



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed Lake Lothing Third Crossing

Planning Inspectorate Reference: TR010023

April 2017

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State (SoS) in respect of the content of the Environmental Statement (ES) for the proposed Lake Lothing Third Crossing (the Proposed Development), Lake Lothing, Lowestoft, Suffolk.

This report sets out the SoS's opinion on the basis of the information provided by Suffolk County Council (the Applicant) in their report entitled 'Lake Lothing Third Crossing Environmental Impact Assessment Scoping Report' (February 2017) (the Scoping Report). The Opinion can only reflect the proposals as currently described by the Applicant.

The SoS has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The SoS is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, Paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations).

The SoS draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- impacts on designated ecological sites and their features;
- impacts as a result of mobilisation of contaminants and sediments;
- construction traffic and transportation impacts on the local highway network.

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

The SoS notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

1 INTRODUCTION

Background

- 1.1 On 28 February 2017, the SoS received the Scoping Report submitted by the Applicant under Regulation 8 of the EIA Regulations in order to request a Scoping Opinion for the Proposed Development. This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the Proposed Development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the Proposed Development is determined to be EIA development.
- 1.3 The EIA Regulations enable an Applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'Scoping Opinion') on the information to be provided in the ES.
- 1.4 Before adopting a Scoping Opinion the SoS must take into account:
 - *the specific characteristics of the particular development;*
 - *the specific characteristics of development of the type concerned; and*
 - *the environmental features likely to be affected by the development.*

(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the Proposed Development. The Opinion has taken account of:
 - the EIA Regulations;
 - the nature and scale of the Proposed Development;
 - the nature of the receiving environment; and
 - current best practice in the preparation of an ES.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information, if it is considered necessary in

connection with the ES submitted with the DCO application, when considering the DCO application.

- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the DCO application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP), Associated Development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a Scoping Opinion must include:
- *a plan sufficient to identify the land;*
 - *a brief description of the nature and purpose of the development and of its possible effects on the environment;*
and
 - *such other information or representations as the person making the request may wish to provide or make.*
- 1.9 The SoS considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a Scoping Opinion. A full list of the consultation bodies is provided at Appendix 2. The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 3, to which the Applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be

made available on our website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

1.14 This Opinion is structured as follows:

- **Section 1:** Introduction
- **Section 2:** The Proposed Development
- **Section 3:** EIA Approach and Topic Areas
- **Section 4:** Other Information

1.15 This Opinion is accompanied by the following Appendices:

- **Appendix 1:** Presentation of the ES
- **Appendix 2:** List of Consultation Bodies formally consulted
- **Appendix 3:** Respondents to consultation and copies of replies

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in the Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

The Applicant's Information

Overview of the Proposed Development

- 2.2 The Proposed Development is considered to be a Nationally Significant Infrastructure Project (NSIP) by virtue of a Direction under Section 35 of the Planning Act 2008 (as amended) (PA2008) by the Secretary of State for Transport. The reasons given for the Secretary of State's decision are that it would:
- provide a connection to/from the Trans European Network-Transport and the Strategic Road Network (SRN) (the A12/A47); and
 - act as a tactical diversion route for the SRN when the existing A12 Bascul Bridge at Lowestoft is closed, thereby reducing delays and congestion on the SRN.
- 2.3 The Proposed Development comprises a single carriageway road on a new bascule (opening/lifting) bridge crossing Lake Lothing, which would link the C971 Peto Way on the northern side of the lake to the B1531 Waveney Drive on the southern side of the lake. In addition to the new bascule bridge, the Proposed Development would incorporate a new rail bridge on the northern side to go over the existing East Suffolk Rail Line, and a new underpass bridge on the southern side which would be reached through a new access road from Waveney Drive, together with associated changes to the local highway network and new landscaping.

Description of the site and surrounding area

The Proposed Development site

- 2.4 The Proposed Development is located at Lake Lothing in Lowestoft, Suffolk. A description of the site is provided in Section 2.1 of the Scoping Report, and a site location plan has been provided at Figure 1.
- 2.5 Lake Lothing is a saltwater lake that separates the north and south sides of Lowestoft and forms the inner harbour of the Port of Lowestoft. The area of the town immediately surrounding the lake

comprises mainly commercial and residential properties. The areas to the north and south of the lake are characterised by dense residential development. The landscape through which the Proposed Development would pass is mainly urban, interspersed with small areas of semi-natural landscape along with industrial buildings.

- 2.6 Lake Lothing is an urban and industrial water space, used for recreational activity mainly at the western end where leisure crafts are moored, and for industrial uses at the eastern end where larger scale commercial sea vessels regularly dock (Section 4.4 of the Scoping Report).
- 2.7 The main road links in the area are the A146 between Lowestoft and Norwich, and the A12 between Lowestoft and Great Yarmouth to the north and between Lowestoft and Ipswich to the south. The East Suffolk Rail Line serves Lowestoft and crosses the western end of Lake Lothing adjacent to the A1177 Mutford Lock Bridge.
- 2.8 Public Rights of Way (PROW) and cycle routes in the area of the Proposed Development are shown on Figure 12 of the Scoping Report. A national cycle route crosses the existing eastern bridge (the SoS assumes that this is the existing A12 Bascule Bridge) and follows the eastern edge of Lake Lothing (Section 4.4 of the Scoping Report).
- 2.9 Three historic landfills are located in the south east of the Proposed Development site (paragraph 4.6.6 of the Scoping Report). Geo-environmental investigations on the site undertaken by the Applicant (reported in Appendix G of the Scoping Report) did not find contaminated land but identified that potentially contaminated material may be located at several places within the site (Section 4.6, paragraph 4.6.5 of the Scoping Report).

The Surrounding Area

- 2.10 Lake Lothing is connected to the North Sea via Lowestoft Inner Harbour to the east, and allows marine access to the upstream Oulton Broad and the wider Broads National Park to the west of Lowestoft through Mutford Lock. Oulton Broad is linked through Oulton Dyke to the River Waveney. A number of watercourses flow into Lake Lothing, including Kirkley Stream (Scoping Report, paragraph 4.11.5). The lake lies within the Bure & Waveney and Yare & Lothing surface water body, currently evaluated by the EA as having an overall 'Poor' status.
- 2.11 The eastern end of Lake Lothing is within the South Lowestoft Conservation Area (shown on Figure 5 of the Scoping Report), which lies to the east of the Proposed Development site. The North Lowestoft Conservation Area is located north of Milton Road East, to the north east of the Proposed Development site. No listed buildings have been identified by the Applicant within the 500m study area. Non-designated heritage assets which may be affected by the

Proposed Development are described in paragraphs 4.3.6 to 4.3.10 of the Scoping Report.

- 2.12 The internationally designated sites identified in the Scoping Report are: the Broadland Special Protection Area (SPA); the Broadland Ramsar; the Outer Thames Estuary SPA; the Outer Thames Estuary proposed SPA (pSPA) Extension; the Broads Special Area of Conservation (SAC); and the Southern North Sea proposed SAC (pSAC).
- 2.13 The Applicant has identified one nationally designated site, the Sprat's Water and Marshes, Carlton Coville Site of Special Scientific Interest (SSSI); and one local statutorily designated site, Leathes Ham Local Nature Reserve (LNR), both located within 2km of the Proposed Development adjacent to Peto Way (Scoping Report, paragraphs 3.1.1 to 3.1.2). The LNR and three County Wildlife Sites (CWSs) identified in paragraph 4.5.12 are shown in Figure 6 of the Scoping Report.
- 2.14 The Applicant states that twelve non-statutory designated CWSs are located within 12km of the Proposed Development site and four of these may potentially be affected by the Proposed Development (Scoping Report, paragraphs 3.1.3 to 3.1.6).
- 2.15 A plan showing the location of statutory and non-statutory sites is provided in Appendix 2 of the Scoping Report.
- 2.16 Species surveys have been undertaken by the Applicant and have identified several habitats which are or may be important for conservation of species recognised by the UK Biodiversity Action Plan (BAP) and the Suffolk County BAP or associated with the Broadland SPA. These details are described and discussed in Sections 3.2 and 4 and set out in Tables 4.4 and 4.5 of the Scoping Report. A list of bird species identified within 2km of the site is shown in Appendix 3. Records of protected species are described in paragraphs 3.1.8 to 3.1.9 of the Scoping Report.
- 2.17 The Applicant has identified that there may be important palaeoenvironmental and geoarchaeological evidence in the vicinity of the Proposed Development beneath and within Holocene peat and alluvium, and that part of the internationally important Cromer Forest Bed Formation may lie beneath the site, although it is yet to be established.
- 2.18 The Applicant's Scoping Report notes that under the Water Framework Directive (WFD) the Environment Agency (EA) have determined that Lake Lothing is within the Bure & Waveney and Yare & Lothing surface water body. This estuarine water body is evaluated as having a current overall 'Poor' status, based on the 2015 dataset, due to biological and ecological results.

Description of the Proposed Development

- 2.19 The, Proposed Development comprises a new single carriageway road, approximately 0.75km long, which would cross Lake Lothing and link Peto Way on the northern side of the lake to the B1531 Waveney Drive on the southern side. The route is described in paragraphs 2.2.4 to 2.2.6 of the Scoping Report. It would incorporate a new bascule bridge across the lake, a new rail bridge on the northern side and a new road bridge on the southern side as well as associated changes to the local highway network.
- 2.20 The new bascule bridge would allow larger vessels to enter the inner harbour, while smaller vessels would be able to pass under the bridge as it would have a 12m clearance at the highest tides. Access to the bridge would be via approach spans, the details of which are not yet finalised. A series of fenders are proposed for both approaches to the bridge, to protect the bridge piers against impacts from ships. The bridge span across the lake would be approximately 100m, between the artificial banks on either side. The bridge would require abutments, and it is currently anticipated that the span between the abutments would be 35m.
- 2.21 It is anticipated at this stage that the surface access to the new bascule bridge would have a carriageway width of 7.3m (2 x 3.65m-wide traffic lanes), a 2m-wide footway on the western side of the carriageway, a 3.5m-wide segregated footway and cycleway on the eastern side, and a 0.5m-wide safety strip between the eastern footway and carriageway and between the western footway/cycleway and carriageway.
- 2.22 Two additional piers adjacent to the existing quay walls may be required in the event that the existing quay walls would not be able to withstand the loadings that would potentially be placed on them by the new bascule bridge.
- 2.23 A bridge control tower would be required, the location of which is to be decided. It may be on the new bridge pier or may be a joint control tower which serves both the existing A12 Bascule Bridge and the new bascule bridge, and would be housed either in the existing A12 Bascule Bridge or another location between the existing and the new bascule bridge.
- 2.24 It is currently anticipated that all the material for the new earthworks embankments would need to be imported.

Proposed access

- 2.25 A new roundabout would be constructed on the northern side of Lake Lothing which would connect the Proposed Development to the existing road network. The new road would be situated on a new embankment and connected to the new bascule bridge. The proposed

new rail bridge on the northern side of the lake would allow the existing East Suffolk Rail Line which runs between Ipswich, Norwich and Lowestoft to continue on to Lowestoft rail station.

- 2.26 A new road on the southern side of the lake would descend to a new roundabout or signalised junction. Improvements may be made between the new roundabout/ junction and the existing road and roundabout to provide access to the A12.
- 2.27 The SoS notes that the proposed roundabout and junction arrangements (shown in Scoping Report, Figure 2) are not yet finalised and will be refined prior to the submission of the DCO application.

Alternatives

- 2.28 The Scoping Report provides information on alternatives to the Proposed Development in Chapter 3.
- 2.29 Fifteen options were initially considered by the Applicant. These are listed in Table 3.1 (page 25). Section 3.4 of the Scoping Report explains why various options were discounted. Table 3.2 (pages 27 – 28) identifies the three options that were taken forward for further consideration. Section 3.6 explains the reasons for selecting the preferred option that comprises the Proposed Development.
- 2.30 The Scoping Report states that the ES chapter on alternatives will provide information on the consideration of alternative locations for the Proposed Development. The alternative options for the junction arrangements to connect the Proposed Development to the existing road network are not known at this stage, the Scoping Report confirms that the ES chapter will also provide information on the consideration of junction arrangement alternatives (Scoping Report paragraph 3.7.2).

Construction

- 2.31 The Proposed Development site boundary is shown on Figure 2. The total area of landtake required, including temporary landtake during the construction phase, is not identified in the Scoping Report. It is stated that the land requirements will be refined after further assessment and design work.
- 2.32 Paragraph 2.2.3 identifies a number of elements that the Applicant has assumed will form part of the construction phase. These include:
- use of floating barges to construct bridge piers and bridge deck;
 - creation of coffer dams;
 - piling of foundations;
 - site compounds on each side of the lake;

- loading areas for materials and workforce for constructing main bridge piers and deck;
 - working space to divert Statutory Undertakers' apparatus affected by the works;
 - diversion of access roads to maintain access to local businesses;
 - a concrete batching plant;
 - temporary road closures and diversions;
 - site offices/workshops; and
 - staff parking.
- 2.33 Construction is anticipated to last for 24 months and commence in 2020 in the event that DCO consent is granted. Paragraph 2.2.3 of the Scoping Report suggests that up to 150 staff would be employed at the peak of construction.
- 2.34 A summary of the likely main construction activities is provided in paragraph 2.2.25 of the Scoping Report and includes the following:
- diversion of Statutory Undertakers' equipment;
 - establishment of contractors' site compounds;
 - levelling and earthworks using scrapers, bulldozers and dump trucks;
 - piling;
 - import and export of material to construct the carriageway;
 - use of generators, temporary machinery and lighting;
 - construction vehicle movements to deliver and dispose of materials;
 - the requirement for temporary diversions and access restrictions; and
 - possible de-watering activities.

Operation and maintenance

- 2.35 No information has been provided in the Scoping Report on the potential operational and maintenance requirements of the Proposed Development.

Decommissioning

- 2.36 The decommissioning of the Proposed Development has not been considered in the Scoping Report.

The Secretary of State's Comments

Description of the Proposed Development site and surrounding area

- 2.37 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the Proposed Development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the Proposed Development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.38 The Scoping Report identifies much of this information but the ES should expand on the details of the site and surroundings as mentioned above so that a clear and comprehensive description of the characteristics of the site and its surrounding area are provided.
- 2.39 Varying terminology is used in the Scoping Report to refer to the existing A12 Bascule Bridge, and the bridge that carries the A1177 over Lake Lothing is interchangeably described as Mutford Bridge or Mutford Lock. The SoS recommends, particularly to avoid potential confusion with the new bridge that comprises the Proposed Development, that one term is used consistently throughout the ES to describe each bridge, such as, for example, 'the A12 Bascule Bridge', and 'Mutford Lock Bridge'.

Description of the Proposed Development

- 2.40 The Scoping Report does not provide detailed information on of all the elements of the Proposed Development such as, for instance, the bridge piers and abutments, which are mentioned briefly within Section 2.2. The Applicant should ensure that the description in the ES of the Proposed Development for which the DCO application is made includes all of the proposed structures, and is as accurate and firm as possible as this will form the basis of the EIA. It is understood that at this stage in the evolution of the scheme the description of the Proposed Development may not be completely confirmed. The Applicant should be aware, however, that the description of the Proposed Development in the ES must be sufficiently certain to meet the requirements of Paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and should therefore be more certain by the time the ES is submitted with the DCO application.
- 2.41 The plan showing the Proposed Development (Figure 2) does not identify Peto Way or Barnards Way. The Applicant should ensure that the plans in the ES identify the relevant elements and features referenced in the text.

- 2.42 Paragraph 2.2.2 of the Scoping Report notes that the land requirements for Associated Development relating to the Proposed Development, such as alterations/improvements to existing roads, will be refined following further assessment and design work. No further reference is made to any Associated Development. The Applicant should ensure that the ES clearly defines the elements of the Proposed Development that are integral to the NSIP and those that are 'Associated Development' under the PA2008 or an ancillary matter. Associated Development is defined in the PA2008 as development which is associated with the principal development. Guidance on Associated Development can be found in the Department of Communities and Local Government (DCLG) publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.43 Any proposed works and/or infrastructure required as Associated Development, or as an ancillary matter, (whether on or off-site) should be assessed as part of an integrated approach to environmental impact assessment (EIA).
- 2.44 The SoS recommends that the ES should include a clear description of all aspects of the Proposed Development, at the construction, operation and decommissioning stages, and include:
- land use requirements;
 - site preparation;
 - construction processes and methods;
 - transport routes;
 - operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
 - maintenance activities including any potential environmental or navigation impacts; and
 - emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.45 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

Flexibility

- 2.46 The SoS notes that a number of elements of the Proposed Development are yet to be finalised, such as, for example, the position of the control tower, the new bascule bridge approach spans,

the need for additional piers adjacent to the quay walls, and the road junction arrangements to the north and south of the new bascule bridge.

- 2.47 The Applicant should make every attempt to narrow the range of options prior to the submission of the DCO application, and should explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide-ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the DCO application and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of Paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.48 The Applicant's attention is drawn to the Planning Inspectorate's Advice Note Nine: 'Using the 'Rochdale Envelope' which is available on our website, and to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.
- 2.49 It should be noted that if the Proposed Development changes substantially during the EIA process, prior to the DCO application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Proposed access

- 2.50 The Scoping Report does not make clear how the site will be accessed during construction and when it is operational. The Applicant should consider making this information explicit within the ES.

Alternatives

- 2.51 The EIA Regulations require that the Applicant provide 'An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects' (see Appendix 1).
- 2.52 Alternatives have been considered by the Applicant as described in Chapter 3 of the Scoping Report. The ES should include the alternative options and show how these have been assessed along with a description of any further processes such as consultations that may lead to changes to the final proposed option which the ES will examine in detail.
- 2.53 The Applicant states that the ES chapter on alternatives will provide information on the consideration of alternative locations for the

Proposed Development. The alternative options for the junction arrangements to connect the Proposed Development to the existing road network are not known at this stage. The SoS welcomes the commitment to provide information on the consideration of junction arrangement alternatives (Scoping Report paragraph 3.7.2).

Construction

- 2.54 The SoS notes that no information has been provided in the Scoping Request regarding the size and location of construction compounds. Whilst it is appreciated that this information may not be available at this stage in the evolution of the Proposed Development, Applicants are reminded that this information will be required in the ES and that the compounds should be encompassed within the DCO site boundary.
- 2.55 The SoS considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES. It should be made clear whether any materials would be arriving by rail or water.
- 2.56 The ES should provide an estimate of the numbers of workers that would be employed during construction, whether these would be full/part time, their hours of working, and if shift work would be required.

Operation and maintenance

- 2.57 Information on the operation and maintenance of the Proposed Development should be included in the ES and should cover but not be limited to such matters as: the number of full/ part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage.

Decommissioning

- 2.58 In relation to decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The SoS encourages consideration of such matters in the ES.

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 1 of this Opinion and should be read in conjunction with this Section.

EU Directive 2014/52/EU

- 3.2 The SoS draws the Applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the Applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the EU. There is no immediate change to infrastructure legislation or policy. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPSs)

- 3.6 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs.
- 3.7 The SoS considers that the most likely relevant NPS for the Proposed Development, the National Networks NPS, sets out assessment principles that should be considered in the EIA. When undertaking the EIA, the Applicant must have regard to the National Networks NPS and identify how these principles have been assessed in the ES.
- 3.8 The Applicant may also wish to consider whether the NPS for Ports is relevant, and have regard to the principles contained therein if appropriate.
- 3.9 The SoS must have regard to any matter that the SoS thinks is important and relevant to the SoS's decision.

Environmental Statement Approach

- 3.10 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.11 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations or parameters to the Proposed Development.
- 3.12 The SoS recommends that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.13 The SoS notes that many of the topic chapters in the Scoping Report do not specify the study area that will be used for the assessments. The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.14 Not all of the topic chapters include a definition of what would be considered to constitute a significant effect. Neither do they all describe the criteria that will be used to define the magnitude of an impact or the sensitivity of a receptor, or provide information on mitigation, residual or cumulative effects. The SoS advises that the overarching methodology and criteria used for the EIA should be described in a discrete ES chapter, and any departure from that should be described in individual topic chapters as appropriate. The ES should clearly identify, for each phase of the Proposed Development, all the potentially significant effects, the specific mitigation measures proposed to avoid or reduce those effects, and any remaining residual effects, significant or otherwise. It should be clearly identified in the ES which are 'embedded' mitigation measures and which are 'further' mitigation measures, and these terms should each be clearly defined.

- 3.15 Very little information is provided in relation to piling activities, although it is indicated in Section 2.2 of the Scoping Report that piling is likely to be required for some elements of the Proposed Development, such as the bridge piers and foundations. The potential impacts of piling, should it be necessary, and any mitigation required, should be reported and assessed in the ES for all relevant topics. The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion) in respect of this matter.
- 3.16 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:
- to identify and collate the residual effects after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the DCO; and
 - to cross reference where details in the Habitats Regulations Assessment (HRA) (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Environmental Statement Structure

- 3.17 The information in the Scoping Report on each environmental topic has been separated out into two chapters, covering the baseline environment and the potential impacts of the Proposed Development, respectively. The SoS suggests that, for ease of reading, the Applicant gives consideration to combining these into one technical chapter in the ES for each topic.
- 3.18 The SoS notes that information on cumulative effects is provided in Chapter 5.14 of the Scoping Report, but that some topic chapters in the Scoping Report also include a section on cumulative effects while others do not. The SoS recommends that information on cumulative effects is provided consistently in the ES either as a discrete chapter or in each topic chapter.
- 3.19 The SoS welcomes the provision of figures to support the information contained in the Scoping Report, although they are not referenced on the Contents page and the list of figures contained in Table 4.1 (page 34) is not consistent with the figures provided.

3.20 Chapter 6 of the Scoping Report sets out the proposed structure of the ES and states that it is anticipated that the ES will be produced in three volumes:

- Volume 1: Main Text and Non-Technical Summary
- Volume 2: Figures
- Volume 3: Appendices

3.21 Table 6.1 (page 97) identifies the technical topic chapters proposed to be included in the ES, as follows:

- Chapter 8: Air Quality
- Chapter 9: Cultural Heritage
- Chapter 10: Townscape and Visual Impact Assessment
- Chapter 11: Nature Conservation
- Chapter 12: Geology, Soils and Contamination
- Chapter 13: Noise and Vibration
- Chapter 14: People and Communities – Effects on All Travellers
- Chapter 15: People and Communities – Community and Private Assets
- Chapter 16: People and Communities – Socio Economics including Recreation
- Chapter 17: Road Drainage and the Water Environment
- Chapter 18: Flood Risk
- Chapter 19: Traffic and Transport
- Chapter 20: Cumulative Impacts

Matters to be Scoped In/Out

3.22 The Applicant has identified in some topic sections of the Scoping Report matters proposed to be 'scoped out'. These are:

- employment opportunities which would be directly related to the use and future maintenance of the proposed scheme;
- alterations to the hydromorphological regime of Lake Lothing;
- loss of standing water;
- loss or change to Groundwater Dependent Terrestrial Ecosystems (GWDTE);
- changes to groundwater level or flows;
- a 'materials assessment'; and
- a Health Impact Assessment (HIA).

