Noise Policy Statement for England, the NPPF and the Government's associated planning guidance on noise.</p> <p><i>"The assessment has been informed by relevant policies, legislation, standards and guidelines relating to noise and vibration, the most relevant of which are the Government's Noise Policy Statement for England and the DMRB (Ref 7. Ref 7.12). The content of these and other relevant documents has been summarised in this chapter"</i> (Document Reference 6.1, paragraph 7.1.6; Planning Inspectorate Reference APP-096).</p>

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5.194 NPS NN	The project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. The project should also consider the need for the mitigation of impacts elsewhere on the road and rail networks that have been identified as arising from the development, according to Government policy.	<p>Section 7.8 of Chapter 7 of the ES (Document Reference 6.1; Planning Inspectorate Reference APP-096) states that significant adverse effects are predicted during the operational phase of the Scheme during the short and long-term. Consequently, mitigation measures have been explored to consider whether these effects can be reduced or offset in accordance with paragraph 5.194 of the NPS NN. Consideration has been given to the following mitigation measures:</p> <ul style="list-style-type: none"> • Changing location or alignment of the road; • Changing the height of the road; • Use of low-noise thin surface course system; • Reducing traffic speed; and • Use of roadside acoustic barriers, screens or bunds. <p>As noted in paragraph 7.10.5 of the ES, opportunities for mitigation measures to offset the predicted significant adverse effects are limited due to the urban nature of the surrounding area. Therefore, significant adverse effects remain, notwithstanding that some receptors may be eligible for noise insulation under the NIR. The OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014), upon which the final CoCP will be based, in accordance with Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090), sets out measures to be implemented</p>

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		during construction to mitigate the effects of noise. For example, construction activities would be carefully planned and appropriate plant carefully selected to reduce noise emissions.
5.195 NPS NN	<p>The SoS should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life from noise as a result of the new development; • mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and • contribute to improvements to health and quality of life through the effective management and control of noise, where possible. 	<p>According to the results of DEFRA's strategic noise maps, dwellings in Noise Important Areas ('NIA's) are already exposed to the highest noise levels from major roads and residents are at a greater risk of experiencing a significant adverse impact to health and quality of life. Therefore, a more detailed analysis of the predicted noise levels and noise level changes because of the Scheme has been undertaken at each Noise Sensitive Receptor ('NSR') within each NIA, as presented in Chapter 7 of the ES.</p> <p>In the short-term, there is one short-term significant effect (moderate) in NIA 4989. In the long-term, there are two long-term significant effects (moderate), both in NIA 4989. There are no significant beneficial effects at dwellings within NIAs. Most dwellings experience non-significant effects (slight or neutral); 107 (99%) in the short-term and 106 (98%) in the long-term. Paragraphs 7.8.93 to 7.8.95 of the ES outline the dwellings that are likely to be eligible for improvements under the Noise Insulation Regulations.</p>

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5.196 NPS NN	In determining an application, the SoS should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision was based.	Mitigation measures in respect of noise and vibration are included in Section 4.2 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014). The provision of the measures included in the OCoCP is secured by Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).
5.198 NPS NN 5.10.12 NPS for Ports	<p><i>“Mitigation measures for the project should be proportionate and reasonable and may include one or more of the following:</i></p> <ul style="list-style-type: none"> <i>-engineering: containment of noise generated;</i> <i>-materials: use of materials that reduce noise, (for example low noise road surfacing);</i> <i>-lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural or purpose built barriers;</i> <i>-administration: specifying acceptable noise limits or times of use (e.g., in the case of railway station PA systems)”.</i> <p>Paragraph 5.10.12 of the NPS for Ports identifies</p> 	<p>The following mitigation measures were considered in Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) but discounted due to impracticality reasons (Section 7.8):</p> <ul style="list-style-type: none"> Changing location or alignment of the road: <i>“The third crossing necessarily connects the west side of the river with the port and outer harbour on the eastern side, due to the layout of Great Yarmouth, and therefore any crossing would always pass near existing dwellings”;</i> Changing the height of the road: <i>“To be effective, the new road height would need to block line-of-sight between road and receiver. This would mean either raising/lowering the height of the road above/below the height of the surrounding buildings. No further consideration has therefore been given to route alignment and height changes”;</i>

