

Great Yarmouth Third River Crossing

Application for Development Consent Order

Document 4.1: Statement of Reasons

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (“APFP”)

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Foreword

This Statement of Reasons accompanies an application ('the Application') submitted by Norfolk County Council ('the Applicant') to the Secretary of State for a Development Consent Order ('DCO') under the Planning Act 2008¹.

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

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) require that an application for a DCO be accompanied by the documents specified at Regulation 5(2)(a) to (r). This is one of those documents and is specified at Regulation 5(2)(h).

¹ References to legislation in this document are to that legislation as amended at the date of this document.

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Glossary of Abbreviations and Defined Terms

Term	Definition
The Applicant	Norfolk County Council (in its capacity as Highway Authority and promoter of the Scheme).
Application Site	The land bounded by the Order limits, as shown by a red line on the Land Plans (document reference 2.5) and the Works Plans (document reference 2.6) and being land within which the authorised development may be carried out.
The APFP Regulations	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2009/2264).
Beacon Park Enterprise Zone Site	15.7 hectare site within the Great Yarmouth and Lowestoft Enterprise Zone which falls under the broader 'Space to Innovate' Enterprise Zone.
Bridge Lowered	Position of the bascule bridge where it is closed to vessels, and open to vehicular traffic, cyclists and pedestrians.
Bridge Raised	Position of the bascule bridge where it is closed to vehicular traffic, cyclists and pedestrians, and open to vessels.
Crossing	The combined double leaf bascule bridge and the Southtown Road bridge structure (i.e. from its junction with the new roundabout on William Adams Way to the new junction on South Denes Road).
Double Leaf Bascule Bridge	Opening span and mechanism needed to operate the bridge.
The EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
Great Yarmouth Enterprise Zone Sites	Collective term for the South Denes and Beacon Park Enterprise Zone Sites, which form part of the broader Great Yarmouth and Lowestoft Enterprise Zone.
Kingsgate Community Centre	Kingsgate Community Centre is occupied by the Kingsgate Community Church, providing regular community events/activities, and a café.

Term	Definition
Knuckles	<p>The areas of the River Yare into which the proposed development extends (from the existing quay walls). These areas consist of the following:</p> <ul style="list-style-type: none"> - Physical protection systems (which are protective structures provided adjacent to the bascule abutments) to fully or partial absorb the design ship collision loads from an aberrant ship or vessel. These protection systems are located on both the south and north of each bascule abutment. They consist of sheet piles driven to dense sands infilled with stone or granular material and capped with a reinforced concrete slab. - A bascule abutment which accommodates and allows the movement of the counterweight and houses the mechanical, electrical, instrumentation, control and automation systems. The bascule abutment consists of driven piles and reinforced concrete slabs and walls. - Plant and control rooms on the western side and plant rooms on the eastern side. - Vessel Impact Protection Systems located at the interface between the physical protection systems, the bascule abutments and the River Yare. <p>There are knuckles on both the east and west sides of the River Yare.</p>
MIND Centre and Grounds	<p>Land located to the south of Queen Anne’s Road, comprised within Plot Nos.1-27, 2-03, 2-05, 2-06 and 2-07 on the Land Plans (document reference 2.5), which is currently leased to Great Yarmouth and Waveney Mind for the purposes of its charitable aims and objectives.</p>
NCC	<p>Norfolk County Council (other than in its Highway Authority role as promoter of the Scheme).</p>
New Dual Carriageway Road	<p>Description of road type on the Crossing.</p>
NPS	<p>National Policy Statement.</p>
NPS for Ports	<p>National Policy Statement for Ports.</p>
NPSNN	<p>National Policy Statement for National Networks.</p>
Opening Span	<p>Length of bridge structure that opens.</p>

Term	Definition
Order Land	Land that is proposed to be acquired and land over which new rights are proposed to be created and acquired, as shown on the Land Plans (document reference 2.5).
Order Limits	Limits of land within which the authorised development may be carried out, as shown on the Land Plans (document reference 2.5) and the Works Plans (document reference 2.6).
The Outer Harbour	Part of the Port of Great Yarmouth, the deep water Outer Harbour (completed in 2010) is situated at the southern end of the South Denes peninsula and offers direct access to the North Sea.
The Planning Act	The Planning Act 2008.
The Port	The Port of Great Yarmouth, comprising both commercial quays on both sides of the River Yare and Outer Harbour and within the jurisdiction of the Great Yarmouth Port Authority.
Principal Application Site	The land comprised in the Application Site but excluding the Satellite Application Sites.
Reinforced Earth Embankment	A reinforced earth or reinforced soil embankment is a general term which refers to the use of placed or in situ soil or other material in which tensile reinforcements act through interface friction, bearing or other means to improve stability. The reinforced earth embankment is supported by driven piles and pilecaps.
Satellite Application Sites	The parts of the Application Site within which Work Number 13 may be carried out, as shown on the Works Plans (document reference 2.6) and described in Schedule 1 to the draft DCO (document reference 3.1).
Scheme	The Great Yarmouth Third River Crossing project for which the Applicant seeks development consent.
Southtown Road Bridge	Bridge structure over Southtown Road.
South Denes Enterprise Zone Site	58.8 hectare site within the Great Yarmouth and Lowestoft Enterprise Zone which falls under the broader 'Space to Innovate' Enterprise Zone.
Study Area	The boundary/extents of a specific assessment.

Term	Definition
Underpass	The underpass beneath the Crossing, located on the east side of the River Yare, to be constructed to provide a new private means of access for the benefit of owners and occupiers of adjoining land.
Vessel Impact Protection Systems	These are specific protection systems located at the interface between the physical protection system, the bascule abutments and the River Yare. These systems will take the form of fenders or equivalent (formed of different materials) which are used to deflect or redirect an aberrant vessel away from the knuckles. The fenders are designed to provide required levels of protection to both vessels, the “knuckles” and the fenders themselves in accordance with national and international recommendations for the protection of bridge structures on navigable waterways.
Vessel waiting facilities	Provision of vessel waiting facilities to the north and south of the Crossing, either as floating pontoons or additional fendering to the existing berths, including any dredging and quay strengthening works that may be required.

Abbreviation	Definition
BoR	Book of Reference
CA	Compulsory Acquisition (a power to acquire land, or to create and acquire new rights over land, compulsorily, for the purposes of constructing, operating and maintaining the Scheme)
CftS	Case for the Scheme
CoCP	Code of Construction Practice
CPO	Compulsory Purchase Order
dB	Decibel
DCLG	Department for Communities and Local Government (as was)
DCO	Development Consent Order
DfT	Department for Transport
DML	Deemed Marine Licence
EAR	Economic Appraisal Report
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
EQIA	Equalities Impact Assessment
ES	Environmental Statement
GYBC	Great Yarmouth Borough Council
YGAA	Great Yarmouth and Gorleston Allotment Association
GYTRC	Great Yarmouth Third River Crossing
LIQs	Land Interest Questionnaires
LoDs	Limits of Deviation
MHCLG	Ministry of Housing, Communities and Local Government
MMO	Marine Management Organisation
MPS	Marine Policy Statement
NCC	Norfolk County Council (in all capacities other than Highway Authority acting as promoter of the Proposed Scheme)
NIR	Noise Insulation Regulations (1975) (as amended) (SI 1975/1763)

Abbreviation	Definition
NMU	Non-motorised User
NPPF	National Planning Policy Framework (2019)
NSIP	Nationally Significant Infrastructure Project
PINS	Planning Inspectorate
PMA	Private Means of Access
PPG	National Planning Practice Guidance
PRoW	Public Rights of Way
PSED	Public Sector Equality Duty contained in Section 149 of the Equality Act 2010
SoR	Statement of Reasons
SoS	Secretary of State
SRN	Strategic Road Network
TA	Transport Assessment
TP	Temporary Possession (a power to use and possess land temporarily for the purposes of constructing and maintaining the Scheme)
TPO	Tree Preservation Order
UK	United Kingdom
VMS	Variable Message Sign

Executive Summary

S.1 The Statement of Reasons

S.1.1 This Statement of Reasons relates to an application (“the Application”) by Norfolk County Council (“the Applicant”) to the Secretary of State (through the Planning Inspectorate) under the Planning Act 2008 (as amended) (“the Planning Act”) for powers, including powers to acquire land compulsorily and to use land temporarily, to build and operate the Great Yarmouth Third River Crossing in Great Yarmouth (“the Scheme”), and to undertake all other necessary measures pursuant to a Development Consent Order (“DCO”).

S.1.2 This Statement has been prepared in accordance with the requirements of section 37(3)(d) of the Act and regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP Regulations”).

S.2 Scheme description

S.2.1 The Scheme comprises the construction of a new bascule bridge highway crossing of the River Yare in Great Yarmouth consisting of a new dual carriageway road including a road bridge across the river, linking the A47 at Harfrey’s Roundabout on the western side of the river to the A1243 South Denes Road on the eastern side (referred to as “the Great Yarmouth Third River Crossing” or “the Scheme”).

S.2.2 The Scheme is needed to solve various issues of congestion and severance within the town.

S.3 The land affected by the Scheme

S.3.1 The land affected by the Scheme lies in the administrative areas of Great Yarmouth Borough Council and Norfolk County Council. The Scheme will provide a third crossing over the River Yare, creating a new, more direct link between the western and eastern parts of Great Yarmouth. Specifically, it will provide a connection between the Strategic Road Network (A47) and the South Denes Business Park, Enterprise Zone, Great Yarmouth Energy Park and the Outer Harbour, all of which are located on the South Denes Peninsula.

S.3.2 The existing land uses in the immediate area surrounding the River Yare consist mainly of employment (business and retail), extending from the Norfolk Broads in the west to the Outer Harbour in the east. The eastern and western edge of the River Yare are flanked by the prominent port and marine industries, including major offshore energy companies and maritime operations. There are also some residential properties which will be affected by the Scheme.

S.4 Powers sought in the DCO

S.4.1 This Statement of Reasons is required because the DCO, if made, will include powers to:

- acquire land compulsorily;
- create and acquire compulsorily new rights over land;
- extinguish or override existing rights over land; and
- use and possess land temporarily

for the purposes of the Scheme.

S.4.2 The powers authorising the acquisition of land, or of interests in and/or rights over land, are principally contained in articles 25 (compulsory acquisition of land) and 28 (compulsory acquisition of rights) of the DCO, but there are a number of other DCO articles which also contain powers affecting land.

S.4.3 If the DCO were made and development consent granted, these powers would authorise the compulsory acquisition of land (article 25), the acquisition of subsoil and airspace etc., only (article 33), the temporary use of land (article 35), for example for construction, and they would permit the Applicant to create and acquire new rights over land (article 28).

S.4.4 The DCO would also confer on the Applicant other rights and powers the exercise of which may result in interference with property rights and private interests in land.

S.4.5 Where these powers of compulsory acquisition are exercised, owners of the relevant land or rights in land would be entitled to compensation under the Compensation Code, where a valid claim is made out. Any dispute in respect of the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.

S.5 Diligent inquiry/ land referencing

S.5.1 As required in accordance with the Act, the Applicant undertook “diligent inquiry” through a land referencing process to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the Act. These include owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits.

S.5.2 The Land Referencing Limits were set to include the following:

- all land within the Order limits required for the Scheme;

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- all properties within a 300m buffer zone extending from and beyond the centreline of the Scheme alignment; and
 - all additional land interests within a 20 metre buffer either side of the river from the A47 Breydon Bridge in the north to the estuary in the south.

S.5.3 The Book of Reference (Document Reference 4.3) sets out the results of the land referencing.

S.6 Engagement with landowners

S.6.1 The Applicant has been in discussion for a considerable length of time with many of the landowners affected by proposals for the Scheme, with the continuing aim of negotiating to acquire by agreed private treaty the land and rights needed to construct and operate the Scheme.

S.6.2 The current position in relation to the Applicant's engagement and negotiations with landowners affected by the Scheme is explained in the Applicant's Compulsory Acquisition Negotiations Tracker (document reference 4.4). Detailed discussions are ongoing with landowners and occupiers to ensure that their concerns are taken into account and accommodated wherever possible.

S.7 Justification for seeking powers

S.7.1 The specific purposes for which the Applicant requires each parcel of land within the Order limits are set out in Appendix A to this Statement of Reasons. The Secretary of State must be satisfied before making the DCO that the land identified within the Order limits is needed for the development to be authorised, and that no more land is proposed to be taken than is reasonably required to enable the delivery of the Scheme.

S.7.2 Due to the nature of the design process and the timing of the consenting process, the Applicant requires a degree of flexibility as to where the Scheme can be constructed within the defined limits of deviation which are provided for in the draft DCO.

S.7.3 At this stage, all the land included in the Order land is considered to be necessary to enable the delivery of the Scheme. However, should it transpire that any part of the Order land is not required, for instance if a parcel of land is acquired by agreement as a result of successful negotiations, in those circumstances compulsory acquisition powers would not be exercised in respect of such land because such exercise would not be necessary or justified.

S.7.4 The Applicant's approach combines genuine attempts to acquire land by agreement with the planning, in parallel, of a compulsory acquisition timetable as a contingency measure. This is in accordance with the 2013 DCLG Guidance.

S.7.5 For the reasons set out in detail in this Statement of Reasons, the Applicant considers that there is a compelling case in the public interest which would justify the use of powers of compulsory acquisition, such that the relevant statutory tests in section 122 of the Act are met.

S.8 Options assessment

S.8.1 A detailed options assessment process was carried out which considered a range of potential crossing options. This process is explained in detail in the Case for the Scheme (document reference 7.1) and the Design Report (document reference 7.4). A detailed assessment process was undertaken to identify the land and rights needed to implement the Scheme.

S.9 Funding

S.9.1 The Funding Statement for the Scheme (document reference 4.2) sets out, in accordance with the recommendation in the 2013 DCLG Guidance (at paragraph 9), that there is a "reasonable prospect of the requisite funds for acquisition becoming available". It explains how the Scheme, and the compulsory acquisition of land required to enable its delivery, are proposed to be funded, and how the requisite funding would be made available within a reasonable timescale.

S.10 Statutory undertakers

S.10.1 The Scheme affects land owned by statutory undertakers for the purposes of their undertaking. Chapter 8 of this Statement of Reasons identifies the undertakers affected which have, or which may have, a right to keep equipment (in connection with their undertaking) on, in or over the land required for the Scheme. A series of Tables in Chapter 8 of this Statement identifies the plots of land owned by statutory undertakers that are proposed to be acquired, or over which rights are proposed to be acquired, in connection with the Scheme.

S.11 Special Category land

S.11.1 There is no special category Land within the Order Limits.

S.12 Public Sector Equality Duty

S.12.1 The Applicant confirms that the Public Sector Equality Duty has been taken into consideration at every stage of the decision-making process in relation to this Scheme.

S.13 Human Rights

S.13.1 This Statement considers the impact of the Scheme on the human rights of those affected by it. It concludes that whilst there would, as a consequence of the Scheme, be interference with such rights, the interference would be entirely lawful, proportionate and justifiable in the circumstances.

S.14 Conclusion

S. 14.1 The Applicant considers that there is a compelling case in the public interest for the making of the DCO and for the inclusion in the DCO of powers of compulsory acquisition and temporary possession, so as to secure the necessary land and property interests required to construct, operate and maintain the Scheme.

1 Introduction

1.1 Introduction to the Statement of Reasons

- 1.1.1 This Statement of Reasons ("the Statement") relates to an application ("the Application") submitted by Norfolk County Council ("the Applicant") to the Secretary of State for Transport (through the Planning Inspectorate) under the Planning Act 2008 (as amended) ("the Planning Act").
- 1.1.2 If made by the Secretary of State, the DCO will grant development consent for the construction, operation and maintenance of a new crossing of the River Yare in Great Yarmouth, consisting of a new dual carriageway road, including a road bridge across the river, linking the A47 at Harfrey's Roundabout on the western side of the river to the A1243 South Denes Road on the eastern side (referred to as "the Great Yarmouth Third River Crossing" or "the Scheme"). A description of the Scheme, including its key features, is provided in Chapter 2 of this Statement.
- 1.1.3 The National Policy Statement for National Networks (the "NPSNN") was designated by the Secretary of State for Transport in January 2015. The NPSNN states that the Government's strategic policy objective is to deliver improvements in capacity, connectivity and resilience on the national road network, to support a prosperous and competitive economy and to improve overall quality of life. These strategic aims are reflected in the objectives of the Scheme, which are provided in paragraph 1.1.6 below and further discussed in Chapter 6 of this Statement, in addition to further and more detailed analysis in the Case for the Scheme (document reference 7.1).
- 1.1.4 The national significance of and need for the Scheme derives from the considerable improvement in connectivity and resilience that will be delivered to Great Yarmouth Port ("the Port"), which itself has a nationally significant role in the renewable energy sector and the offshore gas and oil industry.



Figure 1.1 Map of Great Yarmouth showing the two existing river crossings (towards the top of the image)

1.1.5 The current problems in Great Yarmouth, briefly set out below, illustrate the need for the Scheme:

Inadequate connectivity between the strategic road network and the Port

- The absence of a third river crossing results in congestion and delays on existing routes between the strategic road network (SRN) and the South Denes peninsula (including the Outer Harbour and

the employment areas surrounding it). Unless addressed, these issues will hamper the Port's ability to successfully perform and grow its nationally significant role as a service hub for the offshore wind, oil and gas industries, including taking advantage of local improvements planned to the SRN.

Severe congestion on the local highway network

- It is not only routes between the SRN and the South Denes peninsula that suffer the effects of congestion due to limited opportunities to cross the river. In addition to the route via Haven Bridge, significant numbers of vehicles also choose an alternative route via the Vauxhall roundabout, the Acle New Road and through Fullers Hill roundabout, which causes increased congestion through the town centre. The issues can be particularly pronounced during the holiday season as additional visitors seek to access the town centre and seafront via the same routes. Seasonal events, such as festivals, fireworks displays and horse races are all associated with increased congestion and traffic delay.
- The lack of a third river crossing impinges on the ability of the local road network to absorb the impacts caused by both planned and unforeseen closures of Haven Bridge, which is nearing 90 years old and requires regular maintenance. In addition, long-term improvements would likely require a lengthy closure of the Haven Bridge crossing which is a constraint on the implementation of any such work.
- The addition of a third river crossing would redistribute traffic flows between the east and west of the town, reduce pressure upon the existing crossing points and provide essential resilience to the local road network. It is envisaged that the Scheme would serve to redistribute Port-related traffic from the existing crossings to the new bridge thus relieving capacity on the local road network to cater for traffic associated with the town centre and visitor attractions on the seafront.

Community severance

- Great Yarmouth is split in two on a north south axis by the River Yare. Land either side of the river is densely developed and, although only approximately 80 metres from one side to the other, the absence of a physical connection from the southern part of the South Denes peninsula to the western half of the town results in severance between the two communities.

- The town's main employment areas are also effectively split in two, with key sites such as Harfrey's Industrial Estate, Gapton Hall Industrial Estate and Beacon Park separated from sites east of the river such as South Denes. There is a proliferation of energy related businesses either side of the river and the current spatial disconnect between them means that any current face to face business transactions are subject to inefficient travel, resulting in increased fuel emissions, and future potential for collaboration is hindered.
- The absence of a third river crossing not only creates difficulties in terms of access to employment opportunities and relationships between the town's businesses but also restricts access to community and educational facilities.
- The barriers and effects created by severance within Great Yarmouth highlight the need for the Scheme in improving connectivity. Improved links between the growing employment opportunities in and around the Port and Outer Harbour and local labour market are essential to facilitate the sustainable economic growth of the town.

Difficulties for public transport connections

- The reliability of bus journeys within the town is impacted by the congestion suffered in the town centre and on the SRN. Similar issues in terms of severance, limited crossing opportunities and congestion all impact the effective operation of the bus network.

Walking and cycling accessibility barriers

- The division of Great Yarmouth by the River Yare limits routes for pedestrians and cyclists to travel to and from the peninsula. There are no footways on the Breydon Bridge and as such the only means of access for pedestrians across the river is provided by Haven Bridge. As a result, for many trips the time and distance involved is significant when compared with the equivalent distance with the Scheme in place.
- Operational issues or routine maintenance on Haven Bridge can lead to there being no safe route by which people can cross the river on foot. Historically, in these circumstances a free taxi service has been deployed to transport stranded pedestrians from one side of the River Yare to the other via the road diversion. This situation causes inconvenience for pedestrians as well as generating additional fuel emissions and cost.

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- Cyclists experience the same issues as pedestrians and motorists in terms of the convoluted route they are required to take in order to travel between destinations either side of the river.

High number of collisions on existing roads

- In the five years from June 2013 to June 2018, there were 638 recorded personal injury accidents in the Great Yarmouth area, of which 527 caused slight injuries, 106 caused serious injuries and five were fatal.
- The dependency of all road users, including non-motorised users (NMUs), upon the Haven Bridge as a means of accessing the town centre and South Denes peninsula from locations west of the river results in the concentration of pedestrians, cyclists, light vehicles and heavy vehicles on roads within the town centre. The redistribution of traffic, particularly heavy goods vehicles, from roads within the town centre to routes directly between the SRN and South Denes peninsula, would reduce the number of interactions between NMUs and motorists.

