

# **The Lake Lothing Third Crossing (Lowestoft)**

## **Development Consent Order 201[\*]**

---



Lake Lothing  
**THIRD  
CROSSING**

---

### **Document 1.1:      Covering Letter and Schedule of Compliance with Section 55**

---

**Planning Act 2008**

**Infrastructure Planning**

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009**

Regulation Number: 5(2)(q)

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: 1.1

Date: June 2018

THIS PAGE IS INTENTIONALLY LEFT BLANK



Date: 05<sup>th</sup> July 2018  
Tel: 01473 264279  
Email: [LakeLothing3rdCrossing@suffolk.gov.uk](mailto:LakeLothing3rdCrossing@suffolk.gov.uk)

The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House,  
Temple Quay  
Bristol  
BS1 6PN

FAO: Richard Price, Case Manager

Dear Sir/Madam,

**Planning Act 2008**

**Proposed Lake Lothing (Lowestoft) Third Crossing Order**

**PINS Reference TR010023**

On behalf of Suffolk County Council, I am pleased to enclose an application to the Secretary of State made under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent for the construction of the Lake Lothing Third Crossing in Lowestoft ("the Scheme").

The Scheme involves the construction, operation and maintenance of a new single-carriageway road crossing of Lake Lothing, consisting of a multi-span bridge, including a bascule bridge section and associated approach roads linking the areas north and south of Lake Lothing in Lowestoft.

The Scheme was designated as a nationally significant infrastructure project by a Direction given by the Secretary of State for Transport under section 35 of the Act on 22<sup>nd</sup> March 2016. This directed that the Scheme, as well as any associated matters, be treated as development for which development consent is required.

In accordance with the recent discussions with Richard Price, case manager, I enclose two paper copy of the full application submission along with 3 electronic copies.

I have attached to this letter a completed draft Schedule of Compliance with section 55 of the Act, showing how the application meets the Planning Inspectorate's tests for acceptance.

The document referenced 1.2 Introduction to the Application includes a guide which describes the application documentation and the document referencing system that has been used.

Under section 55 of the Act, the Secretary of State has up to 28 days following the day after the application was received to decide whether to accept this application. I look forward to hearing from you by the end of this period.



Should you have any queries regarding the above application please do not hesitate in contacting me on 01473 264279 or by email: [jon.barnard@suffolk.gov.uk](mailto:jon.barnard@suffolk.gov.uk).

Yours faithfully



Jon Barnard  
Project Manager Lake Lothing Third Crossing  
Resource Management  
Suffolk County Council

Enc Section 55 Checklist

## The Planning Act 2008

### Section 55 Acceptance of Applications\*

(Appendix 3 of [advice note six: Preparation and submission of application documents](#))

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
  - (a) that it is an application for an order granting development consent,
  - (b) deleted
  - (c) that development consent is required for any of the development to which the application relates,
  - (d) deleted
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
  - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
  - (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

“local authority consultee” means -

- (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
- (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
  - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
  - b) any applicable guidance given under section 37(4) has been followed in relation to the application.
- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.
- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
  - (a) notify that view to the applicant, and
  - (b) notify the applicant of the Secretary of State’s reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

\* Section 55 of the Planning Act 2008 as amended by the Localism Act 2011

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate (National Infrastructure) to complete. Completion or self-assessment by the applicant does not hold weight at the acceptance stage.

**NB: See DCLG Application Form Guidance for guidance on how the application form should be completed and what should be included with it.**

**Section 55 Acceptance of Application**

**Section 55 Application Checklist<sup>1</sup>**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
		[dd mm] 2018	[dd mm] 2018	[dd mm] 2018
<b>s55(3)(a) and s55(3)(c) It is an application for an order granting development consent</b>				
2	<p>Is the development a nationally significant infrastructure project<sup>2</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order<sup>3</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates ie which category or categories in ss.14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as</p>	<p><b>Box 4 of the Application Form (document reference 1.3) states:</b></p> <p><i>"In a Direction dated 22 March 2016 under section 35 of the Planning Act 2008, the Secretary of State determined that The Lake Lothing Third Crossing is of national significance and is to be treated as development for which development consent is required."</i></p> <p>A copy of the s.35 Direction is attached as Appendix B to the Case for the Scheme (<b>document reference 7.1</b>). <b>Paragraph 2</b> of the s35 Direction states:-</p> <p><i>"The Secretary of State is satisfied that:</i></p> <ul style="list-style-type: none"> <li><i>the development does not currently fall within the definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35; and</i></li> </ul>		

