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STATUTORY INSTRUMENTS

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**2020 No. 1075**

The Great Yarmouth Third River Crossing  
Development Consent Order 2020

**PART 1**

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Great Yarmouth Third River Crossing Development Consent Order 2020 and comes into force on 15th October 2020.

**Commencement Information**

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

**Interpretation**

2.—(1) In this Order except where provided otherwise—

- “the 1961 Act” means the Land Compensation Act 1961 <sup>M1</sup>;
- “the 1965 Act” means the Compulsory Purchase Act 1965 <sup>M2</sup>;
- “the 1980 Act” means the Highways Act 1980 <sup>M3</sup>;
- “the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981 <sup>M4</sup>;
- “the 1984 Act” means the Road Traffic Regulation Act 1984 <sup>M5</sup>;
- “the 1990 Act” means the Town and Country Planning Act 1990 <sup>M6</sup>;
- “the 1991 Act” means the New Roads and Street Works Act 1991 <sup>M7</sup>;
- “the 2004 Act” means the Traffic Management Act 2004 <sup>M8</sup>;
- “the 2008 Act” means the Planning Act 2008 <sup>M9</sup>;
- “the 2009 Act” means the Marine and Coastal Access Act 2009 <sup>M10</sup>;
- “the 2016 Regulations and Directions” means the Traffic Signs Regulations and General Directions 2016 <sup>M11</sup>;
- “address” includes any number or address for the purposes of electronic transmission;
- “apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;
- “the approach to detailed design” means the document of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the approach to detailed design for the purposes of this Order;

“the authorised development” means, subject to the provisions of this Order, the development described in Schedule 1 (authorised development) and any other development authorised by this Order;

“authorised person” means—

- (a) a person acting in the course of that person's duties who—
  - (i) is an employee, agent, contractor or sub-contractor of the undertaker; or
  - (ii) is authorised by the undertaker to exercise one or more of its functions under this Order; or
- (b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, a person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire and Rescue Services Act 2004 <sup>M12</sup> or a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002 <sup>M13</sup>, acting in the execution of that person's duties;

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

“Borough of Great Yarmouth” means the administrative area of Great Yarmouth Borough Council;

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in section 329(1) of the 1980 Act;

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

“commence” means beginning to carry out any material operation (as defined in section 56(4) <sup>M14</sup> (time when development begun) of the 1990 Act) forming part of the authorised development other than operations, for the purposes of archaeological or ecological investigations, investigations of the existing condition of the ground or of structures, erection of any temporary means of enclosure, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“conservation area” means an area for the time being designated under section 69 (designation of conservation areas) of the Planning (Listed Buildings and Conservation Areas) Act 1990 <sup>M15</sup>;

“construction” includes execution, erection, carrying out, placing, altering, replacing, relaying and removal and “construct” is to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) <sup>M16</sup> of the 1980 Act;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003 <sup>M17</sup>;

“the engineering plans, drawings and sections” means the plans, drawings and sections of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the engineering plans, drawings and sections for the purposes of this Order;

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

“flood risk activity” has the same meaning as it has in the Environmental Permitting (England and Wales) Regulations 2016 <sup>M18</sup>;

“footpath” and “footway” have the same meaning as they have in section 329(1) of the 1980 Act;

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

“the GYPA” means the Great Yarmouth Port Authority and includes any person or body authorised by the Authority to act on its behalf for the purposes of this Order;

“Great Yarmouth Port” means the port over which the GYPA has jurisdiction as delineated on the harbour limits plan;

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

“the harbour master” means any person appointed as the harbour master by the GYPA under section 51 (appointment of harbour, dock or pier master) of the Harbours, Docks and Piers Clauses Act 1847 <sup>M19</sup> and includes that person's authorised deputies and assistants;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

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

“limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation);

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

“maintain” includes, to the extent which would not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement, inspect, repair, adjust, alter, remove, replace or reconstruct in relation to any part of the authorised development and any derivative of “maintain” is to be construed accordingly;

“master”, in relation to any vessel, means the person having the command, charge or management of the vessel for the time being;

“MMO” means the Marine Management Organisation;

“motor vehicle” has the same meaning as in section 185 of the Road Traffic Act 1988 <sup>M20</sup>;