The case for regeneration of Great Yarmouth

- Great Yarmouth is in a prime position to benefit from economic growth associated with significant national support and investment in the offshore wind, oil and gas industries. The South Denes and Beacon Park Enterprise Zone sites were formed to exploit such opportunities, however, the lack of a direct link between the SRN and the Port forces heavy traffic onto unsuitable routes within the town centre causing congestion and delays. Unless resolved, the town suffers from a lack of the resilient transport infrastructure necessary to capitalise on the planned investment whilst regenerating its town centre and maintaining a thriving visitor economy.

1.1.6 The Scheme objectives are as follows:

- To support Great Yarmouth as a centre for both offshore renewable energy and the offshore oil and gas industry, enabling the delivery of renewable energy Nationally Significant Infrastructure Projects (“NSIPs”) and enhancing the port’s role as an international gateway;
- To improve access and strategic connectivity between Great Yarmouth port and the SRN thereby supporting and promoting

economic and employment growth (particularly in the Enterprise Zone);

- To support the regeneration of Great Yarmouth, including the town centre and seafront, helping the visitor and retail economy;
- To improve regional and local access by enhancing the resilience of the local road network, reducing congestion and improving journey time reliability;
- To improve safety and to reduce road casualties and accidents, in part by reducing heavy traffic from unsuitable routes within the town centre;
- To improve access to and from the Great Yarmouth peninsula for pedestrians, cyclists and buses, encouraging more sustainable modes of transport and reducing community severance; and
- To protect and enhance the environment by reducing emissions of greenhouse gases and minimising the environmental impact of the Scheme.

1.1.7 In a Direction dated 26th February 2018 and made under section 35 of the Planning Act ("the Direction"), the Secretary of State for Transport confirmed that he was satisfied that the Scheme is nationally significant and directed that the Scheme, together with any matters associated with it, was to be treated as development for which development consent is required. The consequence of the Direction is that the Scheme is subject to the consenting regime comprised in the Planning Act and may only be authorised by means of a DCO made by the Secretary of State under the Planning Act.

1.1.8 This Statement has been prepared in compliance with the requirements of section 37(3)(d) of the Planning Act and regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("the APFP Regulations"). The Applicant has also had regard to the guidance issued by the Department for Communities and Local Government in September 2013, Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land ("the 2013 DCLG Guidance") and the guidance issued by the Department for Communities and Local Government in October 2015, Guidance on Compulsory Purchase Process and the Crichel Down Rules, as updated by the Ministry of Housing, Communities and Local Government in February 2018 ("the 2018 MHCLG Guidance").

Under regulation 5(2)(h) of the APFP Regulations, this Statement is required because the Application seeks development consent for the Scheme which,

if made by the Secretary of State in the form applied for by the Applicant for the purposes of delivering the Scheme, would include powers:

- to acquire land compulsorily;
- to create and acquire compulsorily new rights over land; and
- to extinguish or override existing rights over land; and
- to use and possess land temporarily.

1.1.9 This Statement forms part of a suite of documents comprising the Application, submitted in accordance with section 55 of the Planning Act and regulation 5 of the APFP Regulations. Other application documents which inform this Statement of Reasons, and which should be read alongside it, are, in particular:

- The **draft DCO** (document reference 3.1);
- The **Funding Statement** (document reference 4.2) which provides a statement explaining how the implementation of the powers conferred by the DCO would be funded;
- The **Case for the Scheme** (document reference 7.1) which sets out the need for the Scheme, how the design of the Scheme has evolved and how the Scheme addresses the identified needs;
- The **Book of Reference** (document reference 4.3) which contains details of the land proposed to be subject to powers of compulsory acquisition and temporary possession, and the proposed compulsory acquisition of other interests or rights in land. The document includes the names and addresses of all known parties who may have an interest in the land that will be affected if development consent is granted and the Scheme constructed;
- The **Negotiations Tracker** (document reference 4.4) which summarises the negotiations undertaken between the Applicant and affected parties who own or occupy the land and properties that will be affected by the Scheme, in the context of the Applicant's aim to secure the required land by agreement; and
- The **Land Plans** (document reference 2.5) which show the land over which it is proposed to exercise compulsory acquisition powers and rights to use land and occupy land temporarily.

- 1.1.10** It is necessary for the Secretary of State, as the decision-maker in respect of the Application, to be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO for the purposes of the Scheme.
- 1.1.11** The Applicant considers that there is a compelling case in the public interest for the making of the DCO and for the inclusion in the DCO of powers of compulsory acquisition in order to secure the interests in land necessary for the construction, operation and maintenance of the Scheme. The essential purpose of this Statement is to set out that compelling case in the public interest.
- 1.1.12** The following chapters of this Statement (the content of which is outlined at paragraph 1.2.1 below) therefore seek to set the scene within which powers of compulsory acquisition are sought and the reasons why they are needed, together with an explanation of how the Applicant has had regard to and addressed the various statutory tests and policy requirements which must be met in order to demonstrate a compelling case in the public interest which justifies the use of compulsory acquisition powers.
- 1.1.13** Land which is proposed to be acquired, together with land over which new rights are proposed to be created and acquired, is defined in the Applicant's draft DCO as "the Order land" (which is also the definition adopted in this Statement). The Order Land is described more fully in Chapter 4 of this Statement.

1.2 Structure of the Statement of Reasons

1.2.1 The structure of the Statement of Reasons is as follows:

- **Chapter 2** provides a description of the Scheme;
- **Chapter 3** explains the scope and source of the statutory powers sought in the Applicant's draft DCO for the compulsory acquisition of land and rights over land, and for the temporary possession of land;
- **Chapter 4** describes the extent and usage of both the Order Land that would be subject to compulsory acquisition and land that would be subject to temporary possession, and also the land within the surrounding area;
- **Chapter 5** explains the purpose for which the powers are sought to enable the compulsory acquisition of land and compulsory acquisition of rights over land, and powers to use and possess land temporarily;

- **Chapter 6** sets out the justification for seeking powers of compulsory acquisition and temporary possession and addresses the matters that the Secretary of State must have regard to when deciding whether to include powers of compulsory acquisition in the DCO;
- **Chapter 7** explains how the Applicant has sought to engage with affected landowners and others who have an interest in the land and to negotiate to acquire land and rights over land by agreement, having compulsory acquisition powers in contemplation only as a tool of last resort;
- **Chapter 8** identifies and describes the anticipated impact of the Scheme on statutory undertakers and examines how those impacts can be managed without detriment to the relevant statutory undertaking;
- **Chapter 9** describes the Applicant's compliance with human rights legislation relevant to the determination of the DCO application;
- **Chapter 10** explains the public sector equality duty and sets out how the Applicant complies with this legislation throughout the DCO process;
- **Chapter 11** confirms that the Scheme accords with strategic planning and transport policy objectives;
- **Chapter 12** deals with land which needs special consideration;
- **Chapter 13** refers to other consents that will or may be required, alongside the DCO, in connection with the Scheme; and
- **Chapter 14** summarises the Statement.

2 Scheme Description

2.1 Scheme Description

2.1.1 Chapter 2 of Volume 1 of the Environmental Statement (ES) (document reference 6.1) provides a full description of the Scheme and is accompanied by the General Arrangement Plans (document reference 2.2). Both documents should be read alongside the Statement of Reasons, as a detailed project description is not provided in this document to prevent unnecessary duplication. A short-form description of the Scheme is set out below.

2.1.2 The Scheme involves the construction, operation and maintenance of a new crossing of the River Yare in Great Yarmouth. The Scheme consists of a new dual carriageway road, including a road bridge across the river, linking the A47 at Harfrey's Roundabout on the western side of the river to the A1243 South Denes Road on the eastern side. The Scheme would feature an opening span double leaf bascule (lifting) bridge across the river, involving the construction of two new 'knuckles' extending the quay wall into the river to support the bridge. The Scheme would include a bridge span over the existing Southtown Road on the western side of the river, and a bridge span on the eastern side of the river to provide an underpass for existing businesses, enabling the new dual carriageway road to rise westwards towards the crest of the new crossing.

2.1.3 If constructed, the Scheme would comprise the following principal elements:

- a new dual carriageway road, crossing the River Yare in an east-west orientation, comprising of:
 - A new double leaf bascule bridge providing an opening span to facilitate vessel movement within the river. This would include structures to support and accommodate the operational requirements of the bridge-opening mechanism, including counterweights below the level of the bridge deck. The bridge would be supported on driven piles;
 - New substructures, supported by driven piles, to support the double leaf bascule bridge within the existing quays either side of the river and within the river itself, requiring new permanent "knuckle" walls, creating cofferdams in the waterway to accommodate their construction;
 - A new five-arm roundabout connecting the new dual carriageway road with Suffolk Road, William Adams Way and the western end of Queen Anne's Road. Sections of the new five arm roundabout would be supported on driven piles where deep soft ground is encountered;
 - A single-span bridge over Southtown Road, with reinforced earth embankments joining that bridge to the new roundabout at William Adams Way. Southtown

Road bridge and the reinforced earth embankments would be supported on driven piles;

- A single-span bridge to provide an underpass on the eastern side of the river, with reinforced earth embankments joining that single span bridge to South Denes Road. The underpass and reinforced earth embankments would be supported on driven piles;
 - A new signalised junction connecting the new road with A1243 South Denes Road; and
 - The closure of Queen Anne's Road, at its junction with Suffolk Road, and the opening of a new junction onto Southtown Road providing vehicular and pedestrian access to residential properties and the MIND Centre and Grounds at the eastern end of Queen Anne's Road;
 - Revised access arrangements for existing businesses onto the local highway network;
 - Dedicated provision for cyclists and pedestrians which ties into existing networks;
 - Implementation of part of a flood defence scheme along Bollard Quay that is proposed to be promoted by the Environment Agency, and works to integrate with the remainder of the flood defence scheme;
 - A control tower structure located immediately south of the crossing on the western side of the river. The control tower would facilitate the 24/7 operation of the opening span of the new double leaf bascule bridge;
 - A plant room located on the eastern side of the river for the operation of the opening span of the new double leaf bascule bridge;
 - The demolition of an existing footbridge on William Adams Way;
 - Associated changes, modifications and/or improvements to the existing local highway network;
 - Additional signage, including Variable Message Signs ("VMS") at discrete locations, to assist the movement of traffic in response to network conditions and the openings / closings of the double leaf bascule bridge;
 - The relocation of existing allotments to compensate for an area to be lost as a result of the Scheme and other works including those at the MIND Centre and Grounds; and
 - New public realm, landscape, ecology and sustainable drainage measures.
- 2.1.4** The Scheme also includes works to facilitate the construction, operation and maintenance of the above elements including:

- Creation of temporary construction sites and accesses from the public highway;
- Provision of new utilities and services and the diversion of existing utilities;
- Provision of drainage infrastructure, lighting and landscaping;
- Demolition of a number of existing residential and commercial / business properties; and
- Provision of vessel waiting facilities to the north and south of the new crossing, either as floating pontoons or additional fendering to the existing berths, including any dredging and quay strengthening works that may be required.

3 Scope and source of powers sought in the DCO to enable the compulsory acquisition of land and rights over land, and temporary possession of land

3.1 Scope of powers sought

- 3.1.1 This chapter of the Statement of Reasons sets out the powers being sought in the draft DCO to enable the permanent acquisition of land, and of rights over, under and above land, needed for the construction, operation, access to and maintenance of the Scheme. It also sets out the powers sought to enable the possession, occupation and use of land on a temporary basis, in order to facilitate the construction, operation, access to and maintenance of the Scheme.
- 3.1.2 If development consent for the Scheme is granted and the DCO is made by the Secretary of State in the form applied for by the Applicant, it will include powers which would affect land on both a permanent and a temporary basis. These powers are necessary to enable the Applicant to construct the authorised development and to enable the Applicant subsequently to maintain and operate the Scheme. The powers would also enable the Applicant to protect the authorised development, to mitigate the impacts of the authorised development where necessary, and to ensure that access can be taken as necessary to facilitate the construction, operation and maintenance of the Scheme.
- 3.1.3 In addition, the DCO, if made in the form applied for, would confer other rights and powers on the Applicant, allowing the Applicant to interfere with and extinguish property rights and private interests in land.
- 3.1.4 As the justification for the exercise of all powers which would or may interfere with property rights and interests in land raises the same issues as apply to the acquisition of land and rights, this Statement of Reasons explains how the powers sought in the draft DCO would affect each area of land within the Order limits, the reasons why such powers are necessary and how their exercise would be justified. Therefore, where the context requires, the expressions 'compulsory acquisition powers' or 'land use powers' are used in this Statement of Reasons to refer to the additional powers described below, notwithstanding the fact that not all of those powers amount to a power to acquire land compulsorily, and notwithstanding the fact that the temporary possession of land is not a form of compulsory acquisition.

3.2 Powers to acquire land compulsorily

3.2.1 The main powers authorising the compulsory acquisition of land, or of interests in and rights over land, are contained in article 25 (Compulsory acquisition of land) and article 28 (Compulsory acquisition of rights) of the draft DCO. Other compulsory acquisition powers are sought in the draft DCO and these similarly relate to land and may interfere with property rights and interests. The scope of these powers is set out below.

3.2.2 The land permanently required by the Applicant for the purposes of the Scheme comprises a combination of:

- land at ground level – referred to as "land" or "surface land", and which may also include the subsoil below and the airspace above that surface land;
- airspace above the ground at surface level – referred to as "airspace"; and
- subterranean land (i.e. land lying beneath land at ground level or beneath the river bed) – referred to as "subsoil".

3.2.3 The Applicant also requires powers to acquire rights (including the right to impose restrictive covenants) over land, subsoil and airspace.

3.2.4 The nature of the Scheme is such that some elements of it, such as the roundabout junctions and highway improvements, will require the acquisition of surface land, whilst other elements, such as the bridge structure (i.e. the bridge knuckles) and bridge crossing deck, will require the acquisition of, and the acquisition of rights over, subsoil and airspace respectively, in addition to surface land.

Article 25 – compulsory acquisition of land

3.2.5 Article 25, which reflects the terms of the source of the compulsory acquisition powers in section 122 of the Planning Act, would provide the Applicant with the power to acquire compulsorily so much of the Order land as is required to construct, operate and maintain the Scheme (i.e. the authorised development).

3.2.6 The draft DCO is drafted in terms which enable the Applicant to exercise a 'lesser' power (for instance a power to acquire rights over land or to use land temporarily) where such lesser power is deemed an appropriate alternative to compulsory acquisition. The objective of this drafting is to provide a degree of flexibility to enable the Applicant to take a proportionate approach to the acquisition of land, and rights over land, within the Order limits.

Article 33 – acquisition of subsoil and airspace only

- 3.2.7 Article 33 would permit the Applicant to acquire only the subsoil under or the airspace over any land over which it has powers of compulsory acquisition pursuant to article 25 (compulsory acquisition of land). In exercising this power to acquire subsoil and/or airspace only, the acquisition of the subsoil or airspace would be for the same purposes for which the Applicant would be authorised to acquire the whole of the land under article 25.

Article 26 – incorporation of the mineral code

- 3.2.8 Article 26 would exempt from compulsory acquisition any existing rights in mines or minerals, such that the Applicant would not be obliged to acquire those rights when acquiring the land within which the mines or minerals were located.

Article 29 – private rights over land

- 3.2.9 Article 29 provides for the extinguishment of private rights over land in the following circumstances:
- where land is subject to powers of compulsory acquisition (where the land and all interests in it are acquired either compulsorily or by agreement) (article 29(1));
 - where land is subject to the compulsory acquisition of rights over (or in or under) it, or is made subject to the imposition of restrictive covenants, to the extent that continuing the existing rights would be inconsistent with the right acquired or the restrictive covenant imposed (article 29(2));
 - with regard to land over which the Applicant is authorised to take temporary possession (see below for more detail) under the draft DCO, article 29(4) provides that all private rights over that land would be suspended and unenforceable for as long as the Applicant is in possession of such land.

Land Plans

- 3.2.10 The Land Plans (document reference 2.5) present the land proposed to be subject to powers of compulsory acquisition as shaded pink.

3.3 Powers to acquire permanent rights over land

Article 28 – compulsory acquisition of rights

- 3.3.1 Article 28 would permit the Applicant to create and acquire new rights over land. Such rights would be exercisable on a permanent basis. This article would also give the Applicant the power to impose restrictive covenants on land. The rights and/or restrictive covenants could be acquired and/or imposed, as required by the Applicant, for any purpose related to the purpose for which land was acquired under article 25.
- 3.3.2 Schedule 6 to the draft DCO identifies certain plots of land (shaded blue on the Land Plans (document reference 2.5)) where powers of compulsory acquisition of rights are limited to specific purposes, and for specific parts of the authorised development, as comprised in the numbered works described in Schedule 1 to the draft DCO (document reference 3.1).

Article 34 – rights over or under streets

- 3.3.3 Article 34 would permit the Applicant to use the subsoil beneath and/or the airspace above any street, where such use was required for the purposes of the authorised development or to facilitate it or is incidental to it. The power conferred by this article would not extend to any subway or underground building or any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street (article 34(3)), but its exercise would nevertheless constitute an interference with property rights, which would be compensatable.

Land Plans

- 3.3.4 The Land Plans (document reference 2.5) present the land proposed to be subject to the creation and acquisition of new rights only as shaded blue. Such land plots are identified in Schedule 6 (Land in which only new rights may be acquired) to the draft DCO.
- 3.3.5 Land hatched pink and blue identifies where the Applicant seeks a power to acquire airspace (i.e. pink land) (for the bridge crossing deck) and rights below that airspace (i.e. blue land) (for the protection and maintenance of the bridge). Such land is identified in Schedule 8 (Land in which only airspace and new rights may be acquired) to the draft DCO.

3.4 Powers to use and possess land temporarily

Article 35 – temporary use of land for carrying out the authorised development

- 3.4.1 Article 35 would enable the Applicant to take temporary possession of the land specified in Schedule 9 to the draft DCO and shaded green on the Land Plans (document reference 2.5). This article would also enable the Applicant to take temporary possession of any other land within the Order limits (i.e. land to which powers of compulsory acquisition, or powers to acquire rights, apply, and which is shaded pink and blue, respectively, on the Land Plans), provided that the Applicant had not already made a declaration to vest the land in itself or entered the land following service of a notice of entry in advance of acquisition.
- 3.4.2 Whilst using and possessing land temporarily pursuant to article 35, articles 35(1)(b) to (d) would enable the Applicant to:
- remove buildings and vegetation from the land (article 35(1)(b));
 - construct temporary works (including the provision of means of access) and buildings on the land (article 35(1)(c)); and
 - construct any permanent works in connection with the authorised development (article 35(1)(d)).
- 3.4.3 In respect of the land identified in Schedule 9 for temporary possession only, the purposes for which such land is proposed to be possessed and used temporarily are set out in column 3 of Schedule 9.
- 3.4.4 The period for temporary possession would be subject to time limits under article 35(3). Unless the owner of the land agreed, the Applicant would not be permitted to remain in possession:
- as regards any land specified in columns 1 and 2 of Schedule 9 to the draft DCO, after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column 4 of Schedule 9; and
 - as regards any other land within the Order Limits, after the end of the period of one year beginning with the date of completion of the works, use of facilities or other purpose for which temporary possession of the land was taken (unless before the end of that period the Applicant has made a general vesting declaration or served notice of entry).

3.4.5 Article 35(4) requires the Applicant, before giving up possession of any land used temporarily, to remove all temporary works and to restore the land to the owner's reasonable satisfaction. This restoration obligation would not, however, require the replacement of a building or structure removed under this article, nor would it require the restoration of land on which permanent works had been constructed (where the land was possessed temporarily in the first instance) or the removal of any ground strengthening works or the removal of any measures installed over or around statutory undertakers' apparatus for the protection of that apparatus.

3.4.6 The DCO (if made in the form applied for) would also authorise the Applicant to use land temporarily for purposes connected with the authorised development where powers to acquire land or to acquire new rights over land applied (for instance, over land within the Order Limits but not specified in Schedule 9).

Land Plans

3.4.7 The Land Plans (document reference 2.5) present the land proposed to be subject to the powers of temporary acquisition only as shaded green; and the purposes for which such land is proposed to be subject to a power of temporary possession are identified in Schedule 9 to the draft DCO.

Article 36 – temporary use of land for maintaining the authorised development

Article 36 allows the Applicant to take temporary possession of any land within the Order limits, if such possession is reasonably required for the purpose of maintaining the authorised development, at any time during the maintenance period. The maintenance period in relation to the new bridge and any part of the authorised development means the period of 5 years beginning with the date on which that part of the authorised development is first opened for public use (where that part of the authorised development is intended to be used by the public); or, in respect of any other part of the authorised development, that part is first brought into operational use.