<sup>1</sup> References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Casework Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

<sup>2</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

<sup>3</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>development for which development consent is required?</p>	<ul style="list-style-type: none"> <li>• <i>Suffolk County Council's request constitutes a "qualifying request" in accordance with section 35(10) of the Act".</i></li> </ul> <p><b>Paragraph 4</b> of the s35 Direction states:</p> <p><i>"Having considered the details of the Lake Lothing Third Crossing set out in the request, the Secretary of State is of the view that this development by itself is nationally significant..."</i></p> <p><b>Paragraph 6</b> of the s35 Direction further states:</p> <p><i>"In addition, the Secretary of State further directs that any proposed application in relation to the Lake Lothing Third Crossing is to be treated as a proposed application for which development consent is required."</i></p> <p>The s35 Direction provides an outline of the reasons the Secretary of State determined that the Scheme was of national significance, in summary:</p> <ul style="list-style-type: none"> <li>• it provides a connection to/from Trans European Network-Transport (TEN-T) and the Strategic Road Network. The TEN-T link is to the A12/A47, one of only a limited number of routes in the East of England which is recognised as such; and</li> <li>• would act as a tactical diversion route for the strategic road network, the A12/A47 when the Bascule Bridge, a nationally recognised pinch point, is closed thereby reducing delays and congestion on the SRN;</li> <li>• it supports national growth potential by directly delivering over 9000 jobs with a further 3,500 indirect jobs thus supporting the proposed employment growth;</li> <li>• improves connection to/from the Great Yarmouth and Lowestoft Enterprise Zone; and</li> <li>• delivers the Port of Lowestoft's role in being the hub for the off-shore wind farms that are part of the East Anglia Array, a major energy supplier for the UK</li> </ul>
--	---	--

3	<b>Summary – s55(3)(a) and s55(3)(c)</b>	<p>A copy of the Section 35 Direction is attached as <b>Appendix B to the Case for the Scheme (document reference 7.1) Paragraph 5</b> of the s35 Direction states:</p> <p><i>"Accordingly, as the Secretary of State is satisfied that the proposed Lake Lothing Third Crossing development is nationally significant, THE SECRETARY OF STATE DIRECTS that development, together with any matters associated with it, is to be treated as development for which development consent is required."</i></p> <p>The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA 2008 and that development consent is required for the development to which the application relates.</p>
<b>s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b>		
4	<p>In accordance with the EIA Regulations<sup>4</sup>, did the applicant (prior to carrying out consultation in accordance with s42) either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development?</p>	<p>(a) <b>No</b>, the Applicant did not request a screening opinion in respect of the development;</p> <p>(b) <b>Yes</b>, the Applicant notified the Secretary of State in writing that it proposed to provide an environmental statement in respect of the development.</p> <p>Notification under Regulation 6(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 was sent to the Planning Inspectorate on 28 February 2017.</p> <p>The notification is included in the Scoping Report: see paragraph 1.2.2 of the Scoping Report, included in the application as <b>Appendix 6A to the Environmental Statement (document reference 6.2)</b>. Paragraph 1.2.2 states:</p> <p><i>"The need for an EIA is therefore informed by the parameters defined in Schedule 3 of the Regulations and having considered the nature of the proposed scheme, and the quality of the receiving environment, SCC are of the opinion that the development has the potential for likely significant effects upon the environment and, therefore, an</i></p>

<sup>4</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations) (where Regulation 37 of the 2017 EIA Regulations applies).

		<i>EIA is required. An Environmental Statement (ES) will therefore be prepared and will accompany the DCO application."</i>
5	Have any adequacy of consultation representations <sup>5</sup> been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	[PINS]
<b>s42: Duty to Consult</b>		
	Did the applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	s42(1)(a) persons prescribed <sup>6</sup> ?	<p>In <b>Appendix 5</b> to the <b>Consultation Report (document reference 5.1)</b>, the Applicant provides a list of who it consulted under s.42(1)(a). This list has been checked against the Inspectorate's prescribed consultee list. Paragraph 7.3.4 of the Consultation Report states:</p> <p><i>"The RNLI is not identified in Schedule 1 to the APFP Regulations as a section 42(1)(a) prescribed consultee and was not identified by the Planning Inspectorate as a person who should be consulted in accordance with regulation 9(1)(c) of the EIA Regulations. Consequently, the Applicant did not consult the RNLI under section 42(1)(a) nor did it send the RNLI a copy of the section 48 notice during the statutory consultation. However, the Applicant had been in contact with the organisation separately regarding attendance at the Navigation Working Group (see chapter 13) and did consult it as a non-statutory consultee (see appendix 13). For completeness the Applicant sent a letter enclosing the section 48 notice on 12 June 2018. A copy of this letter is found in appendix 10.12."</i></p> <p>The Applicant has also consulted a number of additional parties not on the</p>

