
STATUTORY INSTRUMENTS

2020 No. 1075

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

PART 2

PRINCIPAL POWERS

Development consent granted by the Order

4.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development.

(2) Any enactment applying to land within, adjoining, or sharing a common boundary with the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

5. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Limits of deviation

6.—(1) The following provisions of this article have effect subject to the requirement that the undertaker must construct the authorised development within the Order limits.

(2) In constructing or maintaining the non-linear works comprised in the authorised development, the undertaker may deviate laterally within the limits of deviation for those works shown on the works plans to the extent the undertaker considers to be necessary or convenient.

(3) In constructing or maintaining the linear works comprised in the authorised development the undertaker may deviate laterally from the lines or situations shown on the works plans to the extent of the Order limits, so far as the undertaker considers to be necessary or convenient, save that—

- (a) in constructing or maintaining any linear work, other than Work No. 8C, in deviating laterally from the centre lines shown on the works plans, the situation of the centre line may be varied up to a maximum of 3 metres either side of the centre line of that work as shown on the works plans; and
- (b) in constructing or maintaining Work No. 8C, in deviating laterally from the centre line shown on the works plans, the situation of the centre line may be varied up to a maximum of 1 metre either side of the centre line of that work as shown on the works plans.

(4) In constructing or maintaining the new bridge the undertaker must safeguard the width of the navigable channel within the river Yare by preserving a distance of no less than 50 metres between the outer edges of the vessel impact protection systems comprised in Work Nos. 6A, 6B and 8B.

(5) In constructing or maintaining the authorised development, the undertaker may deviate vertically from the levels shown on the engineering plans, drawings and sections—

- (a) subject to paragraph (6), to any extent upwards as the undertaker considers to be necessary or convenient but not exceeding 1.0 metre; and
- (b) subject to paragraphs (7) and (8), to any extent downwards as the undertaker considers to be necessary or convenient, except in relation to the parts of the authorised development referred to in column (1) of the table below, where the extent of permitted downwards deviation for each such part is set out in the corresponding entry in column (2) of that table.

<i>(1)</i> <i>Numbered Work</i>	<i>(2)</i> <i>Downwards vertical limit of deviation</i>
Work No. 1	-0.5 metres
Work No. 2	-0.5 metres
Work No. 4	-0.5 metres
Work No. 5	-0.5 metres
Work No. 6	-0.5 metres
Work No. 7	-1.0 metre
Work No. 8	-0.5 metres
Work No. 9	-0.5 metres
Work No. 10	-0.5 metres

- (6) Paragraph (5)(a) does not prevent the undertaker from—
 - (a) constructing the control tower comprising Work No. 7A to a height up to, but not exceeding, 20 metres above Ordnance Datum; or
 - (b) constructing the plant room comprising Work No. 7B to a height up to, but not exceeding, 17 metres above Ordnance Datum.
- (7) Paragraph (5)(b)—
 - (a) does not prevent the undertaker in constructing the piles comprising any part of the authorised development, from deviating to any extent downwards as the undertaker considers to be necessary or convenient; and
 - (b) does not prevent the undertaker from constructing any drainage ponds or carrying out works to any existing drainage infrastructure, to any extent downwards as the undertaker considers to be necessary or convenient.
- (8) In constructing or maintaining Work No. 8 the undertaker must—
 - (a) provide a minimum headroom of no less than 5.3 metres above finished road level beneath the Southtown Road bridge comprising part of Work No. 8A;
 - (b) provide a minimum headroom of no less than 4.9 metres above finished road level within the new private means of access comprising part of Work No. 8C; and
 - (c) over the width of the navigable channel, when the new bridge is in the closed position, provide a minimum air draught of no less than 5.36 metres above Ordnance Datum.
- (9) Without limitation on the scope of paragraphs (2) to (8) in constructing or maintaining the authorised development the undertaker may—
 - (a) deviate by up to 3 metres from the points of commencement and termination of any of the linear works; and

- (b) deviate from the designs shown on the engineering plans, drawings and sections, provided that any such deviation is in general accordance with the approach to detailed design.
- (10) In this article, references to—
 - (a) “linear works” are references to any works shown on the works plans by way of centre lines; and
 - (b) “non-linear works” are references to any other works shown on the works plans.

Benefit of the Order

7.—(1) Subject to paragraph (2) and article 8 (consent to transfer benefit of the Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of the Order

8.—(1) Subject to paragraph (2), the undertaker may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed in writing between the undertaker and the transferee; or
- (b) grant to another person (“the grantee”) for a period agreed between the undertaker and the grantee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in the provisions of this Order and any documents certified under it that apply to the undertaker, except in paragraph (3), include references to the transferee or the grantee or any other person who may exercise, enjoy, or be responsible for any functions of the undertaker pursuant to that agreement as the case may be.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.