3.4.8 To facilitate this power, Article 36(1)(c) allows the Applicant to construct temporary works and buildings on the land (including for purposes of access), if such works are reasonably necessary for the purpose of maintenance. The powers under Article 36 are, however, limited and exclude the Applicant from taking temporary possession of any house or garden belonging to a house, or any building other than a house (if it is for the time being occupied) (Article 36(2)).

3.4.9 Article 36(4) provides that the Applicant may only remain in possession of land under this article for as long as reasonably necessary to carry out the maintenance.

3.4.10 Article 36(5) requires the Applicant, before giving up possession of land temporarily possessed under this article, to remove all temporary works and restore the land to the owner's reasonable satisfaction.

Other rights and powers

3.4.11 The DCO (if made in the form applied for) would also confer on the Applicant other rights and powers the exercise of which may result in interference with property rights and private interests in land within the Order Limits. These additional powers are as follows:

- Article 14: Permanent stopping up of streets and private means of access, where identified in Schedule 4 to the draft DCO;
- Article 15: Temporary stopping up and restriction of use of streets;
- Article 21: Protective work to buildings;
- Article 22: Authority to survey and investigate land;
- Article 37: Statutory undertakers; and
- Article 38: Apparatus and rights of statutory undertakers in stopped up streets.

3.4.12 Where these powers of compulsory acquisition (and other powers resulting in interference with property rights) are exercised, owners of the relevant land or rights in land would be entitled to compensation under the Compensation Code, where a valid claim is made out. Any dispute in respect of this or the compensation payable would be referred to and determined by the Lands Chamber of the Upper Tribunal.

4 Description of Land and Rights in Land Affected by the Scheme

4.1 Introduction

- 4.1.1 This section of the Statement identifies and describes the land which is proposed to be subject to powers of compulsory acquisition, temporary possession and the acquiring and extinguishing of rights that are sought in the draft DCO. This land is described in the draft DCO as “Order Land”.
- 4.1.2 The Order Land is shown on the Land Plans (document reference 2.5) and the works for which the land is required are represented on the Works Plans (document reference 2.6).
- 4.1.3 The Book of Reference (document reference 4.3) provides additional information to that provided in this Statement and sets out short descriptions of each numbered plot shown on the Land Plans, together with the relevant ownership and interest details.

4.2 Location of the Order Land

- 4.2.1 The location of the Scheme is shown on the Location Plan (document reference 2.1)
- 4.2.2 The Order Land is wholly located with the administrative boundary of Great Yarmouth Borough Council.

4.3 Land and Property Affected by the Scheme

- 4.3.1 The Applicant seeks land use powers in the draft DCO which would affect all of the land described in paragraphs 4.3.2 to 4.3.17 below.

West Side of River Yare

- 4.3.2 On the west side of the River Yare, the Scheme will link into the A47 via the existing Harfrey's Roundabout. A new dual carriageway road will connect this roundabout with a new five-arm roundabout, largely using land that is currently part of the existing highways network and owned by Highways England.
- 4.3.3 The Kingsgate Community Centre is located to the north of the new dual carriageway road. The majority of the Kingsgate Community Centre site will

be unaffected by the Scheme, however, there is a strip of permanent acquisition proposed along the southern boundary. A further area of currently grassed land on the eastern portion of the site is sought to accommodate a temporary construction working area. Access to the Kingsgate Community Centre and other properties on this length of Queen Anne's Road will be provided from the new five-arm roundabout described in paragraph 4.3.2 above.

- 4.3.4 The Applicant is seeking to acquire rights over a strip of land either side of an existing watercourse which wraps around the northern and eastern boundaries of the Haven Veterinary Surgery and Simpsons Garage in order to carry out drainage improvements to the watercourse.
- 4.3.5 Southtown Common Recreation Ground is located to the south of the new dual carriageway road and is unaffected by the Scheme.
- 4.3.6 The new five-arm roundabout is to be built largely on part of the existing highway network including William Adams Way and the slip road from William Adams Way onto the northern section of Suffolk Road. It will impact upon a small area of scrubland owned by Great Yarmouth Borough Council, part of the MIND Centre and Grounds and part of the open sales area to Simpsons Garage.
- 4.3.7 The new river crossing originates at the north-east exit of the new five arm roundabout heading in an easterly direction across land currently occupied by community allotments and a terrace of ten residential properties on Queen Anne's Road, which are all proposed to be demolished. Part of this area will be used as a replacement community allotment site as part of the Scheme.
- 4.3.8 Continuing eastwards the Scheme crosses the southern area of Suffolk Road Industrial Estate and will require the demolition of four existing units. Temporary use of a part of the Suffolk Road Industrial Estate is also required but access to the remaining units will be maintained.
- 4.3.9 The length of Suffolk Road up to its boundary with Boundary Road is required for the Scheme to enable traffic management improvements to be made for the benefit of the properties on Suffolk Road during construction.
- 4.3.10 The Scheme approaches Southtown Road through one residential property on Cromwell Road and a terrace of nine residential properties situated on Southtown Road itself. It is proposed that all of these properties will be demolished.
- 4.3.11 After crossing Southtown Road the Scheme continues across Bollard Quay up to the River Yare. Bollard Quay is owned by the Great Yarmouth Borough Council and has been used for port operations by Great Yarmouth Port Company. Areas of permanent acquisition will be required. In addition, areas

at both the north and south of Bollard Quay are required for temporary use during construction. Access will be provided off the Quay north of the new bridge structure to enable post scheme Port use of the area.

- 4.3.12 An area north of the demolished industrial units at Cromwell Court is also required for the Scheme. This is currently used as a private parking area for the residential properties at Cromwell Court.
- 4.3.13 A new priority junction is proposed between Queen Anne's Road and Southtown Road providing access to the Queen Anne's Road residential area. The new junction would be sited within the existing highway boundary on land owned by Norfolk County Council.
- 4.3.14 The length of William Adams Way from the new five arm roundabout to its junction with Beccles Road will be improved. This will require the acquisition of land from the MIND Centre and Grounds. Land in the ownership of both Cadent Gas and National Grid Gas on the extent of the existing road will be required for both permanent acquisition and rights.

River Yare

- 4.3.15 The crossing would traverse the River Yare (the riverbed is owned by Great Yarmouth Borough Council). Land will be acquired for bridge knuckles, the control tower, vessel waiting pontoons either side of the crossing on the west bank and public realm enhancements. Airspace (for the bridge deck) and rights (including a power to impose restrictive covenants) over land for the future maintenance of the Scheme will also be acquired. Furthermore, temporary use areas are required to construct the road crossing.

East Side of River Yare

- 4.3.16 To the east of the river, the Scheme passes through Fish Wharf and terminates at a new signalised junction with South Denes Road. The land is owned by both Great Yarmouth Port Authority and Great Yarmouth Borough Council but predominantly managed by Great Yarmouth Port Company. Part is in the Port Company's operational use and either Asco UK Limited or Perenco occupies the remainder. Land is again required on both a permanent basis for the Scheme and on a temporary basis for its construction.
- 4.3.17 The Scheme runs adjacent to the former Dolphin Public House and the new junction will require the demolition of the South Denes Car Sales site. A small area of land for the new junction will also be required from the Eastern Power Networks site.
- 4.3.18 To the north of the new junction land will be required on the west side of Southgates Road adjacent to Port land and buildings. Small temporary use areas are also required to tie in existing access points.

Variable Message Signs

- 4.3.19** At six locations along the existing highway network within and surrounding Great Yarmouth, the Order Limits include land for the purposes of erecting Variable Message Signs (“VMS”) to facilitate the effective operation of the network.
- 4.3.20** VMS Location 1 is located predominantly within the existing A47 corridor, south of Harfrey’s Roundabout, on land owned by Highways England. A small portion of the land required to accommodate the VMS encroaches onto land owned by ECW Holdings Limited. The majority of land affected comprises highways embankment with existing screen planting.
- 4.3.21** VMS Location 2 is located in an existing footway/cycleway between the existing northbound carriageway of Gapton Hall Road and Gapton Hall. The majority of affected land is owned by Norfolk County Council.
- 4.3.22** VMS Location 3 is proposed at the existing junction between Tolhouse Street and Yarmouth Way. Affected land is owned by Norfolk County Council and Great Yarmouth Borough Council.
- 4.3.23** VMS Location 4 is located to the east of the A149 (North Quay) between the Royal Mail Sorting Office to the east and White Swan Public House to the west. The majority of affected land is owned by Norfolk County Council.
- 4.3.24** VMS Location 5 is situated within a small parcel of amenity land to the south of the northwest bound carriageway of Fuller's Hill. The majority of land within the Order Limits is owned by Norfolk County Council.
- 4.3.25** VMS Location 6 is situated at the entrance to Vauxhall Holiday Park and encompasses an area to the north of the existing southeast bound carriageway heading towards the roundabout with Acle New Road and Runham Road. Land affected by VMS 6 is solely within the public highway.

4.4 Public Rights of Way and Private Means of Access

- 4.4.1** As noted previously in this Statement, the Scheme will affect existing highways (which are public rights of way) and accesses (including private means of accesses) to land and buildings.
- 4.4.2** Chapter 14 (People and Communities) of the Environmental Statement Volume 1 (document reference 6.1) includes a figure identifying the existing public rights of way network in the vicinity of the Scheme.

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- 4.4.3 Existing public rights of way, and the alterations proposed to the network as part of the Scheme, are shown on the Street Plans (document reference 2.7) and documented within Schedule 3 to the draft DCO (document reference 3.1).
- 4.4.4 Schedule 4 to the draft DCO details the anticipated effects of the Scheme on public rights of way and private means of access, and also sets out details of the Applicant's proposals to provide new highway and new (or replacement) private means of access as part of the Scheme. In order to avoid duplication, that information is not repeated in this Statement of Reasons but the Statement should be read in conjunction with Schedule 4 to the draft DCO (document reference 3.1).

4.5 Services and Utilities

- 4.5.1 A number of existing utility services lie in the vicinity of, and/or within the area of the Order Land which is required for the Scheme. Some of these utility services would be affected by the authorised development in that they will be required to be diverted or re-aligned within the Order Limits to accommodate the construction, operation and maintenance of the Scheme.
- 4.5.2 Chapter 8 of this Statement provides information about the impacts of the Scheme on statutory undertakers' land, rights over land and apparatus.
- 4.5.3 In some cases, such diversions or realignments may not be wholly accommodated within the area of land to be subject to permanent acquisition (i.e. within land shaded pink on the Land Plans (document reference 2.5)), or within the existing highway. In such circumstances, the Applicant is seeking powers to acquire compulsorily new rights over land (such land being shaded blue on the Land Plans), for the benefit of the utility company, together with powers of temporary possession over land (such land being shaded green on the Land Plans) and temporary possession over land (such land being shaded pink or blue, where that land has not already been subject to the powers of compulsory acquisition) to enable the requisite diversion works to be undertaken.

4.6 Diligent Inquiry Process/Methodology

- 4.6.1 In accordance with the Planning Act, the Applicant is required to identify persons in one or more of the categories set out in section 44 and section 57 of the Planning Act by undertaking "diligent inquiry" for the purposes of consultation and notification under sections 42 and section 56 of the Planning Act. This includes undertaking "diligent inquiry" to identify parties with an interest in land within Categories 1, 2 and 3.

4.6.2 Persons within Categories 1, 2 and 3 are defined in section 44 and section 57 of the Planning Act as follows:

- Category 1 includes persons whom the Applicant knows to be owners, lessees, tenants and occupiers of the land (within the Order Limits);
- Category 2 includes persons whom the Applicant knows are a) interested in the land or b) have the power to sell or convey the land, or release the land (within the Order Limits); and
- Category 3 includes persons whom the Applicant thinks, if the order sought by the proposed application were to be made and fully implemented, would or might be entitled to make a “relevant claim” for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the Planning Act.

4.6.3 Independent consultants have been employed by the Applicant to undertake diligent inquiry to identify those land interests, using the methodology described below.

Setting the Land Referencing Limits

4.6.4 For the purposes of the Applicant’s statutory pre-application consultation, the land referencing limits were set as follows:

- all land within the Order Limits required for the Scheme;
- all properties within a 300 metre 'buffer zone', extending from and beyond the centre line of the Scheme alignment; and
- all additional land interests within a 20 metre buffer either side of the river from the A47 Breydon Bridge in the north to the estuary in the south.

4.6.5 The land referencing limits were then adjusted to include all of any building partially included with those limits.

Identification of Category 3 Persons

4.6.6 Category 3 persons include those who may have:

(a) a relevant claim for compensation under Part 1 of the Land Compensation Act 1973, compensation for depreciation of land value resulting from physical factors caused by the use of the Scheme. These include:

-
- Noise
 - Vibration
 - Smell
 - Fumes
 - Smoke
 - Artificial lighting
 - Discharge of any solid or liquid substance onto land

(b) a relevant claim for compensation for injurious affection during construction and operation of the Scheme, including persons who may be affected under section 10 of the Compulsory Purchase Act 1965 and / or section 152(3) of the Planning Act 2008.

- 4.6.7 Prior to preliminary environmental information becoming available, for example noise and air quality modelling data, the Applicant carried out pre-application consultation on the basis of the extents outlined in paragraph 4.6.4 above. This was based on professional assessment and experience that the 300 metre 'buffer zone' was sufficiently wide so as to encompass any potential Category 3 persons.
- 4.6.8 Once noise modelling data became available, it was possible to highlight properties that may experience a material change in baseline conditions, leading to a potential depreciation in value of the property, such that the landowner may have a "relevant claim" as a Category 3 person. This assessment was further refined by comparing anticipated noise levels without the Scheme in place in the opening year, with the Scheme in place in the opening year, and projected noise levels with the Scheme in place 15 years after the opening year. A 3 decibel increase was used to define a material change in conditions.
- 4.6.9 On the basis that noise impacts typically have a wider geographical reach than any of the other physical factors identified in Part 1 of the Land Compensation Act 1973 (i.e. vibration, smell, fumes, smoke, artificial lighting and the discharge of any solid or liquid substance), it was assumed that the geographical location of any impacts arising from those other factors would already have been identified, in that the land interest would have come within the area identified by the results of the noise modelling data. This assumption was verified through using other EIA information provided in Volume 1 of the ES (document reference 6.1).
- 4.6.10 In addition to this quantitative assessment, a qualitative assessment was completed (taking into account commercial interests, land access and other

issues) to reduce the land referencing limits to include only those properties that the Applicant believes would or might be able to make a relevant claim, as defined by section 44 and section 57 of the Planning Act.

Desktop Referencing - HM Land Registry

- 4.6.11 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges and restrictive covenant information was extracted and stored in a land referencing database ("PinPoint").
- 4.6.12 From this data, landownership parcels were created. The landownership parcels were drawn to reflect unique ownership information and stored spatially on a GIS application. Where land was not registered, additional parcels to complete these gaps were created based on Ordnance Survey (OS) mapping and site data. As a result, all land within the identified land referencing limits was parcelled and each parcel was given a unique reference number.
- 4.6.13 Periodic updates were provided by HM Land Registry and this ensured that any changes that occurred to title information were captured. Whilst, generally, such updates would be obtained bi-annually, they were specifically timed to occur prior to key milestones, such as the issue of section 42 consultation letters and prior to the submission of the Book of Reference.

Other Desktop Referencing Activities

- 4.6.14 Publicly available online mapping sources were used to check for any special category land e.g. land held inalienably by the National Trust, land forming part of a common (including a town or village green), open space, or fuel or field garden allotment and statutory undertakers' land. Where applicable, further research was carried out to determine whether any of the land within the Order Limits met the definition of special category land under the Planning Act.
- 4.6.15 Statutory undertakers (utilities operators) were contacted to query whether they had any infrastructure or apparatus in, on or over the land within the Order limits. This information was collated in GIS and added to PinPoint against the relevant plot from the Land Plans.
- 4.6.16 Landownership information was also analysed to determine whether any land within the Order limits is held by or on behalf of the Crown i.e. to be treated as Crown land under the Planning Act.

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- 4.6.17 The details for registered companies incorporated in the UK and elsewhere were checked in company registers such as Companies House. Where necessary the registered company name and / or address was updated.

Land Interest Questionnaires

- 4.6.18 Information obtained through desktop research was supplemented and verified through the use of 'land interest questionnaires' ("LIQs"), which included requests for information about a recipient's own interests, associated third party interests and the spatial extent of land or property.
- 4.6.19 Where LIQs were returned with updated information regarding an owner, tenant/lessee, occupier or other party, the information provided was used to update PinPoint and the GIS application. Where returns to LIQs were not provided (despite having been requested), follow-up site visits were made. A minimum of two separate site visits were conducted in an attempt to make direct contact with the owner or occupier of the property.
- 4.6.20 Recipients of the LIQs were also offered the means to respond to, or ask questions about, the project via a dedicated project email and phone line. The land referencing team recorded all correspondence and communication in PinPoint.

Site Visits

- 4.6.21 Site visits were undertaken on behalf of the Applicant to confirm land ownership and identify the occupation details for properties e.g. leaseholders, tenants, occupiers. These site visits were initially targeted at properties where no LIQ had been returned by the recipient. However, these visits were also conducted at properties where recipients had returned the LIQ in order to clarify any gaps in information. The site referencing team also used this opportunity to confirm any information which may have been gathered through desktop referencing methods.
- 4.6.22 During the site visits, where there was no response at a property, a calling card was left in the letterbox detailing the date and time of the attempted visit, along with the telephone number for the land referencing team. This calling card requested owners / occupiers of the property to call to arrange a suitable time for the site team to visit their property.
- 4.6.23 If no response was received, the property was visited at least one further time in an attempt to make direct contact with the owner or occupier of the property. On each occasion, a calling card was left at the property encouraging the owner / occupier to respond to the LIQ or contact the land referencing team to arrange a visit.
- 4.6.24 The date and time of all attempted site visits to a property are recorded in PinPoint.

Erection of On-Site Notices where unknown owners

- 4.6.25 Where land ownership could not be ascertained through desktop or site referencing methods, site notices were erected requesting information about the ownership of the land to which the notices were affixed. The notices showed the land ownership boundary in question and provided details of how to contact the land referencing team / Norfolk County Council with any relevant information. Any information received was added to PinPoint and the GIS application.

Section 52 – Requirement to Provide Information

- 4.6.26 The Applicant considered that section 52 notices (under the Planning Act) were not required.

Updating the Land Ownership Information

- 4.6.27 Prior to the submission of the Book of Reference, the land referencing data was re-confirmed through a combination of Land Registry updates and the issue of 'Request for Confirmation Questionnaires' to all persons appearing in the Book of Reference.
- 4.6.28 Requests for Confirmation Questionnaires consisted of a schedule of information and accompanying plan displaying the land boundary. The schedule of information outlined the Applicant's understanding of the persons having an interest in the property. Recipients were asked to confirm if the information held is correct or to amend / provide updates if there were discrepancies.

Deliverables for Section 42 Consultation

- 4.6.29 For Section 42 consultation, the land referencing activities culminated in the production of a schedule of names and addresses of consultees to be issued with consultation material under Section 42(1)(d) of the Planning Act 2008. Consultation packs were issued to all consultees.

Deliverables for DCO Application Submission

- 4.6.30 The land referencing information was compiled into a Book of Reference and accompanying Land Plans. The Book of Reference is divided into five parts as prescribed by Regulation 7(1) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009:
- **Part 1** lists all Category 1 interests (owners, lessees, tenants and occupiers) and Category 2 interests (parties that have an interest in the land or who have the power to sell, convey or release the land within the Order Limits)

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- **Part 2** lists all Category 3 interests (those with a potential relevant claim for compensation. There is precedent for this Part to be split into two sections (Part 2A and Part 2B). Part 2A lists parties with a relevant claim within the Order Limits, and Part 2B identifies parties with a relevant claim outside of the Order Limits
 - **Part 3** lists all parties entitled to enjoy easements or other private rights over land within the Order Limits
 - **Part 4** lists all Crown interests in land within the Order Limits (as there is no Crown Land, Part 4 in the Applicant's Book of Reference is blank)
 - **Part 5** lists all special category land within the Order Limits (as there is no special category land, Part 5 in the Applicant's Book of Reference is blank)

4.6.31 In parallel with the production of the Book of Reference and Land Plans, the land information is also incorporated into several DCO schedules, listing plots over which powers of compulsory acquisition are limited to:

- Land in which only new rights may be acquired
- Land in which only airspace and new rights may be acquired
- Land of which only temporary possession may be taken

4.6.32 In addition, Appendix A to the Statement of Reasons lists the purpose(s) for applying for compulsory acquisition powers over each plot within the Book of Reference and Land Plans.

Data Management

4.6.33 All information on land interests within the land referencing limits was recorded and stored in PinPoint and corresponding spatial information i.e. digital HM Land Registry title boundaries and land boundaries stored in GIS.

4.6.34 All communication with land interests was recorded in PinPoint and any copies of correspondence uploaded and attached to the relevant communication record. This included:

- LIQs (outgoing and incoming)
- Date and time of site visits (successful and unsuccessful)
- LIQs completed on site
- Emails (outgoing and incoming)
- Letters (outgoing and incoming)
- Records of telephone conversations
- Statutory notices issued
- Confirmation questionnaires (outgoing and incoming)

4.6.35 Copies of all HM Land Registry title registers and plans were also stored in PinPoint and linked to the relevant land parcel and land interest.