<sup>5</sup> S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

<sup>6</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

		Inspectorate's list which are listed in <b>Appendix 13</b> to the <b>Consultation Report (document reference 5.2)</b> .
7	s42(1)(aa) the Marine Management Organisation <sup>7</sup> ?	<b>Yes</b> <b>Paragraph 4.3.5</b> of the <b>Consultation Report (document reference 5.1)</b> and <b>Appendix 5</b> to the <b>Consultation Report (document reference 5.2)</b> state that the Marine Management Organisation was consulted under s42(1)(aa).
8	s42(1)(b) each local authority within s43 <sup>8</sup> ?	<b>Yes</b> <b>Paragraph 4.4.1</b> of the <b>Consultation Report (document reference 5.1)</b> states:  <i>"Section 42(1)(b) requires the Applicant to consult each local authority that is within section 43...The Applicant applied section 43 of the Act as outlined in the following table [Table 6]."</i>  The table to which the Applicant refers identifies that the following Local Authorities were consulted:  The 'B' Authority is Waveney District Council.  The 'A' Authorities are Great Yarmouth Borough Council, Mid Suffolk District Council, South Norfolk District Council, Suffolk Coastal District Council and the Broads Authority.  The 'C' Authority is Suffolk County Council.  The 'D' Authorities are Cambridgeshire County Council, Essex County Council and Norfolk County Council.

<sup>7</sup> In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>8</sup> Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

9	s42(1)(c) the Greater London Authority (if in Greater London area)?	<b>No</b> , the Scheme is not in the Greater London area and the Applicant is not required to consult the Greater London Authority under section 42(1)(c).
10	s42(1)(d) each person in one or more of s44 categories <sup>9</sup> ?	<p>The Applicant undertook a land referencing exercise. This land referencing exercise is summarised in <b>Appendix 7 to the Consultation Report (document reference 5.2)</b>. The Applicant has demonstrated diligent inquiry in identifying s42(1)(d) persons as stated in <b>Section 4.6 of the Consultation Report (document reference 5.1)</b>. <b>Section 4.6 of the Consultation Report (document reference 5.1)</b> confirms that consultation was undertaken with all persons who fall within s44 of the PA 2008.</p> <p><b>Paragraph 4.6.7 of the Consultation Report (document reference 5.1)</b> states:</p> <p><i>"The list of section 42(1)(d) consultees in appendix 6 is not identical to the list of parties in the Book of Reference as there are many additional parties that were consulted who are no longer considered to be an affected party in the submitted Book of Reference."</i></p> <p><b>Appendix 6.11 to the Consultation Report (document reference 5.2)</b> includes a list of all persons consulted under section 42(1)(d) that are included in the Book of Reference.</p> <p><b>Appendix 6.12 to the Consultation Report (document reference 5.2)</b> includes a list of all persons consulted under section 42(1)(d) that are no longer included in the Book of Reference together with the reasons for each person's removal from the Book of Reference.</p> <p><b>Appendix 6.13 to the Consultation Report (document reference 5.2)</b> includes a list of persons included in the Book of Reference but who the Applicant has not consulted under section 42(1)(d) together with an explanation of why each person was not consulted and the actions the Applicant has taken.</p>