- 3.23 The SoS agrees that employment opportunities directly related to the use and future maintenance of the Proposed Development may be scoped out on the basis that the potential for significant effects associated with such opportunities would be limited bearing in mind the nature of the Proposed Development.
- 3.24 The SoS does not agree that alterations to the hydromorphological regime of Lake Lothing can be scoped out, in light of the potential for changes in sediment distribution to impact on Associated British Ports (ABP) maintenance dredging activities.
- 3.25 The SoS agrees that loss of standing water can be scoped out based on the urban setting of the Proposed Development and the lack of standing water bodies below or adjacent to the site.
- 3.26 The SoS agrees that in the absence of GWDTE in proximity to the scheme, effects on GWDTE may be scoped out from the assessment. The Applicant should ensure that appropriate cross-referencing is made between the ES biodiversity and nature conservation chapter and road drainage and water environment chapter to support this.
- 3.27 The SoS agrees that, given the context of the Proposed Development, changes to groundwater level or flows may be scoped out from further assessment. However, the SoS considers that an assessment of the potential piling impacts of the scheme on the existing groundwater aquifer should be undertaken and its scope agreed with the EA.
- 3.28 It is not clear whether the proposal to scope out the materials assessment is intended to apply to all phases of the Proposed Development. The SoS does not agree that it can be scoped out for the construction phase as insufficient information has been provided at this stage in relation to the likely volume of waste that will be generated by and materials that will be required for the Proposed Development. The Applicant is referred to relevant comments made elsewhere on this matter in this Opinion.
- 3.29 The SoS does not consider it to be appropriate to comment on the need or otherwise for a HIA as HIA is not a requirement under the EIA Regulations. The Applicant is referred to comments on HIA in Part 4 of this Opinion.
- 3.30 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS. Whilst the SoS has not agreed in this Opinion to scope out certain topics or matters on the basis of the information available at this time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such topics/matters out of the ES, where further evidence has been provided to justify this approach. In order to demonstrate that the topics/matters have not

simply been overlooked, the ES should explain the reasoning for scoping them out and justify the approach taken.

Topic Areas

Air Quality and Dust (see Scoping Report Sections 4.2 and 5.2)

- 3.31 The Applicant proposes to use the Design Manual for Roads and Bridges (DMRB) (Volume 11, Section 3, Part 1, HA207/07) and the Institute of Air Quality Management and Assessment (IAQM) 2014 guidance¹ to assess construction air quality effects (Scoping Report, paragraph 5.28). Paragraph 5.2.11 of the Scoping Report then proposes a 200m study area, with 'further banding of these receptors... for increasing distance from the source activities'. The SoS is content with the proposed use of the methodologies identified. However, the SoS notes the proposed approach to defining the study area and that there are inconsistencies with the screening criteria set out in Box 1 of IAQM 2014 guidance, which considers receptors up to 500m from development sites.
- 3.32 As highlighted in Section 4.5 of the Scoping Report, the Proposed Development is in close proximity to a number of European and nationally designated ecological sites. The construction assessment should give specific consideration to the impact on such sites and inform the ecological impacts assessment.
- 3.33 Paragraph 5.2.12 of the Scoping Report references the construction phase period being '..in excess of six months and likely to include traffic management measures'. The ES must clearly set out the construction period, including any phasing, and ensure that any assessment is carried out according to such parameters. Furthermore, should traffic management measures be required, these should be detailed in the ES and shown on relevant plans. and assessed and secured within the DCO. Reference is made to an air quality assessment based on the base year (2016) and the 'opening year', however the opening year is not identified. The SoS notes that the DMRB advises that an assessment should be made having regard to the likely worst case taken from the opening year to the design year, usually 15 years after opening.
- 3.34 Paragraph 5.2.13 of the Scoping Report states that 'The level of assessment of construction phase vehicle emissions will be dependent on the provision of appropriate construction traffic data'. It is therefore unclear whether the Applicant is proposing a quantitative or qualitative assessment. The Applicant must provide a profile for the construction period of construction traffic data identified by vehicle type. Appropriate cross-reference should be made to related assessments such as traffic and transport and noise.

¹ Assessment of Dust from Construction and Demolition. IAQM. 2014.

- 3.35 Paragraph 5.2.14 states the intention to prepare a Construction Environmental Management Plan (CEMP), which is welcomed by the SoS. It is noted that no further information about it is provided in the Scoping Report. The SoS recommends that a draft CEMP is provided with the DCO application. It should consider potential effects of airborne pollutants and dust and any waterborne pollutants arising from emissions to air during any demolition and construction activity. Any required mitigation measures should be discussed and where possible agreed with statutory consultees. The ES should also demonstrate how such mitigation has reduced the environmental effects.
- 3.36 Operational air quality effects are proposed to be assessed using DMRB, the Defra Toolkit (2016), DEFRA Technical Guidance (TG16)², Environmental Protection UK (EPUK) and IAQM 2015 guidance and IAN 170/12v3. The SoS notes that the supporting document IAN 170/12 HA LTCalc is not referenced in the Scoping Report. The EPUK/IAQM 2015 guidance was revised in January 2017³. The Applicant should ensure that the assessment is based on the most up-to-date and relevant guidance.
- 3.37 It is noted that the Applicant has adopted the DMRB screening criteria for the operational phase assessment (Scoping Report paragraph 5.2.17). The Applicant should provide justification in the ES for not using the more extensive screening criteria set out in Table 6.2 of the 2017 EPUK/IAQM guidance.
- 3.38 Paragraph 3.5 of DMRB suggests that the worst case in the first 15 years from opening should be assessed. The Applicant should provide this information or robust justification for any alternative approach taken to the assessment in the ES.
- 3.39 Paragraph 5.2.23 of the Scoping Report refers to model verifications. The final verification factor applied should be clearly stated, with full justification provided for the values adopted as part of the detailed explanation of the modelling work and assumptions.
- 3.40 Whilst the air quality construction assessment references both human and ecological receptors, this detail is lacking in the operational air quality assessment scope. Table 4.3 in the Scoping Report suggests that there are no designated ecological sites within 200m of the Proposed Development site. However, it appears from Figure 6 that two CWSs lie within 200m. The Applicant should ensure that the air quality impacts of the Proposed Development are considered for all relevant ecological receptors, and the specific criteria used for the

² Local Air Quality Management Technical Guidance (TG16). Defra. 2016

³ Guidance on land-use planning and development control: Planning for air quality January 2017 (v1.2), EPUK and IAQM, 2017

assessment of ecological effects should be presented in the ES by, for example, reference to the Air Pollution Information System (APIS).

Cultural Heritage (see Scoping Report Sections 4.3 and 5.3)

- 3.41 The SoS notes that the Scoping Report is supported by a cultural heritage desktop study and walkover survey (Scoping Report Appendix B).
- 3.42 The SoS welcomes the proposed submission of a 'detailed assessment' in accordance with DMRB HA208/07 as part of the final ES submission, incorporating the detailed studies outlined in Scoping Report paragraph 5.3.18. The methodology should incorporate other relevant good practice guidance, for example, from the Chartered Institute of Archaeologists (CIfA) and Historic England.
- 3.43 It is also welcomed that the scope and scale of the fieldwork is being determined in consultation with Suffolk County Council (SCC) Archaeological Service and Historic England, and that the assessment will be informed by a geoarchaeological assessment. The SoS recommends that ongoing consultation is undertaken with SCC and Historic England regarding the scope and outcomes of the assessment and any mitigation requirements such as archiving of materials or public information boards. The Applicant's attention is drawn to the comments from Historic England (contained in Appendix 3 of this Opinion) in relation to locations for photomontages.
- 3.44 The Applicant must confirm the potential for any maritime archaeological features to be present in Lake Lothing and affected by the proposed works.
- 3.45 Scoping Report paragraph 5.3.17 describes how the study area for this topic will be determined, although it is noted in Scoping Report Section 4.3 that a 500m study area has been adopted. The rationale for selecting the extent of the study area should be fully explained and justified in the ES, and the Applicant should ensure that it is sufficiently wide to capture all cultural heritage features that could be significantly affected by the Proposed Development. It should include historic buildings, historic landscapes and archaeological features. A plan in the ES identifying by name the heritage features considered in the assessment would be helpful.
- 3.46 The SoS welcomes the inclusion in Chapter 5.3 of Tables 5.3 – 5.6 setting out the criteria for defining the value of cultural heritage features, the magnitude of impacts, and the significance of effects, respectively. However, the value criteria shown in Table 5.6 (neutral, slight, moderate, large, very large) is not consistent with that in Tables 5.3 and 5.4 (unknown, negligible, low, medium, high, very high), and the table also includes a 'major' significance rating, which is not consistent with the ratings described in paragraph 5.3.24. In addition, the chapter does not include a definition of what would be

considered to constitute a significant effect. The Applicant should ensure that this is provided in the ES and that consistent definitions are used in the ES to avoid uncertainty in the outcome of the assessment.

- 3.47 It is noted that Scoping Report paragraph 5.3.19 states that professional judgement will be guided by various sources, including legislation, policy and acknowledged standards. These should be fully referenced in the ES topic chapter and any moderation of significant effects should be fully justified.
- 3.48 No reference is made in Chapter 5.3 to mitigation other than to that designed into the Proposed Development, or to residual effects. The ES should clearly identify, for each phase of the Proposed Development, all the potentially significant effects, the specific mitigation measures proposed to avoid or reduce those effects, and any remaining residual effects, significant or otherwise. It should be clearly identified in the ES what are embedded or integral mitigation measures and which are additional or further mitigation measures proposed to address potential significant effects. The Applicant must ensure that mitigation proposed in the ES is described in sufficient detail to enable the SoS to have confidence in its appropriateness and delivery, and it must be secured in the DCO. The SoS highlights the ABP response to the consultation on the Scoping Report and in particular the reference to an iron footbridge which has reportedly been removed. Such changes to the baseline should be recorded in the ES to ensure that the baseline is up to date. Further comments by ABP regarding the description of the site and the surroundings should be taken into account.
- 3.49 The Applicant's attention is drawn to the comments from Historic England (contained in Appendix 3 of this Opinion) and SCC and WDC in relation to consideration of potential impacts on the historic environment.
- 3.50 This topic assessment should be informed by the geology assessments, and cross-reference should be made in the ES between this topic chapter and the Townscape and Visual Impact Assessment and Geology, Soils and Contamination chapters.

Townscape and Visual Impact Assessment (see Scoping Report Sections 4.4 and 5.4)

- 3.51 The Proposed Development comprises a large structure that will change the scale and form of development within the existing townscape in and around Lake Lothing. The Secretary of State suggests that careful consideration is given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of the structure and its effect on existing townscape character.

- 3.52 Section 5.4 of the Scoping Report refers to the use of a Zone of Theoretical Visibility (ZTV) to inform the visual impact assessment and selection of visual receptors, which is welcomed. The Secretary of State advises that the ES should describe the method and model used, including geographical coverage and the timing of any survey work.
- 3.53 The Secretary of State notes that viewpoints have been discussed with SCC and Waveney District Council (WDC). Where possible, evidence should be provided in the ES of written confirmation from the local authorities regarding the final choice of viewpoints.
- 3.54 The assessment of views of the new crossing should include consideration of both day time and night time views, including any light spill issues and potential effects on navigation. The assessment should be supported by photomontages agreed with the local authorities. The Applicant's attention is drawn to the comments from Historic England (contained in Appendix 3 of this Opinion) in relation to locations for the photomontages.
- 3.55 The SoS notes that the 'full extent' of the Proposed Development will be lit (Scoping Report, paragraph 2.2.20), and expects potential impacts of this to be fully assessed in the ES. The Applicant's attention is drawn to ABP's comments in respect of lighting and navigational safety (contained in Appendix 3 of this Opinion).
- 3.56 The Secretary of State expects consideration of the interrelationship between cultural heritage and historic landscape character assessments and townscape and visual impact assessments to be included in the ES.

Biodiversity and Nature Conservation (see Scoping Report Sections 4.5 and 5.5)

- 3.57 The SoS notes that the Scoping Report is supported by a Phase 1 habitat survey and extended species surveys for bats, and that reptile surveys are also referenced but not presented. It is noted, and welcomed, that discussions with the MMO and the EA are ongoing in relation to surveys in respect of the marine environment. The SoS recommends that Natural England (NE) are also consulted in this respect.
- 3.58 The SoS advises that surveys accompanying the ES should be thorough, up to date and take account of other developments proposed in the vicinity of the Proposed Development.
- 3.59 Paragraph 4.5.3 of the Scoping Report notes that the study area has been limited to 500m around the 'proposed scheme alignments', and that a wider study area of up to 30km has been selected in relation to 'specific sites'. It is unclear what area is covered by the 'scheme alignments'. The SoS advises that the parameters on which study

areas are based are clearly defined in the ES. Paragraph 4.5.4 states that surveys have been undertaken 'with reference to' various EIA methodologies. For the purposes of the ES, the Applicant should explicitly state the methodology that has been adopted for the assessment and explain the basis for including or excluding sites from further assessment.

- 3.60 It is noted that paragraph 5.5.4 of the Scoping Report references the Institute for Environmental (IEEM) 2006 guidelines. These guidelines were superseded in 2016 by the Chartered Institute for Ecology and Environmental Management (CIEEM) 'Guidelines For Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal'. The Applicant should also consider the guidance contained within the CIEEM publication 'Ecological Impact Assessment in Britain and Ireland: Marine and Coastal (2010)' when undertaking the proposed marine survey.
- 3.61 The Secretary of State recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the site and surroundings. The Secretary of State draws attention in particular, but not exclusively, to the effects on bats, reptiles, invertebrates and birds. The Secretary of State recommends that consideration is also given to potential impacts on fish passage and breeding. The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion), particularly in relation to marine mammals and eels.
- 3.62 The assessment should include consideration of potential impacts such as pollution risk due to mobilisation of contaminants, noise, vibration and air quality (including dust), the specialist reports for which should also inform this assessment. Cross-reference should be made between the relevant ES chapters as appropriate.
- 3.63 The potential impacts on international and nationally designated sites should be addressed as well as on county level habitats. The Applicant's attention is drawn to the comments made by Natural England (contained in Appendix 3 of this Opinion), particularly in respect of designated sites to be considered in the assessment. The Applicant should ensure that the study area for this topic is sufficiently broad to encompass all those sites which could be affected by the Proposed Development.
- 3.64 It is noted that a separate Habitats Regulations Assessment (HRA) screening exercise is currently being undertaken. Information relating to HRA should not be duplicated in the ES but should be cross-referenced from the ecology chapter as appropriate. The Secretary of State notes the possible need for an Appropriate Assessment in view of the location of the Proposed Development in relation to the Natura 2000 sites as identified in paragraph 4.5.5 of the Scoping Report. The Applicant should be aware that the Southern

North Sea possible Special Area of Conservation (pSAC) now has candidate SAC (cSAC) status as highlighted in paragraph 4.5.5 of the Scoping Report. The SoS draws the Applicant's attention to SCC and WDC's comments regarding the need to consider effects on the Alde-Ore Estuary Special Protection Area (SPA). Further advice on HRA is contained in Part 4 of this Opinion.

- 3.65 The Applicant's attention is drawn to the comments from NE (contained in Appendix 3 of this Opinion) and SCC in relation to potential ecological impacts.

Geology, Soils and Contamination (see Scoping Report Sections 4.6 and 5.6)

- 3.66 The methodology for this assessment described in paragraph 5.6 of the Scoping Report does not explain how the study area will be chosen. The baseline and extent of the selected study area and reasons for adopting it must be clearly described and justified in the ES.
- 3.67 The SoS notes and welcomes the intention of the Applicant to consult with the EA and Council Environmental Health Officers (EHOs) to identify any potentially contaminated sites (paragraph 5.6.7). In light of the potential contamination risk identified in the Scoping Report, the Applicant should also seek agreement regarding mitigation requirements and clearly set out within the ES how these would be secured. In particular, the ES should outline the proposed measures to avoid mobilisation of contamination to the aquatic environment.
- 3.68 In the light of the works proposed, cross reference should also be made to the geoarchaeological report; the biodiversity and nature conservation assessment; and the road drainage and water environment assessments.

Noise and Vibration (see Scoping Report Sections 4.7 and 5.7)

- 3.69 The Secretary of State notes the statement made in relation to the construction vehicle noise assessment methodology in paragraph 5.7.11 of the Scoping Report, ie 'The level of assessment of construction phase traffic flows will be dependent on the provision of appropriate construction traffic data'. The SoS confirms that the scope of the assessment should be established according to the nature and potential impacts of a particular scheme, rather than being dictated by the availability of relevant data.
- 3.70 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase. The SoS recommends that the methodology should be agreed with the Council EHOs.

- 3.71 Paragraph 5.7.9 of the Scoping Report states that noise assessments will be undertaken 'prior to construction'. The SoS advises that such an assessment should be completed, and any required mitigation identified, prior to the submission of the DCO application, and reported in the application ES.
- 3.72 Information should be provided in the ES on the types of vehicles and plant to be used during the construction phase, that underpin the noise assessment assumptions. The assessment should give particular consideration to the effects of noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.73 The SoS welcomes the proposed provision of a Construction Environmental Management Plan (CEMP). A draft CEMP (dCEMP) should be submitted with the DCO application which clearly sets out the control measures that will be adopted. Paragraph 5.7.12 of the Scoping Report makes reference to obtaining consent from WDC under Section 61 of the Control and Pollution Act 1974. Whilst WDC are able to grant such a consent, the SoS will require mitigation and controls to be assessed and discussed in the ES and secured through the DCO and supporting plans.
- 3.74 The noise and vibration assessment should cross reference to the ecological assessment as appropriate with regards to disturbance effects for both terrestrial and aquatic ecology. Specific discussion of piling mitigation should be provided in relation to aquatic piling activities.
- 3.75 With respect to operational effects, the approach to determining the No Observed Adverse Effect Level (NOAEL), Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) requires clarification. Scoping Report Table 11.5 includes the undefined term 'marginal' alongside NOAEL, LOAEL and SOAEL. Since LOAEL is the onset of an adverse effect, it is unclear how marginal and LOAEL differ and why marginal is of lower significance than NOAEL. The Applicant's attention is drawn to the comments from SCC and WDC (contained in Appendix 3 of this Opinion) in respect of this matter.
- 3.76 Scoping Report paragraphs 5.7.21 and 5.7.22 make reference to the 1999 WHO Guidelines for Community Noise thresholds for noise in outdoor living areas. It is unclear whether this threshold is integrated into the significance criteria in Table 5.11 of the Scoping Report, since the footnote only discusses the criteria of 54.5dB as being significant. In addition, the criteria make no reference to the 3dBL_{night,outside} criteria discussed in paragraph 3.5 of DMRB HD213/11 or to the vibration assessment threshold criterion (3mm/s peak particle velocity) discussed therein. The SoS recommends that consistency with the proposed methodology would require both the night time noise criteria and the vibration criteria to be applied to the assessment.

- 3.77 The Applicant should ensure that the assessment is informed by the relevant Highways England advice, for example, the 'Updated traffic, air quality and noise advice on the assessment of link speeds and generation of vehicle data into 'speed-bands' (IAN 185/15).
- 3.78 The Scoping Report does not discuss mitigation for operational effects, such as low or very low noise surfacing or noise barriers. The Applicant should set out in the ES the proposed measures to mitigate adverse noise effects in accordance with the principles set out in the Government's 'Noise Policy Statement for England' (NPSE).

People and Communities – Effects on All Travellers (see Scoping Report Sections 4.8 and 5.8)

- 3.79 Section 5.8.4 states that DMRB Volume 11 Section 3 Part 9 (vol11/section3/11s3p09) will be used to assess the significance of effects due to severance. Vol11/section3/11s3p09 discusses the View from the Road and Driver Stress but does not reference severance and provides no significance criteria. Driver Stress is discussed in terms of being low, moderate or high. The SoS emphasises that the ES should report on the likely significant effects arising for each topic considered.
- 3.80 Paragraph 4.8.1 of the Scoping Report states that there are a number of footpaths, cycleways, bridleways and other public accesses within the study area. The baseline information section does not provide information on data sources, which should be stated in the ES. The study area is also not defined, consequently the basis for this statement is unclear.
- 3.81 The SoS notes from paragraph 5.8.4 of the Scoping Report that the Applicant proposes not to assess the impact on PRoW for this topic as there are none “..within the area of the proposed scheme..” and refers to Figure 12 in this regard. However, Figure 12 identifies PRoW in proximity to the Proposed Development site therefore the SoS is unable to agree to this approach.

People and Communities – Community and Private Assets (see Scoping Report Sections 4.9 and 5.9)

- 3.82 The baseline description lacks data sources and does not define the study area. Terms such as 'within the immediate vicinity' require explanation and justification. This limits the ability of the SoS to comment on the scope of the assessment as presented. Such information should be provided within the ES.
- 3.83 The SoS notes the intended use of Highway England's IAN125/15 Environmental impact Assessment Update and the use of DMRB in determining a methodology. The Scoping Report states at paragraph 5.9.7 that data will be collated and verified but does not state how this information is to be verified.

- 3.84 The SoS welcomes the use of a ship simulation model and suggests that results generated by the model are shared and agreed with relevant consultation bodies such as ABP and the Harbour Master. Any required mitigation should be agreed with these bodies.
- 3.85 Little information is provided in Section 5.9 in relation to how impacts on local businesses and community facilities will be assessed and any potential impacts mitigated. The SoS expects that this will be provided in the ES. The Applicant is referred to the comments made by ABP (contained in Appendix 3 of this Opinion) in relation to consideration of impacts on port operations.

People and Communities - Socio-Economic including Recreation (see Scoping Report Sections 4.10 and 5.10)

- 3.86 The Scoping Report does not define the study area for the assessment. This should be clearly identified in the ES.
- 3.87 The Scoping Report states at paragraph 5.10.2 that creation of jobs is intended to be scoped out of the EIA. Paragraph 4.3 of the National Networks NPS sets out general principles of assessment, which includes 'job creation'. Accordingly, the SoS recommends that job creation, regardless of the scale, is a matter that should be considered in the ES.
- 3.88 The Secretary of State recommends that the types of jobs generated should be considered in the context of the available workforce in the area. This applies equally to the construction and operational stages.
- 3.89 The Secretary of State recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the proposal within the local and regional context.
- 3.90 Paragraph 5.10.5 of the Scoping Report states that "...all of the identified socio-economic assessments should be qualitative", but goes on to state that numeric data will be analysed, suggesting some quantitative assessment will be possible. No justification is provided for only undertaking qualitative assessments.
- 3.91 The effects on tourism during the anticipated two year construction stage are considered in paragraph 5.10.1 of the Scoping Report as likely to be significant, through the impact on leisure related vessels and users of the SRN attempting to access the Broads for example. The SoS recommends that any assessments of impacts and effects should be included or cross-referenced in the ES in its consideration of wider transportation and community severance impacts and effects.
- 3.92 The SoS notes that paragraph 5.10.11 of the Scoping Report proposes to limit the scope of projects included in the cumulative effects assessment to the East Anglia Array and Sizewell C nuclear

power station. The Applicant is directed to the advice contained within Section 4 of this Opinion and the Planning Inspectorate's Advice Note 17: Cumulative Effects Assessment. The shortlist of assessed projects should be agreed with the local planning authorities.