4.6.36 PinPoint provides a clear audit trail of the diligent inquiry process and serves as the single platform for all landowner and property information.

Discharge of duty of diligent inquiry

4.6.37 The Applicant considers that it has rigorously observed its duty to carry out diligent inquiry to inform and support its Application for development consent for the Scheme. However, the Applicant also considers that diligent inquiry is an ongoing process in which the information obtained to date will need to be kept under review and refreshed at appropriate milestones as the Applicant continues to progress its promotion and delivery of the Scheme.

5 Purpose for which the Compulsory Acquisition and Temporary Possession Powers are Sought

5.1 Introduction

- 5.1.1 The overall purpose of seeking powers of compulsory acquisition and temporary possession in the DCO is to facilitate and enable the construction, operation and maintenance of the Scheme by the Applicant.
- 5.1.2 The need for the Scheme is summarised in Chapter 6 of this Statement and discussed in further detail in the Case for the Scheme (document reference 7.1). To facilitate the delivery of the Scheme, it is necessary for the DCO to include the range of powers of compulsory acquisition-related powers identified and described in Chapter 3 of this Statement.
- 5.1.3 The Applicant has sought, and continues to seek, to acquire the required land and interests by negotiation and agreement (as evidenced in the Negotiations Tracker (document reference 4.4)). Without the powers to acquire rights and interests in land compulsorily, there would be insufficient certainty that the Applicant would be in a position to deliver the Scheme within the necessary timescale.
- 5.1.4 The specific purpose for each plot of land is shown in the table which comprises Appendix A to this Statement:
- The first column of the table identifies the plot by reference to plot numbers used in the Book of Reference (document reference 4.3) and identified on the Land Plans (document reference 2.5);
 - The second column of the table identifies the purpose for which the land is required; and
 - The third column identifies the relevant work number(s), based on the Work Plans (document reference 2.6) and the descriptions of the numbered works in Schedule 1 to the draft DCO (document reference 3.1).

5.2 Land and Rights over Land Required to Deliver the Scheme

- 5.2.1 The table in Appendix A to this Statement lists all the land needed to be acquired or temporarily used for the construction, operation and maintenance of the Scheme. The table in Appendix A should be read in conjunction with, and with reference to, both the Land Plans (document reference 2.5) and the Works Plans (document reference 2.6). Schedule 1 to the draft DCO (document reference 3.1) provides detailed descriptions of

each of the numbered works on the Works Plans, so Appendix A to this Statement should also be read in conjunction with Schedule 1 to the draft DCO.

- 5.2.2** Schedule 6 to the draft DCO (document reference 3.1) identifies land over which specific new rights are required to be acquired and / or created. The table in Appendix A to this Statement also shows this information. The purpose for acquiring or creating these rights is to enable the Applicant to construct, operate and maintain the Scheme, which would be authorised by the DCO if made.
- 5.2.3** Schedule 9 to the draft DCO (document reference 3.1) identifies land over which the Applicant requires temporary possession only and describes the specific purpose for which it is required. The table in Appendix A to this Statement also shows this information. The purpose for the temporary possession of such land is to enable the Applicant to facilitate the construction of the Scheme, which would be authorised by the DCO if made.

5.3 Need for Flexibility

- 5.3.1** The Applicant requires a degree of flexibility as to where certain elements of the Scheme will be constructed, whilst always operating within the limits of deviation that are provided for in the draft DCO (document reference 3.1 – see article 6 in particular). The Applicant has completed a significant amount of investigative, survey and design works as part of the design and consenting process, but the final detailed design and further investigative works will not be completed until after such time as the DCO is made (should the Application be successful). The Applicant has made substantial efforts to minimise design uncertainty, a process which has involved parallel tracking the pre-application DCO works with the procurement process, to allow the appointed contractor to have input into the design which is the subject of the Application. However, flexibility is nevertheless required within the Order Limits to ensure that the final detailed design is not unduly constrained and delivery of the Scheme to required timescales is not substantially hindered.
- 5.3.2** All the land included in the Order Limits is currently considered to be necessary to enable the construction, operation and maintenance of the Scheme. However, should it transpire that any part of the land within the Order Limits is not required (for instance as a result of the detailed design process or because a parcel of land has been acquired by agreement as a result of successful negotiations), in those circumstances compulsory acquisition powers would not be exercised in respect of such land because such exercise would not be necessary or justified.
- 5.3.3** The degree of flexibility described above will allow the appointed contractor to carry out the detailed design of the Scheme, taking into account any

further investigation of, and survey work on, land below the surface land (subsoil), including land/subsoil beneath the River Yare.

5.4 Need for a Variety of Land Use Powers

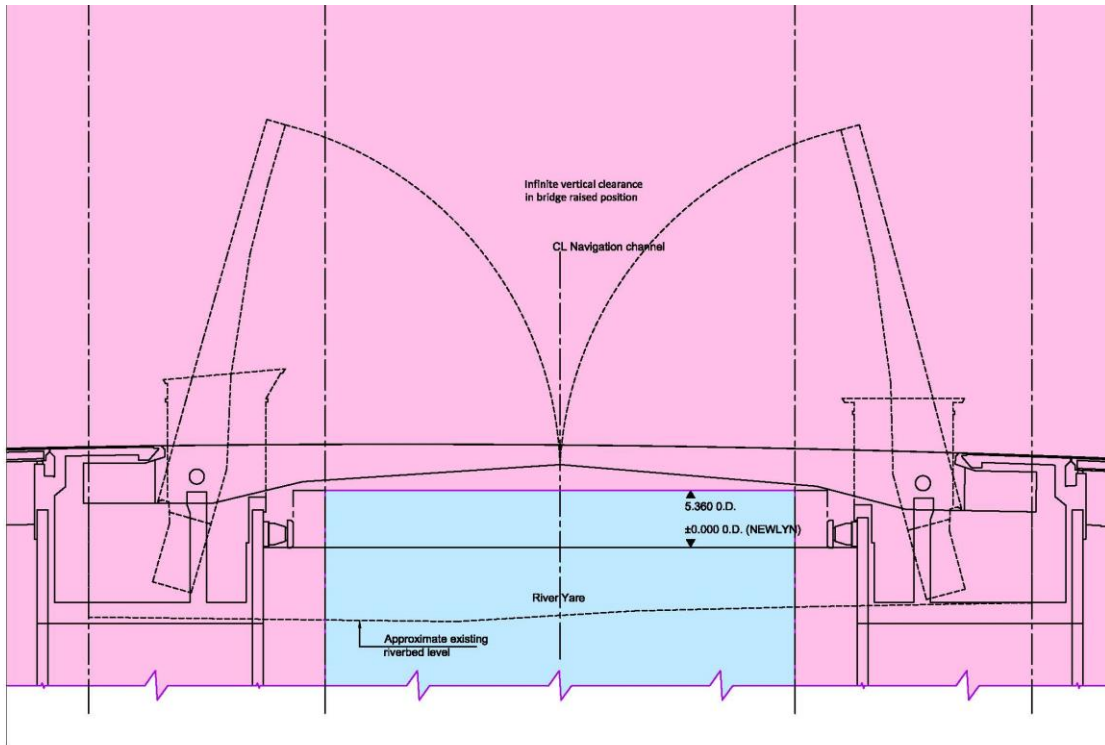
- 5.4.1** The Applicant requires powers to acquire land and new rights, and to possess and use land temporarily, at ground level for the parts of the Scheme where new highway would be constructed at grade, or where existing highway would be improved.
- 5.4.2** The Applicant's requirements differ for those elements of the Scheme which comprise the Crossing structure. For the Crossing, the Applicant is seeking powers to acquire compulsorily subsoil, land, airspace and rights, to the extent necessary to construct, operate and maintain the new Crossing structure.

5.5 Acquisition of Airspace and New Rights (Including Restrictive Covenants) for the operation and maintenance of the New Bridge

- 5.5.1** Permanent acquisition of airspace is required for the double leaf bascule bridge and area above with the acquisition of rights covering the area between the River Yare and underside of the double leaf bascule bridge when in the Bridge Lowered position.
- 5.5.2** This approach will enable the Applicant to both construct the Scheme and undertake regular future maintenance whilst not affecting the primacy of Port operations and navigational rights over the river. This acquisition approach minimises the land acquisition requirement and also mitigates the risk of the New Bridge failing to operate which would impact on Port operations and river users who would be unable to undertake their statutory duties or business functions. This approach has been agreed with both the Great Yarmouth Port Authority and Great Yarmouth Port Company.
- 5.5.3** In the context of the land requirements outlined above, it follows that some of the plots of land within the Order Limits would be required for a number of different purposes at different levels in, on, under or above the surface of the land; and that, accordingly, the Applicant will ultimately require a combination of powers, to acquire land and new rights compulsorily, and to use and possess land temporarily.
- 5.5.4** Figure 5.1 below is a long section illustrating the breakdown of the acquisition of airspace (above) with rights (below) across the river. The split between airspace (pink) and rights (blue) in Figure 5.1 below is represented on the Land Plans (document reference 2.5) by the pink and blue hatching of Plot 4-08. Figure 5.1 also shows how the acquisition of subsoil (in addition to airspace and land at surface level) would be required to facilitate the

delivery of the Knuckles, which form part of the Crossing structure (within plots 4-01, 4-05, 4-11 and 4-12).

Figure 5.1 Long section showing the need for powers to acquire land (including subsoil and airspace) and rights for the new bridge.



6 Justification for the Use of the Powers of Compulsory Acquisition and Temporary Possession

6.1 Introduction

6.1.1 Chapter 6 of this Statement sets out:

- The conditions which must be met in order for compulsory acquisition powers to be granted under the Planning Act together with an explanation of how the Scheme meets these conditions;
- The case for constructing, operating and maintaining the Scheme together with an explanation of alternatives that were considered as the Application for the Scheme evolved; and
- The Applicant's proposals for funding and compensation arrangements.

6.2 Compulsory Acquisition Powers under the Planning Act

Request for Compulsory Acquisition to be authorised under Section 123 of the Planning Act

6.2.1 Section 123(1) of the Planning Act provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if one of the three conditions set out in sections 123(2) to (4) is met.

6.2.2 Those conditions are that:

- The application for the order included a request for compulsory acquisition of the land to be authorised (s123(2)); or
- All persons with an interest in the land consent to the inclusion of the provision(s123(3)); or
- The prescribed procedure has been followed in relation to the land (s123(4)).

6.2.3 In accordance with s123(2), the Applicant requests that compulsory acquisition of the land is authorised by the Secretary of State and is included in the order granting development consent for the Scheme. The provisions which would enable the compulsory acquisition of land, if the DCO is

granted, are contained in Part 5 of the draft DCO (document reference 3.1), in particular article 25 (Compulsory acquisition of land), article 28 (Compulsory acquisition of rights), and article 33 (Acquisition of subsoil or airspace etc., only).

The Conditions in Section 122(2) of the Planning Act

- 6.2.4** Section 122 of the Planning Act sets out two conditions which must be met to the satisfaction of the Secretary of State, in his capacity as decision-maker, before compulsory acquisition within the DCO can be authorised.
- 6.2.5** The first of those two conditions is related to the purpose for which compulsory acquisition is sought. One or more of the three purposes set out in section 122(2) must be fulfilled (see paragraphs 6.2.6 to 6.2.10 below).
- 6.2.6** Section 122(2) requires that one or more of the following three purposes are met:
- that the land is required for the development to which the development consent relates (section 122(2)(a));
 - that the land is required to facilitate or is incidental to that development (section 122(2)(b)); or
 - that the land is replacement land which is to be given in exchange for the order land under section 131 or 132 of the Planning Act (section 122(2)(c)).
- 6.2.7** The Applicant confirms that the purposes for which powers of compulsory acquisition are sought in the draft DCO do comply with section 122(2) of the Planning Act because the land which is required to be subject to powers of compulsory acquisition:
- is required for the development to which the development consent, if granted, would relate (s.122(2)(a)) and is no more than is reasonably required for the purposes of the development; or
 - is required to facilitate, or is incidental to, that development (s.122(2)(b)) and the land to be taken is no more than is reasonably necessary for that purpose and is proportionate.
- 6.2.8** With regard to the conditions in sections 122(2)(a) and 122(2)(b), it is clear from the information set out in this Statement of Reasons that the Order land (as defined in the draft DCO) is required by the Applicant for the development to which the draft DCO relates (i.e. the Scheme), or is required by the Applicant to facilitate that development, or is required by the Applicant because it is incidental to that development.

6.2.9 Appendix A to this Statement identifies and explains how and why each individual plot of land is either required for the development, to facilitate the development, or is incidental to the development.

6.2.10 In the context of this Scheme, Section 122(2)(c) does not apply because there is no special category land included in the order land, so no replacement land is required under section 131 or 132 of the Planning Act.

The condition in Section 122(3) of the Planning Act

6.2.11 Section 122(3) of the Planning Act requires that there is a compelling case in the public interest for the land to be acquired compulsorily.

6.2.12 Paragraph 13 of the 2013 DCLG Guidance explains that “the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss”.

6.2.13 The Applicant has had regard to section 122(3) of the Planning Act and considers that there is a real need for the Scheme to be delivered. In addition to the information contained within this Statement, the Case for the Scheme (document reference 7.1) includes a detailed explanation of the need for the Scheme and considers that it is in the public interest to deliver it.

Balancing Public Benefits Against Private Loss

6.2.14 Paragraph 14 of the 2013 DCLG Guidance notes that “in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition”.

6.2.15 The paragraphs below (6.2.17 – 6.2.23) identify and describe both public benefits and private losses associated with the Scheme together with an assessment of how these aspects are balanced.

Public Benefits

6.2.16 With reference to the clear need for the Scheme to be in the public interest, the Applicant considers that a number of material public benefits will be derived from its delivery. These public benefits are closely aligned with the scheme objectives, as discussed in detail in the Case for the Scheme (document reference 7.1), and also with the reasons for which the Secretary of State granted the Section 35 Direction (see paragraph 1.1.6 of this Statement).

6.2.17 The following paragraphs outline the public benefits of the Scheme, as they flow from the Scheme objectives:

- To support Great Yarmouth as a centre for both offshore renewable energy and the offshore oil and gas industry, enabling the delivery of renewable energy NSIPs and enhancing the Port's role as an international gateway:

The Scheme would enhance connectivity between the SRN and the Port.

The improvements meet the primary aspirations of the Government's Transport Investment Strategy (issued by the Department for Transport and dated July 2017), which are to create a better-connected transport network and build a stronger economy. Overall, the infrastructure improvements will significantly enhance Great Yarmouth's growing role in supporting the offshore energy sector and assist the Port in reaping the opportunities associated with the delivery of existing and potential renewable energy NSIPs.

- To improve access and strategic connectivity between the Port and the national road network thereby supporting and promoting economic and employment growth (particularly in the Enterprise Zone):

The Scheme creates a more direct and shorter link between the SRN and the Port leading to quicker and more reliable journeys between the two.

The Scheme would enhance connectivity between the South Denes and Beacon Park Enterprise Zone sites, as well as those further afield in the Great Yarmouth and Lowestoft Enterprise Zone, thus creating opportunities for greater synergy between technology and energy related businesses operating within them.

The Scheme connects a greater proportion of the town's labour market to employment areas, such as the existing industrial estates and Port.

- To support the regeneration of Great Yarmouth, including the town centre and seafront, helping the visitor and retail economy:

The Scheme successfully re-routes Port-related traffic away from key links leading into the town centre, such as Haven Bridge,

creating capacity for town centre and seafront traffic and reducing congestion, particularly during the peak tourism season.

The additional network capacity created supports the regeneration of retail, leisure and commercial uses within the town centre, for example within the Waterfront Area.

- To improve regional and local access by enhancing the resilience of the local road network, reducing congestion and improving journey time reliability:

Overall, the Scheme leads to reduced congestion and improved journey time reliability on the local highway network, particularly on links leading towards the town centre from the west of the town, such as Haven Bridge.

The Scheme would greatly improve the resilience of the local road network, particularly in relation to the need for planned and emergency closures of Haven Bridge for maintenance and repair purposes.

The Scheme significantly improves connectivity for all transport modes by allowing heavy traffic, including abnormal loads, to be re-routed around the periphery of the town centre and freeing up the town centre roads for local traffic and NMUs.

- To improve safety and to reduce road casualties and accidents, in part by reducing heavy traffic from unsuitable routes within the town centre:

The Scheme would result in a projected saving of 54 casualties over the period 2023 to 2082 with the economic benefit of these savings calculated as £0.9m, as reported in the Economic Appraisal Report (EAR) (document reference 7.6).

- To improve access to and from the Great Yarmouth peninsula for pedestrians, cyclists and buses, encouraging more sustainable modes of transport and also reducing community severance:

The Scheme provides a quicker route between the west and east of the town for non-motorised users (NMUs) and significantly improves accessibility for pedestrians and cyclists, which encourages more sustainable modes of transport and reduces community severance.

The Scheme will generate around £10 million of savings over the course of its lifetime due to active mode benefits, relating primarily to journey time savings, but also from an improvement in journey quality, increased physical activity and reduced absenteeism.

The Scheme results in a general improvement in assessed bus journey times with an average saving of 12 seconds (1%) in the AM peak and 42 seconds (3%) in the PM peak anticipated. In addition, the Scheme presents an opportunity for new, more direct bus routes into the South Denes area to be introduced.

- To protect and enhance the environment by reducing emissions of greenhouse gases and minimising the environmental impact of the Scheme.

During operation the Scheme will result in a slight beneficial impact in greenhouse gas emissions.

The Scheme's impact upon the environment has been minimised as far as possible through sensitive design and incorporation of appropriate mitigation

6.2.18 In addition to the afore-mentioned public benefits and, as described in Chapter 9 of the Case for the Scheme (document reference 7.1), the Scheme will also deliver additional benefits as follows:

- At a national level, the Scheme's success in delivering reduced journey times between the Port and SRN will substantially improve the Port's connectivity and resilience in line with its role as an International Gateway. This in turn enhances the Port's ability to service both the existing demands of the offshore energy industry and the likely growth in activity associated with the implementation of renewable energy NSIPs off the East Coast of England.
- At a local level the overall impact of the Scheme would be to reduce congestion and improve journey time reliability on the local highway network, particularly on Haven Bridge. The Scheme significantly improves connectivity for all transport modes by allowing heavy traffic, including abnormal loads, to be re-routed around the periphery of the town centre and freeing up the town centre roads for local traffic and NMUs. The resilience of the local road network would also be greatly enhanced by the Scheme with the third river crossing providing critical flexibility during unforeseen or planned maintenance to the existing crossings. The Scheme's impact in addressing issues on the local highway network also benefits the

town's visitor and retail economy. The Scheme provides improved access for shoppers and visitors and supports the regeneration of retail, leisure and commercial uses within the town centre.

Private Losses

6.2.19 It is recognised that those parties affected by the powers of compulsory acquisition and temporary possession will, or may, suffer private losses in terms of:

- the exercising of powers of compulsory acquisition of land, resulting in those parties being permanently dispossessed; and / or
- the extinguishing of existing rights through which benefit was previously derived; and / or
- the exercising of powers of temporary possession of land, resulting in those parties being temporarily (possibly long term) displaced from the land.

6.2.20 Chapter 9 of the Case for the Scheme (document reference 7.1) sets out detailed consideration of the impacts of the Scheme where those impacts will amount to private losses. In summary, these are:

- There are nine residential properties on Southtown Road, ten on Queen Anne's Road and one on Cromwell Road that are to be demolished in order to accommodate the Scheme. Seventeen out of these twenty residential properties are already owned by the Applicant
- To the west of the river, the Scheme would necessitate the demolition of warehouses on the Suffolk Road Industrial Estate. A number of other commercial businesses within the Order Limits are to be affected, through permanent acquisition, the acquisition of rights or through temporary possession. These will not require any demolition of buildings.
- To the east of the river, the Crossing bisects land at Atlas Terminal owned by Great Yarmouth Port Authority and Great Yarmouth Borough Council. These areas are occupied by various companies including Great Yarmouth Port Company (Peel Ports), Asco UK Ltd and Perenco UK Ltd but will not require the direct demolition of buildings within the Order Limits. However, a building on South Denes Road occupied by South Denes Car Centre would be demolished.

- A permanent loss of quay and berthing space will be experienced within the operational Port on both sides of the river for the Scheme, and there will be a temporary loss of other areas of quay space and operational land when the Scheme is in construction. The Case for the Scheme (document reference 7.1) at Section 7 explains that impacts on the Port have been mitigated. The Applicant is also engaged in discussions with the Great Yarmouth Port Company, on behalf of the Great Yarmouth Port Authority, the Great Yarmouth Port Users Association and affected operators such as Asco and Perenco, to agree Protective Provisions (within the DCO) and ensure the continued effective operation of the Port.
- Notwithstanding the Protective Provisions, the presence of the new bridge may be perceived as a disbenefit by those businesses situated upstream of it.

