

## SCHEDULES

### SCHEDULE 1

Article 2(1)

#### AUTHORISED DEVELOPMENT

##### Commencement Information

**II** Sch. 1 in force at 15.10.2020, see [art. 1](#)

In the County of Norfolk and the Borough of Great Yarmouth, a development which, in accordance with a direction made by the Secretary of State for Transport on 26th February 2018 under section 35<sup>M1</sup> (directions in relation to projects of national significance) of the 2008 Act, is development for which development consent is required, and associated development within the meaning of section 115(2)<sup>M2</sup> (development for which development consent may be granted) of the 2008 Act, comprising—**Work No. 1** – shown on sheet 1 of the works plans and being improvements to the existing A47(T) Great Yarmouth Bypass trunk road at Harfrey's roundabout to facilitate the tie in of Work No. 2 to the existing highway network, including carriageway and footway realignment, modifications to traffic signs and road markings, and ecological mitigation works. **Work No. 2** – as shown on sheet 1 of the works plans and being the construction of new highway, replacing part of Queen Anne's Road, William Adams Way and Suffolk Road, comprising—

- (a) the construction of a new roundabout connecting William Adams Way, Queen Anne's Road, Suffolk Road and the new highway comprising Work No. 8A;
- (b) the improvement of William Adams Way, Queen Anne's Road and Suffolk Road, including carriageway realignment, to facilitate connections of these roads to the new roundabout;
- (c) the construction of pile-supported concrete slabs, embankments, retaining walls and culverts supporting the new highway;
- (d) the provision of a traffic signal-controlled crossing for pedestrians and cyclists on Suffolk Road, north of the new roundabout described in (a) above;
- (e) the provision of a site compound on land between those lengths of William Adams Way and Queen Anne's Road within Work No. 2, including site offices, welfare facilities, parking provisions and storage of plant and materials;
- (f) the provision of footways and cycle tracks; and
- (g) the provision of landscaping.

**Work No. 3** – as shown on sheet 1 of the works plans and comprising works to existing drainage infrastructure to the north of Queen Anne's Road, between the A47 (T) Great Yarmouth Bypass and Suffolk Road and the provision of private means of access as shown on sheet 1 of the street plans. **Work No. 4** – as shown on sheet 1 of the works plans and comprising—

- (a) the improvement of the existing William Adams Way highway between Work No. 2 and the junction of William Adams Way with Southtown Road, including the provision of footways and cycle tracks;
- (b) the removal of an existing footbridge across William Adams Way, including associated ramps;

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- (c) the provision of a traffic signal-controlled crossing for pedestrians and cyclists on William Adams Way, south-east of the roundabout described in Work No. 2;
- (d) works to existing drainage infrastructure adjoining the realigned William Adams Way;
- (e) the construction of pile-supported concrete slabs and embankments where necessary to support the improved highway referred to in paragraph (h) above;
- (f) the provision of a private means of access as shown on sheet 1 of the street plans; and
- (g) the provision of landscaping.

**Work No. 5** – as shown on sheet 1 of the works plans and comprising—

- (a) Work No. 5A – Southtown Road—
  - (i) the improvement of existing highway, including the provision of a pedestrian crossing;
  - (ii) the provision of a turning facility for cyclists to facilitate turning into Cromwell Road;
  - (iii) the provision of a bus waiting facility and associated works;
  - (iv) the provision of a private means of access, as shown on sheet 1 of the street plans; and
  - (v) the alteration of traffic signs.
- (b) Work No. 5B – Queen Anne's Road—
  - (i) the improvement of existing highway including realignment and alteration of traffic signs at the junction of Queen Anne's Road with Southtown Road to permit usage by vehicular traffic;
  - (ii) the construction of a new turning head and associated works;
  - (iii) the provision of private means of access as shown on sheet 1 of the street plans; and
  - (iv) the provision of landscaping.
- (c) Work No. 5C – Cromwell Road—
  - (i) the improvement of existing highway, including the provision of new parking bays (one of which is to be a disabled parking bay);
  - (ii) the construction of an electricity sub-station, including any enclosing structures and connections, and a private means of access as shown on sheet 1 of the street plans; and
  - (iii) the provision of landscaping.
- (d) Work No. 5D – Land at Cromwell Court—
  - (i) the provision of turning facilities and parking.

**Work No. 6** – as shown on sheet 1 of the works plans and comprising—

- (a) Work No. 6A – Bollard Quay and west bank of the river Yare—
  - (i) the provision of public realm facilities;
  - (ii) the provision of vessel waiting facilities adjacent to the west bank of the river Yare;
  - (iii) the construction of part of a flood defence wall, to be incorporated within a flood defence scheme proposed to be undertaken by the Environment Agency;
  - (iv) the construction of vessel impact protection systems within the watercourse; and
  - (v) works within the watercourse to support the vessel impact protection systems, including—
    - (aa) the construction of piles and pile caps; and

- (bb) the provision and capping of backfill material.
- (b) Work No. 6B — East bank of the river Yare—
  - (i) the construction of vessel impact protection systems within the watercourse; and works within the watercourse to support the vessel impact protection systems, including—
    - (aa) the construction of piles and pile caps; and
    - (bb) the provision and capping of backfill material.

**Work No. 7** – as shown on sheet 1 of the works plans and comprising the following works to serve the new bridge—

- (a) Work No. 7A – West bank of the river Yare—
  - (i) the construction of a control tower, including all necessary access, apparatus and connecting services.
- (b) Work No. 7B – East bank of the river Yare—
  - (i) the construction of a plant room, including all necessary access, apparatus and connecting services.

**Work No. 8** – as shown on sheets 1 and 2 of the works plans and being the construction of new highway, comprising—

- (a) Work No. 8A – river Yare bridge western approach—
  - (i) the construction of a new highway to connect the new roundabout described in Work No. 2 and the new river Yare bridge described in Work No. 8B;
  - (ii) the construction of pile-supported concrete slabs and embankments supporting the new highway;
  - (iii) the construction of retaining walls supporting the new highway;
  - (iv) the construction of a bridge deck over Southtown Road, over which the new highway passes;
  - (v) the construction of abutments supporting the new bridge deck described in sub-paragraph (iv) above;
  - (vi) the construction of piles and pile caps supporting the abutments described in sub-paragraph (v) above;
  - (vii) the provision of a traffic signal-controlled crossing for pedestrians and cyclists;
  - (viii) the provision of footways and cycle tracks; and
  - (ix) the provision of landscaping.
- (b) Work No. 8B – river Yare bridge—
  - (i) the construction over the watercourse and adjacent land, of a bridge deck carrying the new carriageway, footways and cycle track;
  - (ii) the construction of an opening section of bridge deck and associated barriers and signage;
  - (iii) the construction, within and adjacent to the watercourse, of bascule abutments and other structures and facilities to support the bridge deck and enable the operation of the opening section described in sub-paragraph (ii) above;
  - (iv) the construction of vessel impact protection systems within the watercourse;
  - (v) works within and adjacent to the watercourse to support the works described in sub-paragraphs (iii) and (iv) including—

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- (aa) the construction of piles and pile caps; and
  - (bb) the provision and capping of backfill material;
  - (vi) apparatus for the mechanical, electrical, instrumentation, control and automation systems of the bridge; and
  - (vii) the construction of access stairs.
- (c) Work No. 8C – river Yare bridge eastern approach—
- (i) the construction of a new highway to connect the new junction comprising part of Work No. 9 with the river Yare bridge described in Work No. 8B;
  - (ii) the construction of pile-supported concrete slabs and embankments supporting the new highway;
  - (iii) the construction of retaining walls supporting the new highway;
  - (iv) the construction of a bridge deck to enable the new highway to pass over a new private means of access, as shown on sheet 2 of the street plans;
  - (v) the construction of abutments supporting the bridge deck described in subparagraph (iv) above;
  - (vi) the construction of piles and pile caps supporting the abutments described in subparagraph (v) above;
  - (vii) the provision of a traffic signal-controlled crossing for pedestrians and cyclists;
  - (viii) the provision of footways and cycle tracks; and
  - (ix) the provision of landscaping.

**Work No. 9** – as shown on sheet 2 of the works plans and comprising—

- (a) the improvement of the existing A1243 South Denes Road and Southgates Road, including the construction of a new traffic signal-controlled junction with the new highway comprising Work No. 8C;
- (b) the construction of embankments supporting the improved highway referred to in subparagraph (z) above;
- (c) the provision of private means of access to facilitate maintenance of the new highway comprised in Work Nos. 8B and 8C and to facilitate access to land to the west of South Denes Road and Southgates Road, as shown on sheet 2 of the street plans;
- (d) works to enable that part of Fish Wharf, perpendicular to South Denes Road, between Sutton Road and Swanston's Road, to be replaced with a private means of access, shown on sheet 2 of the street plans, that only permits left-turn manoeuvres onto South Denes Road;
- (e) works to enable that part of Fish Wharf, parallel to South Denes Road, between Sutton Road and Swanston's Road, to become part of the adjacent landowner's property;
- (f) the provision of a site compound on land west of South Denes Road and north of Work No. 8C, including site offices, welfare facilities, parking provisions and storage of plant and materials;
- (g) the construction of an electricity sub-station, including any enclosing structures and connections and private means of access as shown on sheet 2 of the street plans; and
- (h) the provision of landscaping.

**Work No. 10** – as shown on sheet 2 of the works plans and comprising—

- (a) the improvement of Sutton Road, including carriageway and footway surfacing works and the alteration of traffic signs to facilitate a change of direction of operation of the one-way system to an easterly direction;

- (b) the improvement of Swanston's Road, including the alteration of traffic signs to facilitate a change of direction of operation of the one-way system to a westerly direction;
- (c) the improvement of Middle Road West, including the alteration of traffic signs to reflect a change of direction of operation of the one-way systems on Sutton Road and Swanston's Road;
- (d) the improvement of Middle Road East, including the alteration of traffic signs to reflect a change of direction of operation of the one-way systems on Sutton Road and Swanston's Road;
- (e) the improvement of Admiralty Road, including the alteration of traffic signs to reflect a change of direction of operation of the one-way systems on Sutton Road and Swanston's Road.

**Work No. 11** – as shown on sheet 1 of the works plans and comprising the provision of new allotments on land north of Queen Anne's Road, including the provision of sheds and fencing. **Work No. 12** – mitigation and accommodation works for the benefit of Great Yarmouth and Waveney Mind at the locations shown on sheet 1 of the works plans. **Work No. 13** – as shown on sheets 3, 4, 5, 6 and 7 of the works plans and being the installation of a variable message sign to facilitate the operation of the new and improved highway in each of the following locations—

- (a) Work No. 13A – A47 (T) Great Yarmouth Bypass (as shown on sheet 3 of the works plans);
- (b) Work No. 13B – Gapton Hall Road (as shown on sheet 4 of the works plans);
- (c) Work No. 13C – B1141 Yarmouth Way (as shown on sheet 5 of the works plans);
- (d) Work No. 13D – North Quay (as shown on sheet 6 of the works plans);
- (e) Work No. 13E – Fuller's Hill (as shown on sheet 6 of the works plans); and
- (f) Work No. 13F – A47 (T) Acle New Road (as shown on sheet 7 of the works plans).

And for the purposes of or in connection with the construction, operation or maintenance of any of the works and other development mentioned above, ancillary or related development which does not give rise to any effects on the environment which are materially new or materially different from those assessed in the environmental statement, consisting of— works within streets, including—

- (a) works for the strengthening, improvement, repair, maintenance or reconstruction of any street;
- (b) relocation, provision or replacement of signs, markings and street lighting; and
- (c) works to place, alter, remove or maintain street furniture or apparatus (including statutory undertakers' apparatus) in, under or above a street, including mains, sewers, drains, pipes, cables, cofferdams, lights, fencing and other boundary treatments;

works within the river Yare (to the extent they are situated within the Order limits) to—

- (d) alter, clean, modify, dismantle, refurbish, reconstruct, remove, relocate or replace any work or structure;
- (e) carry out excavations and clearance, deepening, scouring, cleansing, dumping and pumping operations;
- (f) carry out dredging, which may include such dredging works as may be required to provide side slopes or otherwise secure the dredged area against siltation, scouring or collapse;
- (g) use, appropriate, sell, deposit or otherwise dispose of any materials (including liquids but excluding any wreck within the meaning of the Merchant Shipping Act 1995<sup>M3</sup> obtained in carrying out any operations comprised in (vv), (ww) or (xx));
- (h) remove temporarily, alter, strengthen, interfere with, occupy and use the banks, bed, foreshore, waters and walls of the river Yare;

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- (i) construct, place and maintain works and structures including piled vessel impact protection systems, protection piles and cofferdams; and
  - (j) provide lighting, signage and aids to navigation; and
- other works—
- (k) for the strengthening, alteration or demolition of any building;
  - (l) to place, alter, divert, relocate, protect, remove or maintain services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others in, under or above land, including mains, sewers, drains, pipes, cables, lights, cofferdams, fencing and other boundary treatments including bollards;
  - (m) to provide or alter ramps, steps, footpaths, footways, cycle tracks, non-motorised user routes or links, and crossing facilities;
  - (n) to provide or alter embankments, aprons, abutments, shafts, foundations, retaining walls, drainage works, outfalls, pollution control devices, pumping stations, culverts, wing walls, fire suppression system water tanks and associated plant and equipment, highway lighting and fencing;
  - (o) to provide settlement mitigation measures for the benefit or protection of, or in relation to, any land or building, including monitoring and safeguarding of existing infrastructure, utilities and services affected by the authorised development;
  - (p) to alter the course of, or otherwise interfere with, navigable or non-navigable watercourses;
  - (q) to provide landscaping, noise barriers, works associated with the provision of ecological mitigation, and other works to mitigate any adverse effects of the construction, operation or maintenance of the authorised development;
  - (r) to provide areas of hard or soft landscaping works, or public realm, at locations adjacent to the proposed highway and associated works;
  - (s) for the preparation or clearance of the site of any of the works (including fencing and other boundary treatments, vegetation removal, works of demolition, including demolition of existing structures, and the creation of alternative highways) and the provision or alteration of earthworks (including soil stripping and storage and site levelling);
  - (t) to provide construction and service compounds and working sites, haulage roads, temporary buildings and apparatus, plant and equipment rooms, storage areas (including storage of spoil and other materials), temporary vehicle parking, construction fencing, perimeter enclosures, security fencing, and construction lighting and other buildings, machinery, apparatus and works and conveniences;
  - (u) to provide offices, staff mess rooms, welfare facilities and other ancillary or administrative accommodation and conveniences;
  - (v) for the benefit or protection of the authorised development; and
  - (w) of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development.

#### Marginal Citations

**M1** Section 35 was inserted by section 26(2) of the [Growth and Infrastructure Act 2013 \(c. 27\)](#).

**M2** Section 115(2) was amended by 160(3) of the [Housing and Planning Act 2016 \(c. 22\)](#). There are other amendments that are not relevant to this Order.

**M3** 1995 c.21.

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- M3** 1995 c.21.

SCHEDULE 2

Article 4(1)

REQUIREMENTS

**PART 1**

REQUIREMENTS

**Interpretation**

- 1.—(1) In this Schedule the following expressions have the following meanings—
  - “the archaeological written scheme of investigation” means the document of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the archaeological written scheme of investigation for the purposes of this Order;
  - “the code of construction practice” means a code of construction practice approved under paragraph 73 of this Schedule;
  - “the county planning authority” means Norfolk County Council in its capacity as county planning authority for the county of Norfolk under section 1(1)(a) (local planning authorities: general) of the 1990 Act;
  - “the drainage strategy” means the document of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the drainage strategy for the purposes of this Order;
  - “the IDB” means the Waveney, Lower Yare and Lothingland Internal Drainage Board;
  - “the lead local flood authority” means Norfolk County Council in its capacity as lead local flood authority under section 6(7) (other definitions) of the Flood and Water Management Act 2010 <sup>M4</sup>;
  - “the outline code of construction practice” means the document of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the outline code of construction practice for the purposes of this Order;
  - “the landscaping plans” means the plans of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the landscaping plans for the purposes of this Order;
  - “the lighting report” means the document of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the lighting report for the purposes of this Order; and
  - “the preliminary navigation risk assessment” means the document of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the preliminary navigation risk assessment for the purposes of this Order.

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

**Commencement Information**  
**I2** Sch. 2 para. 1 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**  
**M4** 2010 c. 29.

**Time limits**

2. The authorised development must not commence later than the expiration of 5 years beginning with the date that this Order comes into force.

**Commencement Information**  
**I3** Sch. 2 para. 2 in force at 15.10.2020, see [art. 1](#)

**Commencement of the authorised development**

3. Notice of commencement of the authorised development must be given to the county planning authority in writing within 7 days of the date that the authorised development is commenced.

**Commencement Information**  
**I4** Sch. 2 para. 3 in force at 15.10.2020, see [art. 1](#)

**Design of the authorised development**

4. The authorised development must be designed and implemented in general accordance with—
- (a) the general arrangement plan; and
  - (b) the approach to detailed design.

**Commencement Information**  
**I5** Sch. 2 para. 4 in force at 15.10.2020, see [art. 1](#)

**Detailed design of specified structures**

5. Construction of each part of the authorised development specified in column (1) of the table below must not commence until the details of the elements specified in relation to that part in column (2) of that table have been submitted to, and following consultation with Great Yarmouth Borough Council, approved in writing by the county planning authority.

<i>(1) Part of the authorised development</i>	<i>(2) Elements to be approved</i>
Work No. 7A(i)	The external appearance of the control tower
Work No.7B(i)	The external appearance of the plant room
Work No.8A(iv)	The finish and external materials of the bridge deck



Work No. 8B(i)	The finish and external materials of the bridge deck
Work No. 8C(iv)	The finish and external materials of the bridge deck

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**Commencement Information**

**16** Sch. 2 para. 5 in force at 15.10.2020, see [art. 1](#)

**Code of construction practice**

6.—(1) 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 IDB and the Environment Agency, approved in writing by the county planning authority.

(2) Any submitted code of construction practice must include the following plans and statements—

- (a) an arboricultural method statement;
- (b) a construction traffic management plan;
- (c) a flood management plan;
- (d) a materials management plan (or equivalent);
- (e) a site waste management plan; and
- (f) a workforce travel plan.

(3) Any code of construction practice submitted under sub-paragraph (1) must be in accordance with the outline code of construction practice.

(4) Any part of the authorised development must be carried out in accordance with the relevant code of construction practice approved under sub-paragraph (1) for that part.

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**Commencement Information**

**17** Sch. 2 para. 6 in force at 15.10.2020, see [art. 1](#)

**Landscaping and ecological management plan**

7.—(1) No part of the authorised development is to commence until a written landscaping and ecological management plan for that part has been submitted to and, following consultation with Great Yarmouth Borough Council and Natural England, approved in writing by the county planning authority.

(2) Any landscaping and ecological management plan prepared under sub-paragraph (1) must—

- (a) be based on the mitigation measures included in the environmental statement;
- (b) not give rise to any materially new or materially different environmental effects than those assessed in the environmental statement;
- (c) be in general accordance with the approach to detailed design;
- (d) be in general accordance with the landscaping plans; and
- (e) include the details listed in sub-paragraph (3).

- (3) The details referred to in sub-paragraph (2) are—
- (a) details of proposed hard and soft landscaping works, including location, species, size and planting density of any proposed planting;
  - (b) details of proposed boundary treatments;
  - (c) cultivation, importing of materials and other operations to ensure plant establishment;
  - (d) proposed finished ground levels;
  - (e) hard surfacing materials;
  - (f) any ecological mitigation areas;
  - (g) details of any existing trees, hedges and shrubs to be retained
  - (h) implementation timetables for the landscaping and ecological management works; and
  - (i) details of the maintenance regime for the landscaping and ecological management works, which must—
    - (i) provide for maintenance for a period of 15 years commencing with the date of completion of the relevant landscaping and ecological management works; and
    - (ii) include measures for the replacement in the first available planting season, of any tree or shrub planted as part of that landscaping and ecological management plan which, within the period referred to in paragraph (i), dies, becomes seriously diseased or is seriously damaged.
- (4) All landscaping works must be carried out and maintained in accordance with the relevant landscaping scheme approved under sub-paragraph (1) for that part.

**Commencement Information**

**18** Sch. 2 para. 7 in force at 15.10.2020, see [art. 1](#)

**Existing trees and hedgerows**

**8.—(1)** All hedges and trees forming part of the boundary of the Order land or situated within it and which are shown to be retained in the landscaping scheme approved under paragraph 74 must be protected from any damage during the construction of the authorised development in accordance with British Standard BS5837 (2012) ‘Trees in relation to design, demolition and construction’.

(2) If any hedge or tree protected under sub-paragraph (1) is removed, uprooted, destroyed or damaged during the construction of the authorised development it must be replaced in the first available planting season and afterwards maintained for a period of 5 years.

(3) No felling, lopping or removal of hedges or trees (“the relevant activity”) is to take place during the bird nesting season unless a written report concerning the relevant activity by a suitably qualified ecologist has been provided to and approved by the county planning authority. The recommendations of the ecologist as set out in the report must be complied with in carrying out the relevant activity.