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	similar requirements, but does not include reference to materials.	<ul style="list-style-type: none"> • Use of low-noise thin surface course system and reducing traffic speed: <i>“Whilst low noise road surfaces are available, these are most effective at higher speeds (around 50 mph and above), where the noise from the tyre and road interaction is dominant. At lower speeds, as in this case, where the engine and exhaust noise is dominant, any noise reduction afforded by such a measure would be minimal. Furthermore, given the route speed is already relatively low, a further reduction in speed is also not considered a viable measure”</i>; and • Use of roadside acoustic barriers, screens or bunds: <i>“Noise barriers are only effective when they break the line of sight between a noise source and the receptor. Therefore, to provide effective noise reduction for properties fronting the existing local road network, a continual barrier would need to be erected along the road edge, and any break in the barrier would negate its value in that location. This would create obvious difficulties for accessing driveways or the pavement from a parked car”</i>. <p>Mitigation measures in respect of noise and vibration are included in Section 4.2 of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-</p>

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		<p>014).</p> <p>During the operational phase, Paragraph 7.8.127 in Chapter 7 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) reports that <i>“the bridge opening alarm effects are not significant and are therefore not considered further (i.e. no mitigation is required)”</i>.</p>
5.199 NPS NN	<p><i>“For most national network projects, the relevant Noise Insulation Regulations will apply. These place a duty on and provide powers to the relevant authority to offer noise mitigation through improved sound insulation to dwellings, with associated ventilation to deal with both construction and operational noise. An indication of the likely eligibility for such compensation should be included in the assessment. In extreme cases, the applicant may consider it appropriate to provide noise mitigation through the compulsory acquisition of affected properties in order to gain consent for what might otherwise be unacceptable development. Where mitigation is proposed to be dealt with through compulsory acquisition, such properties would have to be</i></p>	<p>ES Chapter 7 (Document Reference 6.1, Planning Inspectorate Reference APP-096) confirms that the Scheme <i>conforms with the Noise Insulation Regulations 1975 (as amended 1988) (NIR) by giving the context for the assessment of road traffic noise impacts from the Scheme.</i></p> <p>Chapter 7 provides an indicative count of dwellings that may be eligible for noise insulation. Paragraph 7.8.94 states that an indicative assessment identifies 56 dwellings which may be eligible for noise insulation. These properties are within 300 m of the Scheme, experience a noise level of at least 68 dB LA10,18hr and are predicted to have an increase of at least 1 dB (A) because of the Scheme.</p> <p>At detailed design stage, further analysis will need to be undertaken to determine whether the noise from traffic on the road to which the Regulations apply contributes at least 1 dB</p>

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	<i>included within the development consent order land in relation to which compulsory acquisition powers are being sought”.</i>	LA10,18hr to the Relevant Noise Level. The Applicant's draft DCO does not make express provision for this process as the Applicant will be under a duty to comply with the NIR. The Applicant does not consider the compulsory acquisition of the affected properties to be proportionate and so no provision is made in the draft DCO in this respect.
5.200 NPS NN	<i>“Applicants should consider opportunities to address the noise issues associated with the Important Areas as identified through the noise action planning process”.</i>	There are six NIA identified within the operational study area, containing a total of 108 residential properties (Document Reference 6.1, paragraph 7.8.83; Planning Inspectorate Reference APP-096). In the short-term, one dwelling in NIA 4989 is predicted to experience a minor increase (+1 dB change) in noise level because of the Scheme. The other 107 dwellings are predicted to experience a noise level change in both the short and long-term that is either no change or negligible impact, which are considered imperceptible.
Impacts on transport networks		
5.203 NPS NN	<i>“Applicants should have regard to the policies set out in local plans, for example, policies on demand management being undertaken at the local level”.</i>	The Transport Assessment (‘TA’) (Document Reference 7.2, Planning Inspectorate Reference APP-189), has been prepared taking into account both national and local planning policy and supplementary development guidance. This includes the NPS NN and NPPF as well as the local planning documents of GYBC and the Norfolk Local Transport Plan.