Balancing public benefits and private losses

- 6.2.21** Having considered the nature and extent of those private losses (as summarised above and set out in more detail in the Case for the Scheme and summarised in the Environmental Statement Volume 1, Chapter 14 People and Communities (document reference 6.1)), the Applicant considers that such private losses caused by the Scheme may be fairly and appropriately compensated through the payment of statutory compensation under the Compensation Code. The Applicant notes that section 125 of the Planning Act applies the Compulsory Purchase Act 1965 to the draft DCO, which makes provision for the payment of such compensation.
- 6.2.22** Therefore, having weighed such private losses against the significant public benefits which the scheme would bring, the Applicant is of the view that the public benefits outweigh the private losses and that, accordingly, there is a compelling case in the public interest which would justify the proposed use of powers of compulsory acquisition to ensure delivery of the Scheme in a timely manner.
- 6.2.23** In light of this, the Applicant considers that there is a compelling case in the public interest for the construction, operation and maintenance of the Scheme, which would justify the compulsory acquisition of land identified in the draft DCO and that, as a result, the condition in section 122(3) of the Planning Act is met.

6.3 Matters on which the Secretary of State must be satisfied

Compliance with the Requirements of the 2013 DCLG Guidance and the 2018 MHCLG Guidance

6.3.1 As stated in paragraph 1.1.8 of this Statement, the Applicant has had regard to the 2013 DCLG Guidance and the 2018 MHCLG Guidance.

6.3.2 Both the 2013 DCLG Guidance and the 2018 MHCLG Guidance set out matters on which the Secretary of State must be satisfied, before authorising the use of powers of compulsory acquisition. Those matters are identified in the paragraphs which follow.

Applicants should seek to acquire land by negotiation wherever practicable

6.3.3 The 2013 DCLG Guidance (at paragraph 25) and the 2018 MHCLG Guidance (at paragraph 2) both state that reasonable steps should be taken to acquire land by negotiation and agreement wherever practicable and that, as a general rule, authority to acquire land compulsorily should only be sought if attempts to acquire by agreement fail. The concept of compulsory acquisition as a tool of last resort prevails.

6.3.4 However, both the 2013 DCLG Guidance (at paragraph 25) and the 2018 DCLG Guidance (at paragraph 2) acknowledge that it may not always be practicable to acquire land by agreement.

6.3.5 The 2013 DCLG Guidance states that, "Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land" and that, "Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset".

6.3.6 The 2013 DCLG Guidance expands on this (at paragraph 26), advising that "Applicants should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations."

6.3.7 In accordance with this guidance, the Applicant is seeking to acquire by agreement land and rights over land for the purposes of the Scheme and will continue to seek such acquisitions as the Application for the DCO is progressed.

6.3.8 To date, the Applicant has engaged in extensive consultation and negotiations (as explained in the Compulsory Acquisition Negotiations Tracker (document reference 4.4)) with all owners and occupiers of the land

required for the Scheme, in order to try to avoid the need for compulsory acquisition wherever possible.

- 6.3.9** As set out in Chapter 7 below, the Applicant's approach combines genuine attempts to acquire land by agreement with the planning, in parallel, of a compulsory acquisition timetable and with taking action to initiate formal compulsory acquisition procedures, as a contingency measure. The objective of this approach is to enable the delivery of the Scheme within a reasonable timescale and within the allocated budget, in the event that this cannot be achieved through acquisition by agreement. This approach is in accordance with the spirit and terms of the DCLG Guidance and the MHCLG Guidance.

A Clear Idea of how the Land is to be Used

- 6.3.10** The 2013 DCLG Guidance (at paragraph 9) requires the Applicant to have “a clear idea of how they intend to use the land” which they are proposing to acquire.
- 6.3.11** The Applicant has a clear idea of how the land included within the Order Limits is intended to be used, as demonstrated throughout this Statement, and specifically by the form and content of Appendix A to this Statement. Appendix A sets out (in tabular form) the particular purposes for which each plot of land is proposed to be compulsorily acquired or used temporarily, together with a cross-reference to the relevant numbered authorised work as identified in Schedule 1 (authorised development) to the draft DCO.

A Reasonable Prospect of the Requisite Funds for Acquisition becoming Available

- 6.3.12** The 2013 DCLG Guidance (at paragraph 9) requires the Applicant to be able to demonstrate “that there is a reasonable prospect of the requisite funds for acquisition becoming available”.
- 6.3.13** The Funding Statement (document reference 4.2) demonstrates that:
- There is a reasonable prospect that adequate funding will be available to both assemble the land required for the Scheme and to deliver the Scheme (in terms of its construction, operation and maintenance) on that land; and
 - The necessary funding would be made available within a reasonable timescale and that no impediments to implementation of the Scheme are anticipated to arise as a result of the funding position in relation to the Scheme.

Legitimate purposes justifying interference with the human rights of those affected

- 6.3.14** The 2013 DCLG Guidance (at paragraph 10) requires the Applicant to persuade the Secretary of State that “the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected”. In addition, this Guidance requires the Applicant to have regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of the acquisition of a dwelling, Article 8 of the Convention.
- 6.3.15** The Applicant confirms that, in applying for development consent for the Scheme in accordance with the procedure provided for by the Planning Act 2008, it is acting lawfully. If development consent were to be granted by the Secretary of State, the delivery of the Scheme pursuant to that consent would be lawful.
- 6.3.16** The Applicant considers that the purposes for which it seeks compulsory acquisition powers do justify the interference with the human rights of those affected that would inevitably arise from the exercise of those compulsory acquisition powers, should they be authorised.
- 6.3.17** The Applicant has had regard to the provisions of Article 1 of the First Protocol to, and Article 8 of, the European Convention on Human Rights and considers that the purposes for which it would be interfering with those Convention rights are legitimate and do justify that interference. The manner in which the Applicant has considered these issues is set out in Chapter 9 of this Statement of Reasons.

Order land is needed for development and is no more than is reasonably required

- 6.3.18** The 2013 DCLG Guidance (at paragraph 11) makes it clear that in order for the conditions in section 122(2) to be met, an applicant for development consent should be able to demonstrate to the satisfaction of the Secretary of State that:
- “the land in question is needed for the development for which consent is sought”; and
 - “the land to be acquired is no more than is reasonably required for the purposes of the development”.
- 6.3.19** The Applicant has included within the Order limits:
- the land that it needs in order to be able to deliver the Scheme;

- no more land than is reasonably required for the purposes of delivering the Scheme.

6.3.20 Accordingly, the Applicant considers that its proposed use of land, for the purpose of delivering the Scheme, is proportionate and justifiable.

6.3.21 The 2013 DCLG Guidance also explains (at paragraph 11) that for the criteria in section 122(2)(b) to be met, the Secretary of State would need to be satisfied, for example, that the development “could only be delivered to a satisfactory standard if the land in question were to be compulsorily acquired” (assuming it could not be acquired by agreement) and that “the land to be taken is no more than is reasonably necessary for that purpose, and that it is proportionate”.

6.3.22 The Applicant considers that this is indeed the case. Without control of the land identified in the Order, it would not be possible for the Applicant to deliver the Scheme, either to a satisfactory standard, or at all. On that basis, powers of compulsory acquisition are vital to the delivery of the Scheme; and, if the Scheme is to be brought forward within the optimum timeframe, then its delivery will ultimately be dependent upon the Applicant’s ability to exercise powers of compulsory acquisition.

Compelling case in the public interest

6.3.23 The 2013 DCLG Guidance (at paragraph 12) notes that section 122 of the Planning Act requires the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. Evidence of a compelling case will demonstrate that “the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired”.

6.3.24 Paragraph 12 of the 2013 DCLG Guidance reiterates the principle that “land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss”.

6.3.25 The Applicant has considered the nature and extent of the public benefits and the private losses that would flow from the implementation of the Scheme and on balance has concluded that the public benefits would outweigh the private losses.

6.3.26 The Applicant’s considerations on this point are set out in more detail in Chapter 9 (Human Rights) of this Statement of Reasons.

Alternatives to compulsory acquisition

6.3.27 The 2013 DCLG Guidance indicates (at paragraph 8) that “the applicant should be able to demonstrate to the satisfaction of the Secretary of State

that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.”

6.3.28 The following paragraphs explain the Applicant's approach to alternatives in the context of its request for powers of compulsory acquisition to enable delivery of the Scheme.

6.4 Options Assessment

6.4.1 The ES (document reference 6.1) sets out at Volume 1 Chapter 3 a ‘Consideration of Alternatives’ which outlines the options assessment process associated with the Scheme. That assessment is not repeated here but this Statement should be read in conjunction with the ES.

6.4.2 In addition to the options assessment process referenced above, an assessment of the land and rights needed to deliver the Scheme was completed, in parallel with the consideration of a range of different engineering and design alternatives. Engagement with landowners and occupiers influenced the final selection process.

6.4.3 The Applicant has concluded as a result of this process that none of the alternative options would remove the need for the compulsory acquisition and temporary possession of land.

6.4.4 The Order Limits extend no further than the land that is reasonably required for the construction, operation, mitigation and maintenance of the Scheme, and have been drawn as tightly as possible (with detailed consideration of the layout, boundaries and ownership of the land) so as to avoid unnecessary land take.

6.4.5 As a further consideration of alternatives, the Applicant has sought flexibility within the draft DCO which would enable the Applicant to:

- acquire less land than currently envisaged (if, for example, during detailed design it is identified that less land is required); and
- exercise a ‘lesser power’ (for instance to use land temporarily) where such lesser power is deemed an appropriate alternative to compulsory acquisition.

6.4.6 Such flexibility will enable the Applicant to take a proportionate approach to the acquisition of land, and rights over land, once the detailed design stage of the Scheme has been completed.

6.5 Conclusion

- 6.5.1 Given the above considerations, the Applicant is satisfied that its proposed use of compulsory acquisition and temporary possession powers is legitimate, necessary and proportionate, and that there is a compelling case in the public interest for the granting and subsequent exercise of these powers to facilitate the construction, operation and maintenance of the Scheme.
- 6.5.2 Furthermore, as the Applicant's negotiations with landowners and occupiers are ongoing and will be continued throughout the process of seeking development consent for the Scheme, the Applicant's intention is that powers of compulsory acquisition would only be used in circumstances where acquisition by agreement proved impossible. As such, compulsory acquisition would, in the spirit of the 2013 DCLG Guidance, be a tool of last resort.
- 6.5.3 In conclusion, the Applicant considers that its application for powers of compulsory acquisition, as included in the Application, meets the conditions set by sections 122(2) and 122(3) of the Planning Act and that there is a compelling case in the public interest for powers of compulsory acquisition to be included in the development consent order, in the event that development consent for the Scheme is granted.

7 Communications and Negotiations with Owners of Interests in Land

- 7.1.1 As noted in the Consultation Report (document reference 5.1), all parties to be consulted pursuant to section 42 of the Planning Act have been identified through 'diligent inquiry' (as discussed in Chapter 4 of this Statement).
- 7.1.2 All such parties, which includes all owners, occupiers and other persons with an interest in the land affected by the Scheme, are identified in the Book of Reference (document reference 4.3).
- 7.1.3 The Applicant is aware of the requirement to seek to acquire land by agreement wherever possible, and to exercise powers to acquire land compulsorily, as sought in the draft DCO, only if reasonable attempts to acquire that land fail. This requirement is noted in Paragraph 25 of the 2013 DCLG Guidance: "Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail. Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset".
- 7.1.4 Paragraph 26 states that: "Applicants should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations. Making clear during pre-application consultation that compulsory acquisition will, if necessary, be sought in an order will help to make the seriousness of the applicant's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations".
- 7.1.5 The 2013 DCLG Guidance thus confirms that it may not always be practicable to acquire each plot of land by agreement and, where this is the case, it is reasonable to include a provision in the draft DCO allowing compulsory acquisition of all land at the outset. The Applicant considers it prudent to plan for the potential use of powers of compulsory acquisition and temporary possession in the draft DCO as a contingency measure should negotiations not be successful for each and every plot of land required to deliver the Scheme.
- 7.1.6 As evidenced by the Negotiations Tracker (document reference 4.4) the Applicant has sought to facilitate the engagement and negotiation with each party that has a freehold or leasehold interest in land affected by the

Scheme. Each party has been advised of the Applicant's willingness to acquire that person's interest by negotiated agreement and that any concerns will be considered and accommodated wherever reasonably possible. Such negotiation will continue throughout the DCO application and examination process. As such, the Negotiations Tracker is a live document and the version submitted as part of the Application serves to provide a snapshot of current status. However, the Negotiations Tracker will be updated periodically.

- 7.1.7** The Applicant acknowledges that it has a duty to acquire land at best value but also that it is in the public interest to deliver the Scheme within a specified timeframe. As such, acquisition by agreement may not be achievable in all cases, or within the timescales necessary. In addition, there are cases where the interest in land is currently unknown and, as such, the acquisition of the interest or right may therefore not be possible without statutory powers.
- 7.1.8** In addition to the negotiations outlined in the Negotiations Tracker, the Applicant has outlined in this Statement at Chapter 8 more detail in relation to engagement with statutory undertakers.
- 7.1.9** The fact that the Scheme has been in development for quite some time has afforded the Applicant the opportunity to acquire a number of land plots already. The properties already acquired by the Applicant and other land under the control of the Applicant, including highways land, are included within the draft DCO and other Application documents as being required for compulsory acquisition to ensure that no known or unknown interests or rights exist over such land that could impede the proper implementation of the Scheme.
- 7.1.10** The properties acquired to date comprise seventeen residential properties on Queen Anne's Road, Southtown Road and Cromwell Road. These were acquired between 2010 and 2012. Some of the properties in Queen Anne's Road are now owned by Norfolk County Council on a long leasehold basis and the freehold is owned by the Church Commissioners for England.
- 7.1.11** Of the seventeen properties, fourteen were leased to a local Housing Association, Saffron Housing Trust, for a period to 31 March 2017. They used these properties to house social tenants. The leases were extended under a Tenancy at Will.
- 7.1.12** With the proposed date for the Scheme's commencement getting closer and Saffron Housing Trust deciding not to continue with the leases, they served Notice on the Applicant bringing the Tenancy at Will to an end. The Applicant and Saffron Housing Trust agreed that this would occur on a property by property basis as the Housing Trust's social tenants were rehoused.

- 7.1.13** At the date of DCO Application, there are four properties where a Saffron Housing Trust tenant has not yet vacated the premises. The Applicant is working closely with Saffron Housing Trust and Great Yarmouth Borough Council Housing Department to resolve these outstanding circumstances.
- 7.1.14** The remaining three properties were in a poorer condition that made it uneconomic for Saffron Housing Trust to lease. An agreement on these properties was completed between the Applicant and Ad Hoc Property Management Ltd, who manage other empty properties owned by the Applicant, via Guardian Occupancy arrangements.
- 7.1.15** The properties which have recently been vacated by Saffron Housing Trust have been passed to Ad Hoc Property Management Ltd to manage.
- 7.1.16** The agreement with Ad Hoc Property Management Ltd can be terminated on one month's notice. The Applicant would propose to do this just before construction works commence.

8 Impacts on Statutory Undertakers

8.1 Restrictions on Compulsory Acquisition of Statutory Undertakers' Land

- 8.1.1 The Order Land contains land owned by statutory undertakers (primarily the Great Yarmouth Port Authority which owns operational Port land) and also includes land on, in or over which statutory undertakers have a right to keep equipment in connection with their undertaking.
- 8.1.2 The Applicant understands that Section 127 of the Planning Act applies to land acquired by statutory undertakers for the purposes of their undertaking, and places restrictions on the compulsory acquisition of such land, where a representation is made by a statutory undertaker in relation to an order granting development consent and is not withdrawn by the close of the examination of that application.
- 8.1.3 The draft DCO for the Scheme includes provision at Article 37 to authorise the compulsory acquisition of land and rights held by statutory undertakers for the purposes of their undertaking.
- 8.1.4 Section 127(2) of the Planning Act provides that a DCO may include provisions authorising the compulsory acquisition of statutory undertakers' land, only to the extent that the Secretary of State is satisfied of the matters set out in section 127(3), which are that the nature and situation of the statutory undertaker's land are such that:
- it can be purchased and not replaced without serious detriment to the carrying on of the undertaking (section 127(3)(a)); or
 - if purchased, it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking (section 127(3)(b)).
- 8.1.5 Section 127(5) of the Planning Act provides that a DCO may include provisions authorising the creation of new rights over statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in section 127(6) which are that the nature and situation of the land are such that:
- the right can be purchased without serious detriment to the carrying on of the undertaking (section 127(6)(a)); or
 - any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them (section 127(6)(b)).

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- 8.1.6** Where section 127 of the Planning Act applies to the compulsory acquisition of land or rights over land which are required to enable the delivery of the Scheme, and the statutory undertaker which owns such land or right(s) makes a representation to the Secretary of State in relation to the draft DCO and does not withdraw that representation before the completion of the examination into the application, the Applicant will be required to seek confirmation that the Secretary of State is satisfied of the matters set out in subsections 127(3) and 127(6) as appropriate.

8.2 Statutory Undertakers Affected by the Proposed Scheme

- 8.2.1** As stated in paragraph 8.1.1 above, the Order Land contains land owned by statutory undertakers and land on, in or over which statutory undertakers have a right to keep equipment in connection with their undertaking.
- 8.2.2** This Statement contains a list of statutory undertakers (and other similar bodies) who may be affected by the Scheme, given they either own or have rights over land within the Order Limits (Table 8.1 below).
- 8.2.3** The Book of Reference (document reference 4.3) identifies the interest held by each respective statutory undertaker.
- 8.2.4** The Applicant does not consider that the compulsory acquisition from the statutory undertakers of land or rights over the land which are required to enable the delivery of the Scheme would constitute 'serious detriment' to the carrying on of their respective undertakings.
- 8.2.5** The Applicant has consulted, and continues to negotiate, with the respective statutory undertakers (listed in Table 8.1 below) and expects to address any issues raised. It is the aim of the Applicant to achieve an agreed and satisfactory position with each of the statutory undertakers prior to the close of the examination period. As part of these negotiations, and where it is considered necessary by the relevant parties, adequate protection for the statutory undertakers' interests will be included within the Protective Provisions of the draft DCO and/or in separate asset protection agreements between the Applicant and statutory undertakers.
- 8.2.6** Table 8.2 below sets out the current negotiation position relating to statutory undertakers' land within the Order Limits, relating to Protective Provisions.

8.3 Interference with the Apparatus of Statutory Undertakers

- 8.3.1** Section 138 of the Planning Act applies where a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land.

8.3.2 For the purposes of section 138:

- A 'relevant right' means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land which is vested in or belongs to statutory undertakers for the purpose of carrying on their undertaking, or which is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network (Section 138(2)); and
- 'Relevant apparatus' means apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or electronic communications apparatus kept installed for the purposes of an electronic communications code network (Section 138(3)).

8.3.3 A DCO may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the development consent order relates (Section 138(4)).

8.3.4 The draft DCO for the Scheme (at Article 37) includes provision to authorise necessary interference by the Applicant with the apparatus of statutory undertakers in connection with the delivery of the Scheme.

8.3.5 Diversion or re-alignment of services may not be wholly contained within the land to be acquired outright and, in such cases, the Applicant proposes to acquire new permanent rights over land for the benefit of the relevant utility company and/or take temporary possession of the land in order to undertake the works.

8.3.6 The Scheme may also affect existing minor private supplies and other services and utilities such as telecommunications cables that are anticipated to be diverted within the highway boundary.

8.3.7 The Applicant expects that the information provided within the Application documents will allow the Secretary of State to be satisfied of the matters set out in section 138(4) of the Planning Act, in that the Applicant has set out the purposes of carrying out development that the draft DCO proposes to authorise the acquisition of land for and where there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land.

Table 8.1 Statutory undertakers having a right or possibly having a right to keep equipment on, in or over land within the Order Limits

Statutory Undertaker (or other similar body)
Anglian Water Services Limited
British Gas Services Limited
Broads Authority
Cadent Gas Limited
Eastern Power Networks plc
Essex and Suffolk Water Limited (owned by Northumbrian Water Limited)
FirstGroup plc
Great Yarmouth Port Authority
GTC Pipelines Limited
National Grid Gas plc
Openreach (British Telecommunications plc)
Royal Mail Group Limited
Virgin Media Limited
Vodafone Limited
Waveney, Lower Yare & Lothingland Internal Drainage Board

Table 8.2 Current negotiation position relating to statutory undertaker land within the Order Limits, relating to protective provisions.