**Commencement Information**

**19** Sch. 2 para. 8 in force at 15.10.2020, see [art. 1](#)

## Contamination

9.—(1) In the event that contaminated materials are found at any time when carrying out the authorised development which have not been identified and addressed in a code of construction practice—

- (a) work in the location affected by such contamination must immediately stop;
- (b) the contamination must be notified in writing to the county planning authority, Great Yarmouth Borough Council and the Environment Agency; and
- (c) the undertaker must complete a risk assessment of the contamination.

(2) Following a notification under sub-paragraph (1), where the county planning authority determines that remediation is necessary, a written scheme and programme for the remedial measures necessary to render the land fit for its intended purpose (including a timetable), must be submitted to and, following consultation with Great Yarmouth Borough Council and the Environment Agency, approved in writing by the county planning authority and afterwards carried out.

### Commencement Information

**110** Sch. 2 para. 9 in force at 15.10.2020, see [art. 1](#)

## Emergency Preparedness and Response Plan

10.—(1) No part of the authorised development is to be opened to the public until an emergency preparedness and response plan has been submitted to and, following consultation with Great Yarmouth Borough Council, the lead local flood authority, Norfolk Fire and Rescue, Norfolk Constabulary and the Environment Agency, approved in writing by the county planning authority.

(2) The submitted emergency preparedness and response plan must include provision as to the actions and measures to be taken in relation to the authorised development to prepare for and respond to the following emergencies—

- (a) a flood event;
- (b) a fire event; and
- (c) an incident involving terrorism or other substantial threat to security.

(3) Unless otherwise agreed in writing with the county planning authority following consultation with the Environment Agency, an application for the approval of the emergency preparedness and response plan must be accompanied by a summary report of an analysis of the residual tidal flood risk arising from a breach of flood defences, prepared with regard to recognised guidance.

(4) The parts of the emergency preparedness and response plan prepared to respond to a flood event must be prepared, so far as is relevant, with regard to the analysis of residual flood risk referred to in sub-paragraph (3) and be accompanied by a statement explaining the regard that has been had to the results of that analysis.

(5) The approved plan must be implemented in full.

### Commencement Information

**111** Sch. 2 para. 10 in force at 15.10.2020, see [art. 1](#)

### Surface water drainage

11.—(1) No part of the authorised development which comprises any part of a surface water drainage system is to commence until written details of that surface water drainage system, including measures for the management of flood risk, for that part has been submitted to and, following consultation with Great Yarmouth Borough Council, the lead local flood authority, Anglian Water (in respect of its sewerage undertaker functions), the Environment Agency and the IDB, approved in writing by the county planning authority.

(2) The surface water drainage system submitted for approval under sub-paragraph (1) must be in accordance with the drainage strategy and include a timetable for implementation.

(3) The surface water drainage system must be constructed in accordance with the surface water drainage system approved under sub-paragraph (1) for that part.

#### Commencement Information

**I12** Sch. 2 para. 11 in force at 15.10.2020, see [art. 1](#)

### Lighting

12.—(1) No part of the authorised development is to commence until a written scheme of the lighting to be provided for that part on opening for public use (except lighting to be provided to the interior of a building) has been submitted to and, following consultation with Great Yarmouth Borough Council, approved in writing by the county planning authority.

(2) Any written scheme of proposed lighting submitted for approval under sub-paragraph (1) must be in accordance with the lighting report and include a timetable for implementation.

(3) The part of the authorised development in question must be carried out in accordance with the scheme approved under sub-paragraph (1) for that part and the approved lighting must be maintained thereafter.

(4) Nothing in this requirement restricts lighting of the authorised development during its construction or as temporarily required for maintenance.

#### Commencement Information

**I13** Sch. 2 para. 12 in force at 15.10.2020, see [art. 1](#)

### Completion and availability of particular works

13.—(1) The highway comprised in the new bridge and the new bridge western approach must not be opened for public use until the works specified in sub-paragraph (2) have been completed and made available for use.

(2) The works are—

- (a) the vessel waiting facilities;
- (b) Work No. 11; and
- (c) Work No. 12.

#### Commencement Information

**I14** Sch. 2 para. 13 in force at 15.10.2020, see [art. 1](#)

## Archaeology

14.—(1) The authorised development must be constructed in accordance with the archaeological written scheme of investigation, including the provisions of any method statement or other document required to be prepared under the terms of the archaeological written scheme of investigation.

(2) Any archaeological remains not identified in the archaeological written scheme of investigation which are revealed when carrying out the authorised development work (“the revealed remains”) must be retained in situ (subject to sub-paragraphs (3) and (4)) and reported to the county planning authority within 3 working days.

(3) No construction operations are to take place within 10 metres of the revealed remains for a period of 14 days from the date of such notification unless otherwise agreed in writing by the county planning authority.

(4) If the county planning authority confirm to the undertaker during the 14 day period referred to in sub-paragraph (3) that the revealed remains require further investigation, then no construction operations are to take place within 10 metres of the revealed remains until the revealed remains have been investigated and recorded in accordance with a scheme, which may provide for the removal of the revealed remains (subject to any direction or determination made under article 55 (removal of human remains)), submitted to and approved in writing by the county planning authority.

### Commencement Information

I15 Sch. 2 para. 14 in force at 15.10.2020, see [art. 1](#)

## Preliminary navigation risk assessment

15. The new bridge must be designed, constructed and operated in accordance with section 7 (Additional Mitigation Measures) of the preliminary navigation risk assessment.

### Commencement Information

I16 Sch. 2 para. 15 in force at 15.10.2020, see [art. 1](#)

## Signs at vessel waiting facilities

16. Signs instructing masters of vessels utilising the vessel waiting facilities to switch off the vessel engine whilst the vessel is moored must be provided to the satisfaction of the county planning authority prior to the first use of the vessel waiting facilities and maintained thereafter.

### Commencement Information

I17 Sch. 2 para. 16 in force at 15.10.2020, see [art. 1](#)

## Amendments to approved details

17.—(1) Subject to sub-paragraph (2), where any details, plans or schemes have been approved by the county planning authority under the provisions of any requirement, the county planning authority may at any time if it thinks fit approve amendments to the approved details, plans or schemes and following any further approval by the county planning authority the approved details, plans or schemes include the amendments approved under this requirement.

(2) In considering any amendment to any details, plans or schemes the county planning authority must consult those persons it would have been required to consult before granting approval initially in relation to the details, plans, or schemes.

**Commencement Information**

**I18** Sch. 2 para. 17 in force at 15.10.2020, see [art. 1](#)

**Details of consultation**

**18.** With respect to any requirement which requires details to be submitted to the county planning authority for approval under this Schedule following consultation with another party, the details submitted to the county planning authority must be accompanied by a summary report setting out—

- (a) the consultation undertaken by the undertaker pursuant to that requirement to inform the details submitted to the county planning authority for approval; and
- (b) the undertaker's response to that consultation.

**Commencement Information**

**I19** Sch. 2 para. 18 in force at 15.10.2020, see [art. 1](#)

**PART 2**

**PROCEDURE FOR DISCHARGE OF REQUIREMENTS**

**Interpretation**

**19.—(1)** In this Part of this Schedule—

“the appeal parties” means the discharging authority, the undertaker and any requirement consultees;

“application” means an application to a discharging authority for a specified consent;

“discharging authority” means the body responsible for determining an application for a specified consent;

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971 <sup>M5</sup>;

“requirement consultee” means any person named in a requirement which is the subject of an appeal as a person to be consulted by the discharging authority in discharging that requirement; and

“specified consent” means any consent, agreement or approval—

- (a) required by—
  - (i) any provision of Part 1 of this Schedule; or
  - (ii) any document referred to in such provision; or
- (b) authorised by paragraph 84,

and includes a consent, agreement or approval discharging a requirement in part only.

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**Commencement Information**

**I20** Sch. 2 para. 19 in force at 15.10.2020, see [art. 1](#)

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**Marginal Citations**

**M5** 1971 c. 80.

**Applications made under requirements**

**20.**—(1) Where an application has been made to the relevant discharging authority, the discharging authority must give notice to the undertaker of the discharging authority's decision on the application within—

- (a) a period of 8 weeks beginning with—
  - (i) the day immediately following that on which the application is received by the discharging authority; or
  - (ii) where, further information has been requested by the discharging authority under paragraph 88, the day immediately following—
    - (aa) the day the further information was supplied; or
    - (bb) where an appeal has been made by the undertaker under sub-paragraph 89(1)(d) or (e) and the appeal is allowed, the day on which the appeal was determined by the Secretary of State; or
    - (cc) where an appeal has been made by the undertaker under sub-paragraph 89(1)(d) or (e) and the appeal is dismissed, the day on which the relevant further or additional information is supplied; or

(b) such longer period as the discharging authority and the undertaker may agree in writing.

(2) Subject to sub-paragraph (3), in determining an application for a specified consent, the discharging authority may—

- (a) grant the specified consent, either unconditionally or subject to reasonable conditions; or
- (b) refuse the specified consent,

and where the specified consent, agreement or approval is refused or granted subject to conditions, the discharging authority must provide reasons for the refusal or (as the case may be) conditions in the notice of its decision with the notice of the decision.

(3) In the event that the discharging authority does not give notice of its decision within the period set out in sub-paragraph (1), the discharging authority is taken to have granted the specified consent sought by the application without any condition or qualification at the end of that period.

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**Commencement Information**

**I21** Sch. 2 para. 20 in force at 15.10.2020, see [art. 1](#)

**Further information relating to application**

**21.**—(1) A discharging authority in receipt of an application for a specified consent may request the undertaker to provide such further information as is reasonably necessary to enable the discharging authority to consider the application.

(2) A request to provide further information under sub-paragraph (1) must be made within 28 days of receipt of the application by the discharging authority.

(3) A discharging authority may request further information under sub-paragraph (1) on more than one occasion provided that all such requirements are made within the period specified by sub-paragraph (2).

(4) If the discharging authority does not request the undertaker to provide further information in accordance with sub-paragraphs (1) to (3), the discharging authority is thereafter deemed to have sufficient information. The undertaker is under no obligation to provide further information to the discharging authority but may do so if the discharging authority so requests.

#### Commencement Information

**I22** Sch. 2 para. 21 in force at 15.10.2020, see [art. 1](#)

### Appeals

**22.**—(1) Where the undertaker has made an application for a specified consent to the discharging authority, the undertaker may in writing appeal to the Secretary of State in the event that the discharging authority—

- (a) refuses the application;
- (b) grants the specified consent subject to conditions;
- (c) has not given notice to the undertaker of the discharging authority's decision on the expiry of the applicable period specified by paragraph 87(1);
- (d) requests the undertaker to provide further information in accordance with paragraph 88(1) and the undertaker considers that provision of any of the required information is not necessary to determination of the application;
- (e) has—
  - (i) received further information from the undertaker in response to a request made under paragraph 88(1);
  - (ii) notified the undertaker that information provided is inadequate; and
  - (iii) requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) An appeal made under sub-paragraph (1)(a), (b), (d) or (e), must be made within 42 days of the date of the notice of the relevant decision or (as the case may be) request.

(3) An appeal made under sub-paragraph (1)(c) must be made within 42 days of the expiry of the applicable period specified by paragraph 87(1).

(4) The appeal process is as follows:

- (a) the undertaker must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the discharging authority and the requirement consultees;
- (b) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person's attention should be sent;
- (c) the discharging authority and the requirement consultees must submit written representations to the appointed person in respect of the appeal within 20 business days of the date on which the appeal parties are notified of the appointment of a person under sub-paragraph (b) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;



(d) the appeal parties must make any counter-submissions to the appointed person within 20 business days of receipt of written representations under sub-paragraph (c);

(e) The appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(5) The appointment of the person under sub-paragraph (4)(b) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(6) If the appointed person considers that further information is necessary to enable consideration of the appeal, the appointed person must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(7) Any further information required under sub-paragraph (6) is to be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 business days of that date.

(8) The appointed person may at any time extend any deadline specified in this Part of this Schedule.

(9) On an appeal under this paragraph, the appointed person may—

(a) allow or dismiss the appeal; or

(b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),

and may deal with the appeal as if the relevant application had been made to the appointed person in the first instance.

(10) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed by this Part of this Schedule, or as extended by the appointed person under sub-paragraph (8).

(11) The appointed person may proceed to a decision even though no written representations have been made within the prescribed time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(12) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(13) If an approval is given by the appointed person under this Schedule, it is deemed to be an approval for the purpose of Part 1 of this Schedule as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(14) Except where a direction is given under sub-paragraph (15) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the undertaker.

(15) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to any relevant provision of the Planning Practice Guidance as from time to time published by the Ministry of Housing, Communities and Local Government or any circular or guidance which may from time to time replace it.

**Commencement Information**

**I23** Sch. 2 para. 22 in force at 15.10.2020, see [art. 1](#)

## **PART 3**

### **SUPPLEMENTARY PROVISIONS**

#### **Publication of requirements**

**23.**—(1) The undertaker, must, as soon as reasonably practicable following the making of this Order, establish on a website maintained by the undertaker a register of those requirements contained in Part 1 of this Schedule that include provision for a specified consent.

(2) The register must set out in relation to each such requirement—

- (a) whether an application for any specified consent has been made; and
- (b) whether the specified consent has been granted or refused.

(3) Where a specified consent has been granted, the register must provide a copy of it.

(4) The register must be maintained by the undertaker for a period of least 3 years following the opening of the authorised development to public use.

**Commencement Information**

**I24** Sch. 2 para. 23 in force at 15.10.2020, see [art. 1](#)

#### **Service of documents**

**24.** Any document required or authorised to be sent to any person under the provisions of this Schedule is to be taken to be a document required or authorised to be served on that person for the purposes of article 65 (service of notices) of the Order.

**Commencement Information**

**I25** Sch. 2 para. 24 in force at 15.10.2020, see [art. 1](#)

#### **Anticipatory steps relevant to specified consent**

**25.**—(1) In the discharge of its functions under this Schedule, a discharging authority may treat and take account of any pre-commencement action as if it had occurred after the coming into force of this Order.

(2) in this paragraph “pre-commencement action” means any act of the undertaker or any other person which—

- (a) is of relevance to the seeking or obtaining of a specified consent; and
- (b) occurred before the coming into force of this Order.

**Commencement Information**

**I26** Sch. 2 para. 25 in force at 15.10.2020, see [art. 1](#)

SCHEDULE 3

Article 9(1)

STREETS SUBJECT TO PERMANENT LAYOUT AND OTHER ALTERATIONS

**Commencement Information**

**I27** Sch. 3 in force at 15.10.2020, see [art. 1](#)

The lengths of street subject to layout and other alterations in column (2) of this Schedule are shown by blue cross-hatching on the street plans and given a reference (“Ref”) number, preceded by “C” commencing with “1”

<i>(1) Street Plans Sheet Number and Area</i>	<i>(2) Street subject to alteration</i>	<i>(3) Description of alteration</i>
Sheet 1 In the Borough of Great Yarmouth In the County of Norfolk	Ref C1 U61067 Queen Anne's Road	Realigning, signage and improvement works to 70 metres of U61067 Queen Anne's Road to provide and facilitate an arm on and off the new roundabout
	Ref C2 C618 Suffolk Road	Realigning, signage and improvement works to 220 metres of C618 Suffolk Road to provide and facilitate an exit arm off the new roundabout
	Ref C3 C631 William Adams Way	Realigning, signage and improvement works to 205 metres of C631 William Adams Way to provide and facilitate a dual carriageway arm off the new roundabout at its junction with the existing C618 Suffolk Road
	Ref C4 U61067 Queen Anne's Road	Creation of a revised junction between U61067 Queen Anne's Road and C630 Southtown Road, together with signage and improvement works to 121 metres of the existing U61067 Queen Anne's Road
	Ref C5 U61057 Cromwell Road	Signage and improvement works, including provision of

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

		parking bays, to 80 metres of the U61057 Cromwell Road
	Ref C6 C630 Southtown Road	Signage and improvement works to 481 metres of the existing C630 Southtown Road
Sheet 2 In the Borough of Great Yarmouth In the County of Norfolk	Ref C7 U60769 Fish Wharf	Realigning, signage and improvement works to 114 metres of the existing U60769 Fish Wharf
	Ref C8 A1243 Southgates Road	Widening, signage and improvement works to 232 metres of the existing A1243 Southgates Road to provide 3 southbound lanes and 1 north bound lane
	Ref C9 A1243 South Denes Road	Widening, signage and improvement works to 318 metres of the existing A1243 South Denes Road to provide 3 southbound lanes and 1 north bound lane and tying into a new signalised junction with the new bridge eastern approach over the river Yare
	Ref C10 U60795 Sutton Road	Signage and improvement works of 115 metres to the existing U60795 Sutton Road to reflect the change in the direction of operation of the one-way system in that road
	Ref C11 U60769 Fish Wharf	Signage and improvement works to 70 metres of the existing U60769 Fish Wharf
	Ref C12 U60782 Middle Road West	Signage and improvement works to 166 metres of the existing U60782 Middle Road West to reflect the change in direction of operation of the one-way systems on U60795 Sutton Road and U60796 Swanston's Road
	Ref C13 U60781 Middle Road East	Signage and improvement works to 166 metres of the existing U60781 Middle Road East to reflect the change in direction of operation of the one-way systems on U60795 Sutton Road and U60796 Swanston's Road

Ref C14 C609 Admiralty Road	Signage and improvement works to 229 metres of the existing C609 Admiralty Road to reflect the change in direction of operation of the one-way systems on U60795 Sutton Road and U60796 Swanston's Road
Ref C15 U60796 Swanston's Road	Signage and improvement works to 116 metres of the existing U60796 Swanston's Road to change the direction of operation of the one-way system

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#### SCHEDULE 4

Article 14(1)

#### PERMANENT STOPPING UP OF STREETS AND PRIVATE MEANS OF ACCESS

In relating this Schedule to the corresponding street plans, the provisions described in this Schedule are shown on the street plans in the following manner—

- (a) streets to be stopped up, described in column (2) of Parts 1 and 2 of this Schedule, are shown by thick black hatching, over the extent of stopping up described in column (3) of each of those Parts and are given a reference (“Ref”) number, preceded by ‘A’, commencing with ‘1’;
- (b) new streets to be substituted for a street to be stopped up, or which are otherwise to be provided, as described in column (4) of Part 1 of this Schedule, are shown by red stipple and given a reference (“Ref”) number, preceded by ‘D’, commencing with ‘1’;
- (c) private means of access to be stopped up, described in column (2) of Parts 3 and 4 of this Schedule, are shown by grey shading over the extent of stopping up described in column (3) of each of those Parts, and are given a reference (“Ref”) number, preceded by ‘B’, commencing with ‘1’; and
- (d) new private means of access to be substituted for a private means of access to be stopped up, or which are otherwise to be provided, as described in column (4) of Part 3 of this Schedule, are shown by thin diagonal black hatching and are given a reference (“Ref”) number commencing with ‘1’.