“the new bridge” means Work No. 8B together with the vessel impact protection systems and supporting works comprised in Work Nos. 6A and 6B;

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

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

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

“the new bridge control tower” means Work No. 7A;

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

“the new bridge plant room” means Work No. 7B;

“the New Road” means the new highway comprised in Work No. 8;

“the new highways” means the new and realigned highways comprised in Work Nos. 2 and 8;

“the new roundabout” means the new roundabout comprised in Work No. 2;

“Order land” means the land shown coloured pink, the land shown coloured blue and the land hatched pink and blue on the land plans, and described in the book of reference;

“the Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans and the limits of land within which the authorised development, as shown on the works plans, may be carried out;

“Ordnance Datum” means Ordnance Datum Newlyn, which is the national system for height referencing in mainland Great Britain and which forms the reference frame for heights above mean sea level, at the time of this Order coming into force;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981 <sup>M21</sup>;

“the public realm areas” means the areas of the public realm facilities comprised in Work No. 6A;

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

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers' land) of the 2008 Act;

“statutory utility” means—

- (a) a statutory undertaker, or
- (b) a public communications provider as defined in section 151(1) (interpretation of Chapter 1F) of the Communications Act 2003.

“street” means a street within the meaning of section 48 <sup>M22</sup> (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as it has in Part 3 <sup>M23</sup> of the 1991 Act;

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

“traffic authority” has the same meaning as in section 121A <sup>M24</sup> (traffic authorities) of the 1984 Act;

“the traffic regulation measures plans” means the plans of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the traffic regulation measures plans for the purposes of this Order;

“traffic sign” has the same meaning as in section 64(1) (general provisions as to traffic signs) in the 1984 Act;

“tree preservation order” and “TPO” mean a tree preservation order made under section 198(1) (power to make tree preservation orders) of the 1990 Act;

“the tree preservation order and conservation area tree plans” means the plans of that description referenced in Schedule 15 (documents to be certified) certified by the Secretary of State as the tree preservation order and conservation area tree for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“Trinity House” means the Master, Wardens and Assistants of the Guild, Fraternity or Brotherhood of the most glorious and undivided Trinity and of St Clement in the Parish of Deptford Strond in the county of Kent, commonly called the Corporation of the Trinity House of Deptford Strond;

“undertaker” means Norfolk County Council;

“variable message sign” means a sign displaying information, as determined from time to time by the undertaker, about—

- (a) forthcoming closures of the new bridge to highway users and other matters relating to the operation of the new bridge;
- (b) routes which highway users are required or recommended to use, or not to use;
- (c) other matters of relevance to the operation of the local highway network; and
- (d) any other matter likely to be of assistance or interest to highway users;

“vessel” means any vessel navigable on the river Yare;

“vessel waiting facilities” means the facilities comprised in Work No. 6A;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

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

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the enjoyment of interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) References in this Order to the creation and acquisition of rights over land include references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the direction of the undertaker, either—

- (a) to an affected person directly, where that affected person's land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or
- (b) to any statutory undertaker for the purposes of their undertaking.

(4) All distances, directions, areas and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(5) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(6) References in this Order to points or other matters identified by letters or numbers are to be construed as references to those points or other matters so lettered or numbered on the relevant plans.

(7) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

(8) References to plots in this Order are references to the plots shown on the land plans and detailed in the book of reference.

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### Commencement Information