Statutory Undertaker	Latest Position	Protective Provisions included in draft DCO
Great Yarmouth Port Authority	Draft Protective Provisions produced. Under negotiation.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Environment Agency	Draft Protective Provisions produced as a result of preliminary discussions. Final versions yet to be agreed.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Essex and Suffolk Water Company	Draft Protective Provisions to cover water undertakers produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Cadent Gas Limited	Draft Protective Provisions to cover gas undertakers produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Eastern Power Networks plc	Draft Protective Provisions to cover electricity undertakers produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Openreach Limited	Draft Protective Provisions to cover Operators of Electronic Communications Code Networks produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Virgin Media	Draft Protective Provisions to cover Operators of Electronic	Draft Protective Provisions

Statutory Undertaker	Latest Position	Protective Provisions included in draft DCO
	Communications Code Networks produced but still to be agreed with undertaker.	contained in Schedule 14 to the DCO.
Cable and Wireless c/o WS Atkins	Draft Protective Provisions to cover Operators of Electronic Communications Code Networks produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Anglian Water	Draft bespoke Protective Provisions produced as a result of discussions. Final version agreed.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Internal Drainage Board	Draft Protective Provisions to cover Internal Drainage Board produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Vodafone	Draft Protective Provisions to cover Operators of Electronic Communications Code Networks produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.
Government Pipelines	Draft Protective Provisions to cover gas undertakers produced but still to be agreed with undertaker.	Draft Protective Provisions contained in Schedule 14 to the DCO.

8.4 Plots in which Statutory Undertakers have an Interest and which are Proposed to be Acquired for the Scheme

Table 8.3 - identifies each plot of land owned by statutory undertakers (where there are Category 1 persons), where that land is proposed to be acquired in connection with the Scheme.

Plot	Description of land	Statutory Undertaker	Nature of Category 1 Interest	Land use power sought	Purpose for which land is needed
2-10	Verge adjacent to private access (on the east side of Suffolk Road and south of William Adams Way, Great Yarmouth)	Cadent Services Limited	Reputed owner and occupier	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities
2-13	Works yard and hardstanding (to the south of William Adams Way, Great Yarmouth)	National Grid Property Holdings Limited	Freehold owner	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities
2-16	Gas depot and signage (to the south of William	Cadent Services Limited	Freehold owner and occupier	Permanent acquisition of land	Acquisition of land for the improvement of William Adams

Plot	Description of land	Statutory Undertaker	Nature of Category 1 Interest	Land use power sought	Purpose for which land is needed
	Adams Way, Great Yarmouth)				Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities
3-17	Hardstanding (on the west side of Southgates Road, Great Yarmouth)	Great Yarmouth Port Authority	Freehold owner	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing
4-12	Works yard (Atlas Terminal, Southgates Road, Great Yarmouth) and berths (13A-B)	Great Yarmouth Port Authority	Freehold owner	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including the provision of a new underpass to facilitate access to land north and south of the new bridge, and NMU facilities
4-18	Works yard (Atlas Terminal, Southgates	Great Yarmouth Port Authority	Freehold owner	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of

Plot	Description of land	Statutory Undertaker	Nature of Category 1 Interest	Land use power sought	Purpose for which land is needed
	Road, Great Yarmouth)				the eastern approach to the Crossing, including the provision of a new underpass to facilitate access to land north and south of new bridge and NMU facilities
4-24	Works yard (Atlas Terminal, Southgates Road, Great Yarmouth)	Great Yarmouth Port Authority	Freehold owner	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing

8.5 Plots in which Statutory Undertakers have an Interest and over which New Rights are Proposed to be Acquired for the Scheme

Table 8.4 - identifies each plot of land owned by statutory undertakers (where there are Category 1 persons), where rights over that land are proposed to be acquired in connection with the Scheme.

Plot	Description of land	Statutory Undertaker	Nature of Category 1 Interest	Land use power sought	Purpose for which land and rights are needed
2-11	Private access road (on the east side of Suffolk Road and on the south side of William Adams Way,	Cadent Services Limited	Reputed owner and occupier	Permanent acquisition of rights (including restrictive covenants) over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing,

Plot	Description of land	Statutory Undertaker	Nature of Category 1 Interest	Land use power sought	Purpose for which land and rights are needed
	Great Yarmouth)				protecting, accessing and maintaining the improved William Adams Way
2-12	Works yard, hardstanding and private access road (to the south of William Adams Way, Great Yarmouth)	National Grid Property Holdings Limited	Freehold owner	Permanent acquisition of rights (including restrictive covenants) over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way
2-14	Works yard and hardstanding (to the south of William Adams Way, Great Yarmouth)	National Grid Property Holdings Limited	Freehold owner	Permanent acquisition of rights (including restrictive covenants) over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way
2-15	Gas depot (to the south of William Adams Way, Great Yarmouth)	Cadent Services Limited	Freehold owner and occupier	Permanent acquisition of rights (including restrictive covenants) over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of

Plot	Description of land	Statutory Undertaker	Nature of Category 1 Interest	Land use power sought	Purpose for which land and rights are needed
					constructing, protecting, accessing and maintaining the improved William Adams Way
4-23	River (River Yare), bed, quay wall and berth (13A)	Great Yarmouth Port Authority	Freehold owner	Permanent acquisition of rights (including restrictive covenants) over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the Crossing

Apparatus belonging to Statutory Undertakers and Utilities

8.5.1 The following statutory undertakers have indicated that, as a result of the Scheme, they may need to divert, abandon or abolish existing utility apparatus and some may need to install new utility apparatus:

- Vodafone Limited
- Cable and Wireless c/o WS Atkins
- Virgin Media Limited
- Openreach Limited (British Telecommunications plc)
- National Grid Gas plc
- Cadent Gas Limited
- Eastern Power Networks plc
- Essex and Suffolk Water Limited.

- 8.5.2 Negotiations are ongoing with the statutory undertakers in order to agree the terms of any Protective Provisions and/or, if appropriate, a side agreement.

9 Human Rights

9.1 Application of the European Convention on Human Rights

9.1.1 The European Convention on Human Rights (“the Convention”) has been incorporated into UK domestic law by the Human Rights Act 1988. The Convention includes provisions in the form of Articles (“the Convention Rights”), which aim to protect the rights of the individual and his possessions.

9.1.2 The following Convention Rights are relevant to the determination by the Secretary of State as to whether a compelling case exists for the DCO to be made in a form that includes powers authorising the compulsory acquisition of land or rights or interests in land, and the temporary possession of land:

- Article 6: entitles those affected by the powers sought in a DCO to a fair and public hearing by an independent and impartial tribunal;
- Article 8: protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country; and
- Article 1 of the First Protocol: protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8, any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the private rights in question.

9.1.3 If made in a form that includes powers of compulsory acquisition and temporary possession of land, the DCO would enable the Applicant to infringe the human rights of persons with an interest in the land that would be affected by the Scheme.

9.1.4 Such infringement is authorised by law, provided that:

- The statutory procedures for obtaining the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and

- Any interference with a Convention right is proportionate to the legitimate aim served.

9.2 Compliance with the Convention and the Human Rights Act 1998

9.2.1 The Applicant confirms that, in considering the potential exercise of the land use powers sought in the DCO, it has had regard to Article 6 of the Convention, which confers the right to a fair trial and public hearing by an independent and impartial tribunal.

9.2.2 In having regard to Article 6 of the Convention, the Applicant notes that the procedures under the Planning Act 2008 are compliant with the Human Rights Act 1998 and in so far as these duties are properly observed by the Applicant, its duties under the Human Rights Act 1998 are discharged.

9.2.3 In the context of compliance with Article 6 of the Convention, the Applicant observes that:

- the DCO process provides a series of opportunities for the public to make representations;
- under sections 42 and 44 of the Planning Act 2008, the Applicant consulted:
 - all known owners and occupiers of the land needed for the Scheme;
 - persons who would or might be entitled to claim compensation under:
 - section 10 of the Compulsory Purchase Act 1965; and/or
 - Part 1 of the Land Compensation Act 1973;
 - beneficiaries of restrictive covenants and other rights overridden may claim compensation under section 10 of the Compulsory Purchase Act 1965;
- the public can make representations in response to notice served under section 56 of the Planning Act and/or during the examination of the Application (for instance in compulsory acquisition hearings) or in any written representations procedure held by the Examining Authority;

- if a DCO is made by the Secretary of State, a person aggrieved could mount a judicial review challenge in the High Court under section 118 of the Planning Act;
- in the event that entitlement to or quantum of compensation are disputed, there is a right to apply to the Upper Tribunal of the Lands Chamber (which is an independent tribunal); this right applies in respect of land which is subject to powers of compulsory acquisition and land which is subject to powers of temporary possession.

9.2.4 The Applicant confirms that, in considering the potential exercise of the land use powers sought in the draft DCO, it has also had regard to Article 8 of the Convention and Article 1 of the First Protocol to the Convention.

9.2.5 The Applicant understands that in determining whether interference with Convention rights (in Article 8 and in Article 1 to the First Protocol) is proportionate, a fair balance must be struck between the public benefit sought and the interference with affected private rights.

9.2.6 In striking to seek that balance, the Applicant – as the analysis in the Case for the Scheme (document reference 7.1) makes clear – has had regard to:

- the need for the Scheme and the public benefits it would bring; and
- the nature of the Scheme's interference with affected private rights.

9.2.7 The Applicant does not consider that any single affected interest is of such importance as to outweigh the important public benefits which the Scheme is forecast to deliver, in the event that the DCO is made by the Secretary of State and the Scheme is delivered pursuant to that made DCO.

9.2.8 Furthermore, the Applicant does not consider that the cumulative private loss (arising on a Scheme-wide basis) is of such magnitude or severity as to outweigh the importance of the public benefits which the Scheme would deliver.

9.2.9 The Applicant continues to discuss the impacts of the Scheme with the persons affected by those impacts, with the dual aim of:

- minimising as far as possible the loss suffered by those persons; and
- ensuring that any loss suffered is properly and fairly compensated.

- 9.2.10 The Funding Statement (document reference 4.2) confirms that the Applicant has the resources to pay such compensation.
- 9.2.11 On balance, the Applicant considers that the public benefits which the Scheme would bring outweigh the private loss which would arise from interference with private rights affected by the Scheme.
- 9.2.12 The Applicant therefore considers that the proposed compulsory acquisition of land and rights over land is legitimate (in that if authorised by the DCO, the delivery of the Scheme would be lawful), necessary (in that there is a need for the Scheme) and proportionate (in the context of the balancing exercise described above).
- 9.2.13 The Applicant considers that it would be appropriate for the Secretary of State to make the DCO including the grant of compulsory acquisition and temporary possession powers and confirms that the Convention rights of individuals have been fully considered as detailed above.

10 The Public Sector Equality Duty

10.1 Introduction

10.1.1 The Applicant is aware of the Public Sector Equality Duty (“PSED”) contained in Section 149 of the Equality Act 2010 (“the Equality Act”).

10.1.2 Section 149 states that a public authority must, in the exercise of its functions, have due regard to the need to—

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.1.3 The relevant protected characteristics for the purposes of the PSED are listed in Section 149(7) Equality Act 2010 and are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

10.1.4 The Equality Act explains that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;

-
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

10.1.5 The Applicant has considered the PSED throughout its decision-making in respect of, and processes relating to, this application for development consent for the Scheme. The situation is continuously being evaluated by the Applicant to ensure that nothing has changed from the initial information available which would lead the Applicant to consider taking different action or that there are no other persons with a protected characteristic which the Applicant had not previously known about or who may have a protected characteristic which was not fully understood.

10.2 Equality Impact Assessment

10.2.1 In the context of the application for development consent for the Scheme, an Equality Impact Assessment (EqIA) (document reference 6.15) has been prepared. The EqIA considers the impact of the Scheme on relevant groups who share characteristics which are protected under the Equality Act, as well as others considered to be vulnerable within society such as low-income groups. The EqIA is an information gathering tool which enables decision makers and designers to give 'due regard' to their legal duty under the Equality Act.

10.2.2 The EqIA was undertaken in three stages: screening; full assessment; and outcome monitoring.

10.2.3 The screening process considered:

- Whether there is evidence to suggest that any individuals or groups with protected characteristics have particular sensitivities or needs in relation to the Scheme;
- Whether there are existing inequalities or access barriers to services or developments which need to be considered; and
- Whether there are particular community groups or stakeholders representing those with protected characteristics who have expressed interest in or concerns about the Scheme.

10.2.4 On completion of the EqIA Screening, it was identified that some elements of the Scheme could disproportionately affect vulnerable groups. During construction, the Scheme has the potential to change and disrupt the road,

pedestrian and cycle network, disrupt and change public transport services, reduce accessibility to community facilities, lead to community severance and cause disturbance, air quality and noise impacts to a variety of sensitive receptors that provide services for people with protected characteristics. In contrast, during operation, the Scheme would be likely to enhance the road, pedestrian and cycle network, reduce journey times for pedestrians, cyclists, vehicles and public transport users and increase accessibility of community facilities.

10.2.5 On the basis of the potential impacts outlined above, the EqIA Screening identified that a full EqIA should be carried out for groups with the following protected characteristics:

- Sex;
- Age;
- Religion or belief;
- Disability; and
- Pregnancy and maternity.

10.2.6 The EqIA screening noted there was no evidence to suggest other groups or individuals with protected characteristics would be disproportionately affected by the Scheme.

10.2.7 The full EqIA presented the likely effects of the Scheme on sex, religion or belief, age, disability and pregnancy and maternity. The EqIA noted that during construction there is likely to be a low, medium term negative effect to sensitive equality receptors and similar effects are apparent across equality groups. The effects identified are summarised below:

- Construction noise and vibration:

Sensitive receptors close to the Principal Application Site are at higher risk to elevated noise levels and disturbance effects. However, it is considered that the risk for disturbance effects to arise would be minimised through measures contained within the Outline Code of Construction Practice (“CoCP”) (document reference 6.16).

- Construction air quality and nuisance effects:

The same sensitive receptors as above may be at higher risk to reduced air quality, material or dust soiling and construction traffic track out during construction. In addition, vulnerable groups using community facilities in proximity to the Scheme, including children and the elderly, may be more susceptible to air pollution effects.

Despite this, the risk of air quality disturbance effects arising will be minimised as construction works are phased and temporary, and measures within the Outline CoCP (document reference 6.16) would be implemented.

- Reduced access to community facilities:

To ensure the safety of pedestrians, cyclists and road users, several road and footpath diversions would be required during the construction. This is likely to impact persons with protected characteristics particularly those with limited mobility or specific travel needs (such as the elderly, persons with a disability, pregnant women and new mothers) and people who lack confidence when changing their usual travel patterns or adapting to new ones or have perceived security or severance issues (children and the elderly).

10.2.8 Construction noise and vibration, air quality and nuisance effects will be managed through appropriate mitigation measures, as detailed within Chapter 6: Air Quality and Chapter 7: Noise and Vibration Acoustics of the Environmental Statement (document reference 6.1).

10.2.9 The following measures will be incorporated by the Applicant into the Outline Code of Construction Practice (document reference 6.16) to minimise impacts on those with protected characteristics:

- Advanced notice of any road or footpath closures and/or diversions to be communicated to the local community;
- Where practicable, footpaths (including diversions) will be maintained for pedestrians and cyclists affected by the Scheme, including reasonable adjustments to maintain or achieve inclusive access;
- Where practicable, inclusive access (including for people with reduced mobility) will be maintained to community facilities where they have been temporarily disrupted during construction. If additional measures or reasonable adjustments are identified through the community liaison process to ensure accessibility by persons with a disability or reduced mobility, routes and / or diversions should be reviewed;
- Where the usual means of access must be diverted or blocked off, alternative safe routes for persons with reduced mobility will be identified, considering existing hazards and obstructions such as pavement kerbs; and

-
- Any changes or amendments to public transport services because of the Scheme construction will be clearly communicated in advance to the local community.

10.2.10 The EqIA determined that the Scheme, once in operation, is likely to have a low to medium, long term, positive effect on groups with protected characteristics. Ongoing monitoring will take place to ensure that equalities impacts are removed or minimised throughout the construction and operation of the Scheme.

10.2.11 The EqIA concluded that the Scheme is likely to improve overall access to community facilities for all users.

11 The Planning Policy Position Including the View of Government

11.1 Planning Context

11.1.1 The Scheme is supported by Government policy. On 26th February 2018 by a Direction given by the Secretary of State for Transport under section 35 of the Planning Act 2008, the Scheme was designated a project of national significance for which development consent under the Planning Act is required. It is in this context that the Scheme is referred to as a Nationally Significant Infrastructure Project (“NSIP”) in the Applicant’s DCO documentation.

11.1.2 The Secretary of State was of the opinion that the Scheme was nationally significant for several reasons, expressed as follows:

- *"The Port has a nationally significant role in the renewable energy sector and the offshore gas and oil industry and the scheme will substantially improve connectivity and resilience for port activities;*
- *The scheme will support the delivery of existing and potential renewable energy NSIPs; and*
- *Supports the Port’s role as an International Gateway".*

11.1.3 It was also noted that, in addition, "the scheme will improve the offer of the Port through better connectivity to the Enterprise Zone".

11.2 National Policy and Marine Policy Documents

National Policy Statements

11.2.1 Under Section 104 of the Planning Act 2008, the Secretary of State, in determining the application for development consent, must have regard to any national policy statement (“NPS”) which relates to the development being considered.

11.2.2 The Applicant’s Case for the Scheme (document reference 7.1) sets out the planning policy position for the Scheme, by identifying the relevant national and local planning policies and policy objectives, and assessing how the Scheme, and its associated objectives, align. The Planning Policy chapter of the Case for the Scheme advises that the Scheme is supported by planning policy at both the national and local scale, in terms of both transport and land use planning.

For the avoidance of duplication, that analysis and assessment is not repeated in this Statement and, therefore, this Statement should be read alongside the Case for the Scheme.

11.2.3 In summary, the following national policy and marine policy documents are of relevance to and provide planning policy support for the Scheme:

- National Policy Statement for National Networks 2014;
- National Policy Statement for Ports 2012;
- UK Marine Policy Statement 2011;
- East Inshore Marine Plan 2014;
- National Planning Policy Framework 2019;
- National Infrastructure Delivery Plan 2016 – 2020;
- Road Investment Strategy 2015 – 2020.

11.2.4 For highways schemes, the relevant NPS is the National Networks National Policy Statement (December 2014) ("NPSNN "). The Secretary of State will use the NPSNN as the primary basis for making his decision on the Applicant's DCO application; and, in evaluating the merits of the Scheme, the Secretary of State must have regard to the NPSNN.

11.2.5 The Applicant's Case for the Scheme (document reference 7.1) assesses the Scheme against the detailed requirements of NPSNN, including a detailed and structured assessment at Appendix A of that document. The Case for the Scheme also assesses how the Scheme meets the need for the development of national networks, as outlined in Chapter 2 of the NPSNN.

11.2.6 For the avoidance of duplication and unnecessary repetition between Application documents, the above-mentioned assessment of the Scheme against the NPSNN requirements is not reproduced in this Statement of Reasons and this Statement of Reasons should be read in conjunction with the Case for the Scheme.

National Policy Statements for Ports

11.2.7 The Applicant has also had regard to the National Policy Statement for Ports ("NPS for Ports"). Clearly, the development for which the Applicant seeks development consent is a highways scheme and is therefore not 'port development', as it does not constitute "the construction or alteration of harbour facilities" under section 14(1)(j) of the Planning Act and nor does it come within the criteria for harbour facilities which are set out in section 24

of the Planning Act. Accordingly, there is no requirement for the Application to be determined in accordance with the NPS for Ports.

11.2.8 However, given the nature and location of the Scheme, the Applicant is of the view that it is appropriate to have regard to relevant aspects of the NPS for Ports. Such aspects include, for example, consideration of "the essential role of ports in the UK economy" and the Government's "policy for ports", insofar as it aims to encourage sustainable port development to support long-term economic growth and prosperity. The NPS for Ports sets out the framework for making decisions on proposals for new port development, recognising the essential role ports play in the UK economy and the wider economic benefits that they can bring.

11.2.9 The Applicant's consideration of the NPS for Ports is included in the Case for the Scheme (document reference 7.1) and is not duplicated here.

Marine Policy Documents

11.2.10 Under Section 104 of the Planning Act, the Secretary of State must have regard to relevant marine policy documents. Applicable marine policy documents relevant to the scheme are as follows:

- UK Marine Policy Statement 2011; and
- East Inshore Marine Plan 2014.

11.2.11 The Case for the Scheme (document reference 7.1) identifies and assesses the relevant policy considerations arising from both these documents, so that assessment is not duplicated here.

Other National and Local Policy

11.2.12 The Case for the Scheme (document reference 7.1) includes analysis and assessment of the following national and local policy documents, to the extent that they are applicable to the Scheme, and that analysis and assessment is not repeated in this Statement:

- National Planning Policy Framework 2019;
- National Infrastructure Delivery Plan 2016 - 2021;
- Road Investment Strategy 2015 - 2020; and
- Development Plan(s).

The View of Government

11.2.13 As stated above and discussed in the Case for the Scheme (document reference 7.1), the delivery of the Scheme is supported by the UK Government. National policy support exists, and the Funding Statement (document reference 4.2) confirms that a funding contribution was approved by The Department for Transport (DfT) in November 2017 with the Scheme being given “Programme Entry” to the DfT’s Large Local Major Schemes programme and an award of provisional funding subject to Full Approval of the Scheme being granted by the DfT following the completion of statutory procedures.