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		The policy review in the Case for the Scheme document (Document Reference 7.1, Planning Inspectorate Reference APP-188) has demonstrated that the Scheme aligns closely to national, regional and local transport plans and policies.
5.204 NPS NN	<i>“Applicants should consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts”.</i>	<p>A summary of consultation responses regarding the scope and methodology of assessment of transport impacts is outlined in Tables 17.2 to 17.4 in Chapter 17 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) and includes responses from NCC, Highways England and DfT.</p> <p>A SoCG has been agreed with Highways England and the current version is included in Appendix G to the Applicant’s Statement of Commonality for Statements of Common Ground at Deadline 7 (Document NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). Item 5 of table 4.1 (<i>Matters agreed</i>) of Appendix G notes that the SRN can accommodate the impact of the Scheme with the proposed mitigation.</p>
5.205 NPS NN	<i>“Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, the applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance</i>	The Case for the Scheme recognises the current deficiencies of the local network to support pedestrian and cyclist movements between Great Yarmouth and the South Denes peninsula (Section 4.3). Chapter 17 of the ES, notably paragraph 17.5.8, (Document Reference 6.1, Planning Inspectorate Reference APP-096) states bus users, cyclists and pedestrians currently

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	<p><i>issues that act as a barrier to non-motorised users”.</i></p>	<p>have long, indirect journeys onto the peninsula, which discourages commuting to work by more sustainable modes.</p> <p>There are no footways on Breydon Bridge and as such the only means of access for pedestrians across the River Yare is provided by Haven Bridge. As a result, for many trips the time and distance involved is significant when compared with the equivalent distance with the Scheme in place. The Scheme will provide a step free, shorter, traffic segregated route for pedestrians and cyclists between the west and east of the town. Furthermore, the Scheme has been designed with due consideration to the safety and convenience of routes for pedestrians and cyclists. These benefits are aimed at ensuring the safety of NMU users, whilst promoting sustainable modes of transport.</p> <p>Section 7.10 of the TA (Document Reference 7.2, Planning Inspectorate Reference APP-189) states there will be a general improvement in bus journey times as a result of the Scheme with an average saving of 12 seconds (1%) in the AM peak and 42 seconds (3%) in the PM peak. In addition, the Scheme presents an opportunity for new, more direct bus routes into the South Denes area to be introduced and initial consultation has been undertaken with representatives from First Bus regarding this. The Scheme also incorporates significant improvements to the</p>

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		bus infrastructure on the western side of the river, by replacing the existing sub-standard bus stop on Southtown Road with an improved bus stop which can accommodate two buses and which ties into the revised pedestrian and cycle routes in the locality.
5.206 NPS NN	<i>“For road and rail developments, if a development is subject to EIA and is likely to have significant environmental impacts arising from impacts on transport networks, the applicant’s ES should describe those impacts and mitigating commitments. In all other cases the applicant’s assessment should include a proportionate assessment of the transport impacts on other networks as part of the application”.</i>	<p>A TA has been prepared (Document Reference 7.2, Planning Inspectorate Reference APP-189) and an assessment of the likely significant effects of the Scheme on traffic and transport is set out within Chapter 17 of the ES.</p> <p>Paragraph 17.10.3 of Chapter 17 concludes that during construction, the Scheme would be likely to have a temporary, slight adverse impact on all traffic and transport effects assessed. In addition, embedded mitigation (discussed in paragraphs 17.7.6 – 17.7.9) measures to mitigate the effects of the Scheme on traffic and transport during construction are set out in the Framework Construction Traffic Management Plan (‘CTMP’). The Framework CTMP forms Appendix A of the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014). The provision of the measures included in the OCoCP is secured in Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>In operation, the ES (Document Reference 6.1, Planning</p>

