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STATUTORY INSTRUMENTS

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**2020 No. 1075**

**The Great Yarmouth Third River Crossing  
Development Consent Order 2020**

**PART 6**

**OPERATIONAL PROVISIONS**

**Operation of new bridge**

**43.**—(1) The undertaker is authorised to operate the new bridge, subject to the following provisions of this article.

(2) The undertaker must operate the new bridge in accordance with a scheme of operation prepared by the undertaker.

(3) The GYPA, and the master, owner, agent, pilot or operator of any vessel must comply with the provisions of the scheme of operation.

(4) The provisions of the scheme of operation must initially consist of the provisions set out in Schedule 10 (scheme of operation).

(5) At any time after the new bridge opens to public use, the undertaker may, with the agreement of GYPA which must not be unreasonably withheld or delayed, amend the terms of the scheme of operation.

(6) Any amendment of the scheme of operation under paragraph (5) must conform to the following principles—

- (a) the new bridge will be opened as and when required to allow the passage of any vessel except a recreational vessel;
- (b) reasonable measures are to be taken by the GYPA, the undertaker and users of the river Yare to ensure that passages of vessels past the new bridge are co-ordinated and conducted efficiently;
- (c) except when sub-paragraph (f) applies, a recreational opening will be made upon such notice and at such times as the undertaker reasonably determines;
- (d) in determining times under sub-paragraph (c) the undertaker may exclude peak hours;
- (e) recreational vessels are either to use the vessel waiting facilities or depart the port when waiting for the next recreational opening;
- (f) the new bridge will be opened on request when the vessel waiting facilities are full and another recreational vessel requests passage;
- (g) the new bridge will be opened prior to a large vessel entering Great Yarmouth Port if—
  - (i) the harbour master considers that in the event the new bridge does not open to allow the large vessel to transit it, no safe alternative manoeuvre would be practicable; and
  - (ii) GYPA is unable to arrange a suitable emergency berth before the large vessel enters Great Yarmouth Port;

- (h) when a large vessel transits the new bridge, any recreational vessel using the vessel waiting facilities will transit the new bridge before the large vessel, subject to any direction from the harbour master to the contrary given for safety or navigation purposes;
  - (i) where a specified event occurs and as a result—
    - (i) the new bridge cannot be opened; or
    - (ii) opening the new bridge would be likely to cause danger to—
      - (aa) any person or property, including the new bridge, any vessel and any person using, working on or intending to use or work on the new bridge or aboard any vessel; or
      - (bb) the environment,
- the undertaker is not to be obliged to open the new bridge at the scheduled time but instead at such later time as is reasonable in the circumstances; and
- (j) no amendment of the scheme of operation is to result in any effects on the environment which are materially new or materially different from those assessed in the environmental statement.
- (7) Paragraphs (2) and (3) apply to the scheme of operation as amended under paragraph (5) as they do to the scheme as initially prepared in compliance with paragraph (4).
- (8) The undertaker must publish the initial scheme of operation and any amendments to it on a website maintained by the undertaker.
- (9) In this article—
- (a) “large vessel” means any vessel to which a pilotage direction for Great Yarmouth Port made under section 7 (pilotage directions) of the Pilotage Act 1987<sup>M1</sup> applies;
  - (b) “peak hours” means the periods on any day between—
    - (i) 08:00 to 09:00; and
    - (ii) 16:30 and 17:30;
  - (c) “recreational opening” means the opening of the new bridge to allow the passage of a recreational vessel;
  - (d) “recreational vessel” means any vessel being used solely for leisure purposes at the time the vessel transits through Great Yarmouth Port and includes any commercially operated hire vessel used or rented for leisure use;
  - (e) “the scheduled time” means any time at which the new bridge would be due to open in accordance with the principles in paragraph (6)(a) to (d); and
  - (f) “specified event” means—
    - (i) an emergency;
    - (ii) adverse weather conditions;
    - (iii) a vessel colliding with the new bridge;
    - (iv) a power failure, hydraulic failure or mechanical failure; or
    - (v) any other circumstance beyond the reasonable control of the undertaker.
- (10) In this article and in article 45 (closing the highway comprised in the new bridge and new bridge approaches) “emergency” means any circumstance existing or imminent which the undertaker considers is likely to cause danger to—
- (a) any person or property, including the new bridge, any vessel and any person using, working on, or intending to use or work on, the new bridge or aboard any vessel passing the new bridge; or

(b) the environment.

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**Commencement Information**

**I1** Art. 43 in force at 15.10.2020, see [art. 1](#)

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**Marginal Citations**

**M1** 1987 c. 21.

**Changes to legislation:**

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, Section 43.