### PART 1

#### STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND OTHER NEW STREETS TO BE PROVIDED

##### Commencement Information

**I28** Sch. 4 Pt. 1 in force at 15.10.2020, see [art. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

<b><i>(1) Street plans sheet number</i></b>	<b><i>(2) Street within the Borough of Great Yarmouth to be stopped up</i></b>	<b><i>(3) Extent of stopping up</i></b>	<b><i>(4) New street within the Borough of Great Yarmouth to be substituted, and other new streets to be provided</i></b>
Sheet 1	Ref A1 C631 William Adams Way	To be stopped up over a distance of 186 metres eastwards from its junction with the existing A47 Harfrey's roundabout	Ref D1 The new highways
Sheet 1	Ref A2 U61067 Queen Anne's Road	To be stopped up over a distance of 20 metres westwards from its existing junction with C618 Suffolk Road	Ref D1 The new highways
Sheet 1	Ref A3 C618 Suffolk Road	To be stopped up over a distance of 61 metres northwards from its existing junction with C631 William Adams Way	Ref D1 The new highways
Sheet 1	Ref A4 U61067 Queen Anne's Road	To be stopped up over a distance of 53 metres eastwards from its existing junction with C618 Suffolk Road	Ref D1 The new highways
Sheet 1			Ref D2 Provision of a new turning head on U61067 Queen Anne's Road at a distance 105 metres westwards from the junction of U61067 Queen Anne's Road and C630 Southtown Road
Sheet 1			Ref D3 Provision of turning facilities and parking on land at Cromwell Court situated at the western end of the existing U61057 Cromwell Road

## PART 2

### STREET TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

#### Commencement Information

**I29** Sch. 4 Pt. 2 in force at 15.10.2020, see [art. 1](#)

<i>(1) Street plans sheet number</i>	<i>(2) Street within the Borough of Great Yarmouth to be stopped up</i>	<i>(3) Extent of stopping up</i>
Sheet 2	Ref A5 U60769 Fish Wharf	To be stopped up over a distance of 145 metres in a westward and then southward direction from its existing junction with the existing A1243 South Denes Road

## PART 3

### PRIVATE MEANS OF ACCESS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND OTHER NEW PRIVATE MEANS OF ACCESS TO BE PROVIDED

#### Commencement Information

**I30** Sch. 4 Pt. 3 in force at 15.10.2020, see [art. 1](#)

<i>(1) Street plans sheet number</i>	<i>(2) Private means of access within the Borough of Great Yarmouth to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) Private means of access within the Borough of Great Yarmouth to be substituted, and other new private means of access to be provided</i>
Sheet 1			Ref 1 A new private means of access from U61054 Boundary Road, commencing 153 metres west from its existing junction with C618 Suffolk Road, to facilitate access for maintenance

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

Sheet 1	of existing drainage infrastructure Ref 2 A new private means of access from U61067 Queen Anne's Road, commencing 42 metres west from its existing junction with C618 Suffolk Road, to facilitate access for maintenance of existing drainage infrastructure
Sheet 1	Ref 3 A new private means of access from C618 Suffolk Road, commencing 142 metres north from its junction with U61052 Alpha Road, for a distance of 93 metres, to facilitate access for maintenance
Sheet 1	Ref 4 A new private means of access from U61067 Queen Anne's Road, commencing 42 metres west from its junction with C630 Southtown Road, for a distance of 47 metres, to facilitate access for maintenance
Sheet 1	Ref 5 A new private means of access from the new turning head at U61067 Queen Anne's Road (Reference D2) to serve the new allotments
Sheet 1	Ref 6 A new private means of access from U61057 Cromwell Road to serve the new electricity substation, commencing 6 metres



Sheet 1	west from its junction with the existing C630 Southtown Road Ref 7 A new private means of access forming an exit ramp from Bollard Quay to the existing C630 Southtown Road, opposite its junction with U61074 Waveney Road, for a distance of 29 metres
Sheet 2	Ref 8 A new private means of access via the new underpass to facilitate access to land to the north and south of the new bridge eastern approach, for a distance of 33 metres
Sheet 2	Ref 9 A new private means of access from U60769 Fish Wharf, 115 metres from its junction with the existing A1243 South Denes Road, to facilitate access for maintenance of the new bridge and the new bridge eastern approach
Sheet 2	Ref 10 A new private means of access to serve the new electricity substation off U60769 Fish Wharf, commencing 30 metres west from its junction with the existing A1243 South Denes Road
Sheet 2	Ref 11 A new private means of access from A1243 South Denes Road to facilitate access for maintenance of the new

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

			bridge and new bridge eastern approach
Sheet 2	Ref B29 Access to the Neptune Warehouse, South Denes Road	A length from its junction with the existing A1243 South Denes Road, to its junction with U60769 Fish Wharf including the south western loop element	Ref 12 A new one-way private means of access from U60769 Fish Wharf for a distance of 136 metres northwards, then eastwards, to provide a left turn exit onto A1243 South Denes Road
Sheet 2	Ref B31 Access to the Atlas Terminal, South Denes Road	A length from its junction with the existing A1243 South Denes Road, for a distance of 12 metres	Ref 13 A new private means of access from the improved A1243 South Denes Road for a distance of 9 metres westwards to serve the Atlas Terminal
Sheet 2	Ref B32 Access to the Atlas Terminal (Scroby Sands Offshore Wind Farm, Operations and Maintenance Facility), Southgates Road	A length from its junction with the existing A1243 Southgates Road for a distance of 10 metres	Ref 14 A new private means of access from the improved A1243 Southgates Road for a distance of 7 metres westwards to serve the Atlas Terminal (Scroby Sands Offshore Wind Farm, Operations and Maintenance Facility)

**PART 4**

**PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED**

**Commencement Information**  
**I31** Sch. 4 Pt. 4 in force at 15.10.2020, see [art. 1](#)

<i>(1) Street plans sheet number</i>	<i>(2) Private means of access within the Borough of Great Yarmouth to be stopped up</i>	<i>(3) Extent of stopping up</i>
Sheet 1	Ref B1 Access to Units 1 - 13, Suffolk Road Enterprise Park,	A length from its junction with the existing C618 Suffolk Road, for a distance of 10 metres

	50 metres north of its junction with the existing U61067 Queen Anne's Road	
Sheet 1	Ref B2 Access to Great Yarmouth & Gorleston Allotment Association allotments off U61067 Queen Anne's Road, at the junction with the existing C618 Suffolk Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 1 metre
Sheet 1	Ref B3 Access to the Great Yarmouth and Waveney Mind site off U61067 Queen Anne's Road, at the junction with the existing C618 Suffolk Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 2 metres
Sheet 1	Ref B4 Access to Great Yarmouth and Gorleston Allotment Association allotments off U61067 Queen Anne's Road, 25 metres east of that road's existing junction with C618 Suffolk Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 2 metres
Sheet 1	Ref B5 Access to No. 22 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B6 Access to No. 22 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B7 Access to No. 21 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B8 Access to No. 20 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B9 Access to No. 19 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B10 Access to No. 18 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

Sheet 1	Ref B11 Access to No. 17 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B12 Access to No. 17 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B13 Access to No. 16 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B14 Access to No. 15 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B15 Access to No. 14 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B16 Access to No. 13 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B17 Access to No. 13 Queen Anne's Road	A length from its junction with the existing U61067 Queen Anne's Road, for a distance of 3 metres
Sheet 1	Ref B18 Access to No. 11 Cromwell Road	A length from its junction with the existing U61057 Cromwell Road, for a distance of 11 metres
Sheet 1	Ref B19 Access to No. 148 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 3 metres
Sheet 1	Ref B20 Access to No. 149 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 3 metres
Sheet 1	Ref B21 Access to No. 150 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 3 metres
Sheet 1	Ref B22 Access to No. 151 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres

Sheet 1	Ref B23 Access to No. 152 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres
Sheet 1	Ref B24 Access to No. 153 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres
Sheet 1	Ref B25 Access to No. 154 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres
Sheet 1	Ref B26 Access to No. 155 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres
Sheet 1	Ref B27 Access to No. 156 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres
Sheet 1	Ref B28 Access to No. 156 Southtown Road	A length from its junction with the existing C630 Southtown Road, for a distance of 4 metres
Sheet 2	Ref B30 Access to South Denes Car Sales, opposite the junction of A1243 South Denes Road and U60795 Sutton Road	A length from its junction with the existing A1243 South Denes Road, for a distance of 10 metres

SCHEDULE 5

Article 18(1)

TRAFFIC REGULATION MEASURES

**PART 1**

PROHIBITIONS AND RESTRICTIONS OF WAITING, LOADING, ETC.

**Commencement Information**

**I32** Sch. 5 Pt. 1 in force at 15.10.2020, see [art. 1](#)

In this Part of this Schedule the terms “disabled person's badge” and “relevant position” each have the meanings given in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000<sup>M6</sup>.

<i>(1) Traffic regulation measures plans sheet number and reference number</i>	<i>(2) Number, name and side of road within the Borough of Great Yarmouth and affected length</i>	<i>(3) Measure</i>
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**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

Sheet 1 Reference 01	C631 William Adams Way north side (east bound) From its junction with the A47 Harfrey's roundabout, to its junction with the new roundabout	All motor vehicles: no waiting at any time
Sheet 1 Reference 02	C631 William Adams Way south side (west bound) From its junction with the new roundabout, to its junction with the A47 Harfrey's roundabout	All motor vehicles: no waiting at any time
Sheet 1 Reference 03	U61067 Queens Anne's Road both sides From its junction with the new roundabout to a point 65 metres north west of that junction on the south side of U61067 Queen Anne's Road and, on the north side, from its junction with the new roundabout to a point 45 metres north west of that junction	All motor vehicles: no waiting at any time
Sheet 1 Reference 04	C618 Suffolk Road both sides From its junction with the new roundabout northwards for a distance of 44 metres	All motor vehicles: no waiting at any time
Sheet 1 Reference 05	C631 William Adams Way north east side (south east bound) From its junction with the new roundabout to its junction with the C630 Southtown Road	All motor vehicles: no waiting at any time
Sheet 1 Reference 06	C631 William Adams Way south west side (north west bound) From its junction with C630 Southtown Road to its junction with the new roundabout	All motor vehicles: no waiting at any time
Sheet 1 Reference 07	U61067 Queen Anne's Road south side From a point 96 metres north west from its junction with C630 Southtown Road in a north westerly direction for a distance of 20 metres	All motor vehicles: no waiting at any time
Sheet 1 Reference 08	U61067 Queen Anne's Road north side	All motor vehicles: no waiting at any time

	<p>From a point 96 metres north west from its junction with C630 Southtown Road in a north westerly direction for a distance of 20 metres including the turning head</p>	
Sheet 1 Reference 09	<p>U61067 Queens Anne's Road north side</p> <p>From its junction with C630 Southtown Road westwards for a distance of 40 metres</p>	All motor vehicles: no waiting at any time
Sheet 2 Reference 11	<p>A1243 South Denes Road east side</p> <p>From a point 10 metres north of the mid-point of its junction with the U60796 Swanston's Road northwards to a point 15 metres south of the mid-point of its junction with U60795 Sutton Road</p>	All motor vehicles: no waiting at any time
Sheet 2 Reference 12	<p>A1243 Southgates Road east side</p> <p>From a point 16 metres north of the mid-point of its junction with the U60795 Sutton Road to a point 72 metres south of the mid-point of its junction with the U60757 Barrack Road</p>	All motor vehicles: no waiting at any time
Sheet 2 Reference 14	<p>U60795 Sutton Road north side</p> <p>From a point 10 metres east of its junction with the A1243 South Denes Road, to a point 48 metres east of that junction</p>	All motor vehicles: no waiting at any time
Sheet 2 Reference 15	<p>U60795 Sutton Road south side</p> <p>From a point 15 metres east of the mid-point of its junction with Middle Road East to a point 20 metres east of that junction</p>	All motor vehicles: no waiting at any time
Sheet 2 Reference 17	<p>U60795 Sutton Road south side</p> <p>From a point 4 metres west of the mid-point of its junction with U60781 Middle Road East, to a point 8 metres west of that junction</p>	All motor vehicles: no waiting at any time

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

Sheet 2 Reference 18	U60795 Sutton Road south side From a point 4 metres east of the mid-point of its junction with U60781 Middle Road East, to a point 7 metres east of that junction	All motor vehicles: no waiting at any time
Sheet 1 and Sheet 2 Reference 19	The New Road north side (east bound) Entire length	All vehicles; no waiting, loading or unloading at any time
Sheet 1 and Sheet 2 Reference 20	The New Road south side (west bound) Entire length	All vehicles: no waiting, loading or unloading at any time
Sheet 1 and Sheet 2 Reference 26	C630 Southtown Road west side From a point 7 metres south of the junction with the U61057 Cromwell Road, to a point 77 metres south of the junction with U61057 Cromwell Road	All motor vehicles: no waiting at any time
Sheet 1 and Sheet 2 Reference 29	U61060 Cromwell Road south side From a point 30 metres west of its junction with C630 Southtown Road westwards for its remaining length	Road parking place: no restriction on times or duration of parking
Sheet 2 Reference 30	U60795 Sutton Road north side From its junction with C609 Admiralty Road to a point 69 metres west of that junction	Road parking place: no restriction on times or duration of parking
Sheet 2 Reference 31	U60795 Sutton Road south side From its junction with C609 Admiralty Road to a point 20 metres west of that junction	Road parking place: no restriction on times or duration of parking
Sheet 2 Reference 32	U60795 Sutton Road south side From a point 12 metres east of the mid-point of its junction with U60782 Middle Road West to a point 7 metres west of the mid-point of its junction with U60781 Middle Road East	Road parking place: no restriction on times or duration of parking
Sheet 2 Reference 33	U60795 Sutton Road south side From a point 7 metres east of its junction with U60781 Middle	Road parking place: no restriction on times or duration of parking



	Road East to a point 15 metres east of that junction	
Sheet 2 Reference 35	U60782 Middle Road West east side From its junction with the U60795 Sutton Road southwards for a distance of 7 metres	All motor vehicles: no waiting at any time
Sheets 1 and 2 Reference 38	U61057 Cromwell Road south side From a point 35 metres west of its junction with Southtown Road, the provision of a disabled parking bay 6.6 metres in length	All motor vehicles: no waiting at any time save for a vehicle displaying a disabled person's badge in the relevant position

**Marginal Citations**

M6 [S.I. 2000/682](#).

**Marginal Citations**

M6 [S.I. 2000/682](#).

## PART 2

### DIRECTION OF TRAVEL, ENTRY, ETC.

**Commencement Information**

I33 Sch. 5 Pt. 2 in force at 15.10.2020, see [art. 1](#)

<i>(1) Traffic regulation measures plans sheet number and reference number</i>	<i>(2) Number, name and side of road within the Borough of Great Yarmouth and affected length</i>	<i>(3) Measure</i>
Sheet 1 and Sheet 2 Reference 21	The New Road south side (west bound) From a point 120 metres west of its junction with A1243 South Denes Road for a distance of 135 metres in a westerly direction	All vehicles, pedestrians and persons driving, riding or leading a horse or other animal of draught or burden: prohibition of entry when indicated by signs and barriers or by direction of an authorised person
Sheet 1 and Sheet 2 Reference 34	The New Road north side (east bound)	All vehicles, pedestrians and persons driving, riding or leading a horse or other

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

Sheet 1 Reference 37	C618 Suffolk Road both sides From its junction with the new roundabout to its junction with U61054 Boundary Road	animal of draught or burden: prohibition of entry when indicated by signs and barriers or by direction of an authorised person  All vehicles: one way from south to north
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### PART 3

#### VARIATION AND REVOCATION OF EXISTING ORDERS

<p><b>Commencement Information</b>  <b>I34</b> Sch. 5 Pt. 3 in force at 15.10.2020, see <a href="#">art. 1</a></p>
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<i>(1) Traffic regulation measures plans sheet number and reference number</i>	<i>(2) Number, name and side of road within the Borough of Great Yarmouth and affected length</i>	<i>(3) Title of Order</i>	<i>(4) Variation or revocation</i>
Sheet 1 and Sheet 2 Reference 16	U61067 Queen Anne's Road both sides From its present junction with the C618 Suffolk Road eastwards for a distance of 15 metres	The Norfolk County Council (Great Yarmouth, Southtown), Various Roads) (Prohibition of Waiting) Consolidation and Variation Order 2011	Revocation of prohibition of waiting
Sheet 1 and Sheet 2 Reference 22	U61067 Queen Anne's Road both sides At its junction with C630 Southtown Road	The Norfolk County Council (Various Roads, Great Yarmouth) (Prohibition of Driving) Order 1985	Revocation of prohibition of driving
Sheet 2 Reference 23	U60795 Sutton Road both sides Entire length	The Norfolk County Council (Great Yarmouth and Gorleston, Various Roads) (One-Way) Consolidation Order 2015	Variation: reversal of current required direction of travel
Sheet 2 Reference 24	U60796 Swanston's Road both sides Entire length	The Norfolk County Council (Great Yarmouth and Gorleston, Various	Variation: reversal of current required direction of travel

		Roads) (One-Way) Consolidation Order 2015	
Sheet 1 Reference 25	C618 Suffolk Road both sides From its present junction with William Adams Way northwards to its junction with U61054 Boundary Road	The Norfolk County Council (Great Yarmouth, and Gorleston, Various Roads) (One-Way) Consolidation Order 2015	Revocation of south (Great to north one way requirement
Sheet 2 Reference 27	U60795 Sutton Road both sides From a point 17 metres west of the mid-point of its junction with the U60781 Middle Road East eastwards for a distance of 34 metres	The Norfolk County Council (Great Yarmouth, (South Denes) Various Roads) (Prohibition of Waiting) Consolidation and Variation Order 2011	Revocation of prohibition of waiting
Sheet 2 Reference 28	U60795 Sutton Road both sides From its junction with the C609 Admiralty Road westwards for a distance of 4 metres	The Norfolk County Council (Great Yarmouth, (South Denes), Various Roads) (Prohibition of Waiting) Consolidation and Variation Order 2011	Revocation of prohibition of waiting
Sheet 1 and Sheet 2 Reference 36	U61057 Cromwell Road south side From a point 42 metres west of its junction with the C630 Southtown Road westwards for its remaining length	The Norfolk County Council (Great Yarmouth (Southtown), Various Roads) (Prohibition of Waiting) Consolidation and Variation Order 2011	Revocation of prohibition of waiting

SCHEDULE 6

Article 28(2)

LAND IN WHICH ONLY NEW RIGHTS MAY BE ACQUIRED

**Commencement Information**

I35 Sch. 6 in force at 15.10.2020, see [art. 1](#)

<i>(1) Location</i>	<i>(2) Plot reference number(s) shown on the land plans</i>	<i>(3) Purpose for which rights over land may be acquired</i>	<i>(4) Relevant part of the authorised development</i>
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**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

The land plans – sheet 1

In the Borough of Great Yarmouth 1-02, 1-03, 1-04, 1-05, 1-06, 1-07, 1-08, 1-09  
In the County of Norfolk

Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure

Work No. 3

The land plans – sheet 2

In the Borough of Great Yarmouth 2-06, 2-08, 2-11, 2-12, 2-14, 2-15  
In the County of Norfolk

Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way

Work No. 4

The land plans – sheet 3

In the Borough of Great Yarmouth 3-04  
In the County of Norfolk

Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the authorised development

Work No. 6A

The land plans – sheet 4

In the Borough of Great Yarmouth 4-06, 4-09, 4-23  
In the County of Norfolk

Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the authorised development

Work Nos. 6A, 6B, 7A, 7B and 8B

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SCHEDULE 7

Article 28(5)

MODIFICATION OF COMPENSATION AND COMPULSORY  
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*Compensation enactments*

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or imposition of a restrictive covenant as they apply as respects compensation for the compulsory purchase of land and interests in land.

**Commencement Information**

I36 Sch. 7 para. 1 in force at 15.10.2020, see [art. 1](#)

2.—(1) Without limitation on the scope of paragraph 93, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 7 to the Great Yarmouth Third River Crossing Development Consent Order 2020 (“the 2020 Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 7 to the 2020 Order) to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”.

**Commencement Information**

I37 Sch. 7 para. 2 in force at 15.10.2020, see [art. 1](#)

3.—(1) Without limitation on the scope of paragraph 93, the Land Compensation Act 1973 <sup>M7</sup> has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- (a) for “land is acquired or taken from” substitute “ a right or restrictive covenant over land is purchased from or imposed on ”; and
- (b) for “acquired or taken from him” substitute “ over which the right is exercisable or the restrictive covenant enforceable ”.

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**Commencement Information**

**I38** Sch. 7 para. 3 in force at 15.10.2020, see [art. 1](#)

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**Marginal Citations**

**M7** 1973 c. 26.

*Application of Part 1 of the 1965 Act*

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 31 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 25 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 28(1) (compulsory acquisition of rights)—

- (a) with the modification specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

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**Commencement Information**

**I39** Sch. 7 para. 4 in force at 15.10.2020, see [art. 1](#)

5.—(1) The modifications referred to in paragraph 96(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(3) For section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

(4) The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

(5) Section 11<sup>M8</sup> (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 25), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A<sup>M9</sup> (powers of entry: further notices of entry), 11B<sup>M10</sup> (counter-notice requiring possession to be taken on specified date, 12<sup>M11</sup> (unauthorised entry) and 13<sup>M12</sup> (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20<sup>M13</sup> (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 31(4) is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.

(8) For Schedule 2A of the 1965 Act substitute—

#### “SCHEDULE 2A

#### COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

##### *Introduction*

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 (execution of declaration) of the 1981 Act as applied by article 32 (application of the 1981 Act) of the Great Yarmouth Third River Crossing Development Consent Order 2020 in respect of the land to which the notice to treat relates.

(2) But see article 33(4) (acquisition of subsoil or airspace etc., only) of the Great Yarmouth Third River Crossing Development Consent Order 2020 which excludes the acquisition of subsoil or airspace only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

##### *Counter-notice requiring purchase of land*

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

##### *Response to counter-notice*

5. On receiving a counter-notice, the acquiring authority must decide whether to—
- withdraw the notice to treat,
  - accept the counter-notice, or
  - refer the counter-notice to the Upper Tribunal.

6. The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the house, building or factory.

### *Determination by the Upper Tribunal*

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making the determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraw the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”.

#### **Commencement Information**

**I40** Sch. 7 para. 5 in force at 15.10.2020, see [art. 1](#)

#### **Marginal Citations**

**M8** [Section 11](#) was amended by section 34(1) of, and Schedule 4 to, the [Acquisition of Land Act 1981 \(c. 67\)](#), [section 3](#) of, and Part 1 of Schedule 1 to, the [Housing \(Consequential Provisions\) Act 1985 \(c. 71\)](#),



**section 14** of, and paragraph 12(1) of Schedule 5 to, the [Church of England \(Miscellaneous Provisions\) Measure 2006 \(2006 No. 1\)](#), **sections 186(2)**, 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the [Housing and Planning Act 2016 \(c. 22\)](#) and [S.I. 2009/1307](#).

**M9** [Section 11A](#) was inserted by section 186(3) of the [Housing and Planning Act 2016](#).

**M10** [Section 11B](#) was inserted by section 187(2) of the [Housing and Planning Act 2016](#).

**M11** [Section 12](#) was amended by section 56(2) of, and Part 1 of Schedule 9 to, the [Courts Act 1971 \(c. 23\)](#).

**M12** [Section 13](#) was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#).

**M13** [Section 20](#) was amended by paragraph 4 of Schedule 15 to the [Planning and Compensation Act 1991](#) and [S.I. the Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#).