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		Inspectorate Reference APP-096) chapter concludes that “ <i>the Scheme would have a large beneficial (significant) effect on pedestrian and cyclist journey times and delay, a moderate beneficial (significant) effect for public transport users, driver delay and fear and intimidation of non-motorised users and a slight beneficial effect on collisions and safety</i> ” (paragraph 17.10.4).
5.208 NPS NN	Refers to the preparation of travel plans to mitigate transport impacts.	<p>Having regard to the recommendation in the NPS NN that Travel Plans should be prepared where appropriate, the Applicant is of the view that in the operational phase of the Scheme, a travel plan would not be necessary or appropriate (given that the Scheme itself as a destination will generate only a negligible number of additional trips).</p> <p>During construction, however, appropriate measures are to be delivered through the development of a workforce travel plan. A Framework Travel Plan is appended to the OCoCP, compliance with which is secured through Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p>
5.209 NPS NN	Refers to schemes that impact on the Strategic Road Network. Applicants should have regard to Department for Transport (‘DfT’) Circular 02/2013 The SRN and the delivery of sustainable	<p>DfT Circular 02/2013 requires new schemes to gain approval from Highways England if there is to be an impact on the SRN.</p> <p>The Applicant and Highways England have been working closely together throughout the development of the Scheme, and have</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	development (or prevailing policy) which sets out the way in which the highway authority for the SRN, will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the SRNk.	<p>recently completed a joint study into the operational performance and value for money of different combinations of projects at nearby junctions on the SRN, taking into account the Scheme. Highways England is considering undertaking further work to identify the form and combination of junction improvements on the SRN which would work better with the Scheme in place.</p> <p>A SoCG has been agreed with Highways England and is in Appendix G to the Applicant's Statement of Commonality for Statements of Common Ground submitted at Deadline 7 (Document NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). Item 5 in Table 4.1 (<i>Matters agree</i>) in the SoCG notes that "In view of the assessed impacts, it is agreed that the strategic road network can accommodate the impact of the scheme with the proposed mitigation."</p>
5.210 NPS NN	<i>"If new transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued in England which explains the circumstances where this may be possible. The Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time, and</i>	As explained in the Applicant's Funding Statement (Document Reference 4.1, Planning Inspectorate Reference APP-022) a funding contribution was approved by DfT in November 2017 with the Scheme being given "Programme Entry" to the DfT's Large Local Major Schemes programme and an award of provisional funding (with a fixed maximum DfT contribution). The DfT's contribution is capped at £98.088 million and is subject to Full Approval of the Scheme being granted by the DfT following

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>cannot provide financial support to a scheme that solely mitigates the impacts of a specific development. Any decisions on co-funded transport infrastructure will need to be taken in the context of the Government's wider policy of transport improvements".</i>	the completion of statutory procedures. Norfolk County Council approved the addition of the £120.653m, full cost of the Scheme into the capital programme at its meeting on the 15 October 2018. This includes the £98m DfT contribution, the £20.565m which is currently underwritten by the Council's prudential borrowing, and a £2.0m contribution from the New Anglia Local Enterprise Partnership ('NALEP').
5.216 NPS NN	<i>"Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated".</i>	As set out in Section 5.5 of the Case for the Scheme (Document Reference 7.1; Planning Inspectorate Reference APP-188), the Scheme provides a quicker route between the west and east of the town for NMUs and significantly improves accessibility for pedestrians and cyclists, which encourages more sustainable modes of transport and reduces community severance.
5.217 NPS NN	<i>"Mitigation measures may relate to the design, lay-out or operation of the scheme".</i>	Embedded design mitigation and construction phase mitigation is considered in the above response to paragraph 5.206 of the NPS NN. The TA (Document Reference 7.2, Planning Inspectorate Reference APP-189) and Chapter 17 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) includes details of mitigation measures proposed to address the potential adverse impacts of the Scheme, including: <ul style="list-style-type: none"> • Variable Messaging Signs (VMS); • Monitoring changes in traffic patterns, accidents and

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>performance of key junctions across the network;</p> <ul style="list-style-type: none"> • Review and, if necessary, update timings at a number of junctions as part of NCC's "business as usual" management of the local highway network; and • Ongoing liaison with Highways England. <p>During the operational phase, the assessment in Chapter 17 of the ES concludes that the Scheme would have a large beneficial (significant) effect on pedestrian and cyclist journey times and delay, a moderate beneficial (significant) effect for public transport users, driver delay and fear and intimidation of non-motorised users and a slight beneficial effect on collisions and safety.</p>
Water quality and resources		
5.220 NPS NN	<i>"Where applicable, an application for a development consent order has to contain a plan with accompanying information identifying water bodies in a River Basin Management Plan"</i>	Chapter 11 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) assesses the likely significant effects of the Scheme on the water environment. The assessment includes a Water Framework Directive Assessment (ES Appendix 11E) (Document Reference 6.2; (Planning Inspectorate Reference APP-132) which identifies water bodies in a 'River Basin Management Plan' (the relevant WFD waterbodies are illustrated in the Water Bodies in a 'River Basin Management Plan' Plan (document reference 6.4B). .