<sup>9</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

		<p>Paragraph 4.6.11 of the <b>Consultation Report (document reference 5.1)</b> explains:</p> <p><i>"In accordance with paragraphs 49 to 52 of the DCLG Guidance, an additional letter was sent to those consultees not previously consulted on 14 June 2018, outlining the DCO process and confirming that people would have an opportunity to register with the Planning Inspectorate to participate in the examination process, if the DCO application is accepted for examination. A copy of this letter can be found in appendix 10.11."</i></p> <p>Copies of the letters sent to section 42(1)(d) consultees are included in <b>Appendix 9</b> to the <b>Consultation Report (document reference 5.2)</b>.</p> <p>Following the close of the statutory consultation the Applicant carried out a number of further section 42(1)(d) consultations in respect of changes to the Scheme and as a result of ongoing land referencing work. Chapter 12 of the <b>Consultation Report (document reference 5.1)</b> summarises the additional consultations carried out subsequent to the close of the main statutory pre-application consultation; the persons consulted are listed in <b>Appendix 6</b>, and copies of the letters sent are included in <b>Appendix 10</b>.</p>
<p><b>s45: Timetable for s42 Consultation</b></p>		
<p>11</p>	<p>Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><b>Yes</b></p> <p><b>Chapter 4</b> of the <b>Consultation Report (document reference 5.1)</b> explains the section 42 consultation undertaken by the Applicant. <b>Paragraphs 4.8 to 4.13</b> of the <b>Consultation Report</b> provide details on when section 42 consultation was undertaken.</p> <p><b>Section 4.8</b> of the <b>Consultation Report (document reference 5.1)</b> states:</p> <p><i>"Consultation documents were made available on Suffolk County Council's website (<a href="http://www.suffolk.gov.uk/lakelothing3rdcrossing">www.suffolk.gov.uk/lakelothing3rdcrossing</a>) and in Deposit Locations from Monday 4 September 2017...the consultation ran...to Monday 23 October 2017".</i></p>

		<p>The section goes on to explain:</p> <p><i>"Two separate section 42 consultation letters were prepared: one for Section 41(1)(a), (aa), or (b) consultees...and one specifically for section 42(1)(d) consultees."</i></p> <p>Paragraph 12.1.1 of the <b>Consultation Report (document reference 5.1)</b> goes on to state:</p> <p><i>"As a summary of the section 42 consultation, the below list sets out the suite of letters that were sent to section 42 consultees, including the additional targeted consultation undertaken for section 42(1)(d) consultees. The details of these extended consultations are outlined in chapter 12.</i></p> <ul style="list-style-type: none"> <li>• <i>25 August 2017: Section 42(1)(a, aa, and b) and section 42(1)(d) letters sent with an initial deadline to respond of 16 October 2017 (which was extended to 23 October see section 4.11 above);</i></li> <li>• <i>1 September 2017:</i> <ul style="list-style-type: none"> <li>○ <i>Section 42(1)(a-b) (section 42(1)(c) is not relevant to this application) letter explaining consultation errors sent</i></li> <li>○ <i>Section 42(1)(d) letters sent explaining consultation errors</i></li> </ul> </li> <li>• <i>20 September 2017: Section 42(1)(d) letters sent to additional land interests with 23 October 2017 as deadline for responses</i></li> <li>• <i>22 September 2017: Section 42(1)(d) letters sent to additional land interests with 23 October 2017 as deadline for responses</i></li> <li>• <i>4 October 2017: Section 42(1)(d) letters sent regarding order limit changes, with 6 November 2017 as deadline for responses</i></li> <li>• <i>6 November 2017: Section 42(1)(d) letters sent to additional land interests with 8 December 2017 as deadline for responses</i></li> <li>• <i>11 December 2017: Section 42(1)(d) letters sent to additional land</i></li> </ul>
--	--	---

		<p><i>interests with 12 January 2018 as deadline for responses</i></p> <ul style="list-style-type: none"> <li>• <i>12 January 2018: Section 42(1)(d) letters sent about Order Limit changes, with 16 February 2018 as deadline for responses</i></li> <li>• <i>27 April 2018: Section 42(1)(d) letters sent about Order Limit changes and Section 42(1)(d) letters sent to additional land interests, with 29 May 2018 as deadline for responses</i></li> <li>• <i>15 May 2018: Section 42(1)(d) letters sent about Order Limit changes, with 15 June 2018 as deadline for responses</i></li> </ul> <p><i>Appendices 6.1 to 6.9 provide the lists of consultees who received each of the above letters. In each case section 42 consultees were given at least 28 days to respond to the consultation.”</i></p> <p>Copies of the consultation letters are included in <b>Appendix 9</b> and <b>Appendix 10</b> to the <b>Consultation Report (document reference 5.2)</b>.</p>
<p><b>s46: Duty to notify Secretary of State of proposed application</b></p>		
<p>12</p>	<p>Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><b>Yes</b></p> <p><b>Paragraph 4.14</b> of the <b>Consultation Report (document reference 5.1)</b> explains that the Applicant notified the Secretary of State under section 46 via letter dated 25 August 2017.</p> <p>A copy of the letter and consultation documents sent to the Secretary of State is included in <b>Appendix 15 (document reference 5.2)</b> to the Consultation Report, together with confirmation of receipt.</p> <p>The consultation letters sent to s42 consultees are supplied in <b>Appendix 9</b> to the <b>Consultation Report (document reference 5.2)</b> and were first issued on 25 August 2017, which was the same day as the Secretary of State was notified under section 46 of the Planning Act 2008.</p>