SCHEDULE 8

Article 33(2)

LAND IN WHICH ONLY AIRSPACE AND NEW RIGHTS MAY BE ACQUIRED

**Commencement Information**

**I41** Sch. 8 in force at 15.10.2020, see [art. 1](#)

<i>(1) Location</i>	<i>(2) Plot Reference Number(s) shown on the land plans</i>	<i>(3) Height above Ordnance Datum (m)</i>	<i>(4) Purpose(s) for which airspace and new rights may be acquired</i>
The land plans – sheet 4 In the Borough of Great Yarmouth In the County of Norfolk	4-08	5.36 metres	Acquisition of airspace for the construction and operation of the new bridge and new rights (including restrictive covenants) below, for the protection and maintenance of the new bridge

SCHEDULE 9

Article 35(1)

LAND OF WHICH ONLY TEMPORARY POSSESSION MAY BE TAKEN

**Commencement Information**

**I42** Sch. 9 in force at 15.10.2020, see [art. 1](#)

<i>(1) Location</i>	<i>(2) reference Number(s)</i>	<i>(3) Plot which</i>	<i>(4) Purpose for which</i>	<i>(4) Relevant part of the authorised development</i>
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**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

	<b><i>shown on the land plans</i></b>	<b><i>temporary possession may be taken</i></b>	
The land plans – sheet 1			
In the Borough of Great Yarmouth	1-01	Temporary possession of land to facilitate the improvement of the existing A47 Great Yarmouth Bypass in connection with the tie-in of the new highway (comprised in Work No. 2) to the existing highway network at Harfrey's roundabout	Work Nos. 1 and 2
In the County of Norfolk	1-10	Temporary possession of land adjacent to the new roundabout to provide working space, including a construction compound for the construction of the authorised development	Work Nos. 2 and 3
	1-20	Temporary possession of land to provide working space for the improvement of Suffolk Road, in connection with the provision of the new bridge western approach and associated works	Work Nos. 2 and 8A
The land plans – sheet 2			
In the Borough of Great Yarmouth	2-01	Temporary possession of land to facilitate the improvement of the existing A47 Great Yarmouth Bypass in connection with the tie-in of the new highway (comprised in Work No. 2) to the existing highway network at Harfrey's roundabout	Work Nos. 1 and 2
In the County of Norfolk	2-07	Temporary possession of land to provide mitigation and accommodation works	Work No. 12

		for the benefit of the MIND Centre and Grounds	
The land plans – sheet 3			
In the Borough of Great Yarmouth	3-01	Temporary possession of land to provide working space for the improvement of Southtown Road in connection with the provision of the new bridge western approach, including the provision of new public realm on Bollard Quay	Work Nos. 5, 6, 7 and 8
In the County of Norfolk			
	3-05	Temporary possession of land including riverbed to provide working space for the construction of the new bridge and associated works	Work Nos. 5, 6, 7 and 8
	3-06, 3-07, 3-08, 3-09	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of authorised development	Work Nos. 6, 7, 8 and 9
	3-13, 3-16, 3-20, 3-21, 3-22	Temporary possession of land to provide working space for the improvement of South Denes Road and Southgates Road in connection with the provision of the new bridge eastern approach and associated works	Work Nos. 8 and 9
The land plans – sheet 4			
In the Borough of Great Yarmouth	4-02	Temporary possession of land to provide working space for the improvement of Southtown Road in connection with the	Work Nos. 5, 6, 7 and 8
In the County of Norfolk			

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

	provision of the new bridge western approach, including the provision of new public realm on Bollard Quay	
4-07, 4-10, 4-25	Temporary possession of land including riverbed to provide working space for the construction of the new bridge and associated works	Work Nos. 5, 6, 7 and 8
4-13	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of authorised development	Work Nos. 6B, 8C and 9
4-21, 4-26, 4-29	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound, for the construction of the authorised development	Work Nos. 6B, 7B, 8C and 9
4-27, 4-28	Temporary possession of land within the curtilage of the Neptune Warehouse to provide working space, including a construction compound for the construction of the authorised development	Work Nos. 6B, 7B, 8C and 9

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SCHEDULE 10

Article 43(4)

SCHEME OF OPERATION

**PART 1**

PRELIMINARY

**Interpretation**

1.—(1) In this Schedule the following expressions have the following meanings—

“the bridge” means the new bridge;

“the communications facilities” means an email address, web portal, telephone number and the VHF equipment detailed in paragraph 99(5);

“emergency vessel” means a vessel used to respond to an emergency whether operated by the GYPA, a recognised emergency service or deputised provider;

“excessive wind condition” means greater than 20m/s (10 minute average) wind speed;

“inbound vessel” means any vessel approaching the bridge from the mouth of the river Yare intending to transit the bridge in a northerly direction towards the Haven Bridge;

“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>M14</sup> applies;

“opening request” means a request given in respect of a vessel specifying the opening time that it requires the bridge to be open;

“opening request revision” means a request for an amendment to a vessel's passage plan and to the opening time specified in an opening request;

“opening time” means the time when the vessel requires the bridge to be open as specified in an opening request;

“outbound vessel” means any vessel approaching the bridge from the Haven Bridge intending to transit the bridge in a southerly direction towards the river Yare;

“peak hours” means the periods on any day between—

(a) 08:00 and 09:00; and

(b) 16:30 and 17:30;

“port” means Great Yarmouth Port;

“recreational opening” means the opening of the bridge to allow the passage of a recreational vessel;

“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; and

“specified event” means—

(c) an emergency (either marine or landside and includes a road traffic accident on or close to the bridge);

(d) excessive wind condition or other adverse weather conditions such as affects the safe operation of the bridge;

(e) a vessel colliding with the bridge;

(f) a power failure, hydraulic failure or mechanical failure; or

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

- (g) any other circumstance beyond the reasonable control of the undertaker.
- (2) Paragraphs 100 to 103 are subject to paragraph 105 in their application to a recreational vessel.

**Commencement Information**

**I43** Sch. 10 para. 1 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**

**M14** 1987 c.21.

## PART 2

### OPERATIONAL PROVISIONS

#### Bridge operations

- 2.—(1) The following provisions apply to the undertaker.
- (2) The bridge is to be operated 24 hours a day, 365 days a year, opening upon request, subject to and in accordance with the provisions of this Schedule, for all marine traffic transiting the river Yare in the waters of the port.
- (3) With the exception of a specified event, or in the circumstances detailed at sub-paragraph (8) and paragraph 107, the bridge is to be opened in sufficient time to allow the safe and unhindered passage of a vessel through the bridge.
- (4) The undertaker is to ensure the bridge is manned and operated safely, by suitably qualified and experienced personnel at all times, in accordance with the prevailing applicable legislation.
- (5) The undertaker is to provide suitable marine VHF radio equipment to monitor the port operational frequency to monitor and respond to Port Control, Vessels within the port, as well as maintaining an understanding of the flow of traffic and any developing marine emergencies.
- (6) The undertaker is to provide, publicly promote, and constantly monitor the communications facilities for the purposes of receiving opening requests and opening request revisions.
- (7) The undertaker is to cause and ensure that the bridge—
  - (a) is fully opened and in a safe condition for transit by a vessel by the time given in that vessel's opening request or (as the case may be) revised opening request; and
  - (b) remains open for the duration of the vessel's transit until the vessel is past and clear and it is safe to close.
- (8) In the event of scheduled maintenance of the bridge structure, road surface, machinery or associated equipment, such that the bridge is unable to open upon request, the undertaker is to provide a minimum of 14 days notice, in writing, to GYPA stating the following;
  - (a) start date and time of the scheduled maintenance;
  - (b) duration the bridge will be out of operation; and
  - (c) scheduled date and time of the bridge returning to operational state.

**Commencement Information**

**I44** Sch. 10 para. 2 in force at 15.10.2020, see [art. 1](#)

### Opening requests

3.—(1) The following provisions of this paragraph apply to the master, owner, agent, pilot or operator of vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Any vessel wishing to transit the bridge must provide an opening request containing the following information no later than 120 minutes (2 hours) prior to the required opening time—

- (a) the name of the vessel requesting passage;
- (b) the required opening time;
- (c) the overall length and beam of the vessel requesting passage;
- (d) the presence of any superstructure, cargo, or structure which overhangs the designed beam of the vessel requesting passage;
- (e) the air draft of the vessel if this is less than 6 metres; and
- (f) for a tug and tow, or vessel being escorted by a tug or tugs;
  - (i) the names and number of tugs;
  - (ii) the overall length of the tow;
  - (iii) the maximum beam of the tow or towed object.

(3) Any vessel must reconfirm the requested opening time with the undertaker no later than 60 minutes (1 hour) prior to the requested opening time.

(4) Opening requests and reconfirmations under sub-paragraph (3) are to be made by the vessel via the communications facilities.

(5) The required opening time given in the opening request is to be that time which the vessel intends to commence its transit of the bridge, either inbound or outbound.

(6) The undertaker must—

- (a) acknowledge the opening request, by the same means as it was given, within 10 minutes of receiving the request;
- (b) provide a confirmation of approval or refusal of the requested opening time within 10 minutes of acknowledging the request; and
- (c) where an opening request is refused, provide the following information—
  - (i) a reason for refusing the request; and
  - (ii) except in the case of exceptional circumstances, an alternative time for the vessel to transit the bridge.

(7) Vessels acting as a group and wishing to transit the bridge as a group may request a bridge opening in accordance with paragraph 99 provided that—

- (a) the opening request is made by the group leader;
- (b) all vessels included in the group are listed in the opening request; and
- (c) the number of vessels is such that the anticipated transit time through the bridge from the passage of the first vessel to the passage of the last vessel is no greater than 15 minutes.

#### Commencement Information

**I45** Sch. 10 para. 3 in force at 15.10.2020, see [art. 1](#)

### Opening request revisions

4.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Should a vessel require to revise a previously requested opening time, this must be made by way of an opening request revision complying with the following requirements—

- (a) it is made via the communications facilities;
- (b) it contains the revised opening time together with the information specified in paragraph 100(2)(a) and (c) to (f);
- (c) it is made no later than 30 minutes prior to the originally requested opening time; and
- (d) where it is made through written communications, the first line of text reads “opening request revision”.

(3) The undertaker must—

- (a) acknowledge the opening request revision by the same means as it was given, within 10 minutes of receiving the request;
- (b) provide a confirmation of approval or refusal of the requested revised opening time within 10 minutes of receipting the request; and
- (c) where an opening revision request is refused, provide the following information—
  - (i) a reason for refusing the request; and
  - (ii) except in the case of exceptional circumstances, an alternative time for the vessel to transit the bridge.

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#### Commencement Information

**I46** Sch. 10 para. 4 in force at 15.10.2020, see [art. 1](#)

### Vessels inbound

5.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of inbound vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Vessels are to request a bridge opening in accordance with paragraph 100.

(3) Vessels entering the port are to conduct a marine VHF call with the undertaker on the port's operational marine VHF channel immediately prior to entering the piers at the mouth of the river Yare, reconfirming the requested opening time of transiting the bridge.

(4) Vessels approaching from below the pilot station, situated at Berth 10, are to conduct a further marine VHF call with the undertaker on the port's operational marine VHF channel on passing abeam of the pilot station.

(5) Vessels departing a berth within the river Yare to the south of the bridge and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the port's operational marine VHF channel immediately prior letting go all lines.

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#### Commencement Information

**I47** Sch. 10 para. 5 in force at 15.10.2020, see [art. 1](#)



## Vessels outbound

6.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of outbound vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a vessel).

(2) Vessels are to request a bridge opening in accordance with paragraph 100.

(3) Vessels entering the port from Haven Bridge are to conduct a marine VHF call with the bridge control room on the port's operational marine VHF channel immediately prior to passing the Haven Bridge, reconfirming the intended time of transiting the bridge.

(4) Vessels departing a berth within the river Yare to the north of the bridge and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the port's operational marine VHF channel immediately prior to letting go all lines.

### Commencement Information

**I48** Sch. 10 para. 6 in force at 15.10.2020, see [art. 1](#)

## Large vessels

7.—(1) Before any large vessel proposing to transit the bridge enters Great Yarmouth Port—

(a) the harbour master must consider whether any safe alternative manoeuvre for the vessel would be practicable in the event that the bridge does not open to allow the vessel to transit it; and

(b) GYPA will consider whether it is able to arrange a suitable emergency berth for the vessel as part of the pilotage plan for its passage through Great Yarmouth Port.

(2) If, prior to any large vessel proposing to transit the bridge enters Great Yarmouth Port, the harbour master considers under sub-paragraph (1)(a) that no safe alternative manoeuvre would be practicable and GYPA is unable to arrange under sub-paragraph (1)(b) a suitable emergency berth, the undertaker will open the bridge before the vessel enters Great Yarmouth Port.

### Commencement Information

**I49** Sch. 10 para. 7 in force at 15.10.2020, see [art. 1](#)

## Recreational vessels

8.—(1) The following provisions of this paragraph apply to the master, owner, agent or operator of recreational vessels wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to a recreational vessel).

(2) Recreational vessels are to request a bridge opening in accordance with paragraph 100.

(3) Except as provided for in sub-paragraph (5), the undertaker is not obliged to make recreational openings upon request but the undertaker must make recreational openings at such times as the undertaker reasonably determines.

(4) In determining times under sub-paragraph (3), the undertaker may exclude peak hours.

(5) The undertaker must make a recreational opening when the vessel waiting facilities are full and another recreational vessel provides an opening request.

(6) Recreational vessels must use the vessel waiting facilities or depart the port when required to wait for the next recreational opening.

(7) Where the bridge has been opened for a vessel, other than a recreational vessel, a recreational vessel may transit the bridge with the undertaker's permission, provided that the transit time through the bridge from the passage of the first vessel to the passage of the last vessel is no greater than 15 minutes.

**Commencement Information**

**I50** Sch. 10 para. 8 in force at 15.10.2020, see [art. 1](#)

**Emergency vessels**

**9.—(1)** The following provisions of this paragraph apply to the master, owner, agent or operator of emergency vessels responding to an emergency and wishing to transit the bridge (and accordingly such persons must comply with any obligation expressed by reference to an emergency vessel).

(2) The provisions of paragraph 3 do not apply to the emergency vessel.

(3) Where possible the emergency vessel must provide as much notice as possible of its required opening of the bridge.

(4) Emergency vessels entering the port from sea and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the port's operational marine VHF channel immediately prior to entering the piers at the mouth of the river Yare.

(5) Emergency vessels departing a berth within the river Yare and intending to conduct a transit through the bridge are to conduct a marine VHF call with the undertaker on the port's operational marine VHF channel immediately prior letting go all lines.

(6) Should an emergency vessel request an immediate bridge opening whilst the bridge is already open to conduct a scheduled bridge opening, the undertaker is to ensure the bridge remains open until the emergency vessel has completed its transit and is past and clear.

**Commencement Information**

**I51** Sch. 10 para. 9 in force at 15.10.2020, see [art. 1](#)

**Exceptions to obligations of undertaker**

**10.—(1)** In the event of a specified event, such that the bridge is unable to open upon request, the undertaker is to—

- (a) immediately inform the GYPA of the specified event, by the fastest possible means, stating—
  - (i) the nature of the specified event preventing operation of the bridge; and
  - (ii) the possible duration the bridge will be out of operation;
- (b) immediately inform approaching vessels intending to transit the bridge of the specified event and the need to seek a temporary berth or port departure;
- (c) provide regular updates on the specified event to the GYPA, amending the possible duration of the interruption to operations; and
- (d) on successful resolution of the specified event inform the GYPA of such and the resumption of routine operations.

(2) Where opening the bridge would be likely to cause danger to—

- (a) any person or property, including the bridge;

- (b) any vessel;
- (c) any person using or intending to use or work on the bridge or aboard any vessel; or
- (d) the environment,

the undertaker is not obliged to open the bridge at any scheduled time but instead must open the bridge at such later time as is reasonable in the circumstances.

(3) Where the circumstances described in sub-paragraph (2) apply and the bridge is unable to be opened on request, the undertaker is to—

- (a) immediately inform the GYPA, by the fastest possible means, of—
  - (i) the reason preventing operation of the bridge; and
  - (ii) the possible duration the bridge will be out of operation;
- (b) immediately inform approaching vessels intending to transit the bridge of the reasons preventing operation of the bridge and the need to seek a temporary berth or port departure;
- (c) provide regular updates on the closure to GYPA, amending the possible duration of the interruption to operations; and
- (a) on successful resolution to inform the GYPA of such and the resumption of routine operations.

**Commencement Information**

**I52** Sch. 10 para. 10 in force at 15.10.2020, see [art. 1](#)

SCHEDULE 11

Article 51(4)

THE GREAT YARMOUTH THIRD RIVER CROSSING BYELAWS 2020

**PART 1**

PRELIMINARY

**Citation and commencement**

1. These byelaws—
  - (a) may be cited as the Great Yarmouth Third River Crossing Byelaws 2020; and
  - (b) have effect as set out in article 51 (byelaws) of the Great Yarmouth Third Crossing Development Consent Order 2020.

**Commencement Information**

**I53** Sch. 11 para. 1 in force at 15.10.2020, see [art. 1](#)

**Interpretation**

- 2.—(1) In these byelaws unless the context otherwise requires—

“advertisement” has the same meaning as it has in the Town and Country Planning Act 1990<sup>M15</sup>,

“authorised person” means—

- (a) a person acting in the course of that person's duties who—
  - (i) is an employee, agent, contractor or sub-contractor of the undertaker; or
  - (ii) is authorised by the undertaker to exercise one or more of its functions under the Order; or
- (b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, a person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire and Rescue Services Act 2004<sup>M16</sup> or a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002<sup>M17</sup>, acting in the execution of that person's duties;

“barriers” means barriers installed within the new bridge area to prevent the passage of persons or vehicles;

“the byelaws” means these byelaws;

“carriageways” means the parts of the new bridge area that are carriageways as defined by section 329(1) (further provision as to interpretation) of the Highways Act 1980<sup>M18</sup>;

“cycle tracks” means the parts of the new bridge area that are cycle tracks as defined by section 329(1)<sup>M19</sup> of the Highways Act 1980;

“footways” means the parts of the new bridge area that are footways as defined by section 329(1) of the Highways Act 1980;

“maintenance” includes inspect, repair, adjust, alter, remove, replace or reconstruct;

“motor vehicle” has the same meaning as it has in the Road Traffic Act 1988<sup>M20</sup>;

“the new bridge” means Work No. 8B together with the vessel impact protection systems and supporting works comprised in Work Nos. 6A and 6B as set out in Schedule 1 (authorised development) to the Order;

“the new bridge area” means the new bridge, the new bridge approaches, the new bridge control tower, the new bridge plant room, the new bridge infrastructure and the public realm areas;

“the new bridge approaches” means the western and eastern approaches to the new bridge, the centre lines of which, together with the centre line of the new bridge, are shown on the new bridge area plan;

“the new bridge area plan” means the plan of that description set out in Schedule 15 (documents to be certified) to the Order certified by the Secretary of State as the new bridge area plan for the purposes of the Order;

“the new bridge control tower” means Work No. 7A as set out in Schedule 1 to the Order;

“the new bridge infrastructure” means all infrastructure which is required for or facilitates the construction, maintenance, inspection or operation of the new bridge including (without limitation) cables, pipes and other apparatus relating to the provision of drainage, electricity, water, and other services, fenders and other protective or ancillary works relating to the new bridge, tools and any emergency, safety or communications apparatus;

“the new bridge plant room” means Work No. 7B. as set out in Schedule 1 to the Order;

“notice” includes a sign, signal and a digital or other display, and in appropriate circumstances, an audible announcement;

“the Order” means the Great Yarmouth Third River Crossing Development Consent Order 2020;

“the public realm areas” means the areas of the public realm facilities comprised in Work No. 6A as set out in Schedule 1 to the Order;

“trailer” means a vehicle (including a horse box) designed or adapted to be towed by a motor vehicle;

“undertaker” means Norfolk County Council or such other person who has the benefit of the Order in accordance with article 7 (benefit of the Order) of the Order;

“vaporiser” means an electronic device that can be used to deliver nicotine (whether alone or in combination with other substances) to a person inhaling from the device; and

“vessel waiting facilities” means the vessel waiting facilities comprised in Work No. 6A as set out in Schedule 1 to the Order.

(2) The Interpretation Act 1978 <sup>M21</sup> applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

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#### Commencement Information

**I54** Sch. 11 para. 2 in force at 15.10.2020, see [art. 1](#)

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#### Marginal Citations

**M15** 1990 c. 8.

**M16** 2004 c. 21. Section 44 was amended by section 6 of the [Emergency Workers \(Obstruction\) Act 2006](#) (c. 39).

**M17** 2002 c. 30. Section 41 was amended by paragraph 42 of the [Police and Justice Act 2006](#) (c. 48).

**M18** 1980 c. 66.

**M19** The definition of “cycle track” was amended by section 1 of the [Cycle Tracks Act 1984](#) (c. 38) and by paragraph 21(2) of Schedule 3 to the [Road Traffic \(Consequential Provisions\) Act 1988](#) (c. 54).

**M20** 1988 c. 52.

**M21** 1978 c. 30.

## PART 2

### CONDUCT AND BEHAVIOUR

#### Smoking, etc.

3. Whilst on the new bridge a person must not—
  - (a) smoke or carry an item that is alight including a lit cigar, cigarette, cigarillo, pipe, match or lighter; or
  - (b) use a vaporiser.