12 Special Considerations Affecting the Order Land

12.1 Protection for Special Category Land

12.1.1 The Planning Act provides a degree of protection from powers of compulsory acquisition for certain 'special categories' of land.

Special Category Land – Common or Open Space

12.1.2 Sections 131 and 132 of the Planning Act make provision for Special Parliamentary Procedure to apply (unless land in exchange is provided or is unnecessary) where a DCO authorises the compulsory acquisition of land, or rights over land, forming part of a common, open space or fuel or field garden allotment. These have the same meanings as in section 19 of the Acquisition of Land Act 1981.

12.1.3 Section 19(4) of the Acquisition of Land Act 1981 states that:

"In this section-

- "common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,
- "fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,
- "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground".

12.1.4 The Applicant confirms that no land forming part of a common, open space, fuel or field garden allotment exists within, or is affected by, the Order Land.

12.1.5 There are areas of land within the Order Limits which are used for allotments. However, these were not created under an Inclosure Act and therefore there are no allotments to which s131 or s132 of the Planning Act apply. The Applicant has made arrangements with regard to providing alternative land to be used for these allotments and this is discussed in more detail in paragraphs 12.2.1 to 12.2.6 of this Statement.

12.1.6 Some of the Order Land is situated next to Southtown Common. The Applicant confirms that the Order Limits do not encroach upon the Southtown Common boundary.

12.1.7 Land constituting Coast Path Coastal Margin (created by Natural England under the Marine and Coastal Act Access 2009) occurs within the Order Limits. The Applicant does not consider that any such land qualifies as open

space as it is either privately owned with physical barriers to prevent public access or is within the public highway. This is discussed further in paragraphs 12.2.7 to 12.2.21 of this Statement.

- 12.1.8 There is no foreshore along the part of the River Yare which is included within, or affected by, the Order Limits.

Special Category Land – National Trust Land

- 12.1.9 No land belonging to the National Trust, which is held by the Trust inalienably, exists within, or is affected by, the Order Land.

Special Category Land – Special Parliamentary Procedure

- 12.1.10 The Applicant does not expect the draft DCO to be subject to Special Parliamentary Procedure because the Order Land does not include or affect any land which is special category land.

12.2 Other Land which attracts Special Consideration by the Applicant

Allotments at the Junction of Queen Anne's Road and Suffolk Road

- 12.2.1 There is a site at the junction of Queen Anne's Road and Suffolk Road which contains four allotment plots within it. The land is owned by the Great Yarmouth and Gorleston Allotment Association (GYGAA) and the allotments are used by and for the purposes of the local community.
- 12.2.2 These allotments were not created under an Inclosure Act and therefore do not constitute special category land.
- 12.2.3 The Scheme will involve the full acquisition of this site.
- 12.2.4 In order to minimise the loss of the allotment land, the Applicant has been working with the GYGAA for some time to ensure that a new site can be provided to the GYGAA's satisfaction and the GYGAA have confirmed that they are content with the Applicant's proposed alternative land and layout for the allotments.
- 12.2.5 A plot has been allocated north of Queen Anne's Road but slightly to the east of the current site to ensure this amenity remains within the vicinity of its current location. The proposed plot is of a comparable area and will comprise four individual plots with appropriate facilities provided so far as is practicable as part of the Scheme.

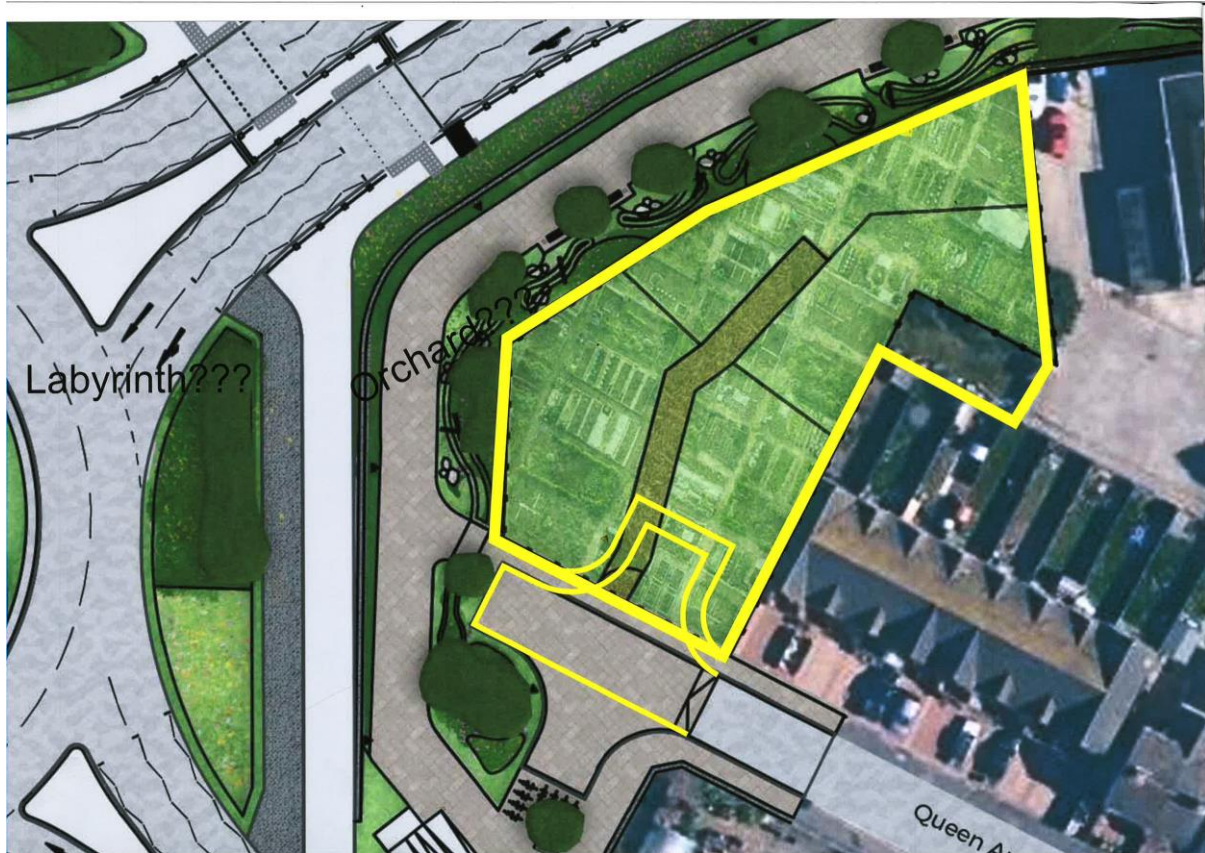


Figure 12.1 GYGAA Indicative Site Layout

12.2.6 Figure 12.1 above shows a central path within the site, to access each of the four plots. Each plot is the equivalent of 10 rods or 250m² which had been requested by the GYGAA.

Coast Path Coastal Margin

12.2.7 As stated at paragraph 12.1.7 above, land constituting Coast Path Coastal Margin occurs within the Order Limits.

12.2.8 The Applicant has examined carefully the status of this area and is of the view that none of the land affected by the Scheme within the Coast Path Coastal Margin is open space and is therefore not special category land for the purposes of the Development Consent Order application.

12.2.9 Section 19(4) of the Land Acquisition Act 1981 defines "open space" as "any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground".

12.2.10 The Coastal Margin is created by Natural England under the Marine and Coastal Access Act 2009.

12.2.11 The area in the vicinity of the scheme is shown coloured pink in Figure 12.2 below.

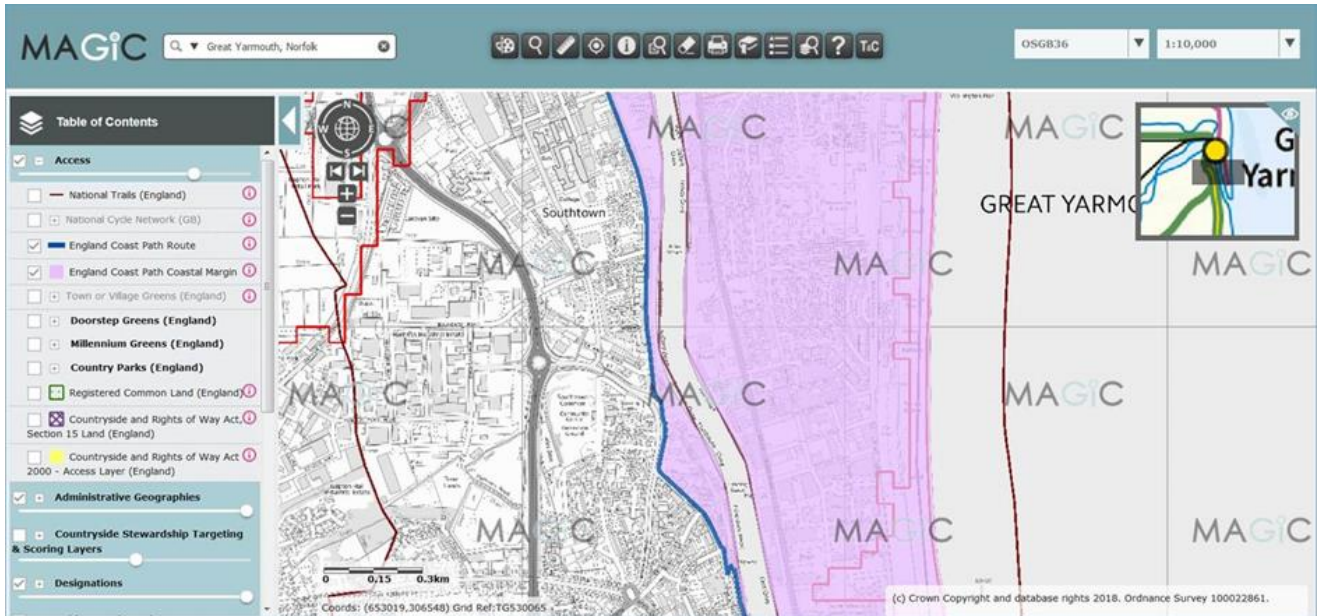


Figure 12.2 Coast Path Coastal Margin

12.2.12 All land within the 'coastal margin' (where it already exists) is by default access land (or open space). However, in some areas it contains land not subject to access rights - for example cropped land, buildings and their curtilage, gardens and land subject to local restrictions including many areas of saltmarsh and flat that are not suitable for public access.

12.2.13 For the reasons set out below, the Applicant considers that the areas of Coastal Margin affected by the Scheme fall within this exemption definition.

Coast Path Coastal Margin - West of River Yare

12.2.14 The Coast Path follows the line of a footpath on the east side of Southtown Road. Between it and the river is an area of land known as Bollard Quay which is shown in purple at Figure 12.3 below.

Coast Path Coastal Margin

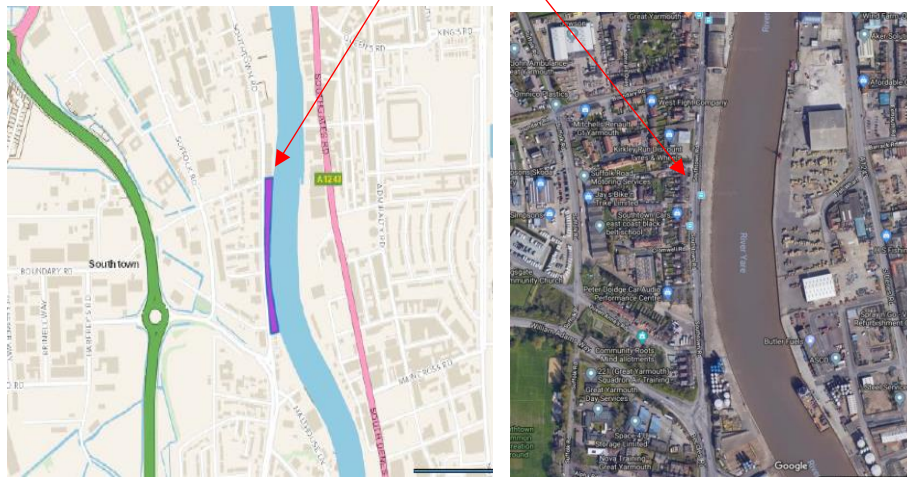


Figure 12.3 Coast Path Coastal Margin at Bollard Quay

12.2.15 Bollard Quay is currently leased to the Great Yarmouth Port Company (GYPC) from Great Yarmouth Borough Council.

12.2.16 This land is not available for public use as it is fenced off and gated. Historically this area has been used for port operations. The Quay surface was damaged about two years ago which has prevented it being used for port operations. The Applicant understands from GYPC that they will shortly be carrying out repair works to bring it back in to operational use.



Figure 12.4 Bollard Quay

Coast Path Coastal Margin - East of River Yare

- 12.2.17 The Coast Path area covered by the Scheme extends on the east side of the river up to South Denes Road (together with a few lengths of public highway beyond this).
- 12.2.18 This area of Great Yarmouth is heavily industrialised and used generally for port related activities. Part is used by GYPC for operational purposes whilst other areas are leased to companies such as ASCO UK Ltd and Perenco.
- 12.2.19 For all these port related areas the sites are fenced and have security barriers preventing general public access.
- 12.2.20 There is also a private car sales site which has fenced boundaries along South Denes Road affected by the Scheme. There is no general public access to this land.



Figure 12.5 Coast Path Coastal Margin - East of River Yare

- 12.2.21 Based on inspections of the area, the Applicant considers that none of the land affected by the Scheme which falls within the Coast Path Coastal

Margin can be considered to be “suitable for public access” and as such qualify as open space.

Land East of the Kingsgate Community Centre

12.2.22 There is an area of land, shown in Figure 12.6 below and edged in red, which is to the east of the Kingsgate Community Centre building. Its eastern boundary is Suffolk Road, the southern boundary is William Adams Way, and the northern boundary is the access road to the Kingsgate Community Centre. The western extent runs to a boundary fence with Kingsgate Community Centre.



Figure 12.6 Area of land east of the Kingsgate Community Centre

12.2.23 This area of land is owned by Great Yarmouth Borough Council (GYBC).

12.2.24 The site is currently unused, overgrown, and described as “scrubland”. Most of the site is impenetrable. Part only can currently be accessed due to recent action with heavy machinery to clear a drainage ditch situated at its western boundary.

12.2.25 GYBC has no proposals for the site, except for its anticipated use for part of the Scheme, and has confirmed that it is surplus to GYBC's requirements.

12.2.26 GYBC has not actively marketed the site, but has advised the Applicant that it would be open to a suitable offer to purchase it (if the Scheme were not to proceed) for a specific purpose, due to a combination of the following:

- the land has limited financial value, due to its size, location and marshy character;
- GYBC would wish to be assured about any future use of the site, in order to avoid traffic and amenity problems arising; and
- GYBC has understood for around 10 years that this land would likely be needed to facilitate the Third River Crossing, the delivery of which is a corporate priority for GYBC.

12.2.27 GYBC has advised the Applicant that the site currently has a nil use in planning terms. It does, however, fail to be considered as open space because it is undeveloped, and has a limited degree of visual amenity by virtue of the trees and shrubs on the site. It has no recreational or sports value, current or planned, because there is no public access and it is overgrown, and also there is substantial sports and recreation provision very close by at Southtown Common.

12.2.28 GYBC, as local planning authority, has assessed the site in the light of the development plan policies and other material planning considerations, and is of the view that:

- the land is surplus to requirements;
- it is of no existing or planned recreational or sport value;
- it makes a limited contribution to visual amenity in the immediate vicinity of the site.

12.2.29 In the view of GYBC, the loss of the modest contribution to local visual amenity provided by this 'open space' would be significantly outweighed by the advantage to the area of the provision of the Scheme.

12.2.30 GYBC has considered the desirability of a replacement of this 'open space' elsewhere, as would normally be expected for the loss of open land. However, in light of its lack of any recreational or sport value, and its limited contribution to visual amenity, it is considered that any requirement for replacement land would be based upon an overly rigid interpretation of the relevant policies.

12.2.31 There is an extensive open recreational space owned by GYBC, namely 'Southtown Common', immediately across the road from the site (to the south). Southtown Common already provides significant recreational and sport facilities and makes a contribution to local visual amenity value. In line with the Council's current leisure strategy, any additional sports provision or investment for the locality is expected to be provided here.

12.2.32 Therefore, from both a planning and ownership perspective, GYBC has confirmed to the Applicant that it has no concerns regarding the loss of this small area of land to enable provision of the Scheme.

Area of Southtown Road

12.2.33 The property known as the Flats 1 - 9, Gladstone Court, 114 -115 Southtown Road, Great Yarmouth, NR31 0JX ("the Property") is a block of flats. The freeholder of the Property was a company which has dissolved.

12.2.34 The Property is not within the Order Limits. However, the Applicant is intending to compulsorily acquire the freehold of part of Southtown Road and that part is within the Order Limits. Southtown Road adjacent to the Property is within the Order Limits.

12.2.35 The Property is shown on the land plans at plot 1-68.

12.2.36 In the absence of further evidence, the legal presumption is that the subsoil of the part of Southtown Road adjacent to the Property to the mid point of Southtown Road is owned together with the freehold of the Property (i.e. the freeholder of the adjacent property also owns the subsoil to the mid point of the highway).

12.2.37 Unfortunately, the information regarding the dissolution of the previous freehold owner of the Property has only recently become available to the Applicant because of further diligent inquiry undertaken by the land referencing agent as a result of a recent change to the Order Limits.

12.2.38 Because the freehold owner of the Property has dissolved, the Applicant's land referencing agent has been in discussions with the Bona Vacantia Division ("BVD") of the Government Legal Department. It is understood that the BVD has disclaimed the property and the freehold has been allowed to fall into escheat.

12.2.39 Land which has become escheat to the Crown does not generally become part of the Crown Estate and is generally not considered by the Crown Estate to be Crown land.

12.2.40 The position is that therefore, for land escheat to the Crown, because there is no interest in Crown land, Crown authority consent is not required pursuant to s135 of the Planning Act for the making of a DCO.

12.2.41 On the basis that plot 1-68 is not Crown land, the Applicant has not included this plot in Part 4 of the Book of Reference.

12.2.42 The Applicant has obtained written confirmation from the Crown Estate that the general position set out above applies to the Property and adjacent subsoil in Southtown Road. The following response has been received from Burges Salmon, acting on behalf of the Crown Estate:

“Following the disclaimer of the Property by the Treasury Solicitor, the Property may be deemed subject to escheat to the Crown at common law. By longstanding convention, properties that are subject to escheat fall to be dealt with by The Crown Estate, for whom this firm acts. However, The Crown Estate should not be regarded as the current owner of the Property, at least in any conventionally understood sense.

In accordance with legal advice given on previous occasions, The Crown Estate does not propose to take any action which might be construed as an act of management, possession or ownership in relation to the Property, since to do so may incur upon it liabilities with which the Property is, or may become, encumbered.

The reasoning behind this approach is that The Crown Estate does not accept that it should be, in effect, the guarantor of last resort for companies and individuals who have failed financially, leaving onerous property in their wake. To do so would not be an appropriate application of The Crown Estate's revenues, nor is it a function envisaged for The Crown Estate by Parliament. Properties which may be subject to escheat are not infrequently onerous in nature and many have little or no monetary value. The total cost of all potential past, present and future liabilities connected to such properties, of which there are many, would be enormous. As The Crown Estate accounts to the Treasury for its operating surplus, such cost would end up as a burden on the public purse.

The Crown Estate has a limited remit in relation to the Property, which is now effectively ownerless and the only action that it may take is to transfer a new freehold interest in the Property to an appropriate person or body. If such a disposal never happens, then it is likely that the Property will remain subject to escheat, effectively ownerless, indefinitely.”

The MIND Centre and Grounds

12.2.43 The organisation Great Yarmouth and Waveney MIND (“MIND”) currently leases some land from Great Yarmouth Borough Council and Great Yarmouth and Gorleston Allotment Association. MIND is a charity which provides advice and support to empower individuals experiencing or recovering from a mental health problem.

12.2.44 The land leased by MIND is situated on Queen Anne's Road and contains several small plots of land used for different activities, including

- Main buildings including patio/eating area
- Polytunnels
- A woodworking area
- An orchard
- A painted labyrinth created by an artist
- The Ted Ellis nature reserve pond
- Individual allotment plots for growing plants and vegetables

12.2.45 The plans for the Scheme result in the loss of some land from the site. However, there has been considerable engagement with MIND and the area of loss has reduced as a result of discussions and subsequent proposals for reconfiguration of the site.

12.2.46 The Applicant has considered whether the MIND Centre and Grounds is 'open space' for the purposes of the Planning Act because it might be said to be 'land laid out as a public garden or used for the purposes of public recreation' as set out in section 19 of the Acquisition of Land Act 1981.

12.2.47 Whilst some areas of the MIND Centre and Grounds are laid out as a garden, the site is not open to the public at all times and is kept locked outside operational hours. As such, the Applicant considers that it is not a public garden or used for the purposes of public recreation.