Road Drainage and Water Environment (see Scoping Report Sections 4.11 and 5.11)

- 3.93 Although this chapter is entitled 'Road Drainage and the Water Environment' the baseline Section is focussed on the water environment with little information provided regarding road drainage.
- 3.94 Paragraph 4.11.2 of the Scoping Report states that baseline data has been collected for a 1km study area however no justification for the study area extent is provided. Paragraph 5.11.4 suggests that the study area will be a matter for agreement with the EA. The SoS recommends that the extent of the study area is discussed and ideally agreed with ABP and SCC and documented in the ES. The Applicant is referred to ABP's comments (contained in Appendix 3 of this Opinion) in this regard.
- 3.95 The ES should clearly detail the methodologies proposed for this topic and include, for example, the information sources for desk studies and the types of field studies including their duration and the time of year they were undertaken. The SoS welcomes the intention to seek views from the EA regarding the assessment of pollution from routine run off and encourages and welcomes this approach for all assessments. Details of the methodologies used to establish the baseline conditions relating to water quality should be provided in the ES. This should include reference to any abiotic and biotic indicators of water quality measured or assessed.
- 3.96 The SoS notes the proposed use of the DMRB HD45/09 methodology for the assessment of road drainage and water environment impacts. The Applicant references the use of professional judgement to determine the significance of effect where two classifications are possible. This should be fully justified.
- 3.97 The SoS notes the Applicant's comments that the Highways Agency Water Risk Assessment Tool (HAWRAT) method for assessing the impact of runoff has been developed for freshwater bodies and agrees that the EA should be consulted to confirm how to apply the method to a transitional waterbody.
- 3.98 Scoping Report paragraph 5.11.4 states that field surveys to assess the current baseline conditions on site will be undertaken. No scope of survey or method is discussed, limiting the SoS ability to comment on this aspect of the assessment. The survey scope should include both existing drainage networks (where the scheme integrates into the existing drainage) and surveys to support the WFD assessment.

The detailed scope of surveys should be agreed with the EA and Anglian Water as appropriate.

- 3.99 Attention is drawn to the need to assess potential impacts on watercourses and/or marshland. The Secretary of State recommends that sediment disturbance and mobilisation of surface water, ground water, or indeed contaminants, should be carefully considered. The Applicant's attention is drawn to ABP's comments (contained in Appendix 3 of this Opinion) in respect of the discharge of water from road drainage into Lake Lothing and the potential impact on ABP's maintenance dredging licence.
- 3.100 Reference is made in the baseline information provided for this topic to the WFD but no reference is made to carrying out a WFD Assessment. Such an assessment should be provided to assess the impacts of the Proposed Development on the WFD status of Lake Lothing. The EA should be consulted regarding the detailed assessment scope. The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion) in relation to WFD requirements.
- 3.101 The Secretary of State recommends consultation with both Anglia Water and the EA. Potential impacts on the public sewer network are required to be assessed, reported and mitigated. The requirement of easements should also be considered. The Secretary of State recommends continuing consultation with both Anglian Water and the EA regarding the impacts on the public sewer network and the operation of any Combined Sewer Overflows (CSOs).
- 3.102 Mitigation measures for all phases of the Proposed Development should be identified in the ES. Ongoing monitoring should also be addressed and agreed with the relevant bodies to ensure that any mitigation measures are effective.. It is noted that the water environment methodology does not make any reference to the CEMP, which is discussed elsewhere in the Scoping Report. The Applicant should ensure that construction mitigation requirements are incorporated when preparing the CEMP. Operational mitigation measures should be identified in the ES and the SoS advises that reference should be made to other regimes as appropriate, eg the environmental permitting regime. Where such measures include silt traps or oil separators the proposed maintenance regime for such systems should be discussed, to ensure their long term effectiveness.
- 3.103 Groundwater is the potential pathway for discharge of liquids to surface and coastal waters. The Secretary of State considers that the impacts of climate change, in terms of increased run-off and rises in sea level should be taken into account in the ES.
- 3.104 The Applicant's attention is drawn to the comments from the Marine Management Organisation and SCC (contained in Appendix 3 of this Opinion) in relation to this topic.

- 3.105 The inter-relationship between this topic and other topics, such as, for example, ecology and geology, should be considered and cross-referenced in the ES.

Flood Risk (see Scoping Report Sections 4.12 and 5.12)

- 3.106 The Secretary of State welcomes the provision of a Flood Risk Assessment (FRA) incorporating an assessment of climate resilience. The SoS supports the on-going consultation with the EA regarding the assessment method and modelling, and also recommends consultation with the Broads Internal Drainage Board (IDB), WDC and SCC as appropriate.
- 3.107 The Applicant should outline appropriate mitigation for flood risk, including any measures to attenuate surface water runoff.
- 3.108 The FRA should cover tidal flood risk as well as fluvial impacts and therefore should consider the potential for breaching/overtopping of the flood defence under present and projected sea level scenarios.
- 3.109 The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion), particularly in relation to the need to consider flood risk during construction in addition to operation, and updated modelling, and from SCC and WDC.

Traffic and Transport (see Scoping Report Section 4.13 and 5.13)

- 3.110 Section 4.13 of the Scoping Report sets out the baseline without providing any information regarding the methodology or data sources consulted. This information must be provided as part of the ES.
- 3.111 The Applicant proposes that the Guidelines for the Environmental Assessment of Road Traffic (GEART) (1993) are taken into account. In light of the wider significance criteria set out in GEART, the SoS is unclear why this methodology has not been adopted for the assessment of 'Effects on all travellers'. The methodology for that assessment also appears to consider overlapping themes such as severance. The SoS recommends that a single assessment of these effects is provided to avoid duplication.
- 3.112 The Secretary of State welcomes the development of the assessment and modelling of transport impacts in association with the local highways authority and key stakeholders. The Secretary of State would expect on-going discussions and agreement, where possible, with such bodies. The Applicant's attention is drawn to the extensive comments from ABP (contained in Appendix 3 of this Opinion) regarding transport impacts arising from the proposed development.
- 3.113 The Secretary of State will require information regarding current traffic flows, increases during construction and predicted traffic flows during operation. The SoS requires that the Transport Assessment

consider the impact of the proposed development on existing and future port operations and commercial and industrial operators.

- 3.114 Construction mitigation measures should be addressed in the ES, such as a travel plan and materials sourcing strategy so as to minimise transport effects. A Construction Transport Management Plan (CTMP) should also be considered to manage the impacts of construction traffic. The content of such plans should be discussed with the LPA and relevant statutory parties and a draft version submitted with the application.
- 3.115 The Secretary of State recommends that the ES should take account of the location of footpaths and any PRowS including bridleways and byways. The ES should clearly set out impacts on them including within the wider area. It is important to minimise hindrance to them where possible. A clear indication should be given as to how the Proposed Development will affect the existing and future recreational facilities within the Lake Lothing area and what mitigation would be appropriate in the short, medium and long term.
- 3.116 The Applicant's attention is drawn to the comments from the Marine Management Organisation (contained in Appendix 3 of this Opinion), particularly in relation to the timing of the bridge openings, and to Royal Mail's comments in respect of impacts on traffic.
- 3.117 The Transport Assessment should cross reference to the air quality and noise and vibration assessments as appropriate, with consistent datasets adopted for each of the assessments, and should inform the ecology assessments.

Cumulative effects (see Scoping Report Section 5.14)

- 3.118 The Secretary of State notes that six potential cumulative schemes have been identified for further assessment. The SoS recommends that the list of schemes is updated as appropriate as during preparation of the application for development consent. The list of projects should be agreed with the relevant local authorities.
- 3.119 Paragraph 5.14.1 of the Scoping Report makes reference to assessing cumulative effects arising from 'near-certain development'. The Secretary of State notes that this is inconsistent with the Planning Inspectorate's Advice Note 17: Cumulative effects assessment, which recommends assessing 'other development' to a level consistent with the amount of information available regarding that development.

4 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's Opinion as to the information to be provided in the ES. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for Applicants at the Pre-application stage of the NSIP process. Details are set out in the prospectus 'Pre-application service for NSIPs'⁴. The prospectus explains what the Planning Inspectorate can offer during the Pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of Pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Planning Inspectorate at the beginning of the Pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their Pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development. The SoCC must state whether the Proposed Development is EIA development and if it is, how the Applicant intends to publicise and consult on PEI. Further information in respect of PEI may be found in Advice note seven 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

Habitats Regulations Assessment (HRA)

- 4.5 The SoS notes that European sites⁵ could be potentially affected by the Proposed Development. The Habitats Regulations require

⁴ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

⁵ The term 'European sites' in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection

competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). Applicants should note that the competent authority in respect of NSIPs is the relevant SoS. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

- 4.6 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('the APFP Regulations') and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations applies and Ramsar sites, which may be affected by the Proposed Development.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the competent authority of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the competent authority.
- 4.8 The Applicant's attention is also drawn to UK Government policy⁶, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on any of the above sites. Therefore, Applicants should also consider the need to provide information on such sites where they may be affected by the Proposed Development.
- 4.9 Further information on the HRA process is contained within Planning Inspectorate's Advice Note Ten 'Habitat Regulations Assessment relevant to nationally significant infrastructure projects', available on our website. It is recommended that Applicants follow the advice contained within this advice note.

Plan To Agree Habitats Information

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the Applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence

Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see the Planning Inspectorate's Advice Note Ten.

⁶ In England, the NPPF Paragraph 118. In Wales, TAN5 Paragraphs 5.2.2 and 5.2.3.

Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.

- 4.11 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help Applicants meet the requirement to provide sufficient information (as explained in Advice Note ten) in their application, so the ExA can recommend to the SoS whether or not to accept the application for Examination and whether an AA is required.
- 4.12 Any Applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of Pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting NE.

Sites of Special Scientific Interest (SSSIs)

- 4.13 The SoS notes that a number of SSSIs are located close to or within the Proposed Development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.14 Under s28(G), the SoS has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.
- 4.15 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the Examination period.
- 4.16 If Applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.17 Applicants should be aware that the decision maker under the PA2008 has, as the competent authority (CA), a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.18 If an Applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the Applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.19 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the Examination if Applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The Applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal Pre-application assessment by NE.
- 4.21 Ecological conditions on the site may change over time. It will be the Applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any

resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note eleven, Annex C⁷.

Other Regulatory Regimes

- 4.23 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the Proposed Development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.24 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Water Framework Directive

- 4.25 EU Directive 2000/60/EC ('the Water Framework Directive') (WFD) establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.26 In determining an application for a DCO, the SoS must be satisfied that the applicant has had regard to relevant river basin management plans and that the proposed development is compliant with the terms of the WFD and its daughter directives. In this respect, the Applicant's attention is drawn to Regulation 5(2)(I) of the APFP Regulations which requires an application for an NSIP to be accompanied by 'where applicable, a plan with accompanying

⁷ Advice Note eleven, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

information identifying-... ..(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.'

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

4.27 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the EA (EA). Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit⁸.

4.28 The EA's environmental permits cover:

- industry regulation;
- waste management (waste treatment, recovery or disposal operations);
- discharges to surface water;
- groundwater activities; and
- radioactive substances activities.

4.29 Characteristics of environmental permits include:

- they are granted to operators (not to land);
- they can be revoked or varied by the EA;
- operators are subject to tests of competence;
- operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- conditions may be attached.

The Water Resources Act 1991

4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the EA. For example, an abstraction licence may be required to abstract

⁸ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

- 4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the EA's web based guidance on applying for a full, transfer or impounding licence⁹:
- 4.32 Characteristics of water resources licences include:
- they are granted to licence holders (not to land);
 - they can be revoked or varied;
 - they can be transferred to another licence holder; and
 - in the case of abstraction licences, they are time limited.

Role of the Applicant

- 4.33 It is the responsibility of Applicants to identify whether an environmental permit and /or water resources licence is required from the EA before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.
- 4.34 The EA allocates a limited amount of Pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.
- 4.35 The EA encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a HRA, Applicants are encouraged to "parallel track" their applications to the EA with their DCO applications to the Planning Inspectorate. Further information on the EA's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice note eleven (working with public bodies in the infrastructure planning process)¹⁰
- 4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the EA will not be in a position to provide a detailed view on the Proposed Development until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally

⁹ Available from: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

¹⁰ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

submit its application sufficiently early so that the EA is at this point in the determination by the time the DCO reaches Examination.

- 4.37 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

Health Impact Assessment

- 4.38 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive and Public Health England.
- 4.39 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Transboundary Impacts

- 4.40 The SoS has noted that the Applicant has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.41 Regulation 24 of the EIA Regulations, which inter alia require the SoS to publicise a DCO application if the SoS is of the view that the Proposed Development is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the Examination of a DCO application.
- 4.42 The SoS recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) (APFP Regulations) sets out the information which must be provided for an application for a DCO for nationally significant infrastructure under the Planning Act 2008 (as amended) (PA2008). Where required, this includes an Environmental Statement (ES). Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

A1.2 An ES is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- *that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but that includes at least the information required in Part 2 of Schedule 4.*

(EIA Regulations, Regulation 2)

A1.3 The purpose of an ES is to ensure that the environmental effects of a Proposed Development are fully considered, together with the economic or social benefits of the development, before the development consent application under the PA2008 is determined. The ES should be an aid to decision making.

A1.4 The Secretary of State (SoS) advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the Proposed Development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

A1.5 The SoS emphasises that the ES should be a 'stand-alone' document in line with best practice and case law. Schedule 4, Parts 1 and 2 of the EIA Regulations set out the information for inclusion in ES.

A1.6 Schedule 4 Part 1 of the EIA Regulations states this information includes:

17. Description of the development, including in particular—

- a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the Proposed Development.*

18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.

19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- the existence of the development;*
- the use of natural resources;*

the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

(EIA Regulations, Schedule 4 Part 1)

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and

28. A non-technical summary of the information provided [under the four Paragraphs of Schedule 4 part 2 above].

(EIA Regulations, Schedule 4 Part 2)

A1.7 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

A1.8 The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

A1.9 The scheme parameters will need to be clearly defined in the dDCO and therefore in the accompanying ES which should support the

application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the Applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a dDCO and accompanying application documents.

Flexibility

- A1.10 The SoS acknowledges that the Environmental Impact Assessment (EIA) process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.
- A1.11 It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of Paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- A1.12 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The Applicant's attention is drawn to the Planning Inspectorate's Advice Note Nine 'Rochdale Envelope' which is available on our website.
- A1.13 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the Applicant should assess the maximum potential adverse impacts the Proposed Development could have to ensure that the Proposed Development, as it may be constructed, has been properly assessed.
- A1.14 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the Proposed Development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

- A1.15 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be

sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

A1.16 In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered;
- the relevance in terms of the specialist topic;
- the breadth of the topic;
- the physical extent of any surveys or the study area; and
- the potential significant impacts.

A1.17 The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the Proposed Development site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.18 The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

A1.19 The assessment should consider:

- environmental impacts during construction works;
- environmental impacts on completion/ operation of the Proposed Development;
- where appropriate, environmental impacts a suitable number of years after completion of the Proposed Development (for example, in order

to allow for traffic growth or maturing of any landscape proposals);
and

- environmental impacts during decommissioning.

A1.20 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

A1.21 The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

A1.22 The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

A1.23 The SoS recommends that the baseline should describe the position from which the impacts of the Proposed Development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.24 The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.25 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

A1.26 The baseline situation and the Proposed Development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

- A1.27 In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.
- A1.28 In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.
- A1.29 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

- A1.30 The EIA Regulations require the identification of the '*likely significant effects of the development on the environment*' (Schedule 4 Part 1 Paragraph 20).
- A1.31 As a matter of principle, the SoS applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the Proposed Development will have an effect, and not that a development will definitely have an effect.
- A1.32 The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.
- A1.33 The SoS recognises that the way in which each element of the environment may be affected by the Proposed Development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

- A1.34 The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.
- A1.35 The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations or parameters to the Proposed Development.

Cumulative Impacts

- A1.36 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities. Applicants should refer to Planning Inspectorate Advice Note 17 Cumulative Effects Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment.
- A1.37 Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard.
- A1.38 For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on transboundary effects below).

Related Development

- A1.39 The ES should give equal prominence to any development which is related with the Proposed Development to ensure that all the impacts of the proposal are assessed.
- A1.40 The SoS recommends that the Applicant should distinguish between the Proposed Development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

- A1.41 The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the Applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 Paragraph 18).
- A1.42 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.
- A1.43 The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the Development Proposed and the sites chosen.

Mitigation Measures

- A1.44 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 Paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.
- A1.45 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.
- A1.46 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the dDCO. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.
- A1.47 The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

- A1.48 The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the

environmental impacts of the proposal and how these impacts can be mitigated.

- A1.49 As set out in EIA Regulations Schedule 4 Part 1 Paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

Consultation

- A1.50 The SoS recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.
- A1.51 Consultation with the local community should be carried out in accordance with the SoCC which will state how the Applicant intends to consult on the Preliminary Environmental Information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the PA2008, this could usefully assist the Applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon Applicants under Section 50 of the PA2008 to have regard to the guidance on Pre-application consultation.

Transboundary Effects

- A1.52 The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.
- A1.53 The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note twelve 'Development with significant transboundary impacts consultation' which is available on our website¹¹.

Summary Tables

- A1.54 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

¹¹ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Table X: to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX: to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the dDCO.

Table XXXX: to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

A1.55 The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.56 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Confidential Information

A1.57 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.58 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

A1.59 The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 Paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate's Advice Note three 'EIA Consultation and Notification' (version 6, June 2015)¹².

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Great Yarmouth and Waveney Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - East of England
The relevant fire and rescue authority	Suffolk Police Crime Commissioner
The Relevant Police and Crime Commissioner	Suffolk Police Crime Commissioner
The EA	The EA - East Anglia
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Norwich Marine Office
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Suffolk County Council
The Relevant Strategic Highways Company	Highways England - East
The Relevant Internal Drainage Board	Waveney, Lower Yare and Lothingland Internal Drainage Board

¹² Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

SCHEDULE 1 DESCRIPTION	ORGANISATION
Trinity House	Trinity House
Public Health England	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	Great Yarmouth and Waveney Clinical Commissioning Group
The relevant NHS Trust	East of England Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Canal or Inland Navigation	The Broads Authority
Dock	Associated British Ports
Harbour	Associated British Ports
Lighthouse	Trinity House
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Water and Sewage Undertakers	Anglian Water
	Essex and Suffolk Water
Public Gas Transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited

RELEVANT STATUTORY UNDERTAKERS	
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	National Grid Gas Distribution Limited
	Scotland Gas Networks Plc
	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	G2 Energy IDNO Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	UK Power Networks Limited
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	Waveney District Council
	Suffolk County Council
	Broads Authority
	Great Yarmouth Borough Council
	South Norfolk District Council
	Mid Suffolk District Council
	Suffolk Coastal District Council
	Norfolk County Council
	Cambridgeshire County Council

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))
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	Essex County Council
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NON-STATUTORY CONSULTEES

Royal National Lifeboat Institution	Royal National Lifeboat Institution
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APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Bodies who replied by the statutory deadline:

Associated British Ports
Anglian Water
EA
Great Yarmouth Borough Council
Highways England
Historic England
Health and Safety Executive
Marine Management Organisation
NATS (National Air Traffic Services)
Norfolk County Council
Natural England
National Grid Electricity Transmission
National Grid Gas
National Grid Gas Distribution
Public Health England
Royal Mail Group Limited
Suffolk County Council & Waveney District Council
Suffolk Coastal District Council
Suffolk Fire and Rescue Service
Trinity House

Our ref: RPH
Your ref: 170228_TR010023-000007
Date: 28 March 2017

Associated British Ports
Old Custom House
Key Street
Ipswich
IP4 1BY

Telephone: +44 (0) 1473 231010
Facsimile: +44 (0) 1473 688269

e-mail: ipswich@abports.co.uk
www.abports.co.uk

By Email: environmentalservices@pins.gsi.gov.uk

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Attention: Alison Down, EIA & Land Rights Advisor – Environmental Services Team

Dear Ms. Down,

Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)

Scoping Consultation Response – Lake Lothing Third Crossing

We refer to your letter of 28 February 2017 concerning Suffolk County Council's request to the Secretary of State for a scoping opinion in connection with the proposed Lake Lothing Third Crossing (the "Project").

We are pleased to note that the Secretary of State has recognised Associated British Ports ("ABP") as a formal consultation body under the Regulations, and this letter constitutes ABP's response to the consultation exercise.

We should record at the outset that ABP is the owner and operator of the Port of Lowestoft. The statutory port estate extends to just under 100 acres and the port handles annually some 100,000 tonnes of cargo, including dry bulks, forest products, steel and general cargo, as well as being the home to the Operation and Maintenance base for the Greater Gabbard Offshore wind farm. In addition, the Port is continuing to expand both in terms of its general cargo offering and its ability to service the UK wind farm industry.

Significantly in terms of this project, we should also point out that ABP is the Statutory Harbour Authority for the Port of Lowestoft.



In both its capacity as the owner and operator of the Port, and Statutory Harbour Authority for the navigable waters, ABP is required to comply with a number of statutory duties and obligations. As such it will resist any development proposal that has the potential to fetter or impact detrimentally on its ability to perform those statutory duties and responsibilities.

Putting the above in context, the proposed Lake Lothing Crossing, if taken forward in its current form will, to a large extent, be constructed within and across ABP's statutory port estate. This is a point which significantly appears to have been omitted in the scoping report but which we trust will be formally acknowledged in the final environmental statement – allied to a comprehensive consideration and assessment of the Project's potential impact on port operations.

Any lack of clarity – or ambiguity – inherent within the assessment in connection with the Project's potential impact on the Port, its current and future tenants and port operations, could create uncertainty and instability for key customers, which may of itself detrimentally impact ABP's commercial operations and future employment opportunities within the area.

In the light of the above, and for the assistance of the Secretary of State, we have -

- (a) commented below on a number of specific sections within the Scoping Report; and
- (b) identified in general terms certain issues that we consider should be assessed within the environmental statement.

ABP's comments on the Scoping Report

- 1 **Paragraph 1.1.7** - The Scoping Report states that the Scheme - *"delivers the Port of Lowestoft's role in being the hub for off-shore wind farms that are part of the East Anglia Array."* This assertion as it appears in the scoping report, however, has not been substantiated and we would be concerned if that was a rationale to be used to justify/support the scheme.
- 2 As we make very clear, as presently formulated ABP is seriously concerned that the Project has the potential to have an adverse impact on the Port. If the project is approved, the bridge will sever the Port in two, raise serious practical operational and navigational issues and will have the potential to prevent, restrict or frustrate the use of the Port by existing or new customers.
- 3 We trust in addition that the claim in this paragraph that the Project will directly deliver - *"over 9,000 jobs with a further 3,500 indirect jobs"* will in addition be formally substantiated in the Socio Economic chapter.
- 4 **Paragraph 1.5.7** - The Scoping Report states that the Scheme will provide improved access to the Port. No new or improved access into the Port, however, is proposed or created by the Scheme and the central crossing Scheme will restrict and increase the loss of quayside/berthing within proximity to the new crossing. As a consequence, investment in the Port may become limited due to the existence of the proposed bridge crossing situated in a central location across the Port.
- 5 **Paragraph 2.1.2** – The Scoping Report describes the location of the Scheme as being - *"broadly defined by a mixture of commercial and residential properties, which flank both the north and south of the water body."* In our view, this statement seriously undermines and indeed misrepresents the critical the importance of the Port of Lowestoft - a major industrial and commercial operation – over which the proposed bridge will cross.