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#### Commencement Information

**I55** Sch. 11 para. 3 in force at 15.10.2020, see [art. 1](#)

## Unacceptable behaviour

### 4. A person must not—

- (a) climb upon, remove, operate, interfere with, obstruct or damage (whether deliberately or negligently) any new bridge infrastructure;
- (b) interfere with, obstruct or damage (whether deliberately or negligently) the vessel waiting facilities;
- (c) enter the new bridge control tower or the new bridge plant room without the prior consent of an authorised person;
- (d) remove, jump or otherwise manoeuvre over or under, any bar, railing, fence or barrier or open any gate or movable barrier fitted or placed on any part of the new bridge without the prior consent of an authorised person;
- (e) drop, throw or allow anything to fall—
  - (i) onto the new bridge;
  - (ii) over the parapet of the new bridge; or
  - (iii) over any fence or wall on or abutting on the new bridge,so as to endanger or cause injury or damage to any person or property;
- (f) access the river Yare, or attempt to do so, by climbing onto the river walls adjoining the new bridge;
- (g) display or post a bill, placard, advertisement or notice within the new bridge area;
- (h) write, print, draw or paint on or cut, mark or stamp any part of the new bridge area unless such activity is authorised by—
  - (i) a notice displayed by or on behalf of the undertaker; or
  - (ii) the prior consent of an authorised person;
- (i) fix anything to the new bridge, the new bridge infrastructure or the vessel waiting facilities without the prior consent of an authorised person;
- (j) spit, urinate or defecate in the new bridge area;
- (k) place or deposit or leave on or in the new bridge area any vehicle or any article or thing so as to create an obstruction or litter or fire risk;
- (l) offer for sale or sell any article, thing or service of any description in the new bridge area without the consent of the undertaker;
- (m) move, alter, deface or otherwise interfere with any notice belonging to the undertaker which is displayed or placed in the new bridge area;
- (n) without prejudice to any other requirement of the byelaws, act in any way as to cause a nuisance in the new bridge area;
- (o) use abusive behaviour or threatening language or gestures in the new bridge area; or
- (p) obstruct any action taken by an authorised person under powers conferred by the Order to—
  - (i) remove a vehicle from the new bridge area; or
  - (ii) remove or otherwise respond to a load or other object which has fallen from a vehicle.

### Commencement Information

**I56** Sch. 11 para. 4 in force at 15.10.2020, see [art. 1](#)

## PART 3

### ACCESS AND TRAFFIC

#### Unauthorised access and loitering

5.—(1) A person must not enter, attempt to enter or remain in any part of the new bridge area where that would contravene a direction of an authorised person or a notice displayed by the undertaker which prohibits or restricts access.

(2) A person must not loiter in the new bridge area if asked to leave by an authorised person.

(3) An authorised person may prevent the driver of a motor vehicle from gaining access to the new bridge area if the authorised person has reasonable cause to believe the driver of the motor vehicle is contravening, or will contravene if allowed to proceed, any of the byelaws.

(4) A person must not attempt to use the footways, carriageways and cycle tracks comprised in the new bridge—

- (a) when instructed not to do so by an authorised person;
- (b) in contravention of a notice displayed by the undertaker; or
- (c) whenever the new bridge is in the process of opening or closing.

#### Commencement Information

**I57** Sch. 11 para. 5 in force at 15.10.2020, see [art. 1](#)

#### Traffic regulation

6.—(1) A person (other than an authorised person or a person acting with the consent of an authorised person) must not use or cause to be used within the new bridge area a barrow, cart, rickshaw or animal-drawn means of conveyance except if it is conveyed as the load or part of the load of a motor vehicle which is lawfully proceeding within the new bridge area.

(2) A person (other than an authorised person) must not use or cause to be used within the new bridge area any vehicle which emits grit, sparks, ashes, cinders, or oily substances in a manner which contravenes any regulations for the time being in force under the Road Traffic Act 1988 <sup>M22</sup> or any amendment thereof relating to the construction and use of motor vehicles.

(3) A person on foot must not enter any part of the carriageway comprised in the new bridge or new bridge approaches, unless directed or authorised to do so by an authorised person.

(4) A person must not ride a bicycle in any part of the new bridge area where a notice displayed by the undertaker states that cycling is prohibited, unless directed or authorised to do so by an authorised person.

(5) A person must not drive a motor vehicle within the new bridge area other than on the carriageways unless directed or authorised to do so by an authorised person.

(6) A person must not take onto the new bridge any animal other than a dog on a lead unless the animal is enclosed in a motor vehicle or trailer.

(7) A person must not release an animal from a motor vehicle or trailer within the new bridge area.

(8) A person must not abandon a motor vehicle in the new bridge area except in an emergency or if directed by an authorised person.

(9) A person must not operate a motor vehicle music or sound system at such volume as to cause nuisance to people within the new bridge area.

(10) A person must not take or cause to be taken onto the new bridge or new bridge approaches a motor vehicle which by reason of its condition is likely to break down or is in such condition as is likely to injure persons or damage property.

(11) A person must not use or cause to be used a motor vehicle on the new bridge or new bridge approaches unless the load carried by the motor vehicle is at all times contained or secured (if necessary by physical restraint other than its own weight) and is in such a position that neither danger nor nuisance will be caused or is likely to be caused to a person or property by reason of the load or any part of the load falling or being thrown from the motor vehicle.

(12) No driver of, or passenger in, a motor vehicle which has broken down may carry out repairs to or refuel a motor vehicle in the new bridge area without the consent of an authorised person.

(13) A driver of a motor vehicle which has broken down in the new bridge area must—

- (a) as soon as practicable immediately notify an authorised person of the breakdown;
- (b) switch on the motor vehicle's hazard lights; and
- (c) not attempt to move the motor vehicle (unless permitted or directed to do so by an authorised person).

(14) A driver of a motor vehicle which has shed its load in full or in part on the new bridge such that it has caused, or may cause, an obstruction or other hazard to users of the new bridge or to users of the river Yare must—

- (a) as soon as practicable inform an authorised person of the loss of the load;
- (b) immediately inform an authorised person of the identity of, and contact details for, the owner of the load; and
- (c) not attempt to reclaim the load (unless permitted or directed to do so by an authorised person).

(15) Any user of the new bridge must comply with any direction given at any time by an authorised person or by a notice, sign or signal within the new bridge area.

**Commencement Information**

**I58** Sch. 11 para. 6 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**

**M22** 1988 c. 52.

## PART 4

### GENERAL

#### **Saving for authorised persons**

7.—(1) Nothing in these byelaws prevents an authorised person from undertaking an activity which would otherwise be prohibited by these byelaws provided such activity is undertaken in the execution of that person's duties as an authorised person.

(2) Without restriction to the generality of the saving set out at paragraph (1), the activities included in that saving include any activity within the public realm areas for the purposes of—

- (a) gaining access to the new bridge control tower, the new bridge or the new bridge approaches for any purpose; or



(b) the operation or maintenance of any element of the new bridge area.

**Commencement Information**

**I59** Sch. 11 para. 7 in force at 15.10.2020, see [art. 1](#)

SCHEDULE 12

Article 54(1)

TREES SUBJECT TO TREE PRESERVATION  
ORDERS AND WITHIN CONSERVATION AREAS

**Commencement Information**

**I60** Sch. 12 in force at 15.10.2020, see [art. 1](#)

<i>(1) Tree preservation order and tree group reference, or conservation area name</i>	<i>(2) Tree preservation order and conservation area tree plans sheet number Type of tree or group of trees and plan reference (“ref”) number</i>	<i>(3) Works to be carried out</i>
<i>(1) Tree preservation order and tree group reference, or conservation area name</i>	<i>(2) Tree preservation order and conservation area tree plans sheet number Type of tree or group of trees and plan reference (“ref”) number</i>	<i>(3) Works to be carried out</i>
Borough of Great Yarmouth Tree Preservation Order No.7 2005 Tree group reference: G3	Sheet 1 Group comprising 1 Sycamore; 3 Whitebeam; and 10 White Poplar (ref G3)	Crown lift branches overhanging land within the Order limits
Borough of Great Yarmouth Conservation Area No.3 – Hall Quay and South Quay	Sheet 2 Group of trees comprising of Sycamore (ref G40)	Crown lift branches overhanging land within the Order limits
Borough of Great Yarmouth Conservation Area No.5 – Nicholas and Northgate Street (Laughing Image Corner)	Sheet 3 Group comprising: 1 Whitebeam (ref T57); and 2 Unknown (Ornamental) (ref T58, T60)	Removal
Borough of Great Yarmouth Conservation Area No.5 – Nicholas and Northgate Street (Laughing Image Corner)	Sheet 3 1 Whitebeam (ref T59)	Crown lift branches overhanging into land within the Order limits
Borough of Great Yarmouth	Sheet 3 Group comprising:	Removal

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

Conservation Area No.5 – Nicholas and Northgate Street (Fullers Hill)	2 Birch (ref T45, T48); 2 Sycamore (ref T46, T49); 1 Silver Maple (ref T47); and 1 Cherry (ref T50)	
Borough of Great Yarmouth Conservation Area No.5 – Nicholas and Northgate Street (Fullers Hill)	Sheet 3 Group comprising: Sycamore; Hawthorn; and Elder (ref G41)	Crown lift branches overhanging into land within the Order limits

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SCHEDULE 13

Article 56

DEEMED MARINE LICENCE

**PART 1**

**GENERAL**

**Interpretation**

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the authorised development” notwithstanding article 2(1) of the Order, has the meaning given in paragraph 117(2);

“business day” means a day other than a Saturday or Sunday or bank holiday in England;

“commence” means beginning to carry out any part of a licensed activity and “commenced” and “commencement” are to be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“construction activity” means any licensed activity to be undertaken during the construction of the authorised development;

“the environmental statement” means the documents of that description referenced in Schedule 15 (documents to be certified) to the Order certified by the Secretary of State as the environmental statement for the purposes of the Order;

“harbour authority” means the Great Yarmouth Port Authority;

“the licence holder” means the undertaker and any transferee or lessee under article 8 (consent to transfer benefit of the Order) of the Order;

“licensed activity” means any of the licensable marine activities specified in Part 1 of this licence at paragraph 117(1);

“limits of deviation” has the meaning given in article 2(1) of the Order;

“the MMO” means the Marine Management Organisation;

“the MMO local office” means the MMO office whose contact details are given at paragraph 116(1)(b) or such other MMO office identified by replacement contact details provided by the MMO under paragraph 116(1)(b);

“MMO Marine Licensing Team” means the MMO team whose contact details are given at paragraph 116(1)(a) or such other team of persons identified by replacement contact details provided by the MMO under paragraph 116(1)(a);

“the Order” means the Great Yarmouth Third River Crossing Development Consent Order 2020;

“the River” means the area defined at paragraph 117(3); and

“the works plans” means the plans of that description referenced in Schedule 15 (documents to be certified) to the Order certified as the works plans by the Secretary of State for the purposes of the Order.

(2) All points, directions, lengths, areas and other measurements specified in this licence are to be construed as if the words “or thereabouts” were inserted after each such point, direction, length, area or other measurement.

(3) Reference points specified in this licence are to be construed as references to Ordnance Survey National Grid reference points.

#### **Commencement Information**

**I61** Sch. 13 para. 1 in force at 15.10.2020, see [art. 1](#)

**2.—(1)** The main points of contact with the MMO and the addresses for email and postal returns and correspondence are as follows—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel—0300 123 1032

Fax—0191 376 2681

Email—[marine.consents@marinemanagement.org.uk](mailto:marine.consents@marinemanagement.org.uk) or such replacement contact details as are notified to the licence holder in writing by the MMO.

(b) Marine Management Organisation

MMO Lowestoft

Pakefield Road

Lowestoft

Suffolk

NR33 0HT

Tel—01502 573 149 or 01502 572 769

Email—[lowestoft@marinemanagement.org.uk](mailto:lowestoft@marinemanagement.org.uk) or such replacement contact details as are notified to the licence holder in writing by the MMO.

(2) The contact details for the MMO Marine Pollution Response Team are— Tel (during office hours)—0300 200 2024 Tel (outside office hours)—07770 977 825 or 0345 051 8486 Email—[dispersants@marinemanagement.org.uk](mailto:dispersants@marinemanagement.org.uk) or such replacement contact details as are notified to the licence holder in writing by the MMO.

(3) Notwithstanding article 65 (service of notices) of the Order, unless otherwise notified to the licence holder in writing by the MMO, all notices required by this licence to be sent by the undertaker to the MMO must be sent using the MMO's marine case management system web portal.

#### Commencement Information

**I62** Sch. 13 para. 2 in force at 15.10.2020, see [art. 1](#)

#### Details of licensed marine activities

**3.—(1)** Subject to the licence conditions in Part 2, this licence authorises the licence holder (and any agent, contractor or subcontractor acting on its behalf) to carry out any activities which constitute licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act and which—

- (a) form part of, or are related to, the authorised development; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 (exemptions specified by order) of the 2009 Act.

(2) In this paragraph “the authorised development” means the construction, maintenance and operation of those parts of each of the following numbered works within the limits of deviation to the extent that such works constitute licensable marine activities, as shown on the works plans—

- (a) Work No. 6A – Bollard Quay and west bank of the river Yare—
  - (i) the provision of public realm facilities;
  - (ii) the provision of vessel waiting facilities adjacent to the west bank of the river Yare;
  - (iii) the construction of part of a flood defence wall, to be incorporated within a flood defence scheme proposed to be undertaken by the Environment Agency;
  - (iv) the construction of vessel impact protection systems within the watercourse; and
  - (v) works within the watercourse to support the vessel impact protection systems, including—
    - (aa) the construction of piles and pile caps; and
    - (bb) the provision and capping of backfill material.
- (b) Work No. 6B – East bank of the river Yare—
  - (i) the construction of vessel impact protection systems within the watercourse; and
  - (ii) works within the watercourse to support the vessel impact protection systems, including—
    - (aa) the construction of piles and pile caps; and
    - (bb) the provision and capping of backfill material.
- (c) Work No. 7A – West bank of the river Yare—
  - (i) the construction of a control tower, including all necessary access, apparatus and connecting services.
- (d) Work No. 7B – East bank of the river Yare—
  - (i) the construction of a plant room, including all necessary access, apparatus and connecting services.
- (e) Work No. 8A – river Yare bridge western approach—

- (i) the construction of a new highway to connect the new roundabout comprising part of Work No. 2 as described in Schedule 1 to the Order and the new river Yare bridge comprising part of Work No. 8B described in Schedule 1 to the Order;
  - (ii) the construction of pile-supported concrete slabs and embankments supporting the new highway;
  - (iii) the construction of retaining walls supporting the new highway;
  - (iv) the construction of a bridge deck over Southtown Road, over which the new highway passes;
  - (v) the construction of abutments supporting the new bridge deck described in subparagraph (iv);
  - (vi) the construction of piles and pile caps supporting the abutments described in subparagraph (v);
  - (vii) the provision of a traffic signal-controlled crossing for pedestrians and cyclists;
  - (viii) the provision of footways and cycle tracks; and
  - (ix) the provision of landscaping.
- (f) Work No. 8B – river Yare bridge—
- (i) the construction over the watercourse and adjacent land, of a bridge deck carrying the new carriageway, footways and cycle track;
  - (ii) the construction of an opening section of bridge deck and associated barriers and signage;
  - (iii) the construction, within and adjacent to the watercourse, of bascule abutments and other structures and facilities to support the bridge deck and enable the operation of the opening section described in subparagraph (ii) above;
  - (iv) the construction of vessel impact protection systems within the watercourse;
  - (v) works within and adjacent to the watercourse to support the works described in subparagraphs (iii) and (iv) including—
    - (aa) the construction of piles and pile caps; and
    - (bb) the provision and capping of backfill material;
  - (vi) apparatus for the mechanical, electrical, instrumentation control and automation systems of the bridge; and
  - (vii) the construction of access stairs.
- (g) Work No. 8C – river Yare bridge eastern approach—
- (i) the construction of a new highway to connect the new junction comprising part of Work No. 9 as described in Schedule 1 to the Order with the river Yare bridge comprised in Work No. 8B as described in Schedule 1 to the Order;
  - (ii) the construction of pile-supported concrete slabs and embankments supporting the new highway;
  - (iii) the construction of retaining walls supporting the new highway;
  - (iv) the construction of a bridge deck to enable the new highway to pass over a new private means of access;
  - (v) the construction of abutments supporting the bridge deck described in subparagraph (iv) above;
  - (vi) the construction of piles and pile caps supporting the abutments described in subparagraph (v) above;

- (vii) the provision of a traffic signal-controlled crossing for pedestrians and cyclists;
  - (viii) the provision of footways and cycle tracks; and
  - (ix) the provision of landscaping.
- (h) the powers conferred by article 49(1) (subsidiary works and operations in the river Yare);
- (i) for the purposes of, or in connection with, the construction, operation or maintenance of any of the works and other development mentioned above, ancillary or related development which does not give rise to any materially new or materially different effects than those assessed in the environmental statement, consisting of—
- (i) activities within the river Yare and within the Order limits to—
    - (aa) alter, clean, modify, dismantle, refurbish, reconstruct, remove, relocate or replace any work or structure (including river walls);
    - (bb) carry out excavations and clearance, deepening, scouring, cleansing, dumping and pumping operations;
    - (cc) use, appropriate, sell, deposit or otherwise dispose of any materials (including liquids but excluding any wreck within the meaning of the Merchant Shipping Act 1995 <sup>M23</sup>) obtained in carrying out any such operations;
    - (dd) remove temporarily, alter strengthen, interfere with, occupy and use the banks, bed, foreshore, waters and walls of the river Yare;
    - (ee) construct, place and maintain works and structures including fenders, protection piles and cofferdams; and
    - (ff) provide lighting, signage and aids to navigation;
  - (ii) other works and development—
    - (aa) to place, alter, divert, relocate, protect, remove or maintain services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others in, under or above land, including mains, sewers, drains, pipes, cables, lights, cofferdams, fencing and other boundary treatments including bollards;
    - (bb) to provide or alter embankments, aprons, abutments, shafts, foundations, retaining walls, drainage works, outfalls, pollution control devices, pumping stations, culverts, wing walls, fire suppression system water tanks and associated plant and equipment, highway lighting, signals, signage and fencing;
    - (cc) to alter the course of, or otherwise interfere with, navigable and non-navigable watercourses; and
    - (dd) to provide works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, operation or maintenance of the authorised development; and
    - (ee) for the benefit or protection of the authorised development;
  - (iii) such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance, operation or use of the authorised development, including—
    - (aa) works to divert, remove or replace apparatus, including mains, sewers, drains, pipes, cables, electrical sub-stations and electrical lines; and
    - (bb) landscaping and other works associated with the provision of ecological mitigation, or to mitigate any adverse effect of the construction,

maintenance and operation of the authorised development or to benefit or protect any person or premises affected by the construction, maintenance and operation of the authorised development; and

(iv) activities to carry out works and development of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the operation and maintenance of the authorised development; and

(j) any other development within the meaning of section 32 (meaning of “development”) of the 2008 Act that is authorised by the Order.

(3) The coordinates for the area within which the licence holder may carry out licensed activities are specified below and more particularly shown on the works plans—

<i>Point reference</i>	<i>Northing</i>	<i>Easting</i>	<i>Heading</i>
1	52.595	1.7269	Due W
2	52.595	1.7257	Following River Wall
3	52.5908	1.7264	ENE
4	52.5912	1.7276	Following River Wall
1	52.5955	1.7269	

(4) This licence does not permit the disposal of dredged material at sea or in other waters.

**Commencement Information**

**I63** Sch. 13 para. 3 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**

**M23** 1995 c. 21.

## PART 2

### CONDITIONS

#### Notification of commencement and completion of licensed activities

4.—(1) The licence holder must—

- (a) notify the MMO local office of the commencement of the first instance of any licensed activity at least 5 working days prior to the commencement of that licensed activity;
- (b) notify the MMO local office of the completion of the licensed activities within 10 working days of such completion; and
- (c) notify the Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk)) of the completion of the licensed activities within 2 weeks of the date of completion of the licensed activities;
- (d) send a copy of the notification required under sub-paragraph (c) to the MMO Marine Licensing Team within 1 week of issue; and
- (e) ensure that a notice to mariners is issued at least 10 working days prior to the commencement of the licensed activities, or any part of them, advising of the start date and the expected vessel routes from the local construction ports to the relevant location.

(2) Except in case of emergency, the licence holder must notify the MMO local office of the date of commencement and anticipated duration of any temporary closure of any part of the river Yare under the powers conferred by article 23(2) or (4) (temporary suspension of navigation in connection with the authorised development) of the Order at least 10 working days prior to any such temporary closure.

(3) In sub-paragraph (2) “emergency” has the meaning given to it by article 23(11) of the Order.

#### Commencement Information

**I64** Sch. 13 para. 4 in force at 15.10.2020, see [art. 1](#)

#### Construction method statement

**5.—(1)** The licence holder must submit a construction method statement, for approval by the MMO, at least 13 weeks prior to the commencement of any construction activity.

(2) The construction method statement must include the following details—

- (a) the detailed construction methodology to be employed by the licence holder in carrying out the construction activity; and
- (b) a programme of works including timings and durations, method of delivery of material to site and plant to be used during the works.

(3) The licence holder must not commence the construction activity until the MMO has approved in writing the submitted construction method statement.

(4) The construction activity must be carried out in accordance with the approved construction method statement, unless otherwise agreed in writing by the MMO.