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.221 NPS NN	<p><i>“Applicants should make early contact with the relevant regulators, including the Environment Agency, for abstraction licensing and with water supply companies likely to supply the water. Where a development is subject to EIA and the development is likely to have significant adverse effects on the water environment, the applicant should ascertain the existing status of, and carry out an assessment of the impacts of the proposed project on water quality, water resources and physical characteristics as part of the ES”.</i></p>	<p>The Consents and Agreements Position Statement (Document Reference 7.3, Planning Inspectorate Reference APP-194) sets out the Applicant's acknowledgement of the consents required, whether they are accounted for in the DCO and the discussions held with the EA, Lead Local Flood Authority (NCC) and the IDB.</p> <p>The Applicant has agreed SoCGs with the EA, NE, and the IDB and these SoCGs are included at Appendices C, A and M respectively in the Statement of Commonality for Statements of Common Ground (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). The matters agreed within the SoCGs include Surface Water Management and matters such as discharging to ordinary water courses (per item 1 in Table 4.1 (<i>Matters agreed</i>) in Appendix M); amendments to the existing water/culvert network (item 7 of Table 4.1 in Appendix M) and our approach to abstraction (item 22 of Table 4.1 (<i>Matters agreed</i>) in Appendix C.</p> <p>Chapter 11 of the ES provides an assessment of the likely significant effects of the Scheme on the water environment.</p> <p>A WFD assessment has been undertaken to assess the Scheme against the key objectives of the WFD (Appendix 11E, Document Reference 6.2, Planning Inspectorate Reference APP-132).</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>The WFD assessment confirms that, <i>“whilst the Scheme may have some localised effects on watercourses directly affected by the Scheme, and the local groundwater aquifer, these are insufficient to lead to any deterioration in status or ability to meet the objectives of the respective waterbodies. The Principal Application Site represents a very small proportion of the waterbody catchments and the works are relatively small in the context of the infrastructure and development already present. The potential impacts of the Scheme do not affect or alter the existing pressures on the waterbodies, which are largely due to flood and coastal protection; navigation, ports and harbours; continuous sewage discharge; poor nutrient management and groundwater abstractions.</i></p> <p><i>Furthermore, the Scheme will not prevent the achievement of the wider WFD objectives in the Anglian River Basin District and is not predicted to have an impact on any other waterbody within the Anglian River Basin District or the proposed mitigation measures to achieve Good status”.</i></p>
5.222 NPS NN	<i>“For those projects that are improvements to the existing infrastructure, such as road widening, opportunities should be taken, where feasible, to</i>	The Scheme forms new infrastructure and not an improvement to existing infrastructure, therefore this paragraph does not apply.