<b>s47: Duty to consult local community</b>		
13	<p>Did the applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p><b>Yes</b></p> <p><b>Chapter 5</b> of the <b>Consultation Report (document reference 5.1)</b> outlines the Applicant's approach to developing the draft SoCC, consultation with the host authorities and publication of the final SoCC.</p> <p>A copy of the finalised SoCC is provided in <b>Appendix 19</b> of the <b>Consultation Report (document reference 5.2, Appendix 19)</b>.</p> <p>The Final SoCC was published on 18 August 2017.</p> <p><b>Table 8</b> of the <b>Consultation Report</b> provides the date that each SoCC notice appeared in the relevant press. A copy of these notices is provided in <b>Appendix 21 (document reference 5.1, Appendix 21)</b>.</p>
14	<p>Were "B" and (where relevant) "C" authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?</p>	<p><b>Yes</b></p> <p>The Applicant identified and consulted Waveney District Council and Suffolk County Council as a 'host' (i.e. "B" and "C") authorities.</p> <p><b>Paragraphs 5.3.6</b> of the <b>Consultation Report (document reference 5.1)</b> states:</p> <p><i>"On 7 March 2017, the Applicant formally consulted, in accordance with section 47(2) to (4) inclusive, SCC (Planning Department) and WDC (Planning Department) about the proposals to consult the local community as set out in the draft SoCC. The local authorities had from 8 March to 5 April 2017 to provide comment on the draft."</i></p> <p>A copy of the correspondence is included in <b>Appendix 17</b> to the <b>Consultation Report (document reference 5.2)</b>.</p>

15	Has the applicant had regard to any responses received when preparing the SoCC?	<p><b>Yes</b></p> <p><b>Table 7</b> of the <b>Consultation Report (document reference 5.1)</b> provides a summary of the consultation on the draft SoCC and regard had by the Applicant to the responses of the authorities. Copies of the host authorities' responses are included in <b>Appendix 17</b> of the <b>Consultation Report (document reference 5.2)</b>.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><b>Yes</b></p> <p><b>Table 10</b> of the <b>Consultation Report (document reference 5.1)</b> lists the Deposit Locations where copies of the SoCC and other consultation materials were made available to the public. Paragraph 5.1.11 confirms that the documents were on deposit from 18 August 2017. <b>Appendix 20</b> of the <b>Consultation Report (document reference 5.2)</b> includes photographs of the consultation materials in situ.</p> <p>Section 5.5 of the <b>Consultation Report (document reference 5.1)</b> confirms that the Applicant published notices in accordance with section 47(6)(a) of the Planning Act 2008 in the Lowestoft Journal, The Waveney Advertiser and Eastern Daily Press on 18 August 2017 in addition to publicising it on its website. Copies of the notices are contained in <b>Appendix 21</b> of the <b>Consultation Report (document reference 5.2)</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>10</sup> ; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?	<p><b>Yes</b></p> <p>The SoCC confirms that the Scheme is EIA development and sets out how the Preliminary Environmental Information Report (PEIR) would be publicised and consulted on.</p> <p>The SoCC is included at <b>Appendix 19</b> of the <b>Consultation Report (document reference 5.2, Appendix 19)</b>; paragraph 19 of the SoCC states that:</p>

<sup>10</sup> Regulation 12 of the 2017 EIA Regulations, or Regulation 10 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		<p>“• <i>Preliminary Environmental Information Report (PEIR) – The proposed scheme is an ‘EIA Development’ for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, as applied by Regulation 37(2)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. SCC is therefore required to carry out an Environmental Impact Assessment and submit an Environmental Statement with the DCO application containing information about the likely significant effects of the proposed scheme on the environment. Information currently available about the likely significant environmental impacts of the proposed scheme is set out in the PEIR; “</i></p>
18	<p>Has the applicant carried out the consultation in accordance with the SoCC?</p>	<p><b>Yes</b></p> <p><b>Chapter 5</b> of the <b>Consultation Report (document reference 5.1)</b> provides a detailed account on how the Applicant carried out the consultation in accordance with the SoCC, provided at <b>Appendix 19 (document reference 5.1, Appendix 19)</b>. <b>Table 8</b> of the <b>Consultation Report (document reference 5.1)</b> explains how the Applicant complied with the activities set out in the SoCC.</p>
<p><b>s48: Duty to publicise the proposed application</b></p>		
19	<p>Did the applicant publicise the proposed application, under s48, in the prescribed manner set out in Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009?</p>	<p><b>Yes</b></p> <p><b>Table 13</b> of the <b>Consultation Report (document reference 5.1)</b> states that the s48 notice was published as follows:</p>