#### Commencement Information

**I65** Sch. 13 para. 5 in force at 15.10.2020, see [art. 1](#)

#### Noise registry

**6.** Where impact piling is required as part of a construction method statement approved by the MMO under condition 5, the licence holder must—

- (a) prior to the commencement of a licensed activity in the river Yare which involves impact pile driving—
  - (i) submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry in order to satisfy the forward look requirements of the Marine Noise Registry; and
  - (ii) send copies of the notifications required under sub-paragraph (i) to the MMO Marine Licensing Team within 5 days of the date of submission of the details required under sub-paragraph (i); and
- (b) within 12 weeks of completion of a licensed activity in the river Yare which involves impact pile driving—
  - (i) submit details of the actual location, start and end dates of impact pile driving to the Marine Noise Registry in order to satisfy the close out requirements of the Marine Noise Registry; and



- (ii) send copies of the notifications required under sub-paragraph (i) within 5 days of the date of submission of the details required under sub-paragraph (i).

**Commencement Information**

**I66** Sch. 13 para. 6 in force at 15.10.2020, see [art. 1](#)

**Cofferdam dewatering and excavation method statement**

7.—(1) The licence holder must submit a method statement for the dewatering and excavation of the in-river cofferdams forming parts of the construction activities described at paragraph 3(2)(a) (v), (2)(b)(ii) and (2)(f)(v) of this licence, for approval by the MMO, at least 13 weeks prior to the commencement of any such cofferdam dewatering and excavation construction activity.

(2) The cofferdam dewatering and excavation method statement must include the following details in respect of the cofferdam dewatering and excavation construction activity—

- (a) the detailed dewatering methodology to be employed;
- (b) the detailed methodology for the excavation and subsequent management of the solid material removed;
- (c) a programme of works including anticipated timings, durations and plant to be used; and
- (d) provision that no excavated materials are to be disposed of at sea or in other waters otherwise than in accordance with a marine licence.

(3) The licence holder must not commence a cofferdam dewatering and excavation construction activity until the MMO has approved in writing the submitted cofferdam dewatering and excavation method statement for that cofferdam dewatering and excavation construction activity.

(4) Any cofferdam dewatering and excavation construction must be carried out in accordance with the relevant approved cofferdam dewatering and excavation construction activity method statement, unless otherwise agreed in writing by the MMO.

**Commencement Information**

**I67** Sch. 13 para. 7 in force at 15.10.2020, see [art. 1](#)

**Vessels**

8.—(1) The licence holder must notify the MMO Marine Licensing Team of any vessel being used to carry on any licensed activities on behalf of the licence holder.

(2) A notification under sub-paragraph (1) must—

- (a) be received by the MMO Marine Licensing Team no less than 24 hours before the commencement of the relevant licensed activity;
- (b) include the name of the master of the vessel, the vessel type, the vessel IMO number and details of the vessel owner or operating company.

(3) The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments have been read and understood by the master of any vessel being used to carry on any licensed activities, and that a copy of this licence is held on board any such vessel.

#### Commencement Information

**I68** Sch. 13 para. 8 in force at 15.10.2020, see [art. 1](#)

#### Marine pollution contingency plan

**9.**—(1) The licence holder must submit a marine pollution contingency plan, for approval by the MMO, at least 13 weeks prior to the commencement of the first licensed activity, including any construction activity.

(2) The marine pollution contingency plan must set out the licence holder's assessment of the likely risks which could arise as a result of a spill or collision during the carrying out of the licensed activities and the methods and procedures the licence holder intends to put in place to address those risks.

(3) The licence holder must not commence the licensed activities until the MMO has approved in writing the submitted marine pollution contingency plan.

(4) The licensed activities must be carried out in accordance with the approved marine pollution contingency plan, unless otherwise agreed in writing by the MMO.

#### Commencement Information

**I69** Sch. 13 para. 9 in force at 15.10.2020, see [art. 1](#)

#### Piling techniques

**10.**—(1) Where any construction activity involving piling is carried out within the River, the licence holder must comply with the requirements set out in sub-paragraphs (2) to (7).

(2) No construction activity involving piling is to be carried out within the River during the period beginning 1 February and ending on 30 April, unless the MMO has confirmed in writing its satisfaction that such piling activity within that period would not lead to significant adverse effects to the spawning of smelt (*osmerus eperlanus*), having regard to the relevant construction method statement approved for that piling activity in accordance with condition 5.

(3) No construction activity involving piling is to be carried out within the River at any time after 19:00 or at any time before 07:00, unless the MMO has confirmed in writing its satisfaction that such piling activity conducted outside of the authorised hours would not lead to significant adverse effects to European eels (*anguilla anguilla*), having regard to the relevant construction method statement approved for that piling activity in accordance with condition 5.

(4) Vibro piling techniques are to be used as standard, with impact piling only used if required to drive a pile to its design depth.

(5) Where impact piling is necessary, soft-start procedures are to be used to ensure incremental increase in pile power, over a period of not less than 20 minutes, until full operational piling power is achieved.

(6) Sufficient break periods in piling activities must be provided (with a minimum of one break per day, lasting at least one hour in duration) to allow fish to pass through the affected area.

(7) Where impact piling ceases for a period longer than 10 minutes, the soft-start procedure must be repeated.

**Commencement Information**

**I70** Sch. 13 para. 10 in force at 15.10.2020, see [art. 1](#)

**Concrete and cement**

**11.**—(1) The licence holder must not discharge, intentionally or unintentionally, waste concrete, slurry or wash water from concrete or cement works into the River. The licence holder must contain and site concrete and cement mixing and washing areas at least 10 metres from any watercourse or surface water drains to minimise the risk of run off entering the River.

(2) If concrete is to be sprayed, suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment.

(3) Rebounded concrete material must be cleared away before protective sheeting is removed.

**Commencement Information**

**I71** Sch. 13 para. 11 in force at 15.10.2020, see [art. 1](#)

**Coatings and treatments**

**12.** The licence holder must ensure that any coatings and any treatments are suitable for use in the marine environment and are used in accordance with guidelines approved—

- (a) by the Health and Safety Executive;
- (b) by the Environment Agency; or
- (c) by both of the foregoing bodies.

**Commencement Information**

**I72** Sch. 13 para. 12 in force at 15.10.2020, see [art. 1](#)

**Spills, etc.**

**13.** The licence holder must—

- (a) store, handle, transport and use fuels, oils, chemicals and other substances so as to prevent releases into the marine environment, including bunding of 110% of the total volume of all reservoirs and containers;
- (b) report any spill of oil, fuel or chemicals into the marine area to the MMO Marine Pollution Response Team within 12 hours of the spill occurring; and
- (c) store all waste in designated areas that are isolated from surface water drains and open water and are bunded to contain any spillage.

**Commencement Information**

**I73** Sch. 13 para. 13 in force at 15.10.2020, see [art. 1](#)

### Dropped objects

14. All dropped objects must be reported to the MMO Marine Licensing Team using the Dropped Object Procedure Form (or such substitute notification procedure communicated in writing to the licence holder by the MMO) as soon as reasonably practicable and in any event within 24 hours of the licence holder becoming aware of an incident. On receipt of the Dropped Object Procedure Form or substitute notification, the MMO may require relevant surveys to be carried out by the licence holder (such as side-scan sonar), and the MMO may require obstructions to be removed from the seabed at the licence holder's expense, if reasonable to do so.

#### Commencement Information

I74 Sch. 13 para. 14 in force at 15.10.2020, see [art. 1](#)

### Post construction

15. The licence holder must remove all equipment, temporary structures, waste and debris associated with the construction activities within the River within 4 weeks of completion of the final construction activity.

#### Commencement Information

I75 Sch. 13 para. 15 in force at 15.10.2020, see [art. 1](#)

## PART 3

### PROCEDURE FOR THE DISCHARGE OF CONDITIONS

#### Meaning of “return”

16. In this Part, “return” means a submission by the licence holder for approval by the MMO of any method statement or plan under conditions 119, 121 and 123.

#### Commencement Information

I76 Sch. 13 para. 16 in force at 15.10.2020, see [art. 1](#)

#### Further information regarding application

17.—(1) The MMO may request in writing such further information from the licence holder as is necessary to enable the MMO to consider the return.

(2) If the MMO does not make a request under sub-paragraph (1) within 30 business days of the day immediately following that on which the return is received by the MMO, it is deemed to have sufficient information to consider the return and is not entitled to request further information after this date without the prior agreement of the licence holder.

#### Commencement Information

I77 Sch. 13 para. 17 in force at 15.10.2020, see [art. 1](#)

### Determination of application

- 18.**—(1) In determining the return, the MMO may have regard to—
- (a) the return and any supporting information or documentation;
  - (b) any further information provided by the licence holder in accordance with paragraph 131; and
  - (c) such other matters as the MMO thinks relevant.
- (2) Having considered the return, the MMO must—
- (a) grant the return unconditionally; or
  - (b) grant the return subject to the conditions the MMO thinks fit; or
  - (c) refuse the return.
- (3) In determining return, the MMO may discharge its obligations under sub-paragraph (2)(a), (b), or (c) separately in respect of a part of the return only, where it is reasonable to do so.

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#### Commencement Information

**I78** Sch. 13 para. 18 in force at 15.10.2020, see [art. 1](#)

### Notice of determination

**19.**—(1) Subject to sub-paragraphs (2) and (3), the MMO must give notice to the licence holder of the determination of the return within 13 weeks from the day immediately following that on which the return is received by the MMO, or as soon as reasonably practicable after that date.

(2) Where the MMO has made a request under paragraph 131, the MMO must give notice to the licence holder of the determination of the return within 13 weeks from the day immediately following that on which the further information is received by the MMO, or as soon as reasonably practicable after that date.

(3) Where the MMO determines it is not reasonably practicable to make a determination pursuant to sub-paragraph (1) or (2) in 13 weeks, it must notify the licence holder as soon as reasonably practicable and provide confirmation in writing of the intended determination date.

(4) Where the MMO refuses the return the refusal notice must state the reasons for the refusal.

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#### Commencement Information

**I79** Sch. 13 para. 19 in force at 15.10.2020, see [art. 1](#)

### No subsidiary dredging under the Order

**20.** Unless otherwise agreed in writing with the MMO, this licence does not permit any subsidiary works and operations to be carried out under article 49(1)(b) (subsidiary works and operations in the river Yare) of the Order.

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#### Commencement Information

**I80** Sch. 13 para. 20 in force at 15.10.2020, see [art. 1](#)

### Anticipatory steps towards the discharge of any condition

**21.** If before the coming into force of this Order the licence holder or any other person has taken any steps that were intended to be steps towards the discharge of any condition in Part 2 of this Schedule, those steps may be taken into account for the purposes of determining compliance with that condition if they would have been valid steps for that purpose had they been taken after this Order came into force.

#### Commencement Information

**I81** Sch. 13 para. 21 in force at 15.10.2020, see [art. 1](#)

## SCHEDULE 14

Article 62

### PROTECTIVE PROVISIONS

## PART 1

### FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

**1.** The provisions of this Part of this Schedule have effect for the protection of statutory undertakers unless otherwise agreed in writing between the undertaker and the statutory undertaker in question.

#### Commencement Information

**I82** Sch. 14 para. 1 in force at 15.10.2020, see [art. 1](#)

**2.** In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the statutory undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of a statutory undertaker within paragraph (a) of the definition of that term, electric lines or electrical plant as defined in the Electricity Act 1989 <sup>M24</sup>, belonging to or maintained by the statutory undertaker for the purposes of electricity supply;
- (b) in the case of a statutory undertaker within paragraph (b) of the definition of that term, any mains, pipes or other apparatus belonging to or maintained by the statutory undertaker for the purposes of gas supply;
- (c) in the case of a statutory undertaker within paragraph (c) of the definition of that term—
  - (i) mains, pipes or other water apparatus belonging to or maintained by the statutory undertaker for the purposes of water supply; and
  - (ii) mains, pipes or other water apparatus that is the subject of an agreement to adopt made under section 51A (agreements to adopt water main or service pipe at future date) of the Water Industry Act 1991 <sup>M25</sup>;
- (d) in the case of a sewerage undertaker—

- (i) any drain or works vested in the sewerage undertaker under the Water Industry Act 1991; and
- (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) <sup>M26</sup> (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 <sup>M27</sup> (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and in each case includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“statutory undertaker” means—

- (e) any licence holder within the meaning of Part 1 (electricity supply) of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986 <sup>M28</sup>;
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and
- (h) a sewerage undertaker within the meaning of Part 1 (preliminary) of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker of the above descriptions to whom it belongs or by whom it is maintained.

#### Commencement Information

**I83** Sch. 14 para. 2 in force at 15.10.2020, see [art. 1](#)

#### Marginal Citations

**M24** 1989 c. 29.

**M25** 1991 c. 56. Section 51A was inserted by section 92(1) of the [Water Act 2003 \(c. 37\)](#) and amended by section 10(2) of the [Water Act 2014 \(c. 21\)](#).

**M26** [Section 102\(4\)](#) was amended by section 96(1)(c) of the [Water Act 2003 \(c. 37\)](#) and paragraph 90 of Schedule 7 to the [Water Act 2014 \(c. 21\)](#).

**M27** [Section 104](#) was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the [Water Act 2003](#), section 42(3) of the [Flood and Water Management Act 2010 \(c. 29\)](#) and section 11(1) and (2) of, and paragraph 91 of Schedule 7 to, the [Water Act 2014](#).

**M28** 1986 c. 44. See section 7(1): this was substituted by section 5 of the [Gas Act 1995 \(c. 45\)](#) and was further amended by section 76 of the [Utilities Act 2000 \(c. 27\)](#).

**3.** This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by Part 3 (street works in England and Wales) of the 1991 Act.

#### Commencement Information

**I84** Sch. 14 para. 3 in force at 15.10.2020, see [art. 1](#)

4.—(1) Regardless of the temporary stopping up, alteration or diversion of streets under the powers conferred by article 15 (temporary stopping up and restriction of use of streets), a statutory undertaker is at liberty at all times to take all necessary access across any such street and to carry out and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the temporary stopping up, alteration or diversion was in that street.

(2) Where any street is stopped up under article 14 (permanent stopping up of streets and private means of access), any statutory undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the statutory undertaker legal easements reasonably satisfactory to the statutory undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the statutory undertaker to require the removal of that apparatus under paragraph 6 or to carry out works under paragraph 8.

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**Commencement Information**

**I85** Sch. 14 para. 4 in force at 15.10.2020, see [art. 1](#)

5. Despite any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

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**Commencement Information**

**I86** Sch. 14 para. 5 in force at 15.10.2020, see [art. 1](#)

6.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or over which access to any apparatus is enjoyed or requires that the statutory undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a statutory undertaker to maintain that apparatus in that land and to gain access to it must not be extinguished, until alternative apparatus has been constructed and is in operation, and access to it has been provided, to the reasonable satisfaction of the statutory undertaker in question in accordance with sub-paragraphs (2) to (9).

(2) If, for the purpose of carrying out any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the statutory undertaker in question 28 days' written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a statutory undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the statutory undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the statutory undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably practicable use reasonable endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.



(4) The obligation imposed on the statutory undertaker under sub-paragraph (3) does not extend to the exercise by the statutory undertaker of any power to acquire any land or rights in land by compulsory purchase order.

(5) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the statutory undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 67 (arbitration).

(6) The statutory undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 67 (arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(7) Regardless of anything in sub-paragraph (6), if the undertaker gives notice in writing to the statutory undertaker in question that it desires itself to carry out any work, or part of any work, in connection with the construction or removal of apparatus in any land controlled by the undertaker, that work, instead of being carried out by the statutory undertaker, may be carried out by the undertaker, in accordance with plans and in a position agreed between the statutory undertaker and the undertaker or, in default of agreement, determined by arbitration in accordance with article 67 (arbitration), without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(8) In carrying out any work under sub-paragraph (7) the undertaker must comply with all statutory obligations which would have been applicable had the works been carried out by the statutory undertaker.

(9) Nothing in sub-paragraph (7) authorises the undertaker to carry out the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or carry out any filling around the apparatus (where the apparatus is laid in a trench) within 600 millimetres of the apparatus.

#### **Commencement Information**

**I87** Sch. 14 para. 6 in force at 15.10.2020, see [art. 1](#)

7.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a statutory undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and the statutory undertaker in question or in default of agreement settled by arbitration in accordance with article 67 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in land of the undertaker, the arbitrator must—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the undertaker or traffic on the highway; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to any apparatus for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted,

are in the opinion of the arbitrator less favourable on the whole to the statutory undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that statutory undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

#### Commencement Information

**188** Sch. 14 para. 7 in force at 15.10.2020, see [art. 1](#)

**8.—(1)** Not less than 28 days before starting the carrying out of any works authorised by this Order that will or may affect any apparatus the removal of which has not been required by the undertaker under paragraph 6(2), the undertaker must submit to the statutory undertaker in question a plan, section and description of the works to be carried out.

(2) Those works must be carried out only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the carrying out of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs (1) to (4) apply as if the removal of the apparatus had been required by the undertaker under paragraph 6(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the carrying out of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the statutory undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

(7) Nothing in sub-paragraph (6) entitles the undertaker to carry out works to any apparatus but, upon receipt of notice from the undertaker, the statutory undertaker must proceed to carry out such works as may be required without unnecessary delay.

#### Commencement Information

**189** Sch. 14 para. 8 in force at 15.10.2020, see [art. 1](#)

**9.—(1)** Subject to the following provisions of this paragraph, the undertaker must repay to the statutory undertaker in question the proper and reasonable expenses incurred by that statutory undertaker in, or in connection with the inspection, removal, relaying, replacing, alteration or protection of any apparatus under any provision of this Part of this Schedule (including any costs reasonably incurred or compensation properly paid in connection with the acquisition of facilities

and rights or exercise of statutory powers for such apparatus) including the cutting off of any apparatus from any other apparatus or the making safe of any redundant apparatus as a consequence of the exercise by the undertaker of any power under this Order and the surveying of any land or works, the inspection, superintendence and monitoring of works or the removal of any temporary works reasonably necessary in consequence of the exercise of the undertaker of any power under this Order.

(2) The value of any apparatus removed under this Part of this Schedule is to be deducted from any sum payable under sub-paragraph(1), that value being calculated after removal.

(3) If in accordance with this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 67 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker in question any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

#### **Commencement Information**

**190** Sch. 14 para. 9 in force at 15.10.2020, see [art. 1](#)

**10.**—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction, maintenance or failure of any of the works referred to in paragraph 6(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any statutory undertaker, the undertaker must—

(a) bear and pay the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

(b) indemnify the statutory undertaker against all reasonable claims, penalties, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from, or reasonably and properly incurred by, the statutory undertaker, by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a statutory undertaker, its officers, servants, contractors or agents.

(3) A statutory undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

**Commencement Information**

**I91** Sch. 14 para. 10 in force at 15.10.2020, see [art. 1](#)

**11.** If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed the undertaker must provide such alternative means of access to that apparatus as will enable the statutory undertaker to maintain or use the apparatus no less effectively than was possible before the obstruction.

**Commencement Information**

**I92** Sch. 14 para. 11 in force at 15.10.2020, see [art. 1](#)

**PART 2**

**FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS**

**12.—**(1) For the protection of any operator, the following provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and the operator.

(2) In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003 <sup>M29</sup>;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act <sup>M30</sup>;

“electronic communications code network” means—

(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronic communications code) of the 2003 Act; and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and

“operator” means the operator of an electronic communications code network.

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**Commencement Information**

**I93** Sch. 14 para. 12 in force at 15.10.2020, see [art. 1](#)

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**Marginal Citations**

**M29** 2003 c. 21.

**M30** See section 106 and Schedule 3A. Section 106 was amended by section 4 of the [Digital Economy Act 2017 \(c. 30\)](#) and Schedule 3A was inserted by Schedule 1 to that Act.

**13.** The exercise of the powers conferred by article 37 (statutory undertakers and utilities) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

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**Commencement Information**

**I94** Sch. 14 para. 13 in force at 15.10.2020, see [art. 1](#)

**14.—(1)** Subject to sub-paragraph (2), if as the result of the authorised development or its construction, or of any subsidence resulting from any of those works—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator,

the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

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**Commencement Information**

**I95** Sch. 14 para. 14 in force at 15.10.2020, see [art. 1](#)

**15.** The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 67 (arbitration).

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

**Commencement Information**

**196** Sch. 14 para. 15 in force at 15.10.2020, see [art. 1](#)

**16.** This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

**Commencement Information**

**197** Sch. 14 para. 16 in force at 15.10.2020, see [art. 1](#)

## PART 3

### FOR THE PROTECTION OF ANGLIAN WATER

**17.** For the protection of Anglian Water, the provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and Anglian Water, have effect.

**Commencement Information**

**198** Sch. 14 para. 17 in force at 15.10.2020, see [art. 1](#)

**18.** In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfil its statutory functions in not less efficient a manner than previously;

“Anglian Water” means Anglian Water Services Limited, company number 02366656, whose registered office is at Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire PE29 6YJ;

“apparatus” means—

- (a) any works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage;
- (b) any drain or works vested in Anglian Water under the Water Industry Act 1991 <sup>M31</sup>; and
- (c) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) <sup>M32</sup> (adoption of sewers and disposal works) of the Water Industry Act 1991 or an agreement to adopt made under section 104 <sup>M33</sup> (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act,

and includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any sewer, drain, or works (within the meaning of section 219 (general interpretation) of that Act) and any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“plan” includes sections, drawings, specifications and method statements.