- 6 **Paragraph 2.2.9** – The Scoping Report states that the new bascule bridge - *"will have to open less frequently than the existing Bascule Bridge at the harbour entrance."* ABP expects, however, that the new Bascule Bridge and the existing Bascule Bridge will have to be opened simultaneously in order to allow larger vessels to enter the Port.
- 7 The potential impact of the bridge on port operations will, we would suggest, play a large part in the decision as to whether or not the Project should be approved and a DCO issued – and we would expect this to be an area requiring careful, examination and comprehensive assessment in the environmental statement.
- 8 **Paragraph 2.2.10** - ABP has been assisting with the vessel simulation modelling referred to in the Scoping Report. The Scoping Report states that - *"the current estimate for the clear span between the new bascule bridge abutments is 35m, allowing a clear width of 32m between fenders."*
- 9 We understand, however, that the vessel simulation modelling was conducted on the basis of the clear span between the fenders being a width of 25 metres, not 35 metres. Accordingly, the gap between the fenders used as part of the modelling must be confirmed and ABP will expect any required changes to the modelling to be undertaken and detailed so as to enable accurate data for consideration in the environmental statement.
- 10 **Paragraph 2.2.11** – It should be noted that ABP considers that the provision of a joint control tower, to serve both the existing Bascule Bridge and the new Bascule Bridge, will not be suitable due to safety, operational difficulty and user fatigue reasons. The environmental statement will need to identify and assess appropriate alternatives.
- 11 **Paragraph 2.2.12** – The Scoping Report states that - *"access to the proposed scheme will be via approach spans which are still under review due to a number of conflicting constraints (e.g. land requirements, maintenance of existing access, provisions for different stakeholders, engineering and cost issues)."*
- 12 The environmental statement must comprehensively assess the physical and environmental impacts of the Project on ongoing operational use requirements of North Quay (situated immediately west of the proposed crossing), the use of which could be cut off or severely restricted from the rest of the Port as a result of the construction of the bridge.
- 13 Critically, ABP believes further serious consideration is required to ensure the positioning and height of the underside of the proposed bridge and its supports is sufficient to allow for the unimpeded passage of equipment and vehicles to North Quay, in particular cranes and abnormal loads under the spans crossing Commercial Road.
- 14 **Paragraph 2.2.14** - The Scoping Report provides that Geotechnical Site Investigations are scheduled to commence in Spring of 2017. ABP considers it imperative that these investigations include consideration of the marine environment, as well as the terrestrial areas.
- 15 **Paragraph 2.2.15** - There is currently some uncertainty regarding whether the Scheme will require two additional piers within Lake Lothing, or whether the existing quay walls are suitably retained and can withstand loadings being placed upon them.
- 16 In our view, the two main bridge piers shown in Lake Lothing are not hydrodynamically sympathetic in shape. If, however, two additional piers are

required as suggested in the Scoping Report, this would further affect the flow regime of the Lake and may also affect the navigation modelling already undertaken.

- 17 Accordingly, the current studies will need to be extended, in particular the vessel simulation modelling and navigation modelling, to enable formal assessment of the impact of additional piers, should the additional piers be required as part of the Scheme. These studies, the results and the conclusions drawn must be included within the Applicants' supporting environmental statement.
- 18 **Paragraph 2.2.19** – The Scoping Report states that - *"it is anticipated that the new drainage will outfall directly into Lake Lothing"*, it does not appear, however, that the potential impacts of road drainage will adequately be taken into consideration as part of the assessments for Road Drainage and Water Environment described in section 5.11 of the Scoping Report.
- 19 For example, the proposed assessments fail to recognise that drainage from the road could cause additional contamination of sediment (hydrocarbons etc.) which, if they accumulate, could cause future contamination issues with respect to ABP's maintenance dredge licencing.
- 20 We trust that the proposed Road Drainage and Water Environment chapter will identify and assess all of these issues.
- 21 **Paragraph 2.2.20** - The Scoping Report provides that - *"the full extent of the proposed scheme will be lit ... and will utilise LED luminaries with specialised optics in proximity to the waterways to minimise obtrusive light"*.
- 22 Lighting, if not carefully designed and positioned, has the potential to be a navigational hazard. This is an issue that must be assessed and the results and conclusions identified so as to address the requirements of the Port.
- 23 **Paragraph 2.2.24** – The Scoping Report states that - *"it is anticipated construction of the proposed scheme would commence in early 2020 and complete in around 24 months."*
- 24 ABP considers that this timeframe needs to take into account any 'in combination' impacts upon the Port caused by the disruption associated with the proposed Flood Defence works occurring in the Inner Harbour within the vicinity of the Bascule Bridge channel, within the same or similar timeframe as the proposed bridge construction works.
- 25 These impacts must be carefully assessed in consultation with ABP.
- 26 **Paragraph 4.3.4** - The Scoping Report states that - *"the desktop study established that ... two listed buildings (The Port House: Grade II, and The Royal Norfolk and Suffolk Yacht Club: Grade II*) are situated c.700m east of the proposed scheme and have intervisibility with it."* To assist, ABP queries whether the bridge will be visible from the Royal Norfolk and Suffolk Yacht Club building, as the four storey pier terrace building will block the view.
- 27 **Paragraph 4.3.8** – Again for assistance, the walkover survey refers to - *"a one storey brick built 20th century industrial building and an adjacent iron railway footbridge located on the north side of Commercial Road near the entrance to Associated British Ports land."* The iron railway footbridge was in fact removed in approximately 2014 which does of itself raise concerns as to the preparation of the scoping report.

- 28 **Paragraph 4.4.2** – In relation to maritime (recreational) activities, the statement - *"numerous pontoons provide mooring to leisure craft"* is misleading.
- 29 The environmental statement must recognise that there is a marina in the area that could be affected by the Scheme. In our view, a marina has a higher 'status' than just moorings and this should be recognised as a higher importance. We cannot see any obvious reference to the marina throughout the Scoping Report, which means that no marine assessment of the potential impacts of the marina has yet been undertaken.
- 30 **Paragraph 4.5.9** – In relation to surveys of the marine environment, ABP considers that the benthic and sediment characteristics (physical and chemical (contaminant)) of the marine environment will be required. In addition, the potential for the passage of fish to and from the Norfolk Broads will need to be considered, particularly with respect to underwater noise during construction.
- 31 **Paragraph 4.6.5** – Most of the current soils and sediment testing appears to be concentrated on the terrestrial environment. Consideration of the contamination of the seabed sediments will also be required as part of the Scheme assessment, down to at least the depth of the bridge pier foundations, as this material has the potential to be disturbed during construction of the Scheme.
- 32 Contamination has previously been identified in maintenance dredging arisings and is also known to exist in the terrestrial environment of the development site. Given the previous local shipyard usage of the site, it is possible that contamination could be locked in the sediment below the seabed surface.
- 33 **Section 4.7** – The 'Potentially Sensitive Receptors' identified in section 4.7 of the Scoping Report (including the Defra Noise Important Areas), only refer to terrestrial noise receptors. No consideration has been given to the effect of underwater noise and vibration on ecology. In our view, this could occur as a result of piling during construction of the Scheme, which could affect both terrestrial and marine environments.
- 34 **Paragraph 4.10.11** – The Scoping Report states that:
"The port has been actively involved in development, construction, operations and maintenance of the offshore wind farms. The Operations and Management for Greater Gabbard (offshore windfarm) run from the port. The successful Round Three developers for the East Anglia Array, Scottish Power Renewables, have agreed a 30 year deal with the Port of Lowestoft to act as a construction & operations hub for the East Anglia ONE. Lowestoft is also home to other leading companies in the energy sector, including Scottish and Southern Energy, Airtricity, Smulders (formerly SLP), Siemens and Bond Helicopters."
- 35 For the assistance of the Applicant, it should be noted that Airtricity is a subsidiary of Scottish and Southern Energy, not a separate entity. SLP is no longer owned by Smulders, they are a division of Sembmarine of Singapore. Further, RWE Innogy are operating from the Port during the construction phase of the Galloper Windfarm, as are James Fisher Marine Services. Bond Helicopters are now called Babcock.
- 36 **Paragraph 4.11.2** – The Scoping Report states that the study area for road drainage and the water environment includes - *"a buffer of 1km either side of the route alignments and any surface or groundwater bodies or water dependent conservation sites located up to 1km downstream."*

- 37 ABP considers that it is possible that sediment disturbance effects during construction of the Scheme could extend further afield than the 1km buffer. Accordingly, a larger study area should be adopted and assessed.
- 38 **Section 5.2** – The Air Quality Impact Assessment focuses on vehicle emissions. ABP considers that any assessment of air quality also needs to take into account vessel emissions, and include an assessment of the cumulative impact of both vehicle and vessel emissions, for the reasons set out in paragraph 12 above.
- 39 **Paragraph 5.3.12** – The Scoping Report states that - *"the proposed scheme does not directly impact designated built heritage assets. However, there may be indirect impacts resulting from visual intrusion or severance of views upon the setting of two designated heritage assets comprising the Port House, and the Royal Norfolk and Suffolk Yacht Club."* As already stated in paragraph 13 above, ABP considers that the Scheme will not be visible from the Royal Norfolk and Suffolk Yacht Club building, as the four storey pier terrace building will block the view.
- 40 **Paragraph 5.6.4** – The assessment of biodiversity and nature conservation, particularly in respect to paragraph 5.6.4, appears to be predominantly fluvial and groundwater based. In our view, this assessment needs to be extended to take into account marine considerations.
- 41 **Paragraphs 5.9.9 to 5.9.16** - This whole section deals with maritime operations and in particular, impacts on and issues associated with the Port. As stated in paragraph 5 above, ABP believes the vessel simulation modelling was conducted with an opening of 25 metres between abutments, not 35m as stated in the Scoping Report. The basis of the vessel simulation modelling needs to be clarified in the environmental statement.
- 42 This section also refers to the impact of the Project on marine traffic. There does not appear to be recognition, however, of the impact of land-take, loss of quay area through direct impact on the Port and restriction on access to vessels.
- 43 In addition, there is also no reference to the potential detrimental effect the proposed structures will have on future dredging campaigns and the increased in costs that will be required achieve the same results.
- 44 These are critical issues and it is disappointing that they have not been identified as such in the scoping report. Certainly, impacts on Port operations need to be taken into consideration and comprehensively assessed within the environmental statement.
- 45 **Paragraph 5.10.7** – The assessment of socio-economic impacts of the Scheme should include the potential effect both on port operations in terms of employment and leisure, including any detrimental effects on ABP's marina operations.
- 46 **Paragraph 5.11.2** – The Scoping Report identifies a number of potential significant pollution impacts on surface water of Lake Lothing. As Statutory Harbour Authority, ABP has a duty to respond to any pollution entering the waters of Lake Lothing. Construction of and road traffic using the new bridge will have the potential to greatly increase the quantity of hydrocarbons entering our statutory jurisdiction.
- 47 Any prosecution for land-sourced pollution will be the responsibility of the Environment Agency. Response and clean-up, however, will be ABP's responsibility. As there is uncertainty as to costs recovery associated with any pollution incident, this is a risk to our business going forward.

- 48 The ability of the SHA to respond to a pollution event between the existing Basculle Bridge and new crossing will be significantly affected should, for example, an oil containment boom be required as a containment measure. Any boom would be likely to be located to the west of the new crossing and would need to be transported via water under the new Bridge. Given the size of the boom in relation to the Bridge width, and resources available to move the boom, this may not be a viable option in anything but calm weather conditions.
- 49 In the light of the above, ABP believes that consideration should be given to additional pollution response equipment, in order to address the impacts of pollution on the Port and ABP's ability to deal with a pollution incident with a bridge in place.
- 50 **Paragraph 6.1.1** – The Scoping Report states that - *"a materials assessment has been scoped out as it is considered development of the proposed scheme is unlikely to result in significant waste streams or material usage."*
- 51 In our view, insufficient information and justification has been provided to assess whether the impact of materials and waste should be scoped out of the Environmental Statement. Accordingly, ABP has to query whether this topic should in fact be scoped out – particularly bearing in mind ABP's responsibilities, as noted above.
- 52 **Paragraph 6.1.2** – Similarly, the Scoping Report also states that - *"the requirement for a Health Impact Assessment has not been included as part of the scope of the ES."*
- 53 Although the impacts on human health will be addressed within the Air Quality Assessment, in our view, there is insufficient information to determine whether other aspects of the Scheme will have an impact on human health particularly bearing in mind that the bridge is to be constructed through the middle of an operational port. The suggestion of the Applicant is questioned.

Further information required for the Environmental Statement

- 54 **Overall impact of the Scheme** - In ABP's view, the Scoping Report contains insufficient information concerning the location and overall impact of the Scheme. In particular, ABP considers that further consideration in the Environmental Statement is required to reflect:
- (a) The effect on Port operations during construction phase of the Scheme, in respect of land and marine based activities.
 - (b) The need for the creation/provision of alternative access, in order to maintain access on North side of Lake Lothing to areas situated west of the proposed Scheme crossing.
 - (c) The impact on the Port, neighbouring occupiers and customers resulting from the increase in traffic along Commercial Road and through Port estate in order to access project during construction phase.
- 55 **Impact of the Scheme on the north side of Lake Lothing** – In our view, the Scoping Report favours and considers the impact and effects towards the redevelopment of the south side of Lake Lothing. Little consideration is given to the environmental and physical impacts of the Scheme on the Port and other users and

occupiers of Commercial Road. Further work needs to be undertaken to identify and assess these impacts and the findings detailed in the environmental statement.

- 56 **Flood Defence Scheme** – As identified above, the proposed construction of the Project is programmed to occur within a similar timeframe as works for the development of the new Flood Defence Scheme. The potential impact upon the Port of any construction occurring in parallel with EA One or Three or other near-term offshore developments are considered likely to result in the potential permanent loss of business to competing ports such as Great Yarmouth and elsewhere (e.g. Harwich).
- 57 The cumulative effects of the construction of the bridge and other projects (including developments in the pre-consent stage) on the Port need to be considered within the Environmental Statement.
- 58 **Impact on Port tenants** - The Scoping Report fails to take into account the impact of the proposed Scheme on Port tenants. In our view, the Scheme will have a commercial impact upon many of our tenants and long term business viability may be impacted by these works. These impacts need to be assessed and included within the environmental statement.
- 59 **Impact on additional foot and cycle paths on the Port** - ABP understands that consideration is underway for additional foot and cycle crossings to be provided in the future for Lake Lothing, in particular to link and benefit proposed developments on the South bank of Lake Lothing.
- 60 In our view, all such crossings will impact heavily and affect the use of marine users, including businesses and leisure users. As a consequence, the number of foot and cycle path crossings proposed needs to be carefully considered and the impacts assessed so as to prevent adverse effects on local businesses and users of Lake Lothing.
- 61 **Existing desktop and baseline studies** – The Scoping Report contains the results of a number of desktop and baseline studies that have been undertaken in relation to the Scheme, which have predominantly concentrated on the landside (terrestrial) potential effects of the Scheme, apart from specific navigational elements.
- 62 The Scoping Report does, however, indicate that further studies will be undertaken for the environmental statement. ABP is of the view that these further studies and assessments will be essential for the Environmental Statement, particularly in relation to impacts of the Scheme on the marine environment.
- 63 **Land take** – The red line boundary marked on Figure 2 presumably constitutes the project boundary. It fails, however to identify the temporary and permanent land take required for the Scheme?
- 64 Although the Planning Inspectorate, in Advice Note Seven (Version 5, March 2015), advises that such information should be included within a Scoping Report, this information has not been provided as further design work needs to be undertaken.
- 65 Due to the significant impact the Scheme will have on the operations estate of the Port of Lowestoft, it is imperative that this information is clarified and the detrimental impact of the land-take and loss of quay area is assessed as soon as possible.
- 66 **Funnel emissions and dust** – The Scoping Report fails to take into consideration the ongoing effect of funnel emissions and dust generated by the Port on the Scheme, both in terms air quality levels and safety of motorists using the new bridge.

There may be occasions when excessive smoke is produced at the Port that ABP is powerless to control, which may blow across the proposed bridge.

- 67 Although the impact of dust and exhaust emissions will be assessed in relation to the construction and demolition phase of the Scheme (paragraphs 5.2.8 – 5.2.14), it appears, however, that there is no consideration of the ongoing impacts relating to funnel emissions and dust during the operational phase of the project. ABP is of the view that this assessment needs to form part of the environmental statement.
- 68 ***HV Electrical Cables*** – The Structures Plan (Figure 3) identifies -"*suspected additional HV Electrical Cables*" which traverse Lake Lothing. The Scoping Report does not contain any further information regarding the height of the proposed cables or the impact this may have on vessel movements.
- 69 The inclusion of this information in the environmental statement and the assessment of the implications for the Port is in our view essential, as any electrical cables may have a detrimental impact upon vessels traversing Lake Lothing.
- 70 ***Cumulative impact of rail the crossing*** – The Scoping Report fails to consider any cumulative effect on traffic movements and delays resulting from the rail crossing at Oulton Broad North (Lowestoft – Norwich line).
- 71 We also assume that the Applicant will assess the option of a bridge over the railway crossing, in combination with appropriate adjustment to existing road traffic signalling sequencing and use of existing through routes as an alternative to the Project as currently formulated.
- 72 ***Risk assessment*** – In ABP's view, the Scoping Report contains insufficient recognition of the risks and hazards that may affect the Project as a result of operations and activities at the Port - for example, the storage and use of hazardous substances - and the risks and hazards the infrastructure created by the construction of the Project may have on the Port.
- 73 These risks must be identified and be comprehensively assessed in the Environmental Statement.
- 74 ***Carbon*** – The Scoping Report contains insufficient information regarding the whole life carbon emissions (Greenhouse Gas Emissions) associated with the Project. In our view, the environmental statement should identify the impact of carbon emissions of the Scheme and any associated climate change impacts.

Conclusion

- 75 We trust that the comments above will assist the Secretary of State in formulating the Scoping Opinion. As you will gather, as the owner and operator of the Port of Lowestoft, and as the Statutory harbour Authority, we believe that the scoping report submitted by the Applicant and its consultants is defective in a number of areas as far as the Port is concerned.
- 76 We trust, therefore, that the Secretary of State will ensure that those issues that we have identified above, are included within and comprehensively assessed in the Applicant's final environmental statement.
- 77 Suffice to say, our summary comments detailed above should not be taken as being ABP's exclusive comments on the emerging DCO application and the accompanying

environmental statement. We will no doubt wish to expand upon or make further observations on the application as the Project progresses and our comments above should this light.

Yours faithfully



Robert P Holmes BSc (Hons) MRICS
Estate Surveyor
Associated British Ports

Cc B Greenwood Clyde & Co



Anglian Water Services Ltd

Thorpewood House,
Thorpewood,
Peterborough
PE3 6WT

Alison L Down
EIA & Land Rights Advisor
Major Applications & Plans
The Planning Inspectorate
3D Eagle
Temple Quay House
Temple Quay
Bristol
BS1 6PN
[Sent by e-mail]

Tel (0345) 0265 458
www.anglianwater.co.uk
Our ref 00020299

27 March 2017,

Dear Alison,

**Lake Lothing Third Crossing: Draft Environmental Impact
Assessment Scoping Report**

Thank you for the opportunity to comment on the scoping report for the above project. Anglian Water is the sewerage undertaker for the proposed site. Please find enclosed comments on behalf of Anglian Water.

General comments

Anglian Water would welcome further discussions with Suffolk County Council prior to the submission of the Draft DCO for examination. In particular it would be helpful if we could discuss the following issues:

- Wording of the Draft DCO including protective provisions for the benefit of Anglian Water.
- Requirement for wastewater services.
- Impact of development on Anglian Water's assets and the need for mitigation.
- Access to existing assets.
- Pre-construction surveys and ground investigations.

Anglian Water has had initial discussions with the applicant regarding the above project and would wish to continue this dialogue.

Registered Office
Anglian Water Services Ltd
Lancaster House, Lancaster Way,
Ermine Business Park, Huntingdon,
Cambridgeshire. PE29 6YJ
Registered in England
No. 2366656.

an AWG Company

4.9 People and Communities - Communities and Private Assets (page 46)

There are a number of existing pumping stations and foul and surface water sewers within the boundary of the proposed site.

The Environmental Statement should include reference to Anglian Water's existing wastewater assets and any potential impacts from the above development. We would expect any requests for alteration or removal of existing assets to be conducted in accordance with the Water Industry Act 1991.

4.11 Road Drainage and the water environment and 4.12 Flood Risk (pages 50 – 52)

Reference is made to the potential risk of flooding from groundwater, surface water and fluvial flooding. There is also a need to consider the risk of foul sewer flooding as part of the Environmental Statement and associated Flood Risk Assessment.

5.11 Road drainage and water environment (page 82)

Reference is made to the potential impacts on surface water particularly in relation to pollution impacts. Assuming that a connection to the public sewerage network is required it is suggested that the Environmental Statement should also include reference to the impact of surface water flows on the public sewerage network.

5.12 Flood Risk (page 87)

Reference is made to the potential risk of flooding from all potential sources being considered as part of a Flood Risk Assessment which is welcomed. If further information is required relating to records of historic flooding it is recommended that the applicant contacts Anglian Water's Pre-Development Team (planningliasion@anglianwater.co.uk).

Should you have any queries relating to this response please let me know.

Yours sincerely

A black rectangular box redacting the signature of Stewart Patience.

Stewart Patience

Strategic and Spatial Planning Manager

Ms Alison Down
Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
Avon
BS1 6PN

Our ref: AE/2017/121404/01-L01
Your ref: 170228_TRO10023-000007
Date: 28 March 2017

Dear Ms Down

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED)
– REGULATIONS 8 AND 9
APPLICATION BY SUFFOLK COUNTY COUNCIL FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE LAKE LOTHING THIRD CROSSING
SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT
DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT
IF REQUESTED**

Thank you for your EIA Scoping consultation letter dated 28 February 2017 and received in this office by email on 1 March 2017.

We have reviewed the Environmental Impact Assessment Scoping Report submitted and whilst it appears to be thorough in most respects our response highlights areas that we think require more focus, consideration and review. In particular we draw your attention to our advice relating to flood risk assessment and modelling; and also in respect of protecting the water environment from pollution and safeguarding its biodiversity.

Flood Risk Assessment and Modelling

Paragraph 5.12.2 refers to the NPPF and supporting technical guidance. The technical guidance is now known as the Planning Practice Guidance (PPG). This should be amended.

Paragraph 5.12.3 discusses the objectives of the FRA identifying that appropriate mitigation measures should be put in place to manage flooding issues post development. Consideration should also be given to any mitigation that may be required during the construction phases of the bridge. This will depend on the method and duration of construction; ultimately, it may not be required but it should be considered in the first instance.

Paragraph 5.12.4 identifies the hydraulic modelling which will be used to establish the flood risk posed to the site at present, and once the crossing is in place. This is an issue that applicant has previously discussed with the Environment Agency. The applicant should be aware that JBA Consulting are undertaking a modelling project at present across the Essex, Norfolk and Suffolk coast. This is due to be finalised in summer 2017. Depending upon the timings of the modelling for the crossing, consideration may need to be given to the results of this new coastal modelling being undertaken by JBA. This will be of particular importance when reviewing and updating the boundary conditions identified in section 5.12.5 in particular, the tidal downstream boundary. We agree that it is appropriate to present a worst case scenario that assumes that the Tidal Barrier has not been constructed.