		<i>Newspaper(s)</i>		<i>Date</i>	
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	Lowestoft Journal Lowestoft Journal		18 August 2017 25 August 2017	
	once in a national newspaper;	The Times		18 August 2017	
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette		18 August 2017	
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	N/A		N/A	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes, see Appendix 31 of the Consultation Report (document reference 5.2).</b>			
<b>Information</b>		<b>Paragraph</b>		<b>Information</b>	<b>Paragraph</b>
a)	The name and address of the applicant.	1	b)	A statement that the applicant intends to make an application for development consent to the Secretary of State	1
c)	a statement as to whether the application is EIA development	5	d)	a summary of the main proposals, specifying the location or route of the proposed development	2

e)	a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice	4 and 5	f)	the latest date on which those documents, plans and maps will be available for inspection	5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	7	h)	details of how to respond to the publicity	8 and 9
i)	a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published	11			
21	Are there any observations in respect of the s48 notice provided above?				
	[PINS]				
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with the EIA Regulations <sup>11</sup> ?	<b>Yes</b> Paragraph 7.3.1 of the <b>Consultation Report (document reference 5.1)</b> confirms that the Applicant sent a copy of the section 48 notice to the consultation bodies on 25 August 2017. <b>Appendix 5</b> of the <b>Consultation Report (document reference 5.2)</b> lists the section 42(1)(a) consultees and a copy of the consultation letter is			

<sup>11</sup> Regulation 13 of the 2017 EIA Regulations, or Regulation 11 of the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies).

		<p>included in <b>Appendix 9 (document reference 5.2)</b>.</p> <p>Paragraph 7.3.4 of the <b>Consultation Report (document reference 5.1)</b> states:</p> <p><i>“The RNLI is not identified in Schedule 1 to the APFP Regulations as a section 42(1)(a) prescribed consultee and was not identified by the Planning Inspectorate as a person who should be consulted in accordance with regulation 9(1)(c) of the EIA Regulations. Consequently, the Applicant did not consult the RNLI under section 42(1)(a) nor did it send the RNLI a copy of the section 48 notice during the statutory consultation. However, the Applicant had been in contact with the organisation separately regarding attendance at the Navigation Working Group (see chapter 13) and did consult it as a non-statutory consultee (see appendix 13). For completeness the Applicant sent a letter enclosing the section 48 notice on 12 June 2018. A copy of this letter is found in appendix 10.12.”</i></p>
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>		
23	<p>Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p>	<p><b>Yes</b></p> <p>Chapters 8, 9, 10, 11 and 12 of the <b>Consultation Report (document reference 5.1)</b> contain a thematic summary of the responses received to the consultation together with Applicant’s consideration of it. A full analysis is contained in <b>Appendix 34</b> of the <b>Consultation Report (document reference 5.2)</b>.</p> <p>Paragraph 10.12 of the <b>Consultation Report (document reference 5.1)</b> notes that:</p> <p><i>“Any suggested changes to the scheme have been reviewed and assessed. The incorporated changes into the reference design as an outcome to the consultation are:</i></p> <ul style="list-style-type: none"> <li>• <i>A pontoon for use by recreational vessels, located to the east of the new highway crossing, within the Inner Harbour of Lake Lothing</i></li> <li>• <i>Concerns raised about the impact from the closure of Durban Road on close by roads including Kimberley Road, Notley Road, Durban Road and Kirkley</i></li> </ul>

		<p><i>Run led the Applicant to consider additional traffic regulation measures. Engagement around these changes is outlined in chapter 12.</i></p> <ul style="list-style-type: none"> <li><i>Access to Ling's Motor Group. These changes required additional consultation as outlined in chapter 12.</i></li> <li><i>Changes to the New Access Road based on landowners' plans for future developments as outlined in chapter 12.</i></li> </ul> <p><i>In addition to design changes a number of consultees particularly prescribed parties and local authorities provided technical comments on the documents taken to consultation and suggested amendments to be incorporated into the application documents. The Applicant has considered these views and incorporated them in the DCO documents where appropriate. How these comments have been considered is set out in appendix 34."</i></p>
<b>Guidance about pre-application procedure</b>		
24	To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process' <sup>12</sup> ?	<p><b>Yes</b></p> <p><b>Appendix 1 to the Consultation Report (document reference 5.2)</b> provides a table illustrating how the Applicant has had regard to DCLG Guidance.</p>
<b>25</b>	<b>Summary - s55(3)(e)</b>	<p><b>Yes</b></p> <p>The Applicant has complied with Chapter 2 of Part 5 (pre-application procedure) of the Planning Act 2008.</p>
<p><b>s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b></p>		