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<i>improve upon the quality of existing discharges where these are identified and shown to contribute towards Water Framework Directive commitments”.</i>	
5.223 NPS NN 5.6.4 NPS for Ports	<p><i>“Any ES should describe:</i></p> <ul style="list-style-type: none"> <i>-the existing quality of waters affected by the proposed project;</i> <i>-existing water resources affected by the proposed project and the impacts of the proposed project on water resources;</i> <i>-existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the project, and any impact of physical modifications to these characteristics;</i> <i>-any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones (SPZs) around potable groundwater abstractions; and</i> <i>-any cumulative effects”.</i> <p>Paragraph 5.6.4 of the NPS for Ports identified</p>	<p>Existing physical characteristics of the water environment are set out in Section 11.5 (Baseline Environment) of Chapter 11.</p> <p>Paragraph 11.5.13 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) describes the quality of the existing watercourses within the study area. The River Yare, the River Bure and Breydon Water are all part of the Bure & Waveney & Yare & Lothing waterbody and are overall assessed to be moderate in 2016.</p> <p>Tables 11-12, 11-13, 11-14 and 11-15 of Chapter 11 (Water Environment) of the ES summarise the likely effects of the Scheme upon the water environment including surface and ground water during construction and operation. The tables include a range of mitigation measures, such as monitoring (water quality and groundwater level), spillage containment, scour protection, SuDS treatment and use of clean drilling techniques. The mitigation measures are described in more detail in the OCoCP, compliance with which is secured through Requirement 6 of the draft DCO (Document Reference</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	similar requirements to paragraph 5.223 of the NPS NN.	<p>NCC/GY3RC/EX/090), or, in respect of in-river works, secured through the conditions of the DML in Schedule 13 to the draft DCO.</p> <p>The WFD assessment undertaken as part of the ES confirms that, in terms of its impact upon waterbodies, the Scheme would not conflict with the objectives of the WFD nor would it affect the status of the waterbodies assessed (Table 11.16 in Chapter 11).</p> <p>There is no formally designated groundwater Source Protection Zone (SPZ) within 2.0km of the Study Area (paragraph 11.5.65).</p> <p>Paragraph 11.8.97 states, in terms of cumulative effect, <i>“Whilst there are slight changes in velocity magnitude (and subsequent erosion) at Haven Bridge the main impact is local to the Principal Application Site. The results show that flow velocities, and erosion, are lower between the two bridges with no significant change resulting from the Scheme. The Scheme is therefore not considered to lead to any significant cumulative hydromorphological impact through the affected reach. The Scheme is shown to have negligible impacts on the tidal regime of the estuary”</i>.</p>
5.225 NPS NN	The SoS will generally need to give impacts on the water environment more weight where a project would have adverse effects on the	The WFD assessment (Document Reference 6.2, Planning Inspectorate Reference APP-132) undertaken as part of the ES (Document Reference 6.1, Planning Inspectorate Reference