Paragraph 5.12.8 discusses the model runs that will be undertaken and how climate change will be considered. The document states that as the development is safety-critical, the UK Climate Projections (UKCP09) high emissions scenario for the 2080s at the 50% probability level will be used to inform the design and mitigation of the development as agreed with the EA. In previous correspondence we requested that in all instances whether safety critical or not the 10, 50 and 90 percentile medium and high emission scenarios should be assessed until 2140. As it has been confirmed that the bridge is safety critical, the credible maximum H₁₀₀ scenario should also be assessed for safety critical elements if the bridge is to remain open and operational to traffic and emergency services during a flood event. This is not clear in the scoping report and should be clarified.

Paragraph 5.12.9. We agree that any mitigation is not expected to be designed to the H₁₀₀ level but that the safety critical elements should be assessed to understand this risk. It should be noted that the Environment Agency or a representative on our behalf will wish to review the model itself before approval.

Impact Assessment Criteria.

This section of the document sets out how the FRA will consider the impact of the proposed crossing upon flood risk elsewhere. Table 5.16 classifies the change in depth of flooding and applies a 'Magnitude of Impact' of no change, negligible, moderate and major. Table 5.17 then applies these magnitudes to the development vulnerability classifications as set out in Table 2 of the Planning Practice Guidance to determine where mitigation would be required. Further clarification is required in relation to depths applicable to the 'Moderate' magnitude of impact. The depth bands in Table 5.16 do not appear to account for depths greater than 0.02m and less than 0.1m. Based on this, depths between 2cm and 10cm are not assigned a magnitude of impact classification. We believe there may be an error and the moderate category should be >0.02m- >=0.3m. This should be amended or explained further. For instance, would any mitigation measures be provided for an increase in flood depth of 8cm on third party land? It is understood that where mitigation is identified to be required in Table 5.17, it would be designed to produce a negligible effect which equates to a maximum increase in flood depth of 2cm. This was determined based on the tolerance of the hydraulic model. We note that similar increases in flood depth were considered minor within the Lowestoft Cumulative Land raising Study which was undertaken by Scott Wilson on behalf of Waveney District Council dated June 2008. Whilst 2cm is likely to have a minor impact elsewhere, the FRA will still need to identify and quantify any changes in flood depth, extent, frequency and hazard identifying the consequences of these changes upon the receptors in the area. This should be done at a site specific level to determine if mitigation is

required. We are pleased to see that all mitigation will be decided in consultation with the Environment Agency.

Table 5.17 suggests that if there is a moderate or major magnitude of impact to water compatible development mitigation is not required. It is agreed that water compatible development by definition can be located in areas at a high risk of flooding and it is often acceptable for this type of land use to flood. However, it is important to note that the water compatible classification covers a range of uses which are listed at Table 2 of the PPG. Whilst we accept that it may be appropriate for amenity open space to flood to a greater depth or to flood where it did not previously, this may not be the case for other uses in the water compatible category such as essential ancillary sleeping or residential accommodation for staff. Further justification is required to explain why a moderate and major magnitude of impact is acceptable for water compatible uses. At present we would not agree that it is acceptable to increase flood risk to all water compatible development types. We would advise that any increases in flood risk to any development should be investigated to establish the likely consequence specific to that site or development.

Flood Defence Consents & Environmental Permitting Regulations We have previously advised the applicant that a Flood Defence Consent would be required for any works in, under over or within 9 metres of a main river or sea defence. Flood Defence consents have changed and now fall under the Environmental Permitting (England and Wales) Regulations 2016. Under EPR an environmental permit for flood risk activities may be required for work in, under, over or within 8m of a fluvial main river or flood defence structure or culvert or within 16m of a tidal main river or flood defence structure or culvert. The proposed third crossing will cross the main river known as the 'Lake Lothing Landspring and Tributary'. The Environmental Permitting Regulations take a risk based approach that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities can be excluded or exempt and only higher risk activities will require a permit. The bridge crossing itself will require a bespoke permit. Any other facilitating works may fall under one or more of the following: An Exclusion An Exemption A Standard Rules Permit A Bespoke permit Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Biodiversity

Eel Migratory Route. The Scoping Report does discuss obligations in respect of eels. Lake Lothing is part of an eel migratory route and any new outfalls draining into Lake Lothing will need to be compliant with The Eels (England & Wales) Regulations 2009 and may require screening.

Harbour Porpoise. The Report does not reference the potential for Harbour Porpoise either in section 4 or 5. The baseline information should be informed and evaluated in respect of this species with appropriate mitigation based on identified effects of the impact.

Water Environment and Water Framework Directive (WFD)

Paragraph 4.11.7 details the WFD status for 'Bure & Waveney & Yare & Lothing' surface water body (GB510503410700) and correctly identifies its classification as heavily modified. However, the 'Surface Water' section does not mention that under the provisions of the Water Framework Directive we are obliged to ensure that there should be 'no deterioration' of any water body and reach an improvement in the classification to 'good'

Cont/d..

status or potential by 2027. It is important that this obligation is recognised and used to inform approaches to attenuation and treatment.

Table 5.21 identifies that the effects of surface water runoff may impact upon the WFD classification of Lake Lothing. The requirements of WFD should also be considered further under the Biodiversity and Nature Conservation heading which will better capture the whole scope of the requirements of WFD and in particular supporting the responsibility in respect of the water body ecological status.

Ground Water and Contaminated Land.

Section 5. Geology, Soils and Contamination. The scope of the assessment should also include a piling risk assessment. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution or turbidity creating the potential to mobilise contamination by drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

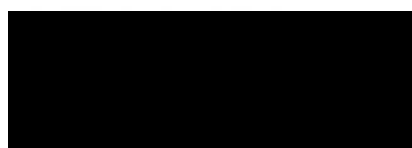
Appendix G Table 4. Summary of potential sources of contamination. The list of contaminants of concern should be extended to include potential contaminants for example, ammonia, PAHs and VOCs based on former land uses (landfill, gas holders).

Appendix G Table 5. Potential Receptors. Section R3 in the table should also include the principal aquifer.

Appendix G section 5. Recommendations. We agree with the overall recommendations that a ground investigation is needed. We would wish to be consulted on any proposals to drill investigative boreholes into Lake Lothing to ensure sufficient pollution prevention measures are taken to protect the underlying aquifer

I trust that these comments are helpful.

Yours sincerely



Mrs Barbara Moss-Taylor
Planning Specialist

Direct dial 0208 474 8010

Direct fax 01473 271320

Direct e-mail barbara.moss-taylor@environment-agency.gov.uk

Strategic Planning
Great Yarmouth Borough Council
Town Hall, Hall Plain
Great Yarmouth
Norfolk, NR30 2QF
Customer Contact Centre
Tel: (01493) 856100
Fax: (01493) 846110

By Email only.

Email: enquiries@great-yarmouth.gov.uk
DX: 41119 Great Yarmouth 1

Direct Line: (01493) 846475
Email: kim.balls@great-yarmouth.gov.uk

Our ref: EIA/KB
Your ref: 170228_TR010023-000007
Date: 28 March 2017

For attention of Alison Down,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED) –
REGULATIONS 8 & 9**

**APPLICATION BY SUFFOLK COUNTY COUNCIL FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE LAKE LOTHING THIRD CROSSING**

Thank you for the opportunity to comment upon this Scoping Consultation in regard to granting a Development Consent Order (DCO) for the proposed Lake Lothing Third Crossing.

It is considered that the socio-economic effects of the proposal upon Great Yarmouth and Lowestoft's functional economic relationship should be reflected in more detail through the Environmental Statement. Attention should be drawn to the New Anglia Local Enterprise Partnership (LEP) Strategic Economic Plan (SEP) which recognises both Great Yarmouth and Lowestoft as 'Growth' locations, particularly well placed to capitalise on the energy sector as the main opportunity for growth.

Through the SEP, Great Yarmouth and Lowestoft have been identified as major bases for construction, operation, maintenance and servicing of offshore production – such as oil, gas, wind and tidal energy – in the North Sea. This advantageous location has helped Great Yarmouth and Lowestoft secure:

- One of six Centres of Offshore Renewable Engineering (CORE) - UK Government Status awarded to areas that are recognised to benefit from existing port infrastructure, skills, supply chain and local government support to enable rapid growth within the offshore wind sector.
- Enterprise Zone (EZ) status across six sites in Great Yarmouth and Lowestoft for energy business, offshore engineering and ports & logistics.

- Assisted Area Status. Allowing projects to be given more support from New Anglia's Growing Business Fund and EU pot, thus making the EZ more attractive to inward investment.

It is considered that the Lake Lothing Third Crossing will better enhance the connectivity between the Enterprise Zone sites, particularly where this concerns the location of the two EZ sites south of Lake Lothing (Riverside Road & Lowestoft Industrial Estate).

It should be noted that connectivity will be fully maximised between the Great Yarmouth and Lowestoft Enterprise Zone sites through the future implementation of the Great Yarmouth Third River Crossing, by providing a more direct route to the Great Yarmouth 'deep water' Outer Harbour and South Denes Industrial Estate which are important areas for the energy sector supply chain.

If you wish to discuss these in any more detail, please do not hesitate to contact me.

Yours sincerely

Kim Balls
Senior Strategic Planner

From: Greenhill, Stephen [mailto:Stephen.Greenhill@highwaysengland.co.uk]
Sent: 22 March 2017 16:26
To: Environmental Services
Subject: RE: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION

Alison,

Yes would you please record my name as primary Highways England contact for all consultations associated with this project.

I have read the EIA Scoping Report and have the following two comments to make on behalf of Highways England.

1. The Strategic Road Network between Lowestoft and Great Yarmouth has now been renumbered A47 (formerly A12). Accordingly, all references to this road in the report should read A47.
2. The Site Location Plan (page 100, Figure 1) does not appear to show the Northern Spine Road.

Regards,

Stephen Greenhill, Asset Development Manager

Highways England | Woodlands, Manton Lane | Manton Industrial Estate | Bedford | MK41 7LW

Tel: +44 (0) 300 4704487 | **Mobile:** + 44 (0) 7712 407940

Web: <http://www.highways.gov.uk>

GTN: 0300 470 4487

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Customer Contact Centre is 24/7 on 0300 123 5000 or info@highwaysengland.co.uk



Historic England

The Planning Inspectorate
3D Temple Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: PL00075248
Your ref: 170228_TR010023-
000007
Telephone 01223 582710

01 March 2017

Dear Sir/Madam

Re: EIA Scoping Opinion: Application by Suffolk County Council for an Order granting Development Consent for the Lake Lothing Third Crossing

Thank you for your letter of 28th February 2017 with a formal request for a scoping opinion in relation to the above application, in accordance with Regulations 8 and 9 of the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). Historic England, as the governments lead advisors on the historic environment would like to offer our comments on this proposal, taking into consideration the information provided by the applicant. This is primarily the Lake Lothing Third Crossing Environmental Statement Scoping Report (Mouchel 2017).

Historic England Advice

This proposal consists of a new single carriage way road across Lake Lothing, which would link Waveney Drive on the south side of the lake to Peto Way in the North. The crossing will consist of a multi-span bridge which will include road and rail transport and will therefore require changes to the infrastructure on both the north and south sides of Lake Lothing.

The historic environment is a finite and non-renewable environmental resource which includes designated and non-designated heritage assets, historic landscapes and sites of historic and evidential interest. It is a rich and diverse part of England's cultural heritage and makes a valuable contribution to our cultural, social and economic life. This development would be within a wider historic landscape that contains a number of designated and non-designated heritage assets. The scoping report identifies that the scheme has the potential to impact the setting of the Lowestoft South Conservation Area. There is one highly graded listed building within the conservation area, The Royal Norfolk and Suffolk Yacht Club which is grade II*. The conservation area comprises the part of the town which was developed as a pleasure resort during the nineteenth century, and has associations with the development of



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.





the port. The conservation area is essentially linear, running parallel to the seafront. It includes the existing crossing and surrounding townscape at the north. The Yacht club is located just to the south of the crossing and is a distinctive building free style building of 1903. There are views from the area around the Club and the northern part of the conservation area inland towards the application site. We are also aware of a potentially significant quantity of non-designated heritage assets within the development area, primarily structures relating to the defence of Britain during WWII. The non-designated heritage assets also including Lake Lothing itself, which is widely believed to have been formed from by medieval peat cutting before being developed as a harbor. The lake and banks may also contain palaeo-environmental deposits associated with the former Lake Lothing. Our response to the Scoping report is set out with general comments followed by more specific points below.

Scoping Report

We note that the historic environment has been fully included within the scoping report although the report splits this between the existing environment (Chapter 4) and Potential Environmental Impacts and Proposed Assessment (Chapter 5). Within those chapters the historic environment is further split in Cultural Heritage (Paragraphs 4.3 and 5.3) and Townscape and Visual Impact Assessment (paragraphs 4.4 and 5.4). Appendices B and C also provide historic environment data in the form of the desk based assessment and the deposits model. The Scoping Report includes within the appendices a desk based assessment which details the extent of the known designated and non-designated heritage assets, and a deposit model which references the extent of the current knowledge in relation to any surviving deposits that may relate to the former Lake Lothing, prior to its development as a port and harbor.

We broadly support the approach taken in the scoping report although the way the Historic environment section has been split means that the analysis is disjointed. We are aware that the baseline data noted in Chapter 4.3 is underpinned by a desk based analysis and we agree that the sources used to establish this were appropriate. We would however recommend a single Historic Environment chapter is considered for the ES, however the historic environment sections would also need to be integrated, and cross referenced to other relevant chapters. This is most relevant to the Landscape and Visual Assessment where we consider that it would be important to use historic environment receptors in to the assessment process. We consider that photomontages and/or wirescape images from heritage specific viewpoints would be essential particularly from key designated heritage assets. Wider landscape views are also needed, including any images that would seek to illustrate cumulative impacts. The assessment of 'setting' likewise should not be solely restricted to visual impact, and would need to consider the impact from other environmental factors such as noise, traffic and lighting.

We therefore consider that the impact of the proposed development on the setting and significance of the conservation area and the Yacht Club would need to be fully assessed in accordance with legislation, policy and guidance. In particular we recommend the analysis follows the staged approach to assessment set out in the Good Practice Advice in Planning 3:





The Setting of Heritage Assets. The ES document would need to provide sufficient visual information to illustrate how the proposed infrastructure would be seen in views from the conservation area and from the Yacht Club. We would be pleased to provide more detailed advice on proposed viewpoints for photomontages once an initial list has been drawn up. We also agree that further assessment for buildings and structures of local interest would be appropriate, in particular to establish if there are any non-designated structures or features that have a relationship to the maritime history of the area and to its use as a port. We also accept that of the non-designated heritage assets it is the WWII archaeology that currently dominates the record, although we are pleased to see that (as noted above) Lake Lothing itself is noted as a heritage asset, because of its association with medieval peat cutting. Further palaeo-environmental investigations which include a search for the Cromer Forrest Bed Formation (CFBF) will be an important consideration during the assessment phase, to ensure that any impacts on this resource are known and are understood.

Impacts and Assessments for the historic environment are considered in Chapter 5.3 of the scoping report. Historic England has in the past raised concerns about the use of matrices and table to determine significance, magnitude of impacts and receptor sensitivity. This is in reference to the Design Manual for Roads and Bridges (DMRB). We are concerned that taking a formulaic approach of which the DMRB is a proponent of, does not always deliver a coherent and informed narrative of harm in relation to the historic environment. We note that this approach is proposed for this application (see 5.3.1) and therefore we would ask the applicant to note that whilst the standardised EIA matrices are a useful tool, the analysis of impact, harm, significance and setting is a matter of qualitative and expert judgment which cannot be achieved solely by the use of systematic matrices. The use of tables should be seen primarily as supporting material and we recommend that the applicant seek to deliver a clearly expressed, iterative and non-technical narrative for significance and harm, which is tailored to this specific environment.

In terms of the Deposit Model (Appendix C) geo-archaeological assessment needs to be scoped in to the project alongside the Ground Investigations works, this should include further evaluation to establish the presence or absence of palaeoenvironmental deposits associated with Lake Lothing, as well as the Cromer Forest Bed Formation (CFBF). It would in our view be appropriate for this to be undertaken alongside the ground investigation programme; however geotechnical investigators would need to work with a geoarchaeological specialist to maximise the potential of the samples for the mutual benefit of both programmes of work. Please also find specific comments below

Main Report

- 4.3.13 – This section summarises the deposit model (presented in Appendix C) that was developed using existing data from boreholes and indicated that Holocene alluvium and localised deposits of peat survive within the study area. These deposits have the potential to reveal information about human activities in the area as well as how the landscape and environment changed over time. It was also noted that the Cromer Forest Bed Formation





was absent within the study area. However, it was also noted that the depth, distribution and level of detail recorded by these existing investigations was not sufficient to enable definitive interpretation. It is therefore possible that this formation may be present within the study area and this should be determined and investigated as part of any geotechnical/geoarchaeological works, due to the potential for internationally significant deposits to be present that may contain evidence of hominid activity dating to 700,000yrs BP up to 1 million yrs BP, such as the remains discovered at Pakefield and Happisburgh.

- 5.3.18 – provides a summary of the works that will be undertaken as part of the detailed assessment. The summary mentions geo-archaeology, but does not mention the investigation of the cores/deposits for scientific dating or palaeoenvironmental analysis. This would need to be included to ensure that these deposits will contribute to our understanding of the potential and significance of any deposits found, and the impact that any works may have on them.

Appendix B – Cultural Heritage DBA

- 6.1.1 This section states that very little palaeoenvironmental work has been carried out within the study area, but that limited evidence suggests that peat deposits may survive at either side of Lake Lothing. The presence, extent and potential of any peat accumulations needs to be determined. Any deposits also need to be scientifically dated to place the material into context.
- Sections 6.2 to 6.8 – We broadly support the conclusion about the potential for buried archaeology of different periods, however archaeological remains may survive within the development area. These may be deeply buried or have been truncated by later activity (peat cutting), but pockets of evidence could survive.

Appendix C – Deposit Model

- Historic England have already provided further detail comments to the applicant on the deposit model.

Appendix H – WSI

We note that two WSI documents are included with the scoping report, this includes one for the Watching Brief for the Ground Investigation works' and a second one for the T-Shaped trenches'

WSI for the Watching Brief during Ground Investigations Works

- In general, the WSI presented for the Watching Brief during Ground Investigations Works covers the main issues required by this work, and has considered the need for environmental samples. However we consider that additional information is needed about the production of scientific dates to place the remains into context, and that the environmental remains will be discussed in terms of their potential and significance





- In the report of this work (3.1) it is stated that one of the aims is to ‘record the presence and absence of palaeoenvironmental deposits, such as alluvium and peat’. This should also include an additional sentence that states that the deposits will be assessed in terms of their significance and potential to address key archaeological questions.
- Under 3.4 the Historic England guidance documents (mentioned in Section 4.2) (Environmental Archaeology and Geoarchaeology) need to be added into the list of ‘Standards’ as stated here?
- Under 5.2, it is stated that the final report will include a discussion of the significance and potential of any archaeological remains, but similar discussions also need to be included about any artefacts or ecofacts that are recovered from the site.

WSI for the T-Shaped trenches

- The WSI presented for the T-Shaped trenches only has limited detail included about the works that will be carried out. It does not for example mention a sampling strategy. WE note that an Environmental Archaeologist and a Radiocarbon dating laboratory are included in the list of named specialists; however more detail is needed about the role of sampling and the type of environmental samples that will be collected. This also needs to be included in the method statement for the proposed works. The dating programme also needs to be discussed within this WSI both in terms of the relative and absolute information that will be utilised to date any remains recorded on site. The WSI would need to be revised and the changes agreed prior to implementation
- Under Methodology, this section needs to include information about the need to collect samples for dating and environmental studies, as well as referring to the relevant Historic England guidance documents (Environmental Archaeology (2011), and Geoarchaeology (2015).
- The section on Post-excavation needs to include reference to sample processing, assessment and dating, and details need to be provided about what work will happen in each of the stages cited, and what will be included in the final report.

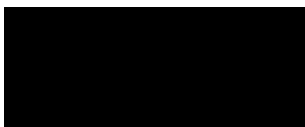
Recommendations

We would support the production of an ES would be required for this development, and that it is appropriate to consider the impact of the development on the significance of designated and non-designated heritage assets and their setting. We also consider that further assessment of palaeo-environmental deposits would be necessary and that this would need to include deposits that relate to both Lake Lothing and the CFBF. Given the nature of the application and the number of designated heritage assets involved we would recommend that the applicant engage in further discussion with us regarding pre-application discussions. We have also included a number of comments in relation to the technical documents and consider that revisions are necessary prior to implementation.





Historic England



Dr Will Fletcher, Inspector of Ancient Monuments
Will.fletcher@historicengland.org.uk



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TRO10023
Our ref: 4.2.1.5815

HSE email: NSIP.applications@hse.gov.uk

FAO Alison L Down
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Ms Down,

14th March 2017

**PROPOSED LAKE LOTHING THIRD CROSSING (the project)
PROPOSAL BY SUFFOLK COUNTY COUNCIL (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 28th February 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

We have reviewed HSE's Planning Advice Web App for this proposal and it is not within the vicinity of any major hazardous installations or major accident hazard pipelines on HSE's record.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

However, this project relates to a new single carriageway road across Lake Lothing with associated new bridges and, from the works described, we would not expect hazardous substances to be present in quantities requiring Hazardous Substances Consent (HSC).

Explosives sites

HSE has no comment to make, as there are no licensed explosive sites in the vicinity.

Waste

In respect to old landfill (buried waste) the applicant should take account of and adhere to relevant health and safety requirements. More details can be found on HSE's website at:

<http://www.hse.gov.uk/waste/index.htm>

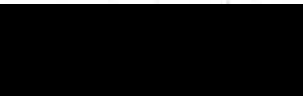
Electrical Safety

No comment, from a planning perspective.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy



Marine
Management
Organisation

Scoping Opinion

**Marine Works (Environmental Impact Assessment)
Regulations 2007 (as amended) (“the Regulations”)**

Title: Lake Lothing Crossing

Applicant: Suffolk District Council

MMO Reference: DCO/2017/00003

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1. Proposal

The proposed scheme consists of a new single carriageway road across Lake Lothing linking the B1531 Waveney Drive on the south side of Lake Lothing to the C971 Peto Way on the north side of Lake Lothing. On the north side the road will join Peto Way between Rotterdam Road and Barnards Way. On the south side of Lake Lothing the new road will follow the alignment of the existing Riverside Road from a remodelled junction with Waveney Drive.

2. Project Background

The new crossing consists of a multi-span bridge which includes a new opening bridge in Lake Lothing, a new rail bridge on the north side over the existing East Suffolk Line and a new underpass bridge on the south side. On the south side there will be a new access road from Waveney Drive west of Riverside Road leading to the underpass bridge which is required to provide access to existing property that would otherwise become inaccessible due to changes in level on Riverside Road. The scheme will include associated changes to the local highway network and new landscaping. The new crossing of Lake Lothing will provide a footway on both sides with one side being wider to accommodate a shared use combined footway and cycleway.

The Lake Lothing crossing is located in Lowestoft, Suffolk which is displayed in Figure 1 below.

Figure 1: Lake Lothing, Lowestoft



3. Environmental Impact Assessment (EIA)

The Marine Management Organisation (MMO) considers the proposed works to be an Annex II project under the EIA Directive 2011/92/EU ("the Directive"), specifically: Article 4(2) (e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex 1) (case reference: DCO/2017/00003).