<sup>12</sup> The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Secretary of State; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p><b>Yes</b></p> <p><b>Box 4 of the Application Form (document reference 1.3)</b> gives a statement explaining why the development falls within the remit of the Secretary of State.</p> <p><b>Box 5 of the Application Form (document reference 1.3)</b> provides a brief non-technical description of the scheme which is the subject of the Application, whilst <b>Box 6 of the Application Form</b> provides information about the location and route of the scheme, including (as the scheme is linear) grid references for the start, middle and end points of the route of the scheme, as shown on the Works Plans (document reference 2.4).</p>
27	Is it accompanied by a consultation report?	<p><b>Yes</b></p> <p>The application is accompanied by a <b>Consultation Report (document reference 5.1)</b> and <b>Consultation Report Appendices (document reference 5.2)</b>.</p>
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? <sup>13</sup>	<p><b>Yes</b></p> <p>All sets of plans which comprise more than one sheet are accompanied by a key plan showing the relationship between the different sheets.</p>
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p><b>Yes</b></p> <p>Please see responses to the following questions.</p>

<sup>13</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	Information	Document		Information	Document
a)	Where applicable, the environmental statement required under the EIA Regulations <sup>14</sup> and any scoping or screening opinions or directions	<b>Environmental Statement</b> and related documentation – see <b>document references 6.1 – 6.8</b>	b)	The draft proposed order	<b>3.1 Draft Order</b>
	Is this of a satisfactory standard?	[PINS]		Is this of a satisfactory standard?	[PINS]
c)	An explanatory memorandum explaining the purpose and effect of provisions in the draft order	<b>3.2 Explanatory Memorandum</b>	d)	Where applicable, a book of reference (where the application involves any compulsory acquisition)	<b>4.3 Book of Reference</b>
	Is this of a satisfactory standard?	[PINS]		Is this of a satisfactory standard?	[PINS]
e)	A copy of any flood risk assessment	<b>Appendix 18A to the Environmental Statement (document reference 6.3)</b>	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory	<b>6.6 Statement of Statutory Nuisance</b>

<sup>14</sup> The 2017 EIA Regulations, or the 2009 EIA Regulations (where Regulation 37 of the 2017 EIA Regulations applies)

				nuisances) and if so how the applicant proposes to mitigate or limit them	
	Is this of a satisfactory standard?	[PINS]		Is this of a satisfactory standard?	[PINS]
h)	A statement of reasons and a funding statement (where the application involves any compulsory acquisition)	<b>4.1 Statement of Reasons</b> <b>4.2 Funding Statement</b>	i)	A land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	<b>2.3 Land Plans</b>
	Is this of a satisfactory standard?	[PINS]		Is this of a satisfactory standard?	[PINS]

j)	<p>A works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order</p>	<p><b>2.4 Works Plans</b></p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p><b>2.5 Rights of Way and Access Plans</b></p> <p><b>2.15 Rights of Navigation Plan</b></p>
	<p>Is this of a satisfactory standard?</p>	<p>[PINS]</p>		<p>Is this of a satisfactory standard?</p>	<p>[PINS]</p>
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other</p>	<p><b>Environmental Statement Figures (document reference 6.3)</b> include the following information in accordance with <b>Regulation 5(2)(l)(i)</b>:</p> <p><b>Figure 4.2</b> Designated Sites</p> <p><b>Figure 8.3</b> Local Air Quality Assessment</p> <p><b>Figure 8.6</b> Ecological Assessment Study Area</p>	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development</p>	<p>Environmental Statement Figures (<b>document reference 6.3</b>) include the following information in accordance with <b>Regulation 5(2)(m)</b>:</p> <p><b>Figure 9.1</b> Built Heritage Assets</p> <p><b>Figure 9.2</b> Designated Heritage Areas</p> <p><b>Figure 9.3</b> Non-Designated Heritage Assets</p>