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	achievement of the environmental objectives established under the Water Framework Directive.	<p>APP-096) confirms that, in terms of its impact upon waterbodies, the Scheme would not conflict with the objectives of the WFD nor would it affect the status of the waterbodies assessed (Table 11.16 in Chapter 11).</p> <p>This conclusion is agreed with the EA (see item 12 of Table 4.1 (<i>Matters agreed</i>) of the SoCG included as Appendix C to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).</p>
5.226 NPS NN	The SoS should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the Water Framework Directive (including Article 4.7) and its daughter directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of Water Framework Directive compliance, the overall aim of projects should be no deterioration of ecological status in watercourses, ensuring that Article 4.7 of the Water Framework Directive	<p>River Basin Management Plans (RBMPs) are published under the WFD and focus on the protection, improvement and sustainable use of the water environment. The Anglian River Basin Management Plan has been identified as relevant to the Scheme. The WFD assessment (Document Reference 6.2, Planning Inspectorate Reference APP-132) undertaken as part of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) confirms that, in terms of its impact upon waterbodies, the Scheme would not conflict with the objectives of the WFD nor would it affect the status of the waterbodies assessed (Table 11.16 in Chapter 11).</p> <p>This conclusion is agreed with the EA (see item 12 of Table 4.1</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p>Regulations does not need to be applied. The SoS should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans, Shoreline/Estuary Management Plans and Marine Plans.</p>	<p>(<i>Matters agreed</i>) of the SoCG included as Appendix C to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010).</p> <p>As set out in Table 11.4 in Chapter 11 of the ES, the Broads & Norfolk Rivers IDB & the Pevensey and Cuckmere Water Level Management Board have been consulted regarding information on the Water Level Management Plan, water quality monitoring, surface water abstractions (licensed/unlicensed), consented and unconsented discharges and details of significant structures within the IDB catchment. The IDB has raised no specific concerns on Water Level Management Plan objectives.</p> <p>Paragraph 11.4.6 in Chapter 11 of the ES states that the Scheme is not expected to cause significant changes to coastal processes, such as sediment transport, erosional and depositional patterns and beach development along the Great Yarmouth shoreline.</p>
5.227 NPS NN	<p>The Examining Authority and the SoS should consider proposals put forward by the applicant to mitigate adverse effects on the water environment and whether appropriate requirements should be attached to any</p>	<p>The effects of the Scheme on the water environment are detailed in Section 11.8 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096).</p> <p>In respect of the construction of the Scheme the ES does not identify a requirement for mitigation over and above the good</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
	<p>development consent and/or planning obligations. If the EA continues to have concerns and objects to the grant of development consent on the grounds of impacts on water quality/resources, the SoS can grant consent, but will need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the EA to try to resolve the concerns, and that the EA is satisfied with the outcome.</p>	<p>practice measures set out in the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014), compliance with which is secured through Requirement 6 of the draft DCO (Document Reference NCC/GY3RC/EX/090).</p> <p>In respect of operation, the Drainage Strategy (ES Appendix 12C, Document Reference 6.2, Planning Inspectorate Reference APP-136) sets out the Applicant's approach to the management of surface water. Requirement 11 of the draft DCO requires the County Planning Authority's approval of the detailed drainage design (which must be in accordance with the Drainage Strategy) for the Scheme, together with measures to manage flood risk. The written details must be approved prior to the commencement of the surface water drainage system, following consultation with GYBC, the lead local flood authority, the EA, AW and the IDB.</p> <p>The Applicant has agreed a SoCG with the EA, as included in Appendix C to the Statement of Commonality for Statements of Common Ground at Deadline 7 (Document Reference NCC/GY3RC/EX/085, Planning Inspectorate Reference REP7-010). The matters agreed within the SoCG include the drainage strategy (items 9-11); and surface water and groundwater (items</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
5.228 NPS NN	<i>“The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling”.</i>	<p>12-18).</p> <p>A Drainage Strategy (Appendix 12C in Document Reference 6.2, Planning Inspectorate Reference APP-136) has been prepared and provides details of the attenuation required as part of the Scheme.</p> <p>Paragraph 1.6.1 of the Drainage Strategy sets out the Design Standards to be used to develop the drainage strategy into a detailed design. They include:</p> <ul style="list-style-type: none"> • Design Manual for Roads and Bridges - Volume 4 Section 2 based on HD33/16, HA 107/04 and HD45/09; • CIRIA C753 - The SuDS Manual; • Sewers for Adoption 7th Edition 2012; • Guidance on Norfolk County Councils Lead Local Flood Authority role as Statutory Consultee to Planning (located on Norfolk County Council's Information for Developers webpage); and • DEFRA - Non-statutory technical standards for sustainable drainage systems <p>Requirement 11 of the draft DCO, (Document Reference NCC/GY3RC/EX/090) secures the submission of a surface water drainage system, to be provided in accordance with the Drainage Strategy, and to provide a timetable for</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>implementation, as discussed above.</p> <p>The Scheme design incorporates SuDs, in the form of swales, on the western side of the Scheme (see paragraph 2.3.17 of the Drainage Strategy (Appendix 12C, Document Reference 6.2, Planning Inspectorate Reference APP-136)).</p>
5.229 NPS NN	<p><i>“The Secretary of State should consider whether the mitigation measures put forward by the applicant which are needed for operation and construction (and which are over and above any which may form part of the project application) are acceptable. A construction management plan may help codify mitigation”.</i></p>	<p>Water mitigation as part of the Scheme is detailed in several DCO documents. Mitigation measures to be , in order to limit the operational and construction effects of the Scheme, are detailed in the following documentation;</p> <ul style="list-style-type: none"> • ES Chapter 11, Section 11.8 (Document Reference 6.1, Planning Inspectorate Reference APP-096) • Drainage Strategy, Sections 2.3 – 2.4 (Appendix 12C, Document Reference 6.2, Planning Inspectorate Reference APP-136); • OCoCP, Section 6.2 (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014); and • Mitigation Schedule (Document Reference NCC/GY3RC/EX/014, Planning Inspectorate Reference REP1-008). <p>The OCoCP identifies mitigation to be undertaken during construction, as noted above; compliance with the OCoCP is</p>