**I2** Art. 2 in force at 15.10.2020, see [art. 1](#)

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### Marginal Citations

- M1** 1961 c. 33.  
**M2** 1965 c. 56.  
**M3** 1980 c. 66.  
**M4** 1981 c. 66.  
**M5** 1984 c. 27.  
**M6** 1990 c. 8.  
**M7** 1991 c. 22.  
**M8** 2004 c. 18.  
**M9** 2008 c. 29.  
**M10** 2009 c. 23.  
**M11** S.I. 2016/362.  
**M12** 2004 c. 21. Section 44 was amended by section 6 of the [Emergency Workers \(Obstruction\) Act 2006](#) (c. 39).  
**M13** 2002 c. 30. Section 41 was amended by paragraph 42 of Schedule 14 to the [Police and Justice Act 2006](#) (c. 48).  
**M14** [Section 56\(4\)](#) was amended by paragraph 10(2) of Schedule 7 to the [Planning and Compensation Act 1991](#) (c. 34).  
**M15** 1990 c. 9.  
**M16** The definition of “cycle track” was amended by section 1 of the [Cycle Tracks Act 1984](#) (c. 38) and by paragraph 21(2) of Schedule 3 to the [Road Traffic \(Consequential Provisions\) Act 1988](#) (c. 54).  
**M17** 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.  
**M18** S.I. 2016/1154.  
**M19** 1847 c. 27.  
**M20** 1988 c. 52.  
**M21** 1981 c. 67. The definition of “owner” at section 7 was amended by paragraph 9 of Schedule 15 to the [Planning and Compensation Act 1991](#) (c. 34). There are other amendments to section 7 which are not relevant to this Order.  
**M22** [Section 48](#) was amended by section 124 of the [Local Transport Act 2008](#) (c. 26).  
**M23** See section 49, as amended by section 1(6) of, and paragraphs 113 and 117(a) of Part 2 of, Schedule 1 to the [Infrastructure Act 2015](#) (c. 7).  
**M24** [Section 121A](#) was inserted by paragraph 70 of Schedule 8 to the 1991 Act, and subsequently amended by section 271 of the [Greater London Authority Act 1999](#) (c. 29); [section 1\(6\)](#) of, and paragraphs 70 and 95 of Schedule 1 to the [Infrastructure Act 2015](#); and [S.I. 1999/1920](#) and [S.I. 2001/1400](#).

### Disapplication of legislation, etc.

3.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction, operation or maintenance of any part of the authorised development—

- (a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991 <sup>M25</sup>;
- (b) section 32 <sup>M26</sup> (variation of awards) of the Land Drainage Act 1991;
- (c) the provisions of any byelaws made under section 66 <sup>M27</sup> (powers to make byelaws) of the Land Drainage Act 1991;
- (d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the authority) to the Water Resources Act 1991 <sup>M28</sup>;
- (e) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 <sup>M29</sup> in respect of a flood risk activity only; and
- (f) the provisions of the Neighbourhood Planning Act 2017 <sup>M30</sup> in so far as they relate to temporary possession of land under articles 35 (temporary use of land for constructing the authorised development) and 36 (temporary use of land for maintaining the authorised development) of this Order.

(2) Despite the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 (meaning of “development”) of the Community Infrastructure Levy Regulations 2010 <sup>M31</sup> any building comprised in the authorised development is deemed to be a building into which people do not normally go.

(3) The provisions of the Allotments Act 1922 <sup>M32</sup> do not apply to the exercise by the undertaker of any functions under this Order.

#### Commencement Information

**I3** Art. 3 in force at 15.10.2020, see [art. 1](#)

#### Marginal Citations

**M25** 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the [Environment Act 1995](#) (c. 25), [paragraphs 25](#) and 32 of Schedule 2 to the [Flood and Water Management Act 2010](#) (c. 29) and S.I. 2013/755.

**M26** Section 32 was amended by [S.I. 2013/755](#).

**M27** Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the [Flood and Water Management Act 2010](#) and section 86 of the [Water Act 2014](#) (c. 21).

**M28** 1991 c. 57. Paragraph 5 was amended by section 100 of the [Natural Environment and Rural Communities Act 2006](#) (c. 16), [section 84](#) of, and paragraph 3 of Schedule 11 to the 2009 Act and [S.I. 2013/755](#). Paragraph 6 was amended by section 105 of, and paragraph 26 of Schedule 15 to, the [Environment Act 1995](#), sections 224, 233 and 321 of and paragraphs 20 and 24 of Schedule 16 and Part 5(B) of Schedule 22 to the 2009 Act and [S.I. 2013/755](#). Paragraph 6A was inserted by section 103(3) of the [Environment Act 1995](#).

**M29** [S.I. 2016/1154](#). Regulation 12 was amended by [S.I. 2018/110](#).

**M30** 2017 c. 20.

**M31** [S.I. 2010/948](#) as amended by [S.I. 2011/987](#).

**M32** 1922 c. 51. Act saved by section 100(10) of the [Agricultural Holdings Act 1948](#) (c. 63), restricted by section 9 of the [Allotments Act 1950](#) (c. 31).

**Changes to legislation:**

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, PART 1.