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#### Commencement Information

**I99** Sch. 14 para. 18 in force at 15.10.2020, see [art. 1](#)

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#### Marginal Citations

**M31** 1991 c. 56.

**M32** [Section 102\(4\)](#) was amended by section 96(1)(c) of the [Water Act 2003 \(c. 37\)](#) and paragraph 90 of Schedule 7 to the [Water Act 2014 \(c. 21\)](#).

**M33** [Section 104](#) was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003, section 42(3) of the [Flood and Water Management Act 2010 \(c. 29\)](#) and section 11(1) and (2) of, and paragraph 91 of Schedule 7 to, the [Water Act 2014 \(c. 21\)](#).

**19.** The undertaker must not interfere with, build over or near to any apparatus within the Order land or execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within the standard protection strips which are the strips of land falling the following distances to either side of the medial line of any relevant pipe or apparatus—

- (a) 2.25 metres where the diameter of the pipe is less than 150 millimetres;
- (b) 3 metres where the diameter of the pipe is between 150 and 450 millimetres;
- (c) 4.5 metres where the diameter of the pipe is between 450 and 750 millimetres; and
- (d) 6 metres where the diameter of the pipe exceeds 750 millimetres,

unless otherwise agreed in writing with Anglian Water, such agreement not to be unreasonably withheld or delayed, and such provision being brought to the attention of any agent or contractor responsible for carrying out any work on behalf of the undertaker.

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#### Commencement Information

**I100** Sch. 14 para. 19 in force at 15.10.2020, see [art. 1](#)

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**20.** The alteration, extension, removal or re-location of any apparatus must not be implemented until—

- (a) any permits required under the Environmental Permitting (England and Wales) Regulations 2016<sup>M34</sup> or other legislation and any other associated consents are obtained by the undertaker, and any approval or agreement required from Anglian Water on alternative outfall locations as a result of such re-location are approved, such approvals from Anglian Water not to be unreasonably withheld or delayed; and
- (b) the undertaker has made the appropriate application required under the Water Industry Act 1991 together with a plan of the works proposed and Anglian Water has agreed all of the contractual documentation required under the Water Industry Act 1991, such agreement not to be unreasonably withheld or delayed, and such works to be executed only in accordance with the plan, section and description submitted and in accordance with such reasonable requirements as may be made by Anglian Water without delay for the alteration or otherwise for the protection of the apparatus, or for securing access to it.

**Commencement Information**

**I101** Sch. 14 para. 20 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**

**M34** [S.I. 2016/1154](#).

**21.** In the situation, where in exercise of the powers conferred by the Order, the undertaker acquires any interest in any land in which apparatus is placed and such apparatus is to be relocated, extended, removed or altered in any way, no alteration or extension is to take place until Anglian Water has established, to its reasonable satisfaction, contingency arrangements in order to conduct its functions for the duration of the works to relocate, extend, remove or alter the apparatus. Anglian Water must use reasonable endeavours to establish contingency arrangements in a timely manner.

**Commencement Information**

**I102** Sch. 14 para. 21 in force at 15.10.2020, see [art. 1](#)

**22.** Regardless of any provision in this Order or anything shown on any plan, the undertaker must not acquire any apparatus otherwise than by agreement with Anglian Water, and before extinguishing any existing rights for Anglian Water to use, keep, inspect, renew and maintain its apparatus in the Order land, the undertaker must, with the agreement of Anglian Water, create a new right to use, keep, inspect, renew and maintain the apparatus that is reasonably convenient for Anglian Water, such agreement not to be unreasonably withheld or delayed.

**Commencement Information**

**I103** Sch. 14 para. 22 in force at 15.10.2020, see [art. 1](#)

**23.** If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed the undertaker must provide such alternative means of access to such apparatus as will enable Anglian Water to maintain or use the apparatus no less effectively than was possible before such obstruction.

**Commencement Information**

**I104** Sch. 14 para. 23 in force at 15.10.2020, see [art. 1](#)

**24.** If in consequence of the exercise of the powers conferred by the Order, previously unmapped sewers, lateral drains or other apparatus are identified by the undertaker, notification of the location of such assets will immediately be given to Anglian Water and afforded the same protection as other Anglian Water assets.

**Commencement Information**

**I105** Sch. 14 para. 24 in force at 15.10.2020, see [art. 1](#)

**25.** If for any reason or in consequence of the construction of any of the works referred to in paragraphs 20 to 22 and 24 above any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those



works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—

- (a) bear and pay the cost reasonably incurred by Anglian Water in making good any damage or restoring the supply; and
- (b) make reasonable compensation to Anglian Water for any other expenses, loss, damages, penalty or costs incurred by Anglian Water,

by reason or in consequence of any such damage or interruption.

**Commencement Information**

**I106** Sch. 14 para. 25 in force at 15.10.2020, see [art. 1](#)

**26.** Nothing in paragraph 25 above imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of Anglian Water, its officers, servants, contractors or agents.

**Commencement Information**

**I107** Sch. 14 para. 26 in force at 15.10.2020, see [art. 1](#)

**27.** Any difference or dispute arising between the undertaker and Anglian Water under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Anglian Water, be determined by arbitration in accordance with article 67 (arbitration).

**Commencement Information**

**I108** Sch. 14 para. 27 in force at 15.10.2020, see [art. 1](#)

## PART 4

### FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

**28.—(1)** The following provisions of this Part of this Schedule apply for the protection of the Agency unless otherwise agreed in writing between the Agency and the undertaker.

(2) In this Part of this Schedule—

“the Agency” means the Environment Agency;

“drainage work” means any main river and includes any land which provides or is expected to provide flood storage capacity for any main river, and any bank, wall or embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring but excludes any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage in respect of ordinary watercourses;

“excluded flood risk activity” means any licensable marine activity authorised by article 56 (deemed marine licence);

“the fishery” means any waters containing fish and fish in, or migrating to or from, such waters and the spawn, spawning ground, habitat or food of such fish;

“main river” means all watercourses shown as such on the statutory main river maps held by the Agency and the Department for Environment Food and Rural Affairs including any structure or appliance for controlling or regulating the flow of water in or out of the watercourse;

“ordinary watercourse” has the meaning given to it by section 72(1) (interpretation) of the Land Drainage Act 1991 <sup>M35</sup>

“plans” includes sections, drawings, specifications, calculations and method statements;

“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 16 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity or quality of water in any watercourse or other surface waters or ground water;
- (c) cause obstruction to the free passage of fish or damage to any fishery;
- (d) affect the conservation, distribution or use of water resources; or
- (e) affect the conservation value of the main river and habitats in its immediate vicinity;

but does not include any excluded flood risk activity; and

“Work No.6A(iii)” means Work No. 6A(iii) as is described in Schedule 1 (authorised development).

#### Commencement Information

**I109** Sch. 14 para. 28 in force at 15.10.2020, see [art. 1](#)

#### Marginal Citations

**M35** 1991 c. 59. Section 72(1) has been amended by paragraph 194(1) of Schedule 22 to the [Environment Act 1995 \(c. 25\)](#), [paragraph 39](#) of Schedule 2 to the [Flood and Water Management Act 2010 \(c. 29\)](#) and [S.I. 2013/755](#).

**29.**—(1) Before beginning to construct any specified work, the undertaker must submit to the Agency plans of the specified work and such further particulars available to it as the Agency may within 28 days of the receipt of the plans reasonably request.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the Agency or as determined in accordance with paragraph 38.

(3) Any approval of the Agency required under this paragraph—

- (a) must not be unreasonably withheld or delayed;
- (b) in the case of a refusal, must be accompanied by a statement of grounds of refusal;
- (c) is deemed to have been refused if it is neither given nor refused within 2 months of the submission of the plans for approval or receipt of further particulars if such particulars have been requested by the Agency for approval; and
- (d) may be given subject to such reasonable requirements as the Agency may have for the protection of any drainage work or the fishery or for the protection of water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties.

(4) The Agency must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(c).

**Commencement Information**

**I110** Sch. 14 para. 29 in force at 15.10.2020, see [art. 1](#)

**30.** Without limiting paragraph 29, the requirements which the Agency may have under that paragraph include conditions requiring the undertaker, at its own expense, to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

- (a) to safeguard any drainage work against damage; or
- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased when compared with that reported in the environmental statement,

by reason of any specified work.

**Commencement Information**

**I111** Sch. 14 para. 30 in force at 15.10.2020, see [art. 1](#)

**31.** Subject to sub-paragraph (2), any specified work, and all protective works required by the Agency under paragraph 30, must be constructed—

- (a) without unreasonable delay in accordance with the plans approved under this Part of this Schedule; and
- (b) to the reasonable satisfaction of the Agency,

and the Agency is entitled by its officer to watch and inspect the construction of such works.

(2) The undertaker must give to the Agency not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 7 days after the date on which it is completed.

(3) If the Agency reasonably requires, the undertaker must construct all or part of the protective works so that they are in place prior to the construction of any specified work to which the protective works relate.

(4) If any part of the specified work or any protective work required by the Agency is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the Agency may by notice in writing require the undertaker, at the undertaker's own expense, to comply with the requirements of this Part of this Schedule or (if the undertaker so elects and the Agency in writing consents, such consent not to be unreasonably withheld) to remove, alter or pull down the work to the reasonable satisfaction of the Agency, and where removal is required, to restore the site of the specified work or protective work required by the Agency to its former condition to such extent and within such limits as the Agency reasonably requires.

(5) Subject to sub-paragraph (6) and paragraph 36, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (4) is served upon the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may execute the works specified in the notice and any expenditure incurred by it in so doing shall be recoverable from the undertaker.

(6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which a notice has been served under that sub-paragraph, or as to the reasonableness

of any requirement of such a notice, the Agency must not, except in an emergency, exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined in accordance with paragraph 38.

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**Commencement Information**

**I112** Sch. 14 para. 31 in force at 15.10.2020, see [art. 1](#)

**32.**—(1) Subject to sub-paragraph (5) the undertaker must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the undertaker for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any such drainage work which the undertaker is liable to maintain is not maintained to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the undertaker to repair and restore the drainage work, or any part of such drainage work, or (if the undertaker so elects and the Agency in writing consents, such consent not to be unreasonably withheld or delayed), to remove the specified work and restore the site to its former condition, to such extent and within such limits as the Agency reasonably requires.

(3) Subject to sub-paragraph (4) and paragraph 36, if, within a reasonable period, being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may do what is necessary for such compliance and any expenditure incurred by the Agency in so doing is to be recoverable from the undertaker.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the Agency must not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 38.

(5) This paragraph and paragraph 33 do not apply to—

- (a) drainage works which are vested in the Agency, or which the Agency or another person is liable to maintain and is not proscribed by the powers of this Order from doing so;
- (b) to any drainage works comprised in Work No. 6A(iii); or
- (c) any obstruction of a drainage work, for the purposes of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule.

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**Commencement Information**

**I113** Sch. 14 para. 32 in force at 15.10.2020, see [art. 1](#)

**33.** Subject to paragraphs 32(5) and 36, if by reason of the construction of any specified work or of the failure of any such work, the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by the undertaker to the reasonable satisfaction of the Agency and if the undertaker fails to do so, the Agency may make good the impairment or damage and recover any expenditure incurred by the Agency in so doing from the undertaker.

**Commencement Information**

**I114** Sch. 14 para. 33 in force at 15.10.2020, see [art. 1](#)

**34.** If by reason of construction of the specified work the Agency's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, the undertaker must provide such alternative means of access that will allow the Agency to maintain the flood defence or use the equipment no less effectively than was possible before the obstruction within 48 hours of the undertaker becoming aware of such obstruction.

**Commencement Information**

**I115** Sch. 14 para. 34 in force at 15.10.2020, see [art. 1](#)

**35.—**(1) The undertaker must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in the fishery during the construction of any specified work.

(2) If by reason of—

- (a) the construction of any specified work; or
- (b) the failure of any such work,

damage to the fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the undertaker requiring it to take such steps as may be reasonably practicable to make good the damage, or, as the case may be, to protect the fishery against such damage.

(3) Subject to paragraph 36, if within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to the fishery, the undertaker fails to take such steps as are described in a notice served under sub-paragraph (2), the Agency may take those steps and any expenditure incurred by the Agency in doing so is to be recoverable from the undertaker.

(4) Subject to paragraph 36, in any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the undertaker any expenditure incurred in so doing provided that notice specifying those steps is served on the undertaker as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

**Commencement Information**

**I116** Sch. 14 para. 35 in force at 15.10.2020, see [art. 1](#)

**36.—**(1) The undertaker must indemnify the Agency in respect of all costs, charges and expenses which the Agency incur—

- (a) in the examination or approval of plans under this Part of this Schedule;
- (b) in the inspection of the construction of the specified works or any protective works required by the Agency under this Part of this Schedule; and
- (c) in the carrying out of any surveys or tests by the Agency which are reasonably required in connection with the construction of the specified works.

### Commencement Information

II17 Sch. 14 para. 36 in force at 15.10.2020, see [art. 1](#)

**37.**—(1) The undertaker is responsible for and must indemnify the Agency against all costs and losses not otherwise provided [<sup>F1</sup>for] in this Part of this Schedule which may be incurred or suffered by the Agency by reason of—

- (a) the construction, of any specified works comprised within the authorised development or the failure of any such works comprised within them; or
- (b) any act or omission of the undertaker, its employees, contractors or agents or others whilst engaged upon the construction of the authorised development or dealing with any failure of the authorised development.

(2) For the avoidance of doubt, in sub-paragraph (1)—

“costs” includes—

- (a) expenses and charges;
- (b) staff costs and overheads; and
- (c) legal costs;

“losses” includes physical damage.

(3) Subject to sub-paragraph (7), the undertaker must indemnify the Agency against all liabilities, claims and demands arising directly out of or directly in connection with the construction, maintenance or failure of the authorised development or out of the matters referred to in sub-paragraph (1)(a) and (1)(b).

(4) For the avoidance of doubt, in sub-paragraph (3)—

“claims” and “demands” include as applicable—

- (a) costs (within the meaning of sub-paragraph (2)) incurred in connection with any claim or demand; and
- (b) any interest element of sums claimed or demanded;

“liabilities” includes—

- (c) contractual liabilities;
- (d) tortious liabilities (including liabilities for nuisance);
- (e) liabilities to pay statutory compensation or for breach of statutory duty; and
- (f) liabilities to pay statutory penalties imposed on the basis of strict liability (but does not include liabilities to pay other statutory penalties).

(5) The Agency must give to the undertaker reasonable notice of any such claim or demand and no settlement or compromise must be made without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.

(6) The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the undertaker from any liability under the provisions of this Part of this Schedule.

(7) Nothing in this paragraph imposes any liability on the undertaker with respect to any claims, costs, demands, liability or losses to the extent that it is attributable to the act, neglect or default of the Agency, its officers, servants, contractors or agents.

**Textual Amendments**

**F1** Word in Sch. 14 para. 37(1) substituted (10.6.2021) by [The Great Yarmouth Third River Crossing Development Consent \(Correction\) Order 2021 \(S.I. 2021/692\)](#), arts. 1, **2(2)**

**Commencement Information**

**I118** Sch. 14 para. 37 in force at 15.10.2020, see [art. 1](#)

**38.** Any dispute arising between the undertaker and the Agency under this Part of this Schedule is, if the parties agree, to be determined by arbitration under article 67 (arbitration), but must in the absence of agreement be determined by the Secretary of State for Environment, Food and Rural Affairs or its successor and the Secretary of State for Transport or its successor, acting jointly, on a reference to them by the undertaker or the Agency, after notice in writing by one to the other.

**Commencement Information**

**I119** Sch. 14 para. 38 in force at 15.10.2020, see [art. 1](#)

## **PART 5**

### **FOR THE PROTECTION OF THE WAVENEY, LOWER YARE AND LOTHINGLAND INTERNAL DRAINAGE BOARD**

**39.** The provisions of this Part of this Schedule have effect for the protection of the Board unless otherwise agreed in writing between the undertaker and the Board.

**Commencement Information**

**I120** Sch. 14 para. 39 in force at 15.10.2020, see [art. 1](#)

**40.** In this Part of this Schedule—

“the Board” means the Waveney, Lower Yare and Lothingland Internal Drainage Board and any successor body;

“the outfall pipe” means the specified work comprising an outfall pipe, headwall and associated apparatus to be constructed in and adjoining the relevant watercourse known as Waveney Common Road 1 adjacent to Queen Anne's Road, subject to such amendments as the Board and the undertaker may agree;

“relevant asset” means any watercourse, adjoining bank, embankment or wall and any associated apparatus or structure, including sluices and water control appliances, which is for the time being belonging to or under the control of the Board;

“relevant watercourse” means a watercourse that is a relevant asset;

“specified work” means any part of the authorised development which affects a relevant asset;

“functions” includes powers and duties.

**Commencement Information**

**I121** Sch. 14 para. 40 in force at 15.10.2020, see [art. 1](#)

**41.**—(1) The undertaker must notify the Board of the intended commencement and anticipated duration of any specified work.

(2) The notification given under sub-paragraph (1) must be given 14 working days prior to commencement of the relevant specified work.

(3) The requirements of sub-paragraphs (1) and (2) have effect in addition to any other requirement of this Part of this Schedule which must be complied with by the undertaker prior to the commencement of any specified work.

**Commencement Information**

**I122** Sch. 14 para. 41 in force at 15.10.2020, see [art. 1](#)

**42.** The undertaker must permit any officer of the Board to inspect any specified work during its execution.

**Commencement Information**

**I123** Sch. 14 para. 42 in force at 15.10.2020, see [art. 1](#)

**43.** In constructing and operating the outfall pipe, the undertaker must comply with the following requirements—

- (a) prior to constructing the outfall pipe, the undertaker must obtain the approval of the Board to a maximum rate of discharge of surface water through the outfall pipe;
- (b) the undertaker must ensure that the approved maximum rate of discharge is not exceeded;
- (c) the headwall must comprise a recessed precast concrete unit of adequate dimensions;
- (d) all material excavated during the construction of the headwall must be removed from the watercourse;
- (e) the area around the headwall must be restored to its previous condition as soon as possible following construction of the headwall;
- (f) in constructing the outfall pipe the undertaker must ensure that erosion protection sufficient to prevent scouring of the bank of the watercourse is provided beneath the outfall pipe, across the bed and extending across the far bank to the same level as the outfall pipe and to at least one metre either side of it;
- (g) no part of the outfall pipe or associated erosion protection measures is to protrude beyond the existing bank profile; and
- (h) discharge through the outfall is to consist solely of surface water runoff and must not include any treated foul water.

**Commencement Information**

**I124** Sch. 14 para. 43 in force at 15.10.2020, see [art. 1](#)

**44.** If a specified work requires a relevant water course to be temporarily dammed off and over-pumped (“the temporary operations”), the undertaker must—

- (a) obtain the approval of the Board to the commencement and duration of the temporary operations;
- (b) ensure that the drainage of any other person is not materially affected by the temporary operations;



- (c) construct the dams in such a manner that they can be removed without delay in the event that water levels rise to an unacceptably high level or the over-pumping apparatus provided by the undertaker is unable to cope with the flow of water; and
- (d) remove the dams as soon as reasonably possible following completion of the relevant part of the specified works and restore the areas where the dams were positioned to their previous condition.

**Commencement Information**

**I125** Sch. 14 para. 44 in force at 15.10.2020, see [art. 1](#)

**45.** Where the undertaker culverts a relevant watercourse in carrying out a specified work, it must comply with the following requirements—

- (a) where there are existing pipes entering the length of watercourse to be culverted, these are to be suitably extended and diverted to outfall into—
  - (i) the open channel to one side or the other of the culverted length; or
  - (ii) to the nearest access chamber;
- (b) the material used in infilling must not contain any garden rubbish, brick rubble or other deleterious material and must be suitably compacted; and
- (c) the infill material must be laid to the depth required to match the existing ground levels to either side of the infilled area.

**Commencement Information**

**I126** Sch. 14 para. 45 in force at 15.10.2020, see [art. 1](#)

**46.—(1)** Where any damage is caused by the undertaker to a relevant watercourse or other relevant asset in any of the circumstances mentioned in sub-paragraph (2), the undertaker must make good such damage as soon as possible following its occurrence.

- (2) The circumstances are—
- (a) the driving or waiting of any vehicle on the banks of any relevant watercourse;
  - (b) the placing, use or storage of any apparatus, structure or equipment in or on the banks of any relevant watercourse;
  - (c) the dredging, raising or taking of any gravel, sand, ballast, clay or other material from the bed or bank of any relevant watercourse; and
  - (d) any other activity undertaken in the construction or maintenance of any specified work.

**Commencement Information**

**I127** Sch. 14 para. 46 in force at 15.10.2020, see [art. 1](#)

**47.—(1)** The undertaker must at its expense maintain all elements of any specified work which are, following their execution, vested in the undertaker.

(2) Where any works to a relevant asset are executed by the undertaker in carrying out the specified works, the Board continues to have responsibility for maintenance of the relevant asset.

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

**Commencement Information**

**I128** Sch. 14 para. 47 in force at 15.10.2020, see [art. 1](#)

**48.** Any agreement or approval under this Part of this Schedule must not be unreasonably withheld or delayed and must be given in writing.