The application required for the proposed works for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 ("the Act") will be accompanied by an Environmental Statement ("ES")

4. Scoping Opinion

Suffolk District Council have prepared a Scoping Report entitled "Environmental Impact Assessment Scoping Report Lake Lothing Third Crossing" submitted to the Marine Management Organisation (MMO) on 28 February 2017.

The MMO agrees with the topics outlined in the Scoping Report and in addition, recommends that the following aspects are considered further during the EIA and should be included in any resulting ES.

5. Nature Conservation

Outer Thames Estuary SPA

5.1. The proposed construction activities are within 2km of the designated site and as such the effects on these sites will need to be fully considered in the ES.

Southern North Sea pSAC

5.3 The proposed construction activities are within 2km of the designated site and as such the effects on these sites should be fully considered in the ES.

Further information about the interest features of the pSAC and SPA sites is available within Natural England's Regulation 33 advice on the Outer Thames Estuary SPA and the Southern North Sea pSAC.

Further information regarding the conservation objectives of these sites can be sought from Natural England and the advice packages are available for download from the following websites at:

<http://publications.naturalengland.org.uk/publication/3233957>

<http://jncc.defra.gov.uk/pdf/SouthernNorthSeaConservationObjectivesAndAdviceOnActivities.pdf>

6. Coastal Processes

6.1. Alterations to the hydromorphological regime have been scoped out due to the heavily modified status of Lake Lothing, including engineered banks and Mutford Lock; however the reasons for this has not been made clear. No information has been given regarding the flow or of the present potential for sediment mobilisation. The report states that the crossing is to be placed in the thinnest section of the tidal lake, with up to 4 new piers reducing the width. This could promote significant scour in competent flows and will need to be given full consideration in the ES, including any monitoring and mitigation that may be required regarding the potential for scour in the lake.

If during construction the suspension of the fine sediments is sufficient enough to promote transport out of the lake into the marine environment on an ebb tide, the impacts that this could have on the marine environment will need to be assessed.

7. Benthic Ecology

7.1. The scoping report states there is a high risk of contamination to controlled waters and as such sampling and analysis has been recommended in the proposal. The results of this analysis could have an impact on construction methodology and this will need to be a consideration for the ES.

Mobilisation of contaminated material will also need to be considered and an assessment of the impacts of this on benthic ecology within the vicinity of the activities will need to be considered.

8. Fish Ecology and Fisheries

8.1 No fisheries have been identified within 2km of the area of the proposed activities, however advice should be sought from the Environment Agency.

9. Shellfish

9.1 No shellfisheries have been identified within 2km of the area of the proposed activities however advice should be sought from the Environment Agency

10. Archaeology

10.1 The MMO have no additional comments to make and agrees with the proposed approach at this time, further advice on the historic environment should be sought from Historic England.

11. Navigation / Other Users of the Sea

11.1 The crossing will have an impact on other users of the sea and will need to be fully considered in the ES, the bridge design is such that it will need to open to allow users to move in and out of the lake and consideration to timings of this and the impact this may have on traffic flow, both in terms of marine users and bridge traffic will need to be fully assessed, further advice should be sought from the local Harbour Authority.

12. Water Quality

12.1 The Environmental Statement (ES) will need to fully consider the impacts that the development could have on potentially contaminated sediments and risks associated with scour and accretion, including the mobilisation of sediments and will need to assess this using the guidance in the Waste Framework Directive.

The ES will need to include an assessment under the Water Framework Directive in order to determine the effect of the construction within the marine environment and the potential impact on the water body using the 'Clearing the waters for all' guidance.

13. Habitats Regulations Assessment

13.1 As this proposal is not directly connected with or necessary to the conservation management of the sites, Outer Thames SPA and Southern North Sea pSAC it may require assessment under the Conservation of Habitats and Species Regulations 2010. This process is commonly referred to as a Habitats Regulations Assessment (HRA).

Further information regarding sources of information that should be considered in such an assessment is available in section 5 of this document.

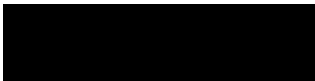
14. Cumulative Impacts

14.1 The ES will need to consider effects which take place as a consequence of the project, such as to provide access or supplies, or effects that could arise from a combination of the project's effects with those of other existing or planned developments in the surrounding area. Further guidance is available from the [European Commission in Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions \(1999\)](#). Justification should be provided within the ES as to the proposed scope of cumulative, indirect and secondary effects assessment through the EIA process.

15. Conclusion

The topics highlighted in this scoping opinion should be assessed during the EIA process and the outcome of these assessments should be documented in the ES in support of the marine licence application. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.

Fern Skeldon
Marine Case Officer



28 March 2017

From: [ROSSI, Sacha](#)
To: [Environmental Services](#)
Cc: [NATS Safeguarding](#)
Subject: RE: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION
Date: 03 March 2017 18:06:18

Dear Sir/Madam,

NATS operates no infrastructure in the vicinity of the proposal and does not anticipate any impact on its operations. Accordingly it has no comments to make on the application.

Regards
S. Rossi

Mr Sacha Rossi
NATS Safeguarding Office

☎: 01489 444 205
✉: sacha.rossi@nats.co.uk

4000 Parkway,
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

From: Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]
Sent: 28 February 2017 15:31
Subject: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION

Dear Sir/Madam,

Please find attached correspondence about a scoping consultation for the proposed Lake Lothing third Crossing.

Please note that the deadline for consultation responses is 28 March 2017, and is a statutory deadline that cannot be extended.

Kind regards,

Alison

Alison L Down
EIA & Land Rights Advisor – Environmental Services Team
Major Applications and Plans, The Planning Inspectorate, 3D Eagle, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Helpline: 0303 444 5000
Email: environmentalservices@pins.gsi.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk> (National Infrastructure Planning website)
Twitter: @PINSgov

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Norfolk County Council Comments on the: Guide to Developing the western end of Lake Lothing – Supplementary Planning Document (SPD)

November 2015

1. Preface

- 1.1. The officer-level comments below are made on a without prejudice basis and the County Council reserves the right to make further comments on the emerging SPD.

2. Comments

- 2.1. The County Council welcomes the opportunity to comment on the above draft SPD and supports the sustainable design principles set out in the document.
- 2.2. Overall it is considered that the document does not raises any significant strategic cross-boundary issues with Norfolk County Council. It is assumed that, under the District Council's statutory duty to co-operate (Localism Act 2011), if there are any strategic cross-boundary issues arising, or likely to arise, from the above SPD that the District Council would seek further discussion with Norfolk County Council.
- 2.3. Should you have any queries with the above comments please call or email Stephen Faulkner on 01603 222752 or email on stephen.faulkner@norfolk.gov.uk

Norfolk County Council Comments on the: Lake Lothing Third River Crossing - Scoping Report

March 2017

3. Preface

- 3.1. The officer-level comments below are made on a without prejudice basis and the County Council reserves the right to make further comments on the emerging Third River Crossing.

4. Comments

- 4.1. The County Council welcomes the opportunity to comment on the above Scoping Report.
- 4.2. It is felt that while it is unlikely that the Third River Crossing proposal will raise any significant strategic cross boundary issues, the Preliminary Environmental Impact Report (PEIR) and Environmental Impact Assessment (EIA) should consider any potential cross boundary issues in respect of:
 - (a) The wider environmental impacts;
 - (b) Transport impacts on the wider highway networks; and
 - (c) The Economic Development opportunities and synergies/links with Great Yarmouth particularly with regard to the offshore energy sectors.

- 4.3. Should you have any queries with the above comments please call or email Stephen Faulkner on 01603 222752 or email on stephen.faulkner@norfolk.gov.uk

Date: 27 March 2017
Our ref: 10801/209666
Your ref: 170228_TR010023-000007



Secretary of State
c/o The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

3rd Floor, Lateral
8 City Walk,
Leeds
LS11 9AT

BY EMAIL ONLY

Dear Secretary of State,

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Lake Lothing Third Crossing (the Project), application by Suffolk County Council (the Applicant)

Location: Lowestoft, Suffolk

Thank you for seeking our advice on the Environmental Impact Assessment (EIA) Scoping Report for the Project in your consultation dated 28 February 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Consultation

Suffolk County Council intends to apply for a Development Consent Order for a new river crossing across Lake Lothing in Lowestoft, Suffolk. This consultation represents the EIA Scoping stage and Natural England's views are sought on the project proposal and information that needs to be provided in the Environmental Statement (ES). The Project consists of a new single carriageway road across Lake Lothing via a multi-span bridge connecting the B1531 Waveney Drive on the south side to the C971 Peto Way on the north side.

Natural England recognises the importance of the pre-application stage of the PINS consenting regime and as such seek to make this process as effective as possible. We are pleased to note that the Applicant approached us for advice, which was provided through Natural England's Discretionary Advice Service (DAS). Charged advice was given on the scope of the environmental assessment and survey techniques that would be appropriate for the Project.

Environmental Information

Natural England agrees with the overall EIA scoping approach and the present report appears fit for purpose. Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the EIA and the requirements for the ES for this development and detailed comments on the report are provided in Annex B.

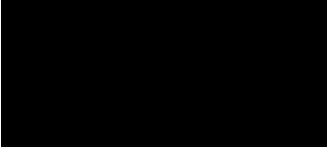
¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Marija Nilova on 02080 267 688. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,



Marija Nilova
Lead Adviser – Major Casework
Norfolk and Suffolk Area Team

Annex A – EIA Scoping Requirements and Information to be Included in the Environmental Statement

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall

within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

The development site has the potential to affect the following sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites):

- The Broads Special Area of Conservation (SAC);
- Broadland Special Protection Area (SPA);
- Broadland Ramsar;
- Southern North Sea *candidate* SAC (cSAC);
- Outer Thames Estuary SPA;
- Outer Thames Estuary pSPA Extension;
- Alde-Ore Estuary SPA;
- Benacre to Easton Bavents SPA.

The development site has the potential to affect the following nationally designated Sites of Special Scientific Interest (SSSIs):

- Barnby Broad and Marshes SSSI; and
- Sprat's Water and Marshes, Carlton Colville SSSI.

Further information on the SSSI and its special interest features can be found at www.magic.gov.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Natura 2000 network site conservation objectives for the terrestrial sites are available via the following link: <http://publications.naturalengland.org.uk/category/6490068894089216>

The conservation packages for the marine designates sites are available on our website:

<https://www.gov.uk/government/collections/conservation-advice-packages-for-marine-protected-areas#east-of-england>

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

2.6 Invasive Non-native Species

There is a requirement for biosecurity to be considered and a strategy to be developed which addresses the unintentional introduction or spread of invasive, non-native species to the area. The government policy for invasive non-native species is set out in the document by Defra called "The Great Britain invasive non-native species strategy". Available online:

<https://www.gov.uk/government/publications/the-great-britain-invasive-non-native-species-strategy>

Particularly in the marine environment, one of the 10 descriptors for good ecological status under MSFD is reduction in introduction and spread of invasive non-native species through improved management of pathways and vectors. Therefore the government is required to deliver action to achieve this and report both through OSPAR and to Europe. The full document on the MSFD programme of measures can be accessed online:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486623/marine-strategy-part3-programme-of-measures.pdf

UK Government's Marine Policy Statement includes on p. 20 "There may also be an increased risk of spills and leaks of pollutants into the water environment and the likelihood of transmission of invasive non-native species, for example through construction equipment, and their impacts on ecological water quality need to be considered". The full statement document can be accessed online:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf

3. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

4. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

5. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Annex B – Detailed Comments on the Report

Section 4.5 – The existing environment: Ecology and nature conservation

4.5.5 – The list of internationally designated sites that should be added to the broad study area should also include the following:

- Alde-Ore Estuary SPA due to the potential for Lesser Black Backed Gulls to be present in the development area;
- Benacre to Easton Bavents SPA as Little Tern breeding within the SPA could potentially feed in the Lake Lothing channel.

4.5.5 – The name of the site should read *Southern North Sea*, and it is now a *candidate* Special Area of Conservation (cSAC) after cross-Governmental clearance and Ministerial approval on 30 January 2017 and submission to the European Commission.

4.5.6 – The use of the subheading “nationally designated sites” is unclear as the paragraphs that include a range of topics. However, the following nationally designated sites have not been mentioned:

- Barnby Broad and Marshes SSSI; and
- Sprat’s Water and Marshes, Carlton Colville SSSI.

We advise that the ES contains separate sections dedicated to SSSIs, Local Nature Reserves and County Wildlife Sites, as well as a section dedicated to marine environment and ecology.

4.5.10 – Natural England would like to be consulted on the survey designed to assess the condition of the marine environment in the proposed development area.

4.5.15 – “*These species are afforded no formal protection within the UK but must be taken into consideration during the planning phase.*” The wording of this sentence is incorrect, as the mentioned species are offered a degree of protection under the Act. We therefore advise that the wording of the sentence is amended to: “*These species are protected under the Wildlife and Countryside Act 1981, and should be considered during the planning process.*”

4.5.17 – We agree with the approach to the Phase 1 species surveys. However, it is surprising that no reptiles were found during 2016 surveys. We recommend the applicant carries out additional reptile surveys in 2017. The timing should follow Natural England’s [standing advice](#) for protected species.

Section 5.5 Potential environmental impacts and proposed assessments: Biodiversity and nature conservation

5.5.1 – Natural England acknowledges that an HRA screening is currently being undertaken by the applicant. We would like to be consulted on the HRA screening or a draft HRA report to be able to input before the formal DCO application.

We would like to draw your attention to para. 3.1.1 of the Appendix D – Ecology Phase 1 Survey Report, which states: “*1.8 km west of the site is The Broads Special Area of Conservation (SAC) (Grid Ref: TM 51270 92474) which is also designated as a Ramsar site (Broadland Ramsar Site), and Site of Special Scientific Interest (Sprat’s Water and Marshes, Carlton Coville SSSI). The significant barriers between the site and this area, including numerous residential areas, the A1117 and a train line, mean that adverse effects would not occur, and therefore Appropriate Assessment under the Habitats Regulations is not required.*”

It is our view that this statement pre-judges any the outcome of the Habitat Regulations Assessment, which will be required in order to determine whether or not there are any likely significant effects on international designated sites, as described in section 4 of the scoping report. Natural England would like to note that it is not possible to conclude at this stage that an Appropriate Assessment will not be required.

5.5.3 – Natural England recommends the following impacts that may arise as the result of the proposed development are taken forward for assessment:

- Disturbance of supporting habitat for birds from nearby designated sites; and
- Disturbance to marine species and the wider marine environment (both within the footprint of the development and within inshore waters) from construction activities and the potential increase in marine vessel traffic during construction.

Appendix G – Geo-environmental Phase 1 Report

Table 7 – Natural England is content with the contaminant source-receptor-pathways identified in the table and with the level of risk assigned to those interaction.

5.1 – In line with the information presented in the above sections Natural England would like to re-iterate that an appropriate benthic sampling strategy should be included in the programme of the ground investigations.

Groundsure Enviro Insight Report

Section 8 – It is unclear why a number of nationally and internationally designated sites have not been identified in the report. We note that the selected buffer was 2000 m, however it may not be appropriate in case of the proposed development as it may have a broader impact. Please refer to section 2.2 above for the complete list of sites that should be considered in the ES.

Vicky Stirling
Senior Land Officer
Land & Property Services

vicky.stirling@nationalgrid.com
Tel: +44 (0)7747671508

www.nationalgrid.com

PROJECT NAME: PROPOSED LAKE LOTHING THIRD CROSSING

This is a response on behalf of National Grid Gas Distribution Limited (NGGD).

I refer to your email dated 28th February 2017 regarding the Proposed DCO. NGGD has reviewed the scoping information and wishes to make the following comments:

In respect of existing NGGD infrastructure, NGGD will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus,

National Grid Gas Distribution Infrastructure within or in close proximity to the Proposed Order Limits

The National Grid Gas Distribution apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Where the Promoter intends to acquire land, extinguish rights, or interfere with any of NGG's apparatus, NGG will require appropriate protection and further discussion on the impact to its apparatus and rights including adequate Protective Provisions.

Key Considerations:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.

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- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

New Service Crossing:

- New services may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A new service should not be laid parallel within an easement
- A National Grid representative shall supervise any new service crossing of a pipeline. Any exposed pipeline should be suitably supported and removed prior to backfilling
- An exposed pipeline should be protected by matting and suitable timber cladding
- For pipe construction involving deep excavation (<1.5m) in the vicinity of grey iron mains, the model consultative procedure will apply therefore an integrity assessment must be conducted to confirm if diversion is required
- A Deed of Consent is required for any new service crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

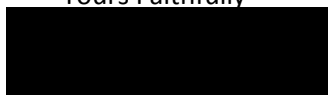
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. Digsafe leaflet Excavating Safely - Avoiding injury when working near gas pipes
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- The actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to

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minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.
- The above guidance is not exhaustive and your works proposals must always be submitted to National Grid Gas Distribution's Plant Protection department in advance of commencement of works on site.

Yours Faithfully



Vicky Stirling
Land & Property Services

Securing our energy supply for future generations.

Guidance

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed:

'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

Dial Before You Dig Pipelines Guidance:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

Excavating Safely - Avoiding injury when working near gas pipes:

http://www.nationalgrid.com/NR/rdonlyres/2D2EEA97-B213-459C-9A26-18361C6E0B0D/25249/Digsafe_leaflet3e2finalamends061207.pdf

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDAE89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>

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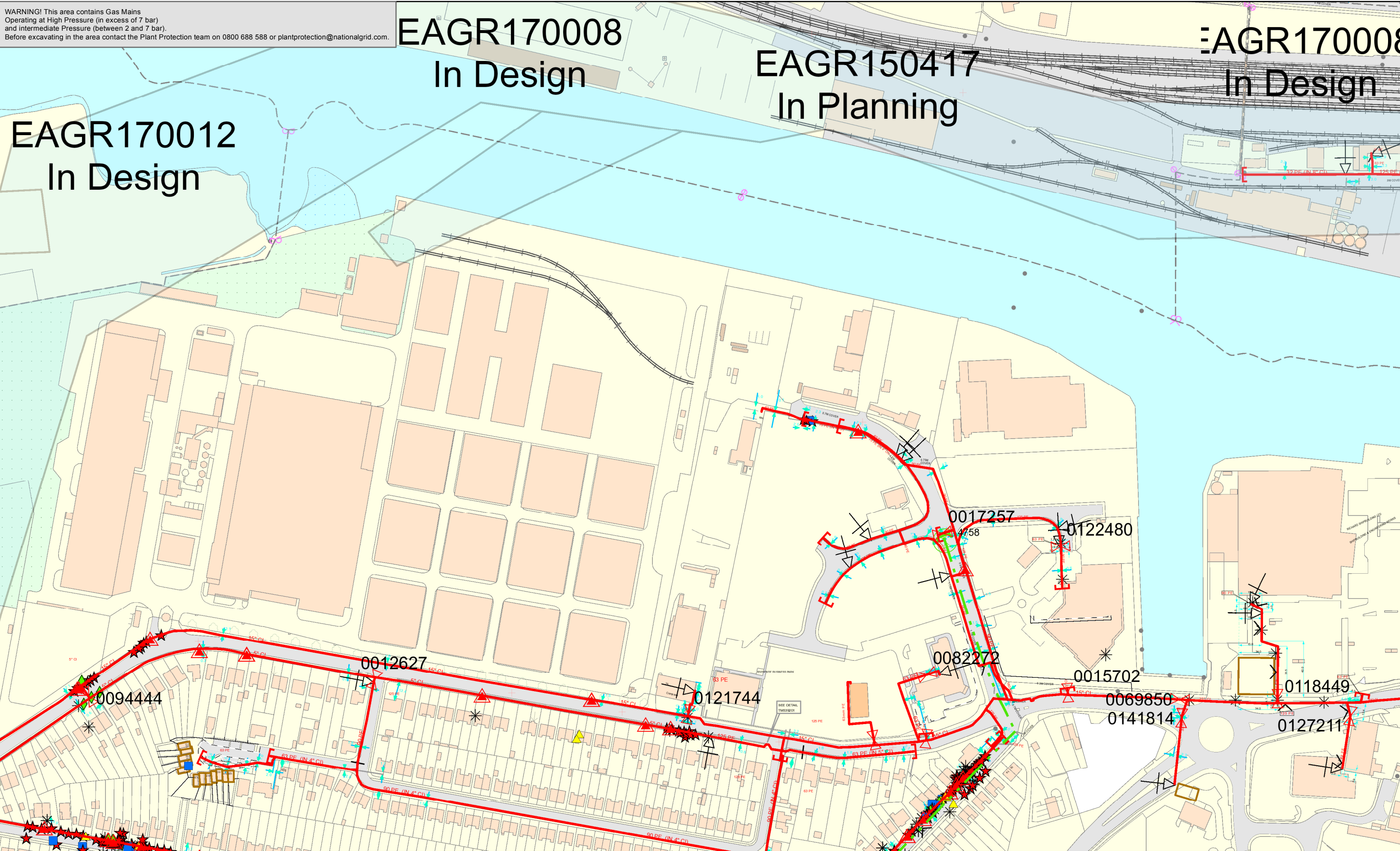
WARNING! This area contains Gas Mains
Operating at High Pressure (in excess of 7 bar)
and intermediate Pressure (between 2 and 7 bar).
Before excavating in the area contact the Plant Protection team on 0800 688 588 or plantprotection@nationalgrid.com.