	<p>diversity features;          and          (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</p>	<p><b>Figure 8.19</b> Ecological          Assessment DS NOx          Results</p> <p><b>Figure 8.20</b> Ecological          Assessments N-Deposition          Results</p> <p><b>Figure 10.1</b> Townscape          Constraints</p> <p><b>Figure 11.1</b> Main and          Broad Study Areas</p> <p><b>Figure 11.2</b> Extended          Study Area</p> <p>And in accordance with  <b>Regulation 5(2)(l)(ii):</b></p> <p><b>Figure 11.3</b> Bat Survey          Locations</p> <p><b>Figure 11.4</b> Reptile Survey          Locations</p> <p><b>Figure 11.5</b> Bird Survey          Locations</p> <p><b>Figure 11.6</b> Terrestrial          Invertebrate Survey          Locations</p> <p>And in accordance with  <b>Regulation 5(2)(l)(iii):</b></p> <p><b>Figure 17.1</b> Water          Environment Study Area</p>			
--	---	--	--	--	--

		<b>Figure 17.2</b> Water Quality Sampling Locations			
	Is this of a satisfactory standard?	[PINS]		Is this of a satisfactory standard?	[PINS]
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>2.11 Crown Land Plan</b> Information regarding the nature of the Crown land and the status of the Applicant's request for consent to include Crown land in the Order is set out in the <b>Statement of Reasons (document reference 4.1)</b>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>2.1 Location Plan</b> <b>2.2 General Arrangement Plans</b> <b>2.6 Traffic Regulation Measures Plans</b> <b>2.7 Classification of Roads Plan</b> <b>2.8 Landscaping Plans</b> <b>2.10 Tree Preservation Orders Trees Location Plan</b> <b>2.12 Limits of Dredging Plan</b> <b>2.13 New Bridge Area Plans</b> <b>2.14 Harbour Limits Plan</b>
	Is this of a satisfactory standard?	[PINS]		Are they of a satisfactory standard?	[PINS]
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Yes</b> <b>2.9 Engineering Section Drawings and Plans</b>	q)	Any other documents considered necessary to support the application.	<b>1.1 Covering letter and Schedule of Compliance with Section 55 of the Planning Act 2008</b>

					<p><b>1.2 Introduction to the Applicant and the Application</b></p> <p><b>1.3 Completed and signed Application Form</b></p> <p><b>1.5 Electronic Filing Index</b></p> <p><b>1.6 GIS Shapefile</b></p> <p><b>4.4 Compulsory Acquisition Negotiations Tracker</b></p> <p><b>6.4 Environmental Statement Non-Technical Summary</b></p> <p><b>6.7 Preliminary Navigation Risk Assessment</b></p> <p><b>6.8 Equalities Impact Assessment - Screening</b></p> <p><b>7.1 Case for the Scheme</b></p> <p><b>7.2 Transport Assessment</b></p> <p><b>7.3 Economics Report</b></p> <p><b>7.4 Outline Business Case</b></p> <p><b>7.5 Design Report</b></p> <p><b>7.6 Draft Design Guidance Manual</b></p> <p><b>7.7 Consents and Agreements Position Statement</b></p>
--	--	--	--	--	---

				<b>7.8 Mitigation Route Map</b>
	Are they of a satisfactory standard?	[PINS]		Are they of a satisfactory standard? [PINS]
30	Are there any observations in respect of the documents provided above?			
	[PINS]			
31	Is the application accompanied by a report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1)? <sup>15</sup>	<b>Yes</b> <b>HRA Report (document reference 6.5)</b>		
32	If requested by the Secretary of State, two paper copies of the application form and other supporting documents and plans <sup>16</sup>	<b>Yes</b> Paper copies of the application form and other supporting documents and plans were provided in accordance with PINS' requests.		

<sup>15</sup> Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>16</sup> Regulation 5(2)(r) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

33	Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p><b>Yes</b></p> <p>The Applicant has had regard to DCLG guidance 'Planning Act 2008: Application form guidance'.</p> <p>[PINS]</p>
34	<b>Summary - s55(3)(f) and s55(5A)</b>	[PINS]
<b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>17</sup> ?	<p><b>Yes</b></p> <p>The fee of £6,939 was paid by the Applicant by BACS transfer on 18 June 2018 under reference 2776602; funds were cleared on [ ] before the submission of the application on [ ].</p>

Electronic Signature	Name	Date
<b>Case Leader</b>		
<b>Acceptance Inspector</b>		

<sup>17</sup> The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee must be paid at the same time that the application is made.