**Commencement Information**

**I129** Sch. 14 para. 48 in force at 15.10.2020, see [art. 1](#)

**49.**—(1) Save as provided by sub-paragraph (2) or other provision of this Order, nothing in this Part of this Schedule affects the rights and responsibilities of the Board under the Land Drainage Act 1991.

(2) The Board must not exercise its functions in a manner contrary to the provisions of the Order.

**Commencement Information**

**I130** Sch. 14 para. 49 in force at 15.10.2020, see [art. 1](#)

**50.** Any difference or dispute arising between the undertaker and the Board under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and the Board, be determined by arbitration under article 67 (arbitration).

**Commencement Information**

**I131** Sch. 14 para. 50 in force at 15.10.2020, see [art. 1](#)

## **PART 6**

### **FOR THE PROTECTION OF THE GREAT YARMOUTH PORT AUTHORITY**

**51.** For the protection of the GYPA the following provisions of this Part of this Schedule, unless otherwise agreed in writing between the undertaker and the GYPA, have effect.

**Commencement Information**

**I132** Sch. 14 para. 51 in force at 15.10.2020, see [art. 1](#)

**52.** In this Part of this Schedule the following definitions apply—

“adverse effects” means any physical damage to the river caused by the specified work which affects the stability, structure and safety of the river and, without limitation on the scope of that meaning, includes—

- (a) the erosion of the bed, banks or walls of the river, or the impairment of the stability of any works or lands forming part of the river;
- (b) damage to the walls or banks of the river caused by excessive weight being placed on the river walls;

- (c) the silting of the river or the deposit of materials in the river so as to damage the river; and
- (d) the pollution of the river;

“engineer” means a professionally qualified engineer (whether an employee of the GYPA or external consultant) appointed by the GYPA for the purpose in question;

“protective work” means a work which is reasonably necessary to minimise adverse effects to the river arising from the construction of the specified work as may be required by the GYPA by notice to the undertaker served not later than 6 months before the commencement of any specified work;

“river” means the river Yare;

“specified work” means so much of the authorised development as may in any way materially affect the river or is situated upon, across, under or over or within 15 metres of the river; and

“works” means the protective works and the authorised development.

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**Commencement Information**

**I133** Sch. 14 para. 52 in force at 15.10.2020, see [art. 1](#)

**53.**—(1) Subject to sub-paragraph (2), nothing in this Order authorises the undertaker to—

- (a) construct or maintain any specified work or protective work which would have the effect of exceeding the load bearing capacity of any part of the existing river wall which is not replaced by the specified work or protective work; or
- (b) use any part of the river wall which is not to be replaced by the works as a load bearing wall or structure for any specified work or protective work.

(2) The provisions of sub-paragraph (1) do not apply where the GYPA has accepted the findings of a risk assessment carried out by the undertaker, including supporting calculations, that demonstrates that the load bearing capacity of the relevant part of the river wall would be adequate with or without specified reinforcement.

(3) The GYPA must not unreasonably withhold its acceptance of a risk assessment under sub-paragraph (2), must give its decision within 10 working days of the undertaker submitting its risk assessment, but may give its acceptance on terms that the undertaker must carry out any specified reinforcements.

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**Commencement Information**

**I134** Sch. 14 para. 53 in force at 15.10.2020, see [art. 1](#)

**54.** The undertaker must not commence the operation of any element of the specified work until the engineer has notified the undertaker that any related protective work has been completed to the engineer's reasonable satisfaction. The engineer's notification shall not be unreasonably withheld or delayed and in any event the engineer shall provide any comments within 1 month of the undertaker providing the plans of the protective work. If the engineer has made no comment within 3 weeks the undertaker may remind the engineer of this obligation and if the engineer makes no comments within 1 week of being reminded the engineer is to be deemed to have notified the undertaker that the protective work has been completed to the engineer's reasonable satisfaction.

**Commencement Information**

**I135** Sch. 14 para. 54 in force at 15.10.2020, see [art. 1](#)

**55.** Any navigation simulations required to be carried out by the undertaker on the river relating to any temporary works are to be conducted with GYPA pilots or the harbour master in attendance. The undertaker will notify the GYPA of any navigation simulations in advance of it being carried out and the GYPA may send representatives.

**Commencement Information**

**I136** Sch. 14 para. 55 in force at 15.10.2020, see [art. 1](#)

**56.** The undertaker shall give the GYPA not less than 6 weeks' notice in writing of the commencement of construction of the authorised development unless otherwise agreed.

**Commencement Information**

**I137** Sch. 14 para. 56 in force at 15.10.2020, see [art. 1](#)

**57.—(1)** The undertaker must comply with any special direction given by the harbour master under section 3(1)(b) of the Great Yarmouth Outer Harbour Act 1986<sup>M36</sup> or section 16 of the Great Yarmouth Port Authority Act 1990<sup>M37</sup> that is strictly necessary to ensure the safety of navigation during construction of the works.

(2) Except as is mentioned in sub-paragraph (1), neither the harbour master nor the GYPA may give any general or special direction which would prevent or materially hinder any works or activity authorised by or under any provision of this Order.

**Commencement Information**

**I138** Sch. 14 para. 57 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**

**M36** 1986 c. xxii.

**M37** 1990 c. xxvii.

**58.** Any specified work must, when commenced be constructed—

- (a) without unnecessary delay;
- (b) in such a manner as to cause as little adverse effects as is reasonably practicable to the river;
- (c) in such a manner as to cause no material adverse effects to the integrity of the walls or banks of the river; and
- (d) in such a manner as to cause as little inconvenience as is reasonably practicable to the GYPA.

**Commencement Information**

**I139** Sch. 14 para. 58 in force at 15.10.2020, see [art. 1](#)

**59.**—(1) The undertaker must not in the course of constructing any specified work or protective work or otherwise in connection with such works do or permit anything which results in the deposit of any polluting materials on, in or over the river and must take such steps as the harbour master may reasonably require to avoid or make good any breach of its obligations under this paragraph.

(2) Subject to sub-paragraphs (3) and (4), the undertaker must not in the course of constructing any specified work or protective work or otherwise in connection with such works do or permit anything which results in the deposit of any other materials in the river and must take such steps as the harbour master may reasonably require to avoid or make good any breach of its obligations under this sub-paragraph.

(3) For the avoidance of doubt, the structures comprising the authorised development, and any specified work or protective work shall not themselves constitute a material for the purposes of sub-paragraph (2).

(4) Sub-paragraph (2) does not apply to the deposit by the undertaker of materials (other than polluting materials) in the river if such deposit has been authorised in writing by the GYPA.

**Commencement Information**

**I140** Sch. 14 para. 59 in force at 15.10.2020, see [art. 1](#)

**60.** Where reasonably required to do so by the engineer or the harbour master for the purpose of ensuring the safety of the river the undertaker must, to the reasonable satisfaction of the engineer or harbour master, fence off any specified work or protective work or take such steps as the engineer or the harbour master may reasonably require to be taken for the purpose of separating a specified work or a protective work from the river, whether on a temporary or permanent basis or both.

**Commencement Information**

**I141** Sch. 14 para. 60 in force at 15.10.2020, see [art. 1](#)

**61.**—(1) Prior to commencement of the works, a baseline hydrographic survey will be undertaken by the undertaker. This survey will form the basis for comparison with future surveys described within this paragraph. The results of the survey will be shared with the GYPA and must form the baseline of future assessments and/or surveys carried out under this paragraph.

(2) Following commencement of construction of a specified work or a protective work (whichever is commenced first) the undertaker must carry out further assessments and surveys of the area of the river under and in the vicinity of the authorised development (and other such reasonable area notified to the undertaker by the GYPA) in accordance with the following requirements—

- (a) during the period from commencement of the works in the river until the date occurring one year after substantial completion of the works surveys are to be carried out 4 times per calendar year at such times within the year as the GYPA reasonably directs;
- (b) during the period from the date occurring one year after substantial completion of the works until the date occurring three years after substantial completion of the works surveys are to be carried out 2 times per calendar year at such times within the year as the GYPA reasonably directs;
- (c) paragraph (d) is to apply if any of the surveys undertaken under paragraph (b) or other evidence provided by the GYPA to the undertaker shall have demonstrated that the works are creating an adverse effect and that adverse effect has not been mitigated to the reasonable satisfaction of the GYPA by the expiry of the period referred to in paragraph (b);

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

- (d) where this paragraph applies, surveys shall be carried out once per calendar year, at such time as the GYPA reasonably directs, during the period commencing with the date of expiry of the period referred to in paragraph (b) and ending on the seventh anniversary of that date or such date as the adverse effect has been demonstrated to the reasonable satisfaction of the GYPA to have been mitigated (whichever date shall first occur);
- (e) should a survey carried out during construction show any discernible change has occurred to the river bed levels, localised sediment sampling will be undertaken in the area of change to determine the composition of the material, hydrodynamic modelling will be undertaken to assess the extent to which the new bridge construction activity may have contributed to the change and a detailed report prepared;
- (f) should a survey carried out after construction show either a sudden large change to the river bed level or, over time, that a longer-term trend of change in level pattern has occurred, localised sediment sampling will be undertaken in the affected area to determine the composition of the material, hydrodynamic modelling will be undertaken to assess the extent to which the new bridge construction activity may have contributed to the change and a detailed report prepared;
- (g) the extent of the surveys carried out under this paragraph will be 200 metres upstream and downstream of the centre line of the new bridge covering the full width of the river over this length; and
- (h) all hydrographic surveys mentioned in this paragraph will be undertaken using a suitable multibeam echo-sounder, in accordance with the International Hydrographic Organization Standards for Hydrographic Surveys 5th Edition (February 2008) to Survey Order 1a.

**Commencement Information**

**I142** Sch. 14 para. 61 in force at 15.10.2020, see [art. 1](#)

**62.**—(1) In the event that the further surveys or assessment carried out under paragraph 196(2) disclose that the works have resulted in part of the river becoming silted up or subject to scouring to the extent that there is, or is likely to be, a materially adverse impact on either the safety or efficiency of navigation of the river or the condition of the works, then the undertaker must dredge the river (or carry out such alternative remedial works as the GYPA, acting reasonably, approves) to remove the silting or make good the scouring as soon as reasonably practicable to the reasonable satisfaction of GYPA and at no expense to the GYPA.

(2) Where the undertaker is obliged to carry out dredging or remedial works under subparagraph (1), the GYPA may instead (at its discretion) carry out such dredging or works on the undertaker's behalf if the undertaker so requests and on condition that the undertaker will meet all reasonable expenses of the GYPA.

**Commencement Information**

**I143** Sch. 14 para. 62 in force at 15.10.2020, see [art. 1](#)

**63.**—(1) The undertaker must at all reasonable times on being given reasonable notice (except in cases of emergency) allow reasonable facilities to the engineer for access to inspect any specified work or protective work during its construction.

(2) The undertaker must supply the engineer with all such information as the engineer may reasonably require with regard to any specified work or protective work or the method of

constructing but such information shall be limited to matters of reasonable concern to the GYPA observed during an inspection under sub-paragraph (1).

**Commencement Information**

**I144** Sch. 14 para. 63 in force at 15.10.2020, see [art. 1](#)

**64.** The undertaker must provide and maintain at its own expense in the vicinity of the specified work or protective work such temporary lighting from sunset to sunrise or other periods of adverse visibility and such signal lights for the control of navigation as the harbour master may reasonably require during the construction of a specified work or a protective work or the material failure of a specified work or protective work.

**Commencement Information**

**I145** Sch. 14 para. 64 in force at 15.10.2020, see [art. 1](#)

**65.—(1)** The undertaker must, upon completion of any part of a specified work, and after the purpose of any temporary works has been accomplished, remove as soon as reasonably practicable any temporary works constructed and materials for temporary works placed in, on or over the river in connection with that part of the specified work.

(2) All temporary works must be removed to the reasonable satisfaction of the engineer and in such a way as causes as little adverse effects or interference as reasonably practicable with, or delay or interruption to, the safe passage of vessels along the river.

(3) In the event of any adverse effects to the river that is caused by the undertaker's failure to remove any temporary works in accordance with sub-paragraph (1), the undertaker must as soon as reasonably practicable make good such adverse effects and pay to the GYPA the reasonable additional costs and expenses it incurs by reason of such failure to remove temporary works.

(4) In the event of the undertaker failing to remove any temporary works in accordance with sub-paragraph (1) and thereafter failing to remove the temporary works within a reasonable period after receiving notice from the GYPA, the GYPA may remove those works and charge the undertaker the reasonable costs and expenses incurred as a result.

**Commencement Information**

**I146** Sch. 14 para. 65 in force at 15.10.2020, see [art. 1](#)

**66.—(1)** The undertaker must, before placing any temporary structure or apparatus over the river required in connection with the maintenance or repair or renewal of a specified work, comply with the reasonable requirements of the GYPA, such requirements to include—

- (a) the undertaker providing the GYPA with 42 days' written notice of this requirement so that the GYPA may bring these works to the attention of users of the river; and
- (b) receiving approval from the harbour master, but on terms that such approval must not be unreasonably withheld or delayed.

(2) In the case of any work carried out in an emergency the undertaker is only required to give such notice to the harbour master as may be reasonably practicable in the circumstances.

**Commencement Information**

**I147** Sch. 14 para. 66 in force at 15.10.2020, see [art. 1](#)

**67.** If at any time after the completion of a specified work, not being a work vested in the GYPA, the GYPA gives notice to the undertaker informing it that the state of maintenance of the specified work appears to be such that the specified work is causing or is likely to cause adverse effects to the river, the undertaker must, on receipt of such notice together with supporting evidence of the matters asserted by the notice to the reasonable satisfaction of the undertaker take such steps as may be reasonably necessary to put the specified work in such state of maintenance as not to cause such adverse effect and if the undertaker fails to do so, the GYPA may make and do in and upon the land of the undertaker or the GYPA all such works to put the specified work in such state of maintenance as before and the cost, expenses and losses incurred by the GYPA in so doing must be repaid to the GYPA by the undertaker.

**Commencement Information**

**I148** Sch. 14 para. 67 in force at 15.10.2020, see [art. 1](#)

**68.** Within 3 months of completion of the specified works and protective works (“the completed works”), the undertaker must provide to the GYPA drawings of the completed works as constructed, including the electrical and mechanical drawings of the opening and closing mechanisms of the new bridge. If any modifications are made to the completed works following their completion the undertaker must provide updated as built drawings of the modified works.

**Commencement Information**

**I149** Sch. 14 para. 68 in force at 15.10.2020, see [art. 1](#)

**69.** The undertaker must keep such elements of the specified works that are not subject to the statutory duty of the undertaker as highway authority to maintain the highway, including the vessel waiting facilities and navigational lighting, in good and substantial repair and condition to the reasonable satisfaction of the GYPA.

**Commencement Information**

**I150** Sch. 14 para. 69 in force at 15.10.2020, see [art. 1](#)

**70.** The undertaker must, so far as practicable, keep the new bridge in the raised position from the occurrence of a failure to raise or close until such time as the engineer has certified in writing (which shall be done as soon as reasonably practicable) that the new bridge can be operated normally and safely. The engineer must provide a copy of such certification to the undertaker as soon as reasonably practicable.

**Commencement Information**

**I151** Sch. 14 para. 70 in force at 15.10.2020, see [art. 1](#)

**71.** The undertaker must publish and maintain in a prominent position at each end of the new bridge and such other positions as reasonably necessary to attract the attention of vessel operators and users of the new bridge and the river, notices setting out the arrangements for the opening of



the new bridge. Such notices and locations, in so far as they are for the purpose of notifying vessel users, are to be approved by the GYPA.

**Commencement Information**

**I152** Sch. 14 para. 71 in force at 15.10.2020, see [art. 1](#)

**72.** Before providing any illumination or illuminated traffic sign on or in connection with the specified work or in the vicinity of the river, the undertaker must consult with the GYPA and comply with the GYPA's reasonable requirements in regard to such lighting with a view to ensuring that—

- (a) appropriate navigation lighting is placed on the specified works and on any protective works; and
- (b) any illuminations will not be directed upstream or downstream into the path of oncoming vessels on the river to ensure that such illumination or illuminated signs cannot be confused with any lights or lighting used for controlling, directing or securing the safety of vessels on the river.

**Commencement Information**

**I153** Sch. 14 para. 72 in force at 15.10.2020, see [art. 1](#)

**73.** The undertaker is responsible for the development, implementation and ongoing maintenance of a motorists early warning notification system which may include deployment of variable message signing, email alerts and use of social media to convey any likely disruption to users of the new bridge and the river due to new bridge openings and to be provided at no cost to the GYPA.

**Commencement Information**

**I154** Sch. 14 para. 73 in force at 15.10.2020, see [art. 1](#)

**74.** Any reasonable and proper additional expenses not otherwise provided for in this Part of this Schedule which the GYPA may incur in maintaining the river under any powers existing at the making of this Order by reason of the existence of a specified work must, be repaid by the undertaker to the GYPA (but subject to the submission to the undertaker, to its reasonable satisfaction, of demonstrable evidence that the additional expenses are a direct result of the construction of the specified work) so as to ensure that the GYPA has been reimbursed for all and any greater maintenance liability it incurs by reason of the existence of a specified work (on the proviso that there will be no double recovery).

**Commencement Information**

**I155** Sch. 14 para. 74 in force at 15.10.2020, see [art. 1](#)

**75.—(1)** Subject to the provisions of this paragraph, the undertaker agrees to indemnify fully and hold harmless the GYPA from and against all charges, claims, demands, damages, expenses, liabilities, losses, third party liabilities and any other cost and expense of any nature or kind whatsoever (including any reasonable and proper legal and other professional costs incurred by the GYPA) (together, “losses”) suffered or reasonably incurred by the GYPA to the extent that any losses are caused by—

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

- (a) the construction, maintenance or failure of the authorised development, a specified work or a protective work, including any mechanical or other failure of the new bridge; or
  - (b) any act or omission of the undertaker or of its officers, employees, servants, contractors or agents whilst engaged in—
    - (i) the construction or maintenance of a specified work or a protective work;
    - (ii) seeking to remedy any failure of a specified work or a protective work; or
    - (iii) the act of operating the opening mechanism of the new bridge.
- (2) GYPA must mitigate any loss it may suffer or incur as a result of an event that may give rise to a claim under sub-paragraph (1).
- (3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any losses referred to in that sub-paragraph to the extent that they are—
- (a) attributable to the negligence or wilful misconduct of the GYPA or of its officers, employees, servants, contractors or agents; or
  - (b) not within the reasonable control of the undertaker.
- (4) The GYPA must give to the undertaker notice in writing of any losses for which the undertaker may be liable under this paragraph and no settlement or compromise of them may be made without the written consent of the undertaker.

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**Commencement Information**  
**I156** Sch. 14 para. 75 in force at 15.10.2020, see [art. 1](#)

**76.** Except as provided by this Order, nothing in this Order prejudices or derogates from any of the rights, powers and duties of the GYPA.

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**Commencement Information**  
**I157** Sch. 14 para. 76 in force at 15.10.2020, see [art. 1](#)

SCHEDULE 15

Article 64

DOCUMENTS TO BE CERTIFIED

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**Commencement Information**  
**I158** Sch. 15 in force at 15.10.2020, see [art. 1](#)

<i>(1) Document</i>	<i>(2) Description</i>
The approach to detailed design	The approach to detailed design contained in document reference 7.4a
The archaeological written scheme of investigation	The archaeological written scheme of investigation contained in document reference 6.9

The book of reference	The book of reference contained in document reference NCC/GY3RC/EX/061
The classification of roads plan	The classification of roads plan contained in document reference 2.4
The drainage strategy	The drainage strategy contained in appendix 12C of the environmental statement document reference 6.2
The engineering plans, drawings and sections	The engineering plans, drawings and sections contained in document reference 2.10
The environmental statement	The environmental statement and associated figures and appendices contained in document references 6.1, 6.2, 6.3 and 6.5, subject to— the substitution in document reference 6.3 Environmental Statement (Volume III Figures) of Figure 12B.1 with Figure 12B.1 contained in Appendix B to document reference NCC/GY3RC/EX/064
The general arrangement plans	The general arrangement plans contained in document reference 2.2
The harbour limits plan	The harbour limits plan contained in document reference 2.13
The land plans	The land plans contained in document reference NCC/GY3RC/EX/004
The landscaping plans	The landscaping plans contained in document reference 2.9
The lighting report	The lighting report contained in document reference 7.4d
The limits of dredging plan	The limits of dredging plan contained in document reference 2.11
The new bridge area plan	The new bridge area plan contained in document reference 2.14
The outline code of construction practice	The outline code of construction practice contained in document reference NCC/GY3RC/EX/073
The preliminary navigation risk assessment	The preliminary navigation risk assessment contained in document reference NCC/GY3RC/EX/071
The rights of navigation plan	The rights of navigation plan contained in document reference 2.12
The street plans	The street plans contained in document reference 2.7
The traffic regulation measures plans	The traffic regulation measures plans contained in document reference NCC/GY3RC/EX/079

**Changes to legislation:** There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020. (See end of Document for details)

The tree preservation order and conservation area tree plans	The tree preservation order and conservation area tree plans contained in document reference 2.8
The works plans	The works plans contained in document reference NCC/GY3RC/EX/005

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**Changes to legislation:**

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