EAGR170008
In Design

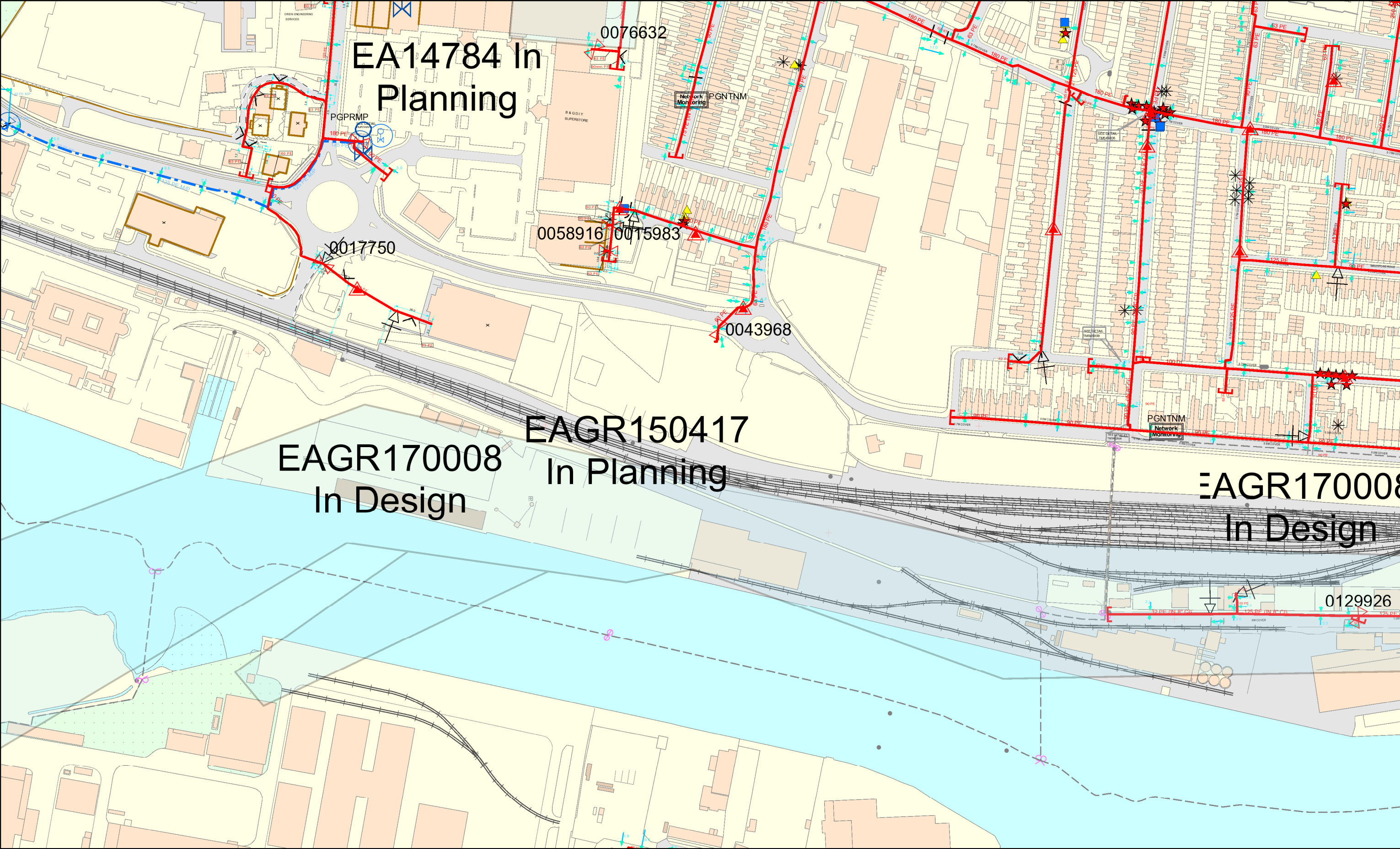
EAGR150417
In Planning

EAGR170008
In Design

EAGR170012
In Design



SCALE: 1:2500	LP MAINS	<p>This plan shows those pipes owned by National Grid Gas Distribution Limited in their role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas Distribution Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	
USER ID: Sarah.Garratt1	MP MAINS		
DATE: 3/24/2017	IP MAINS		
EXTRACT DATE: 3/24/2017	LHP MAINS		
MAP REF: TM5392	NHP MAINS		
CENTRE: 653724,292637	HISTORY MAINS		<p>This plan is reproduced from or based on the OS map by National Grid Gas Distribution Limited, with the sanction of the controller of HM Stationery Office.</p>
OUT OF STANDARD SERVICE			
GTs			



SCALE: 1:2500

USER ID: Sarah.Garratt1

DATE: 3/24/2017

EXTRACT DATE: 3/24/2017

MAP REF: TM5392

CENTRE: 653821,292956

LP MAINS

MP MAINS

IP MAINS

LHP MAINS

NHP MAINS

HISTORY MAINS

OUT OF STANDARD SERVICE

GTs

SSSIs

Valve

Depth of Cover

Syphon

Diameter Change

Material Change

This plan shows those pipes owned by National Grid Gas Distribution Limited in their role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas Distribution Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

nationalgrid

This plan is reproduced from or based on the OS map by National Grid Gas Distribution Limited, with the sanction of the controller of HM Stationery Office.

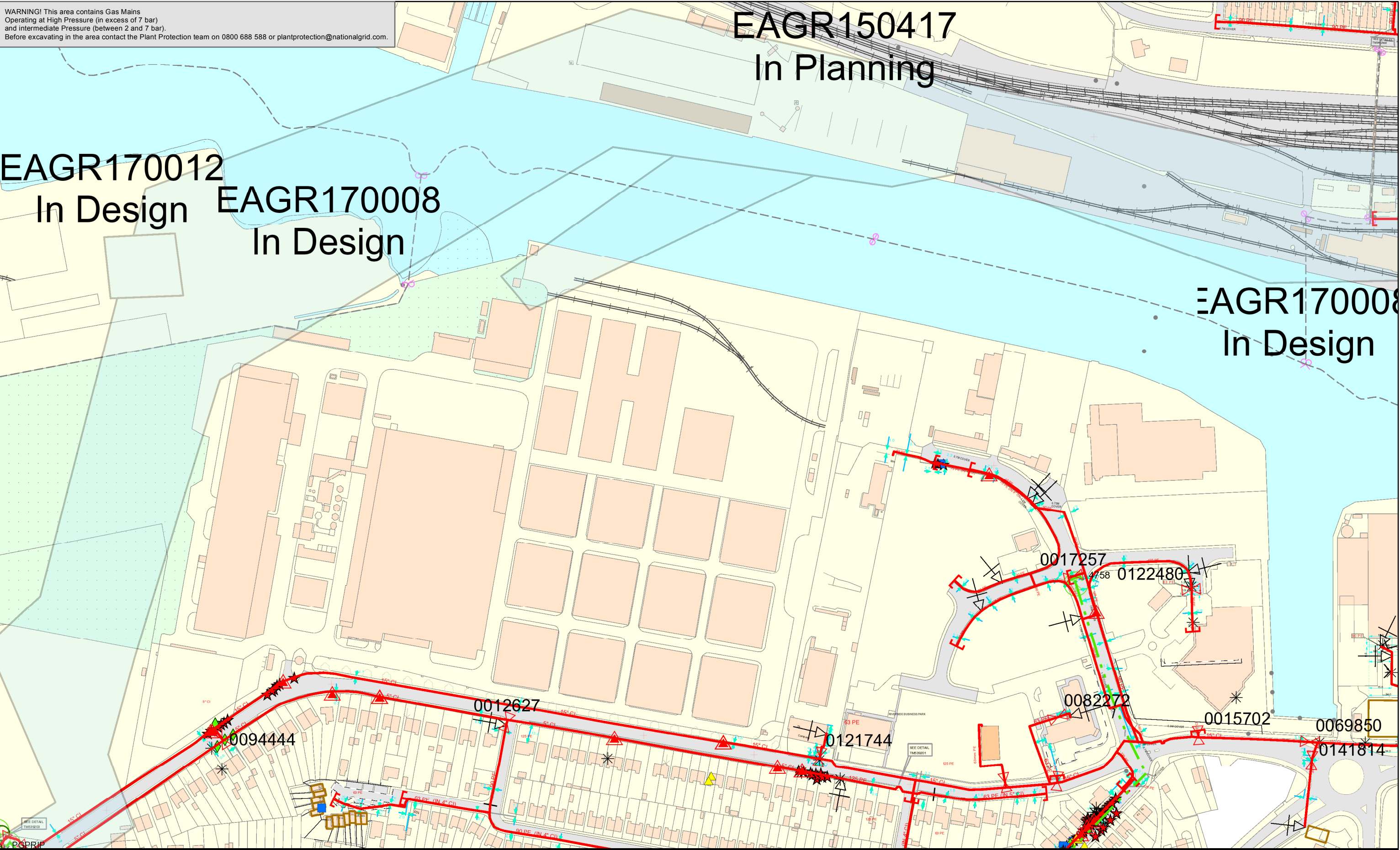
WARNING! This area contains Gas Mains
Operating at High Pressure (in excess of 7 bar)
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Before excavating in the area contact the Plant Protection team on 0800 688 588 or plantprotection@nationalgrid.com.

EAGR150417
In Planning

EAGR170012
In Design

EAGR170008
In Design

EAGR170008
In Design



SCALE: 1:2500	LP MAINS	<p>This plan shows those pipes owned by National Grid Gas Distribution Limited in their role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas Distribution Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	
USER ID: Sarah.Garratt1	MP MAINS		
DATE: 3/24/2017	IP MAINS		
EXTRACT DATE: 3/24/2017	LHP MAINS		
MAP REF: TM5392	NHP MAINS		
CENTRE: 653627,292669	HISTORY MAINS		<p>This plan is reproduced from or based on the OS map by National Grid Gas Distribution Limited, with the sanction of the controller of HM Stationery Office.</p>
OUT OF STANDARD SERVICE			
GTs			

Sent electronically to:

environmentalservices@pins.gsi.gov.uk

Nick Dexter
DCO Liaison Officer
Land & Business Support

Nicholas.dexter@nationalgrid.com
Tel: +44 (0)7917 791925

www.nationalgrid.com

27th March 2017

Dear Sir / Madam,

Ref: TR010023 – Proposed Lake Lothing Third Crossing – EIA Scoping Notification and Consultation

This is a joint response on behalf of National Grid Electricity Transmission Plc (NGET) and National Grid Gas Plc (NGG). I refer to your letter dated 28th February 2017 in relation to the Lake Lothing Third Crossing EIA Scoping Notification and Consultation. Having reviewed the Scoping Report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary:

Electricity Transmission

NGET does not have any infrastructure within close proximity to the proposed order limits.

Gas Transmission

NGG does not have any infrastructure within close proximity to the proposed order limits.

Yours Faithfully



Nick Dexter.



Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

Ms Alison L Down
EIA & Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Your Ref : 170228_TRO10023-000007

Our Ref : 31001

24th March 2017

Dear Ms Down

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed Lake
Lothing Third Crossing**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,

Environmental Public Health Scientist
nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE's predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Abcd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m⁻¹ (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

(dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



Lake Lothing Third Crossing – proposed development by Suffolk County Council

Royal Mail Group Limited comments on information to be provided in applicant's Environmental Statement

Introduction

Reference the letter from PINS to Royal Mail dated 28 February 2017 requesting Royal Mail's comments on information that should be provided in Suffolk County Council's Environmental Statement.

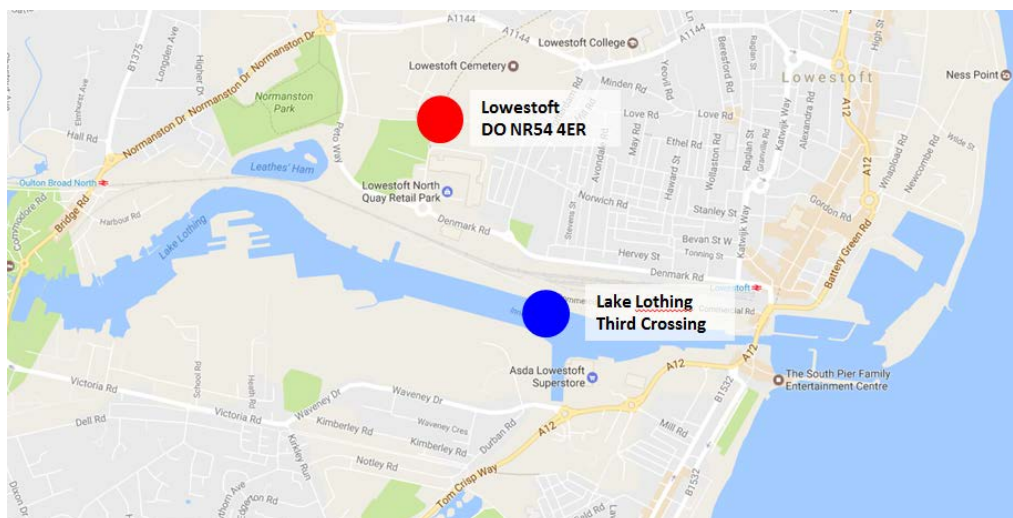
Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Scoping Report dated February 2017.

Royal Mail–relevant information

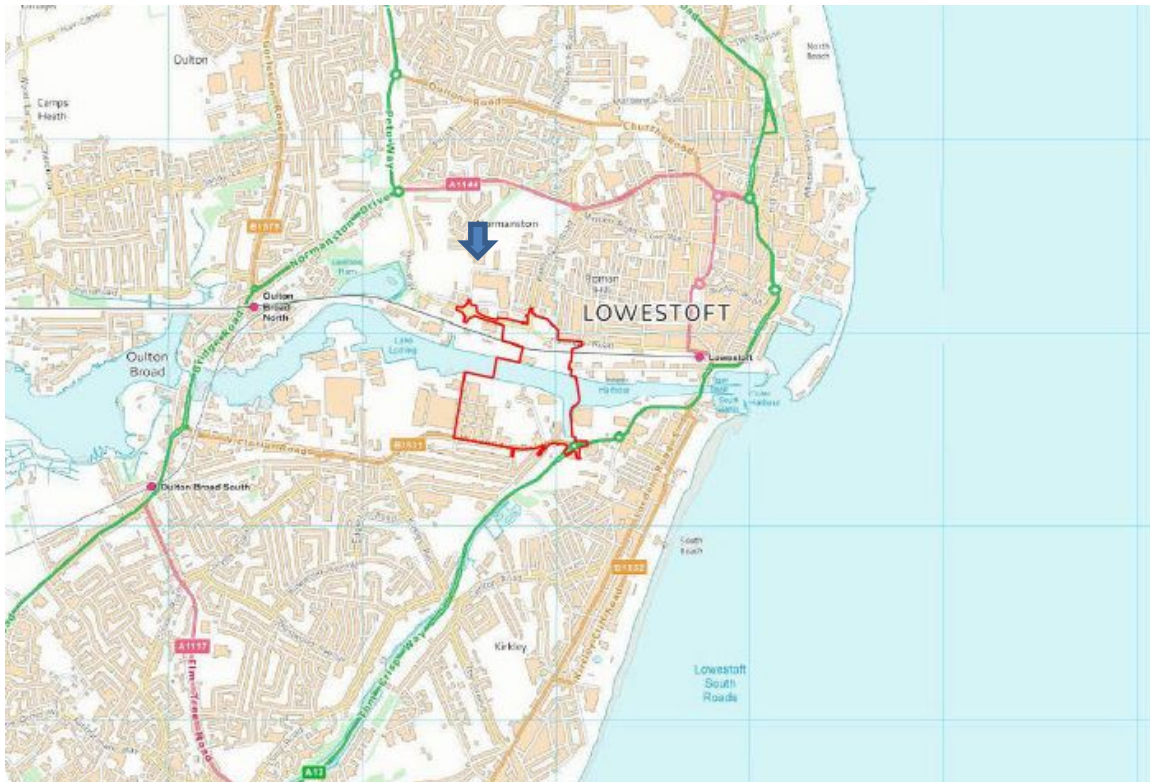
Royal Mail is responsible for providing efficient mail sorting and delivery nationally. As the Universal Service Provider under the Postal Services Act 2011, Royal Mail has a statutory duty to deliver mail to every residential and business address in the country as well as collecting mail from all Post Offices and post boxes six days a week.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services, thereby presenting a significant risk to Royal Mail's business. Royal Mail's nearest operational property is Lowestoft Delivery Office, Barnards Way, Lowestoft NR32 2ER.



As is shown on the plan below, Lowestoft Delivery Office is situated approximately 250 metres from the nearest part of the proposal site boundary.



Every day, in exercising its statutory duties Royal Mail vehicles use all of the main roads that may potentially be affected by additional traffic arising from the construction of the proposed Lake Lothing Third Crossing.

Royal Mail therefore wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations which may be adversely affected by the construction and operation of this proposed scheme.

Comments / observations on the applicant's Scoping report

Suffolk County Council's ES scoping report indicates that the proposed scheme is likely to have the following traffic and transport effects that have the potential to be significant:

1. Increased traffic flows during construction: there will be an increase in traffic flows on local roads during construction, including a temporary increase in HGV movements; and
2. Redistributed traffic flows post-construction: there will be a redistribution of traffic flows on the surrounding road network post-construction, and, without mitigation, an associated potential for increased pedestrian severance, driver stress and delay, and collisions on the redistribution route.

On the scope of the ES, the scoping report indicates that the ES will:

- Address changes to local traffic flows during the construction phase and once the proposed scheme is completed and operational;
- Address potential disruption to local pedestrians, cyclists and road vehicle users during the construction phase; and
- Provide information on transport conditions both before and after the proposed



scheme is built, including changes in relative accessibility of the local area by foot, bicycle, and public transport.

Royal Mail notes that assessment upon cumulative effects arising from the proposed scheme in combination with near-certain development will be undertaken and presented in the ES, with the following schemes being included in the list to be factored in:

- Former Sanyo Site, School Road, Lowestoft (DC/15/2004/RG3);
- Brooke Peninsula and Jeld Wen mixed use development (DC/13/3482/OUT);
- Riverside Road Local Development Order (LDO);
- Lowestoft Tidal Barrier;
- East Anglia Array Windfarm; and
- Sizewell C nuclear power station.

ES scoping report makes various assumptions on the construction stage, including

- Diversion of access roads to maintain access to local businesses in the Riverside Business Park;
- Limited 24 hour construction;
- Temporary road closures and diversions;

However, the ES scoping report does not contain any detailed information on construction traffic mitigation measures to be implemented.

Royal Mail's comments on information that should be provided in Suffolk County Council's Environmental Statement

Generally, this headline scope for the Traffic and Transportation section of the ES looks adequate to Royal Mail. However, Royal Mail has the following comments / requests:

1. Royal Mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted though full consultation at the appropriate time in the DCO and development process.
2. The ES should include more detailed information on construction traffic mitigation measures to be implemented, including a draft Construction Traffic Management Plan (CTMP).
3. Royal Mail requests that it is fully pre-consulted by Suffolk County Council on proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or Suffolk County Council have any queries in relation to the above then in the first instance please contact Jennifer Douglas (jennifer.douglas@royalmail.com) of Royal Mail's Legal Services Team or Daniel Parry-Jones (daniel.parry-jones@bnpparibas.com) of BNP Paribas Real Estate.

Your Ref: 170228_TR010023-000007

Our Ref DC/0873/SCO¹

Date: 24 March 2017

Enquiries to: Anita Seymour / Philip Perkin

Tel: 01473 264064 / 01394 444432

Email: anita.seymour@suffolk.gov.uk /
philip.perkin@eastsuffolk.gov.uk

Alison L Down
EIA & Land Rights Advisor
3D Eagle Wing
Temple Quay House
2 The Square
Bristol,
BS1 6PN

Dear Ms Down

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

Application by Suffolk County Council for an Order granting Development Consent for the Lake Lothing Third Crossing

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Further to your letter dated 28 February 2017, please find below a joint response of both Suffolk County Council and Waveney District Council to this request as statutory consultees on this matter. For the sake of clarity it should be noted that the County Council has separated its consultee and developer responsibilities for this project.

EXECUTIVE SUMMARY

The approach set out to the Environmental Statement (ES) is generally satisfactory and we are pleased that it reflects the nature of, and progress in, discussions the local authorities have had with Suffolk County Council on the undertaking of assessments to date.

However, we draw particular attention to the following matters:

- **The proposed approach to assessing the impacts of the project on Cultural Heritage using Design Manual for Roads and Bridges (DMBR) in the scoping report is considered too mechanistic to provide a sensitive and robust analysis. It is suggested that the applicant uses the most up to date methodology as set out in Historic Environment Good Practice Advice in Planning Note 3 March 2015 (as amended).**
- **No current townscape baseline exists for the site and its surroundings. The immediate surrounding landscape will not be in its current condition in the short to medium term. Using the list of consented proposals, as**

well as the policy objectives for the area, we would expect the baseline to acknowledge that the proposed bridge will, for the majority of its lifespan, exist in a landscape that is expected to be markedly different from the current situation.

- The report does not identify in detail the risks associated with dealing with surface water during construction. The ES should set out mitigation measures for each stage of construction to contain pluvial flood risk in the area.

Some general, introductory comments are made immediately below, followed by some more detailed comments relating to the specific sections in the Scoping Report.

GENERAL COMMENTS

1. Structure of the Environmental Statement

1.1 The structure of the proposed Environmental Statement (ES) is generally appropriate. However, we would make the following suggestions;

- Paragraph 6.1.2 (page 97) states that a Health Impact Assessment (HIA) will not be included in the ES. Whilst we concur with this approach, the ES should provide an explanation for the omission of a HIA.
- Paragraph 6.1.4 states that the non-technical summary will be included in volume 1, we would suggest that this is produced as a separate document.
- Volume 1 should include a section setting out the policy background against which the proposal is set.
- Details of the construction phasing should be included in volume 1. This would provide an understanding of the impacts on, for example, accessibility to services (Local Authority Offices and Registrars Office) and local businesses which are located on Riverside Business Park. And any cumulative impacts associated with the tidal defence project.
- Chapter 9 should be split into two separate chapters headed Cultural Heritage and Archaeology – this would acknowledge the different issues being dealt with and approaches, for example Archaeology requires a Written Scheme of Investigation (WSI).
- Chapters 13,14 and 15 should be combined into one and headed Socio Economic - this would provide clarity.

1.2 Figure 2 illustrates the indicative red line boundary for the proposed scheme. The applicant should satisfy themselves that this incorporates all the land requirements for the scheme, particularly in respect of the operation control tower (paragraph 2.2.11 page 20)

TOPIC SPECIFIC COMMENTS

2. Air Quality

2.1 The Local Authorities have discussed and agreed the appropriate assessment methodologies with the applicant's consultants. It is therefore, confirmed that generally the methodology used for assessing the construction phase and operational air quality impacts of the development are appropriate and sound

Comments

- 2.2 Two sets of significant guidance are discussed, from the IAQM guidance and from Highways England. The overall significance will be determined using professional judgement. We have some concerns regarding the use of the guidance provided by Highways England, as this finds all impacts where the concentration remains below the objective as insignificant and would prefer that the IAQM approach is adopted for the ES.
- 2.3 2.3 Operation Phase - The study area appears to encompass all the main routes within Lowestoft town centre, and the assessment will consider the areas where the greatest changes are likely to occur. It is not explicitly stated, that additional roads will be included within the model where they lie within 200m of a receptor to allow an accurate estimate of the total concentration to be predicted (i.e. not just those roads where a change in traffic flow of >1000 vehicles is predicted). Clarification on this point should be included in the Air Quality chapter of the ES.
- 2.4 Paragraph 5.2.24 (page 60) refers to the methodology defined in the interim Advice Note 170/12v3 published by Highways England in 2013, it is recommended that the approach to future year emissions and background concentrations follows the more recent guidance published by Air Quality Consultants (in August and September 2016 respectively)² as this approach is based on the most recent available data and understanding of emissions. This document gives more recent advice in deriving background concentrations of NO_x and NO₂ for use with Cured v2A (the Calculator Using Realistic Emissions for Diesels), which addresses uncertainties in real-world emissions from diesel vehicles

3. Cultural, Built Heritage and Archaeology

- 3.1 Paragraph 4.3.5 states that "Other listed buildings and two distant Conservation Areas (Lowestoft North and Oulton Broad) situated beyond the 500m study area are screened from the proposed scheme by topography and the existing built environment". This assertion seems unlikely, as buildings within the South Lowestoft Conservation Area can clearly be seen from the second floor of the Council's offices adjacent to the site of the new bridge
- 3.2 There is a terminology error in paragraphs 4.3.6 & 5.3.13 (pages 38 & 63) the correct terminology is Non Designated Heritage Asset not Undesignated Heritage Assets.
- 3.3 Paragraph 4.3.8 We need to understand how the buildings referred to here as of local interest were identified. WDC already has criteria for identifying buildings that go on its Local List and these should be used as part of the work here, to ensure consistency. It should be noted that numbers 7-11 and 18-32 Station Square are locally listed buildings
- 3.4 Paragraph 4.3.9 should state that numbers 1-8 Pier Terrace are locally listed buildings

Cultural Heritage comments (paragraph 5.3 page 62)

- 3.5 The scoping report has been prepared with reference to Volume 11 of the Design Manual for Roads and Bridges (DMRB), HA208/07 (Cultural Heritage). The adequacy of the DMRB has been raised in relation to other NSIP schemes. Furthermore, Historic England has consistently raised concerns

² www.aqconsultants.co.uk/getattachment/Resources/Download-Reports/Adjusting-Background-NO2-Maps-for-CURED-September-2016.pdf.aspx?l

about the generic approach to determining significance, magnitude of impacts and sensitivity in documents of this type. The standardised EIA matrices are a useful tool, the analysis of impact, harm, significance and setting are a matter of qualitative and expert judgment which cannot be achieved solely by use of matrices or scoring systems. It is recommended that the applicant does not rely upon this methodology alone. We therefore suggest, that the impact on built heritage is carried out using Historic England's The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 33 this would facilitate the reaching of common ground with Suffolk Preservation Society, Historic England, Waveney District Council.