12.2.48 It is therefore not open space for the purposes of s19 of the Acquisition of Land Act 1981 and therefore not special category land for the purposes of the Planning Act.

12.2.49 Consideration has been given to the requirements of paragraph 5.166 of the NPSNN, which states that

“Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings”.

12.2.50 In paragraph 5.166 of the NPSNN, 'open space' has a different meaning from that contained in the Acquisition of Land Act 1981. Its meaning in the NPSNN is found in footnote 105 and is as follows:

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."

12.2.51 The Applicant's view is that, assessing the site against this definition, the MIND Centre and Grounds is not open space.

12.2.52 Nevertheless, the Applicant has considered the MIND Centre and Grounds against the term 'recreational buildings and land' which is also contained in paragraph 5.166 of the NPSNN.

12.2.53 The MIND Centre and Grounds, and the activities which take place within it, have been developed to provide assistance and support to people who are vulnerable. It enables people to learn about horticulture and gardening. Some of the site's features and discussions between the Applicant's representatives and the MIND users and management indicate that it provides a place where people can reflect and find peace as well as engage in physically engaging tasks. Thus, whilst some might argue it is merely a therapeutic centre, the nature of activities taking place on the site could be encompassed within the expression 'recreational activities taking place on or in recreational buildings and land.'

12.2.54 Paragraph 5.174 of the NPSNN also refers to recreational buildings and land. It states:

"The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities."

12.2.55 The recent High Court decision in **R. (on the application of Brommell) v Reading BC** [2018] EWHC 3529 (Admin); [2018] 12 WLUK 306 considered the interpretation of the same wording contained in paragraph 74 of the National Planning Policy Framework 2011 (now para 97 in the NPPF, updated 19 February 2019) and concluded:

"Whether the provision was equivalent or better had to be judged in terms of both quantity and quality. The word "and" simply made clear that both quality and quantity were relevant parameters in judging whether provision was "equivalent or better". So the overall requirement was that the open space

land lost had to be made up for, and whether that requirement was met was a matter of planning judgment, having regard to both the quantity of what was to be provided and the quality, but allowing, in an appropriate case, for one to be set off against the other.”

- 12.2.56** The Scheme includes proposals for the MIND Centre and Grounds to be reconfigured. The existing site extends in total to approximately 4,646m². The permanent acquisition for the Scheme from the MIND Centre and Grounds, as detailed in the Book of Reference (document reference 4.3), totals 1,910m² (41% of the site area). As set out in Appendix Q-3 of the Consultation Report (Appendices) (document reference 5.2) ‘Details of Refinements to the Proposed Scheme – Refinements at the MIND Centre’, the reconfigured site areas would provide MIND with access to a minimum total area of 3,650m², which is a reduction in land of approximately 996m² (21%) compared to the existing site. There is an opportunity to extend the reconfigured site further by incorporating the terraced slope. This would provide a further 300m², reducing the overall reduction to 696m² or 15% compared to the existing site.
- 12.2.57** Whilst this will therefore result in an overall loss of land available to MIND, the Scheme proposals would result in the re-provision of the directly affected facilities, such as an orchard, painted labyrinth and nature reserve pond area. The Applicant will also work with MIND to see if internal alterations can be undertaken to make the reconfigured site layout more useable (see paragraph 12.2.66 below) and is seeking temporary possession powers on the balance of the site to facilitate this. The reconfigured site will remain in a suitable location with which the current MIND users are familiar.
- 12.2.58** These proposed reconfiguration works are included in Schedule 1 to the draft DCO, where they are referenced as Work No. 12.
- 12.2.59** Another important consideration for the Applicant in reconfiguring the MIND Centre and Grounds is the application of the Equality Act 2010. More detail regarding this and the Public Sector Equality Duty it contains is set out in Chapter 10 of this Statement.
- 12.2.60** Many of the users of the MIND site are vulnerable and therefore very likely to possess some of the characteristics protected by the 2010 Act, which, for example, include age and disability.
- 12.2.61** In promoting, designing and constructing the Scheme, the Applicant must have due regard to the needs of the vulnerable users of the MIND Centre and Grounds and must do whatever it reasonably can to ensure that the MIND site users can continue to use the site for the same purposes or ensure there is equivalent or better provision in the locality.
- 12.2.62** The Scheme proposals provide an area of land close to William Adams Way Roundabout and the MIND Centre and Grounds, which could be used to

provide an area of orchard, replicating the existing orchard area within the MIND Centre and Grounds, which would need to be removed to accommodate the Scheme. The Applicant is agreeable to the principle of planting new trees in this area as a replacement for those trees lost as a result of the Scheme.

12.2.63 The Ted Ellis Nature Reserve (located within the existing MIND Centre and Grounds) is impacted by the Scheme. The Applicant is agreeable to providing resource to help relocate this area to an alternative location within the revised main site.

12.2.64 An alternative site for a painted Labyrinth (located within the existing MIND Centre and Grounds) has been identified as part of the Scheme. During the Applicant's recent engagement with MIND, there were suggestions that the Labyrinth could be moved into an area of Bollard Quay, to the south of the new bridge. However, the Labyrinth has been examined by the Applicant, who does not consider that it can be moved to any alternative location without its concrete base cracking. The Applicant therefore proposes to provide a new concrete base, onto which a new Labyrinth can be painted.

12.2.65 The Applicant will continue to work with MIND to agree other site modifications within the existing site to improve the overall usability of the facility. These will include providing new accessible pathways within the site, re-siting the woodworking area and repositioning the individual allotment plots for growing plants and vegetables.

12.2.66 In summary, the Applicant considers that:

- The MIND Centre and Grounds is not open space for the purposes of the Planning Act and is not therefore special category land.
- The MIND Centre and Grounds may constitute recreational buildings and land and therefore paragraphs 5.166 and 5.174 of the NPSNN may apply.
- The case of **Brommell** makes it clear that compliance with those paragraphs of the NPSNN does not require the provision of equivalent or better provision both in terms of quantity and quality: one factor may outweigh the other.
- Positive proposals have been made by the Applicant in respect of the MIND Centre and Grounds to provide new, improved and compensatory facilities which constitute equivalent or better provision in terms of quality.

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- On the basis of the above the Applicant does not propose to provide replacement land of an equivalent or better size.

12.2.67 The Applicant has consulted with the MIND Centre users and management team, engaged in several meetings and discussions with them and has made refinements to the Scheme to accommodate their suggestions and wishes.

12.2.68 The Applicant has agreed to provide new, improved and compensatory land and facilities for the MIND Centre and Grounds which are accepted by its users and management team.

12.2.69 The Applicant submits that the benefits of the Scheme (including its need) outweigh the potential loss of land within the MIND Centre and Grounds.

13 Other Consents Required in Relation to the Scheme

- 13.1.1** A DCO is being sought for the Scheme and the majority of consents required to permit the Scheme to come forward will be included, or addressed, within the draft DCO, as permitted by various provisions of the Planning Act.
- 13.1.2** The Consents and Agreements Position Statement (document reference 7.3) identifies which consents, permits and exemptions are expected to be needed for the Scheme, and confirms whether they will be sought within the draft DCO. This information will not be repeated in this Statement of Reasons and the Consents and Agreements Position Statement should therefore be read in conjunction with the Statement of Reasons.

14 Summary and Conclusions

- 14.1.1 This Statement explains that the Applicant considers that it is legitimate, necessary, proportionate and justifiable for the DCO to contain compulsory acquisition and temporary possession powers in respect of land within the Order Limits, and that there is a compelling case in the public interest that the Applicant should be granted and permitted to subsequently exercise these powers.
- 14.1.2 The Applicant has negotiated, and will continue to negotiate, with landowners and occupiers, and confirms the intention only to use the powers of compulsory acquisition if acquisition by agreement is not possible.
- 14.1.3 The Order Land is required for (or is incidental to) the purposes of the DCO. Without the Order Land the Scheme cannot take place. The location of the works on the Works Plans (document reference 2.6) demonstrates that the land on the Land Plans (document reference 2.5) is needed to construct, operate and maintain the Scheme. The need to ensure that the Scheme can be delivered in a timely fashion requires the acquisition of a number of property interests in third party ownership and a means of overriding existing rights and interests in or over the land, together with the creation of new rights over the land.
- 14.1.4 This Statement advises that the Applicant considers that the public benefits associated with the Scheme outweigh the private losses (particularly given that such losses can be compensated) and that, accordingly, there is a compelling case in the public interest for the proposed use of powers of compulsory acquisition and temporary possession, as sought in the draft DCO.
- 14.1.5 As such, the Applicant contends that the inclusion of powers of compulsory acquisition meets the conditions contained in section 122 of the Planning Act 2008.

Appendix A – Details of the Purpose for which Compulsory Acquisition and Temporary Possession Powers are Sought

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
1-01	Temporary possession of land	Temporary possession of land to facilitate the improvement of the existing A47 Great Yarmouth Bypass in connection with the tie-in of the Crossing to the existing highway network at Harfrey's roundabout	1, 2
1-02	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-03	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-04	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-05	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-06	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-07	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-08	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-09	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of carrying out works to existing drainage infrastructure	3
1-10	Temporary possession of land	Temporary possession of land adjacent to the new roundabout to provide working space, including a construction compound for the	1, 2, 3

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
		construction of the Crossing and associated works	
1-11	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way and Queen Anne's Road in connection with the provision of the western approach to the Crossing, including associated landscaping and drainage	2, 3
1-12	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new roundabout in connection with the provision of the western approach to the Crossing, including associated landscaping and drainage	2, 3
1-13	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new roundabout in connection with the provision of the western approach to the Crossing, including associated landscaping and drainage	2, 3
1-14	Permanent acquisition of land	Acquisition of land for the improvement of Queen Anne's Road in connection with the provision of the western approach to the Crossing, including associated landscaping and drainage	2, 3
1-15	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-16	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-17	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-18	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-19	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing,	2
1-20	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Suffolk Road, in connection with the provision of the western approach to the Crossing and associated works	2, 8A

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
1-21	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-22	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including a new roundabout and associated landscaping	2, 8A
1-23	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including a new roundabout and associated landscaping and re-provision of allotments	2, 8A, 11
1-24	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new roundabout in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-25	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping	2
1-26	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including a new roundabout and associated landscaping	2, 8A
1-27	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way, in connection with the provision of the western approach to the Crossing, including associated landscaping and mitigation, and the provision of NMU facilities	2, 4, 12
1-28	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new turning head on Queen Anne's Road, including a new roundabout and approach road to the Crossing	2, 5B
1-29	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and re-provision of allotments	8A, 11
1-30	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and re-provision of allotments	8A, 11
1-31	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and re-provision of allotments	8A, 11

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
1-32	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and re-provision of allotments	8A, 11
1-33	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities and re-provision of allotments	8A, 11
1-34	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities and re-provision of allotments	8A, 11
1-35	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities and re-provision of allotments	8A, 11
1-36	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities and re-provision of allotments	8A, 11
1-37	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, new NMU facilities including the re-provision of allotments	8A, 11
1-38	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of new NMU facilities and the re-provision of allotments	8A, 11
1-39	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new turning head on Queen Anne's Road and the re-provision of allotments	5B, 11
1-40	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new turning head on Queen Anne's Road and re-provision of allotments	5B, 11
1-41	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new turning head on Queen Anne's Road and re-provision of allotments	5B, 11
1-42	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of a new turning head on Queen Anne's Road including the provision of space for new allotments	5B, 11

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
1-43	Permanent acquisition of land	Acquisition of land to provide space for the re-provision of allotments	11
1-44	-	Plot number not used	-
1-45	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping, the provision of NMU facilities and the re-provision of allotments	8A, 12
1-46	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and NMU facilities	8A
1-47	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and NMU facilities	8A
1-48	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-49	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-50	Permanent acquisition of land	Acquisition of land for the improvement of Cromwell Court, to provide turning facilities and parking	5D
1-51	Permanent acquisition of land	Acquisition of land for the improvement of Cromwell Road	5C
1-52	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-53	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-54	-	Plot number not used	-
1-55	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-56	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
1-57	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-58	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-59	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-60	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-61	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	8A
1-62	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities, together with the installation of new statutory undertakers' apparatus	5C, 8A
1-63	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities, together with the installation of new statutory undertakers' apparatus	5C, 8A
1-64	Permanent acquisition of land	Acquisition of land for the improvement of Southtown Road in connection with the provision of the western approach to the Crossing	5A, 8A
1-65	Permanent acquisition of land	Acquisition of land for the improvement of Southtown Road in connection with the provision of the western approach to the Crossing	5A, 8A
1-66	Permanent acquisition of land	Acquisition of land for the improvement of Boundary Road in connection with the provision of the western approach to the Crossing	2
1-67	Permanent acquisition of land	Acquisition of land for the improvement of Suffolk Road in connection with the provision of the western approach to the Crossing	2

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
1-68	Permanent acquisition of land	Acquisition of land for the improvement of Southtown Road in connection with the provision of the western approach to the Crossing	5A
2-01	Temporary possession of land	Temporary possession of land to facilitate the improvement of the existing A47 Great Yarmouth Bypass in connection with the tie-in of the Crossing to the existing highway network at Harfrey's roundabout	1, 2
2-02	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	2, 4
2-03	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way, in connection with the provision of the western approach to the Crossing, including associated landscaping and mitigation and the provision of NMU facilities	4, 12
2-04	Permanent acquisition of land	Acquisition of land for the improvement of Queen Anne's Road to permit vehicular traffic from its junction with Southtown Road in connection with the provision of the new roundabout and western approach to the Crossing	5B
2-05	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4, 12
2-06	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way	4, 12
2-07	Temporary possession of land	Temporary possession of land to provide mitigation works for the benefit of the MIND Centre and Grounds	12
2-08	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way	4, 12
2-09	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
2-10	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4
2-11	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way	4
2-12	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way	4
2-13	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4
2-14	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way	4
2-15	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the improved William Adams Way	4
2-16	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4
2-17	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4
2-18	Permanent acquisition of land	Acquisition of land for the improvement of William Adams Way in connection with the provision of the western approach to the Crossing, including associated landscaping and the provision of NMU facilities	4
2-19	Permanent acquisition of land	Acquisition of land for the improvement of Southtown Road in connection with the	4, 5A

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
		provision of the western approach to the Crossing	
3-01	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Southtown Road in connection with the provision of the western approach to the Crossing, including the provision of a new public realm on Bollard Quay	5, 6, 7, 8
3-02	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the Crossing including the provision of a new public realm on Bollard Quay	5A, 6A
3-03	Permanent acquisition of land	Acquisition of land including riverbed for the provision of a vessel waiting facility	6A
3-04	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the Crossing	6A
3-05	Temporary possession of land	Temporary possession of land including riverbed to provide working space for the construction of the Crossing and associated works	5, 6, 7, 8
3-06	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6, 7, 8, 9
3-07	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6, 7, 8, 9
3-08	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6, 7, 8, 9
3-09	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6, 7, 8, 9
3-10	Permanent acquisition of land	Acquisition of land for the improvement of Fish Wharf in connection with the provision of the eastern approach to the Crossing	9
3-11	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing including the provision of NMU facilities, together with the installation of new statutory undertakers' apparatus	9

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
3-12	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing	8C, 9
3-13	Temporary possession of land	Temporary possession of land to provide working space for the improvement of South Denes Road in connection with the provision of the eastern approach to the Crossing and associated works	8, 9
3-14	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing	9
3-15	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing	9
3-16	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing and associated works	8, 9
3-17	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing	9
3-18	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing	9
3-19	Permanent acquisition of land	Acquisition of land for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing	9
3-20	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing and associated works	8, 9
3-21	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Southgates Road in connection with the provision of the eastern approach to the Crossing and associated works	8, 9
3-22	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Southgates Road in connection with the	8, 9

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
		provision of the eastern approach to the Crossing and associated works	
4-01	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the Crossing including the provision of a new public realm on Bollard Quay	5A, 6A, 8B
4-02	Temporary possession of land	Temporary possession of land to provide working space for the improvement of Southtown Road in connection with the provision of the western approach to the Crossing, including the provision of a new public realm on Bollard Quay	5, 6, 7, 8
4-03	Permanent acquisition of land	Acquisition of land for the improvement of the William Adam's Way / Southtown Road junction, in connection with the provision of the western approach to the Crossing	5A
4-04	Permanent acquisition of land	Acquisition of land for the improvement of the William Adam's Way / Southtown Road junction, in connection with the provision of the western approach to the Crossing	5A
4-05	Permanent acquisition of land	Acquisition of land including riverbed for the construction, operation and maintenance of the Crossing and a new control tower building, including the provision of NMU facilities and a vessel waiting facility	6A, 7A, 8B
4-06	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the Crossing	6A, 6B, 8B
4-07	Temporary possession of land	Temporary possession of land including riverbed to provide working space for the construction of the Crossing and associated works	5, 6, 7, 8
4-08	Permanent acquisition of airspace and rights over land	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 Crossing	8B
4-09	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the Crossing	6A, 6B, 7B, 8B
4-10	Temporary possession of land	Temporary possession of land including riverbed to provide working space for the construction of the Crossing and associated works	5, 6, 7, 8
4-11	Permanent acquisition of land	Acquisition of land including riverbed for the construction, operation and maintenance of the	6B, 7B, 8B

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
		Crossing and a bridge plant room, including the provision of NMU facilities	
4-12	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including the provision of a new underpass to facilitate access to land north and south of the new bridge, and NMU facilities	8C
4-13	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6B, 8C, 9
4-14	-	Plot number not used	-
4-15	-	Plot number not used	-
4-16	-	Plot number not used	-
4-17	-	Plot number not used	-
4-18	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including the provision of a new underpass to facilitate access to land north and south of new bridge, and NMU facilities	8C
4-19	-	Plot number not used	-
4-20	-	Plot number not used	-
4-21	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6B, 7B, 8C, 9
4-22	-	Plot number not used	-
4-23	Permanent acquisition of rights over land	Acquisition of new rights (including the imposition of restrictive covenants) for the purpose of constructing, protecting, accessing and maintaining the Crossing	6B, 7B, 8B
4-24	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing	6B, 8C
4-25	Temporary possession of land	Temporary possession of land including riverbed to provide working space for the construction of the Crossing and associated works	5, 6, 7, 8
4-26	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6B, 7B, 8C, 9

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
4-27	Temporary possession of land	Temporary possession of land within the curtilage of the Neptune Warehouse to provide working space, including a construction compound for the construction of the Crossing and associated works	6B, 7B, 8C,9
4-28	Temporary possession of land	Temporary possession of land within the curtilage of the Neptune Warehouse to provide working space, including a construction compound for the construction of the Crossing and associated works	6B, 7B, 8C, 9
4-29	Temporary possession of land	Temporary possession of land within the Atlas Terminal to provide working space, including a construction compound for the construction of the Crossing and associated works	6B, 7B, 8C, 9
4-30	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including associated landscaping and the provision of NMU facilities	8C
4-31	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including the provision of NMU facilities	8C
4-32	Permanent acquisition of land	Acquisition of land for the improvement of Fish Wharf in connection with the provision of the eastern approach to the Crossing	9
4-33	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including the provision of NMU facilities	8C
4-34	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including the provision of NMU facilities	8C
4-35	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing	8C, 9
4-36	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including associated landscaping and the provision of NMU facilities	8C, 9
4-37	Permanent acquisition of land	Acquisition of land for the improvement of Fish Wharf in connection with the provision of the eastern approach to the Crossing	9
4-38	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including associated landscaping and the provision of NMU facilities	9

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
4-39	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including associated landscaping and the provision of NMU facilities	9
4-40	Permanent acquisition of land	Acquisition of land for the construction, operation and maintenance of the eastern approach to the Crossing, including associated landscaping and the provision of NMU facilities	9
4-41	Permanent acquisition of land	Acquisition of land for the improvement of South Denes Road in connection with the provision of the eastern approach to the Crossing	9
4-42	Permanent acquisition of land	Acquisition of land for the improvement of Sutton Road in connection with the provision of the eastern approach to the Crossing	10
4-43	Permanent acquisition of land	Acquisition of land for the improvement of Middle Road West in connection with the provision of the eastern approach to the Crossing	10
4-44	Permanent acquisition of land	Acquisition of land for the improvement of Middle Road East in connection with the provision of the eastern approach to the Crossing	10
4-45	Permanent acquisition of land	Acquisition of land for the improvement of Swanston's Road in connection with the provision of the eastern approach to the Crossing	10
4-46	Permanent acquisition of land	Acquisition of land for the improvement of Admiralty Road in connection with the provision of the eastern approach to the Crossing	10
5-01	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13A
5-02	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13A
6-01	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13B
6-02	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13B
6-03	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13B

Plot No.	Acquisition Type	Purposes(s) for which plot of land is required	Work Number(s)
6-04	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13B
6-05	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13B
7-01	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13C
7-02	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13C
8-01	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13D
8-02	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13E
8.03	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13E
9-01	Permanent acquisition of land	Acquisition of land for the installation of a variable message sign to facilitate the operation of the new and improved highway	13F