NPS NN / NPS for Ports Paragraph Reference	Policy Requirement of the NPS NN / NPS for Ports	Policy Conformity with the National Policy Statement
		<p>secured by Requirement 6 of the draft DCO.</p> <p>Details of attenuation, pollution treatment and SuDS will be included within the Contractor's detailed surface water drainage design in accordance with the Drainage Strategy and approved by the County Planning Authority in accordance with Requirement 11, as discussed above.</p>
5.230 NPS NN	<p><i>"The project should adhere to any National Standards for sustainable drainage systems (SuDs). The National SuDs Standards will introduce a hierarchical approach to drainage design that promotes the most sustainable approach but recognises feasibility, and use of conventional drainage systems as part of a sustainable solution for any given site given its constraints".</i></p>	<p>The design of the Scheme has been undertaken in accordance with CIRIA C753 (The SuDS Manual).</p> <p>Requirement 11 secures the submission of a surface water drainage system, which is to be in accordance with the Drainage Strategy and include a timetable for implementation (Schedule 2 to the draft DCO, Document Reference NCC/GY3RC/EX/090).</p> <p>The Drainage Strategy at paragraph 1.6 sets out the standards that must be adopted in developing the details of the drainage system and paragraph 2.3.17 secures the use of SuDs.</p>
5.231 NPS NN	<p><i>"The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be marked clearly".</i></p>	<p>Good practice pollution prevention measures in construction are included in the OCoCP (Document Reference NCC/GY3RC/EX/073; Planning Inspectorate Reference REP6-014), compliance with which is secured by requirement 6 of the draft DCO.</p>

ⁱ Email from Neil Shaw, Strategic Director for GYBC to Jane Linley, NPLAW, dated 14/03/2019

Appendix B

Projections for humidity have now been published. Table 1 shows the UKCP18 projections for change in seasonal average relative humidity for the East of England region under RCP8.5 in the 2070s (the last timeslice available in the UKCP18 2.2km resolution projections) relative to the 1981-2000 baseline period.

Table 1 - UKCP18 projections for change in seasonal average relative humidity for the East of England region under RCP8.5 in the 2070s relative to the 1981-2000 baseline period

Factor	UKCP18 projection (rel. to 1981-2000 baseline)
Change in relative humidity (winter)	Increase of up to 10%
Change in relative humidity (summer)	No change

The previous projections (UKCP09) presented in the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) indicated increases in relative humidity of up to 5% in winter in the 2080s and decrease of up to 10% in summer in the 2080s. The difference in projections is due to different modelling approaches and resolutions between UKCP09 and UKCP18.

Chapter 13 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) concluded that there were no significant climate resilience effects (including effects associated with changing humidity) on the Scheme. The hazard associated with a higher projected increase in humidity in winter is fog, leading to a risk of accidents. The significance of this is considered with reference to the updated information from UKCP18 in Table 2.

It is considered that whilst accidents associated with fog may become more likely as a result of an increase in winter humidity, existing design and control measures for managing fog incidents (e.g. signage) mean that the Scheme is moderately resilient to this risk. The overall significance of this risk is considered Not Significant, when the methodology detailed in Section 13.6 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) is applied.

Table 2 - Assessment of effect of increasing winter humidity

Component	Hazard	Risk	Likelihood	Consequence	Risk rating	Resilience rating	Significance
H&S of users	Fog in winter	Accidents	Medium	Moderate adverse	Medium	Moderate	Not significant

As the UKCP18 projections project no change in summer humidity, it is considered that no changes to the assessment presented in the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) with respect to summer humidity need to be made.

The updated projections for relative humidity therefore do not lead to any material change to the assessment presented.

Projections for snow have now been published. UKCP18 projects that the change in annual snowfall flux (amount of precipitation falling as snow) for the East of England region under RCP8.5 in the 2070s (the last timeslice available in the UKCP18 2.2km resolution projections) relative to the 1981-2000 baseline period is a decrease of 70-80%. The UKCP09 projections presented in Chapter 13 of the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096) projected a reduction of mean snowfall, the number of days when snow falls and heavy snow events by the end of the 21st century. The UKCP18 projections on snow are consistent with UKCP09. As such, it is considered that the updated projections for snow will not lead to any material change to the assessment presented in the ES (Document Reference 6.1, Planning Inspectorate Reference APP-096).