Archaeological Remains comments

- 3.6 Paragraph 2.2.14 (page 20) refers to using on site-materials for embankment. Archaeological impacts should be considered. In paragraph 2.2.25 (page 22) reference is made to bull dozer and scrapers for levelling. Subject to assessment, some areas may require more controlled works using back acting machines and appropriate archaeological investigation
- 3.7 In order to establish the impacts of development as set out in paragraph 5.3.6 (page 63), further assessment is proposed in line with the Design Manual for Roads and Bridges 11 Section 3.2 (HA 208/07) and will comprise:
- Archaeological monitoring of geotechnical trial trenches and test pits (subject to a WSI)
 - Geoarchaeological assessment, tied in to geotechnical investigation, with specific cores taken for archaeological research purposes.
- 3.8 Given the particular context of the project, Suffolk County Council Archaeological Service would support this approach at this stage as sufficient to establish deposit sequences and their significance and vulnerability. As has happened already, the Written Scheme of Investigation (WSI) should be agreed with Historic England and SCC (para 5.3.18 page 64). that then specifically relates to the impacts of the project where known at this stage. However, Historic England (as advisors on MMO matters) will take the lead as advisors on geo-archaeological and palaeo-environmental assessment within Lake Lothing and may have further comment on the detail of assessment.
- 3.9 The ES should include proposals for preservation in situ or mitigation of impacts on archaeological remains, as appropriate. This will be informed by assessment, and may include, post-consent, controlled excavation of some features and/or monitoring of groundworks, and/or recording of structures. Trenched evaluation in areas of larger scale excavation (relating to direct and indirect construction impacts) may be appropriate to refine mitigation strategies.
- 3.10 The ES should include proposals for mitigating impacts on peat deposits or significant Cromer Forest Bed deposits, should they be identified. Full assessment, scientific analysis and potential publication/dissemination of cores taken for assessment may form part of this mitigation for wider impacts.
- 3.11 In terms of the proposed grading of archaeological heritage assets (Table 5.3 page 64), impact on heritage of local interest which is considered as 'low' will still require mitigation. (Table 5.3). Historic remains relating to the 19th and 20th century developments may themselves hold archaeological value,

³ <https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>

requiring appropriate treatment. We would encourage proposals for public engagement on archaeological aspects of the project.

Landscape

- 3.12 Reference has been made to Landscape Character Assessment Guidance for England and Scotland published by Scottish Natural Heritage and the Countryside Agency (2002). The appropriate reference is An Approach to Landscape Character Assessment October 2014 4
- 3.13 The methodology refers to the National Character Areas in addition it is suggested that Waveney District Council 5 and Broads Authority⁶ Landscape Character Assessments.

Townscape Baseline

- 3.14 No current townscape baseline exists for the site and its surroundings. The immediate surrounding landscape will not be in its current condition in the short to medium term. Using the list of consented proposals, as well as the policy objectives for the area, we would expect the baseline to acknowledge that the proposed bridge will, for the majority of its lifespan, exist in a landscape that is expected to be markedly different from the current situation
- 3.15 According to para 5.33 of Guidance on Landscape and Visual Impact Assessment (GLIVIA) 3 the landscape baseline should amongst other things aim to;
“describe the landscape as it is at the time but also to consider what it may be like in the future (in the absence of the proposal). This means projecting forward any trends in change and considering how they may affect the landscape over time., accepting that this involves a degree of speculation and uncertainty”
- 3.16 Therefore, whilst only the current state of the baseline can be accurately described, any assessment can and should make a sound attempt at anticipating likely and almost inevitable future change.
- 3.17 In order to move this forward the Local Authorities would be pleased to work with the applicant to develop, a townscape baseline (as discussed at para 1.5.2 of Appendix I of the EIA Scoping Report), to be agreed, covering an area to be agreed, based on expected visual envelope, with an appropriate contextual buffer.
- 3.18 This will then meet the requirements of para 5.33 of GLIVIA 3 such that the townscape impacts of the proposal can be properly assessed. This will also contribute delivering good design, in terms of para 4.28-4.35 of the NPS for National Networks. The Local Authorities are of the view that this approach is reasonable, in this instance, given that around the proposal site the degree and nature of likely change expected in the future is well understood
- 3.19 It is recommend that the Baseline Assessments / Heritage Asset assessments are updated with reference to the following documents

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396192/landscape-character-assessment.pdf

⁵ <http://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/existing-waveney-local-plan/background-studies/natural-environment/landscape-character-assessment/>

⁶ <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments>

- Lowestoft URC Area, Suffolk Cultural Heritage Assessment⁷
- The Lowestoft Lake Lothing and Outer Harbour Area Action Plan was adopted in 2012 with the aim of regenerating and revitalising strategic sites within the area.⁸
- The Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief was adopted in May 2013⁹
- The SUN Development Brief¹⁰
- Historic England (2016): Lowestoft – Port Heritage Summary¹¹
- Historic England (2016): England's North Sea Ports: Strategic Overview and Project Report¹²
- Historic England (2016): The Assessment and Management of Marine Archaeology in Port and Harbour Development.¹³

Visual Effects

- 3.20 To date viewpoints have been reviewed and discussed with the Local Planning Authorities (para 4.4.17 page 69 and Fig 8). In light of the refined Zone of Theoretical Visibility (ZTV), and emerging baseline, these should be finalised and agreed with the Local Planning Authorities prior to completion of the ES.
- 3.21 Photomontage selection should be also agreed. It would be appropriate to present the relevant consultees with a sample of the proposed presentation of the photomontages and a written methodology, to ensure common ground is reached on this matter.
- 3.22 It is suggested in order to maximise common ground in respect of the LVIA a pre submission draft is provided for the Local Authorities and other relevant landscape consultees to comment on.

4. Ecology and Nature Conservation

- 4.1 The study area has been accurately defined and the methodology appears largely sound and appropriate. It is welcomed that the work will be carried out to CIEEM Guidelines.

Comments

- 4.2 Further breeding bird surveys covering a wider spectrum than those set out in the Scoping Report are required. Table 4.5 entitled 'Species surveys proposed and undertaken', page 42 should include all breeding and foraging bird activity that may be affected by the proposal. Potential impacts on (nearby) Alde-Ore

⁷ <http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Area-Action-Plan/Lowestoft-URC-and-Cultural-Heritage-Assessment/Lowestoft-URC-Area-Cultural-Heritage-Assessment.pdf>

⁸ <http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Adopted-AAP/Adopted-Area-Action-Plan.pdf>

⁹ <http://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/existing-waveney-local-plan/supplementary-planning-documents/sustainable-urban-neighbourhood-and-kirkley-waterfront-development-brief/>

¹⁰ <http://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/existing-waveney-local-plan/supplementary-planning-documents/sustainable-urban-neighbourhood-and-kirkley-waterfront-development-brief/>

¹¹ http://archaeologydataservice.ac.uk/archiveDS/archiveDownload?t=arch-2451-1/dissemination/pdf/Lowestoft_PHS.pdf

¹² [http://archaeologydataservice.ac.uk/archiveDS/archiveDownload?t=arch-2451-1/dissemination/pdf/Strategic overview and final project report.pdf](http://archaeologydataservice.ac.uk/archiveDS/archiveDownload?t=arch-2451-1/dissemination/pdf/Strategic%20overview%20and%20final%20project%20report.pdf)

¹³ <https://historicengland.org.uk/images-books/publications/assessment-management-marine-archaeology-port-and-harbour-development/>

Estuary SPA features such as breeding, nesting and foraging Herring Gulls, Lesser Black-backed & Black headed as well as Red-Throated Diver in the Outer Thames Estuary SPA should be included.

- 4.3 All potential (protected and priority) species which may be encountered on either side of Lake Lothing should be surveyed Figure 9 entitled 'Bat Potential, Bat Transect & Reptile 2016/2017' sets out surveys undertaken or to be undertaken for bats and reptiles. Surveys should also be undertaken on the area between Denmark Road and Lake Lothing including the railway line. Surveys, mitigation for the construction phase and post-construction enhancements should not only have regard to protected species but also have particular regard to Suffolk Priority Species¹⁴ in order to discharge SCC's and the Secretary of State's responsibilities under Natural Environment and Rural Communities (NERC) 2006 (s41 list). The applicant should access those priority species that should therefore also be surveyed, using the list in Footnote 13.
- 4.4 The County Council Senior Ecologist would strongly suggest the need to meet to discuss the scope of the survey work in order to agree common ground at early stage.

Phase 1 Habitat Survey Report (Appendix D)

- 4.5 Paragraph 2.3 page 6 deals with Field Survey Limitations. The ES should address these limitations
- 4.6 Paragraph 2.3 page 6 deals with Field Survey Limitations. The ES should address these limitations. It might also be useful to refer to the Brooke Peninsula application DC/13/3482/OUT15
- 4.7 The report acknowledges the importance of post-industrial buildings as important for Bats, it must also consider their importance for Black Redstart, Peregrine Falcon (possibly Sparrowhawk) and Herring Gull as well

5. Geology Soils and Contamination

- 5.1 The Geoenvironmental Phase-1 report Appendix G confirms that site investigation will accord with BS10175:2011 and CLR11 and that this will form part of the ES we would concur with this approach.
- 5.2 The report identifies the various potentially contaminative previous uses which have taken place on or adjacent to the site in question. As such there are reasons to anticipate that areas of the proposed development site will be impacted by contamination. It is important that any contamination at the site is identified and characterised to ensure that the site is developed, and materials and waste are managed and disposed of, in a manner that does not expose site workers, residents and the public at large.
- 5.3 Due to the the sensitivities of the downstream Designated Site(s), Southern North Sea pSAC, firm proposals to deal with any potential water pollution issues arising from this proposal must be set out clearly (including intercepting road run-off) in the ES.

6. Noise and Vibration

Construction Phase

¹⁴ <http://www.suffolkbis.org.uk/biodiversity/speciesandhabitats/specieslist>

¹⁵ <http://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=MWMEQ7QXJ1A00>

- 6.1 The assessment methodology for noise and vibration is to follow the approach prescribed in HA2 13/11 Design Manual for Roads and Bridges and this is the agreed and acceptable methodology. The proposed approach (BS5228 assessment and definition of appropriate noise and vibration mitigation) is acceptable. The proposed noise monitoring positions are considered reasonable to be able to consider the impact of construction activity. We welcome further consultation to agree an appropriate level of assessment within the ES, based upon the environmental noise measurements which have yet to be completed.

Operation Phase

- 6.2 The Scoping Report states that the assessment methodology for noise and vibration impacts will follow the approach defined in HA213/11 Design Manual for Roads Bridges, Overall, the proposed assessment methodology is generally appropriate.
- 6.3 In relation to Table 5.11 (page 76) which details the Significance of Noise Impact values using the guidance provided in the Noise Policy Statement for England (NPSE). The descriptions in the DMRB don't correlate particularly well with the concepts stated in the NPSE document. The NOAEL (no observed adverse effect level) and LOAEL (lowest observed adverse effect level) are considered in the NPSE document as discrete points at which the perception of the level of noise or vibration changes, rather than a range of noise levels. Table 5.11 shows a large range of change for OAEL (observed adverse effect level) of 3.0 - 5.0+ for the short-term. The term "Marginal" suggests a boundary to distinguish between two types of impact, it is not appropriate to include an impact rating between "No impact" and "No Observed Adverse Effect Level". We therefore, consider that it would be better to omit the term "Marginal" and shift the NOAEL, LOAEL and SOAEL ratings up a level in the table and a revised Table 5.11 used for the ES.
- 6.4 Table 5.8 (page 75) contains a typographical error; the "Negligible" Noise Change should read 0.1-0.9, not 0.1-1.9.

7. People and Communities – Effects on All Travellers

- 7.1 Paragraph 5.9.4 (page 77) refers to the LDO on the southern side, but should also refer to the Riverside Road Enterprise Zone and extension to the Enterprise Zone (from April 2017). These have a different geographic boundary to the LDO
- 7.2 Paragraph 5.10.1 (page 79) lists identified impacts which could be likely to have a significant effect, bullet point three should also include access to the town centre and the impact on spend.

8. People and Communities – Communities and Private Assets

- 8.1 No comments

9. People and Communities Socio Economics including Regeneration

- 9.1 Paragraph 4.10.4 (page 48) incorrectly states that the tourism industry provides 12% of the jobs in the district. Tourism represents 7% of jobs in Lowestoft and 15% in Waveney (Economic Impact Assessments 2015). This could mean that Lowestoft is less reliant on tourism, but could be interpreted that Lowestoft is punching below its weight in terms of tourism potential. Lowestoft has one award winning beach not beaches.

- 9.2 Paragraph 4.10.7 (page 48) states “The development of the PowerPark in Lowestoft will provide a focus for additional public sector support to encourage research and development of all types of renewable and low carbon energy production.....” this should read “The development of the PowerPark in Lowestoft will be a focus for the creation of a cluster of businesses which operate in the offshore renewables, engineering and oil and gas sectors. As the Port attracts more contracts there is a need for quality offices, and grow on space for the associated supply chain. OrbisEnergy, based in the PowerPark undertakes to develop the energy supply chain across the whole of the region. This includes providing support and advice to enable local businesses to enter the supply chain or to help businesses diversify their products to capture the benefits of being in the supply chain”.
- 9.3 Paragraph 4.10.11 (page 49) terminology error Sembmarine SLP (not Smoulders) Airtricity - this is SSE (already on the list).
- 9.4 Paragraph 4.10.18 (page 50) the Employment Land Needs Assessment¹⁶ (updated version will be available in June 2017) the 2017 version is forecasting the need to plan for 43 hectares of employment land across the district in order to take into account future growth across the plan period to 2036
- 9.5 Paragraph 5.10.1 (page 79) bullet point 5 should specifically refer to the impacts during and after construction on community cohesion, separation and socio economic impacts and Lowestoft Town Centre and Kirkley Centre.
- 9.6 The project represents a major investment in a relatively deprived area of the county. As such, we would expect to see more emphasis given to understanding and quantifying the potential economic benefits of the project.
- 9.7 The proposed approach should include a proper assessment of the implications for skills (e.g.) what are the key skills that will be required to deliver the project and can these be sourced locally. Alternatively, is the project likely to create skills shortages in the wider local economy by utilising labour currently employed by existing businesses. What sort of jobs will be created, will they be higher paid/highly skilled jobs or junior/manual jobs.
- 9.8 Some analysis should be provided on the income/output impacts of the project. How much additional GVA will be created from the project for the local economy. Indirect and induced effects on output should be considered as well as the direct effects on output generated by the investment in construction.
- 9.9 Finally, no consideration has been given to the potential negative economic impacts of the project for local businesses (e.g.) disruption from construction, competition for local labour etc.
- 9.10 The Lowestoft Tidal Barrier works and Third Crossing works will occur in parallel at least for one year in 2020. Construction sector related implications, in terms of workforce availability, accommodation and impact on local socio-economic structure must be taken into account in cumulative impacts section, therefore Flood Risk Management Project (LFRMS) project should be included in this analysis.

¹⁶ <http://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/new-waveney-local-plan/supporting-documents/>

10. Road Drainage and the Water Environment

- 10.1 We can confirm that generally the methodology proposed for assessing the road drainage and water environment is acceptable.
- 10.2 The scoping report identifies the presence of the Kirkley Stream which discharges downstream of the crossing location. At this point the watercourse is joint owned and has been heavily modified and is pumped in places. The Kirkley Stream is a particularly sensitive watercourse and is the subject of Section 19 of the Flood and Water Management Act 2010 reports at Velda Close and Aldwyck Way and also the ongoing Lowestoft Surface Water Management Plan. Proposed works to the surrounding highway network appear to affect this watercourse, and we would discourage any discharge to this watercourse
- 10.3 Surface water resulting from the additional impermeable areas resulting from the new road and bridge should be included in the ES.
- 10.4 The report does not identify in detail the risks associated with dealing with surface water during construction. The ES should set out mitigation measures for each stage of construction to contain pluvial flood risk in the area.

11. Flood Risk

- 11.1 The proposed works may have an effect on the tidal modelling currently being undertaken for the LFRMP. The target date of completion for the project is 2020 / 2021 and when finished, the scheme will support economic growth and regeneration of the town by reducing the risk of flooding from the sea, rivers and extreme rainfall.
- 11.2 Paragraph 4.12.3 (page 52) of the report mentions that there are no formal flood defences in Lowestoft. In fact temporary barriers are installed in times of foreseen flood risk, this will have to be considered within any assessment. Proposals are also in place for permanent flood defences to be in place by 2020. The ES will need to assess the impacts of the bridge construction on the wider tidal and fluvial flood risk in this area (especially flood routing within the floodplain). The applicant should consult with Environment Agency regarding this issue

12. Traffic and Transport

- 12.1 The applicants continued dialogue with key stakeholders in scoping the Transport Assessment (TA) which will inform the ES is welcomed. In general the scope of the assessment and proposed method of the assessment set out in the report are appropriate and sound.
- 12.2 Paragraph 1.5.2 should be updated to reflect the work to renumber the A12 to the A47. The A12 between Great Yarmouth and Lowestoft is now the A47. This ensures that the A47 is a continuous trunk road from Peterborough to Lowestoft, while the A12 is a continuous trunk road between Ipswich and London.
- 12.3 Paragraph 5.13.17 (page 91) should define the magnitude of change that is significant. The Guidelines for the Environmental Assessment of Road Traffic para 4.2 would indicate this is when a change of 30% is predicted or 10% in sensitive links (for example links at or close to capacity, AQMA's or sites with significant numbers of crashes).
- 12.4 Paragraph 5.13.18 and table 5.18 (page 92) refers to paragraph 4.31 of the IMEA Guidelines. These specifically refer to severance and justification should

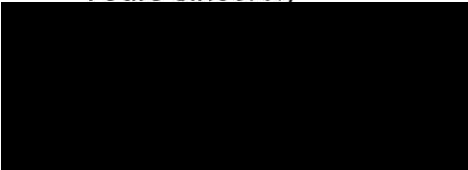
be given for using these parameters for assessing other environmental impacts (eg figs 5.18. 5.19 and 5.20).

13. Cumulative effects


- 13.1 The approach suggested in the report is considered appropriate. Consideration should also be given to the impacts on the recent retail planning permission on Rotterdam Road.

We trust that these comments are useful. If they require further clarification, please do not hesitate to contact us on the details above.

Yours sincerely



John Pitchford
Head of Planning
Suffolk County Council



Philip Ridley
Head of Planning
Waveney District Council

From: [Philip Perkin](#)
To: [Environmental Services](#)
Subject: RE: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION
Date: 13 March 2017 16:10:42

Dear Alison,

I refer to your letter dated 28 February 2017 regarding the above.

Suffolk Coastal District Council has no comment.

Regards,

Philip Perkin

From: Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]
Sent: 28 February 2017 15:57
To: d.c.admin
Subject: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION

FAO Head of Planning

Dear Sir/Madam,

Please find attached correspondence about a scoping consultation for the proposed Lake Lothing Third Crossing.

Please note that the deadline for consultation responses is 28 March 2017, and is a statutory deadline that cannot be extended.

Kind regards,

Alison

Alison L Down
EIA & Land Rights Advisor – Environmental Services Team
Major Applications and Plans, The Planning Inspectorate, 3D Eagle, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Helpline: 0303 444 5000
Email: environmentalservices@pins.gsi.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk> (National Infrastructure Planning website)
Twitter: @PINSgov

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From: [Ian Bowell](#)
To: [Environmental Services](#)
Cc: [Water Hydrants](#); [Michael Wilks](#)
Subject: Your Reference 170228 TRO10023-00007 28/2/17
Date: 03 March 2017 17:43:30

Alison L Down (EIA & Lands Rights Advisor)

Thank you for the opportunity to respond to the consultation. Suffolk Fire & Rescue Service (SFRS) are content with the development and have no issues so long as access and water supplies in case of emergency is provided in accordance with planning and building regulations for all dwellings and commercial premises within the scope of the development. I would respectfully request the promotion of the fitting of residential sprinklers at the design phase as these are proven to save lives and reduce environmental impact of fire.

As to our formal response, I would respectfully advise; "Suffolk Fire & Rescue Service has considered the application and are of the opinion given the level of growth proposed as part of the development do not envisage additional emergency response provision will need to be made in order to mitigate the impact. However, this will be reconsidered if service conditions change. As always SFRS would encourage the provision of automated fire suppression sprinkler systems in any new development as it not only affords enhanced life and property protection but in incorporated into the design/build stage it is extremely cost effective/efficient and an additional protection to the environment. SFRS will not have any objection with regard access, as long as access is in accordance with building regulation guidance. We will of course wish to have included adequate water supplies for firefighting, specific information as to the number and location can be obtained from our water officer via the normal consultation process."

Regards

Ian

Ian Bowell
Area Commander
Suffolk fire & Rescue Service
Public Health & Protection Directorate
3rd Floor Endeavour House
Russell Road
Ipswich
Suffolk IP1 2BX

Email: ian.bowell@suffolk.gov.uk
Tel: 01473-260470 or 07789651191

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From: [Stephen Vanstone](#)
To: [Environmental Services](#)
Cc: [Trevor Harris](#); [Thomas Arculus](#); [Martin Thomas](#)
Subject: RE: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION
Date: 27 March 2017 12:45:24

Good afternoon Alison,

Trinity House would expect to see a marine navigation risk assessment, following consultation with ABP Lowestoft, to form part of the Environmental Statement. Within this risk assessment we would expect to see proposed risk mitigation measures, including any aids to navigation deemed necessary.

Trinity House would be happy to meet with the applicant later in the application process to give further advice concerning the aforementioned.

Kind regards,

Steve Vanstone
Navigation Services Officer
Trinity House

From: Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]
Sent: 28 February 2017 15:47
To: Navigation
Cc: Thomas Arculus; Nick Dodson
Subject: TR010023 - PROPOSED LAKE LOTHING THIRD CROSSING - EIA SCOPING AND NOTIFICATION

Dear Sir/Madam,

Please find attached correspondence about a scoping consultation for the proposed Lake Lothing Third Crossing.

Please note that the deadline for consultation responses is 28 March 2017, and is a statutory deadline that cannot be extended.

Kind regards,

Alison

Alison L Down
EIA & Land Rights Advisor – Environmental Services Team
Major Applications and Plans, The Planning Inspectorate, 3D Eagle, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Helpline: 0303 444 5000
Email: environmentalservices@pins.gsi.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk> (National Infrastructure Planning website)
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