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Date: 20 November 2018
Enquiries to: Jon Barnard
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Your ref: TR010023
Our ref: SCC/LLTC/EX/1

Dear Richard,

Draft Lake Lothing (Lowestoft) Third Crossing Order 201[*] ('Lake Lothing Third Crossing')

Response to Examining Authority's Rule 6 Letter

Further to the Examining Authority's letter of 6 November 2018 issued pursuant to Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) ('the Rule 6 Letter'), this letter sets out Suffolk County Council's (as the Applicant) ('SCC') responses to the various matters contained within it.

1. Attendance

1.1 SCC confirms that it will attend and will wish to speak at the Preliminary Meeting on 5 December 2018. SCC will also be present at the Open Floor Hearing of the same date ('OFH'), but does not expect to speak at the OFH other than on matters of procedure or clarification. As has been discussed in previous phone calls between us, all practical arrangements are being put in place to ensure that these hearings are able to take place in an effective manner.

2. Pre-Preliminary Meeting Submissions

2.1 In order to facilitate discussions at the Preliminary Meeting and aid the Examining Authority in settling its First Written Questions, SCC is submitting alongside this letter a number of documents. A list of these documents, including comments as to their purpose, is set out in the table below.

| Document Title | Document Reference | Comments |
|--------------------------------------|--------------------|--|
| Response to Relevant Representations | SCC/LLTC/EX/2 | This document sets out SCC's response to the issues raised by the Relevant Representations. In doing so the responses deal with many of the Principal Issues raised by the Examining Authority in the Rule 6 Letter, with the aim of seeking to resolve them as soon as possible. SCC notes that the Rule 6 Letter requests such a response at Deadline 1, however, SCC had started preparing this document prior to the issue of the Rule 6 Letter, and considers that it will help to expedite matters by submitting it as early as possible. |
| Response to PINS' Section 51 Advice | SCC/LLTC/EX/3 | As requested by the Examining Authority in the Rule 6 Letter. SCC notes that the Rule 6 Letter requests such a response at Deadline 3, however SCC had started preparing this response prior to the issue of the Rule 6 Letter, and considers that it will help to expedite matters by submitting it as early as possible. |
| Errata Report | SCC/LLTC/EX/4 | Following submission of the application, SCC has noted a small number of typographical errors within the documentation. To aid the Examining Authority in considering the application, this report explains these errors and indicates what the correct text should be within the relevant documentation. |
| Statements of Common Ground Report | SCC/LLTC/EX/5 | SCC has been continuing to progress discussions with stakeholders since submission of the application, with the aim of reaching agreed Statements of Common Ground ('SoCGs'). This report sets out the progress on these SoCGs and includes, where it has been possible to agree with stakeholders to do so, first drafts of some of those SoCGs. I can confirm that, prior to SCC's receipt of the Rule 6 letter, discussions had already begun with all of the parties noted in Annex F to the Rule 6 Letter and this report sets out the current position on the SoCG with each of those parties. |

| Document Title | Document Reference | Comments |
|--|--------------------|--|
| | | <p>Whilst it was the Applicant's intention to include in this report the SoCG between SCC and Associated British Ports ('ABP') that SoCG is currently being reviewed by ABP and will therefore follow as soon as possible. SCC expects to be in a position to provide it to the Examining Authority in advance of the Preliminary Meeting. Given ABP's position as the statutory harbour authority, SCC has been endeavouring to agree matters with ABP over a considerable period. Whilst the bilateral SoCG reflects the progress made in recent negotiations, a full history of the engagement between SCC and ABP is set out in the Negotiations Tracker (document reference 4.4/PINS document reference APP-010).</p> |
| Updated Habitats Regulations Assessment Report - Clean | SCC/LLTC/EX/6 | Further to PINS' section 51 advice and item 2 of Annex F to the Rule 6 Letter, as well as undertaking an errata review of the submitted document, this submission provides an updated HRA report, including the integrity matrices requested in the Planning Inspectorate's section 51 advice. The Track Changes version (SCC/LLTC/EX/7) is submitted to assist the Examining Authority identify the changes made to the original Habitats Regulations Assessment (document reference 6.5/PINS document reference APP-206). |
| Updated Habitats Regulations Assessment Report – Track Changes | SCC/LLTC/EX/7 | |
| Note on the Updated NPPF | SCC/LLTC/EX/8 | To assist the Examining Authority in examining the application, SCC has produced this note, which considers the effect of the revised National Planning Policy Framework (July 2018) on the application documentation. |

3. Examination Timetable

- 3.1 SCC has considered the draft timetable set out in Annex C of the Rule 6 Letter, and has a number of suggestions for potential changes to it, which I have set out below. These points will form the basis of SCC's submissions at the Preliminary Meeting.

Timing of Deadlines 3 and 4

- SCC notes that the gap between Deadlines 3 and 4 is 14 days (although in reality 13 days once the submissions are published). SCC submits that its response to the written representations submitted at Deadline 3 will be a crucial part of this Examination, and will likely frame the following hearings and the Examining Authority's second written questions. It is also considered likely that the responses will be able to resolve many of the issues raised in the Relevant Representations.
- As such, SCC requests that consideration is given to extending the period between Deadlines 3 and 4. SCC appreciates that the Examining Authority will need sufficient time to consider Deadline 4 submissions before formulating the agendas for the scheduled February 2019 hearings, however it notes that if Deadline 4 were to be moved to 29 January; this would still give the Examining Authority over a week to consider those submissions before the target 5 working days before the hearings (referenced in Annex C).

Notification of hearing dates

- In relation to the proposed dates for notification of the hearing dates within the draft timetable:
 - SCC has considered these in the context of its publicity obligations under Rule 13 of the Infrastructure Planning (Examination Procedure) Rules 2010. Hearing notices for the Examination under Rule 13 are proposed to be published in the *Lowestoft Journal*, *Waveney Advertiser* and *Eastern Daily Press* (in line with SCC's approach to section 47 and section 48 notices at statutory consultation). All three of these newspapers are published on a Friday, and require the text of the notice to be with the publisher by the morning of the Monday of the week of publishing (Tuesday in the case of the Eastern Daily Press).
 - Whilst the date given in the Rule 6 Letter for notification of the May hearings is sufficiently in advance that such notices will be able to be placed in time to give at least 21 days' notice, this is not the case for the February hearings on 13 to 15 February. For those hearing dates, notices would need to be placed in the 18 January 2019 editions of the newspapers, meaning that details of the hearings would need to be known by the morning of Monday 14 January 2019, i.e. before the 15 January date given in the Rule 6 Letter. In light of this, we would request that the date for the hearing notifications for the February hearings is moved to Friday 11 January 2019.

Submission of Applicant's DCO

- SCC notes that the draft timetable does not require submission of an 'Applicant's DCO' post Deadline 5 (22 February 2019). SCC considers that it may be helpful to the Examination if further drafts of the DCO were able to be submitted, to help inform responses of Interested Parties, and to aid the Examining Authority settle written questions and hearing agendas. SCC therefore suggests the following additions to the draft timetable:
 - Applicant's DCO to be submitted at Deadline 6. This will enable Interested Parties to respond at Deadline 7, thus informing the May hearing agendas and the Examining Authority's DCO at Deadline 8.
 - Applicant's DCO to be submitted at Deadline 9. This can form part of SCC's response to the Examining Authority's DCO.
 - Another deadline to be added to the timetable between Deadline 9 and Deadline 10 for Interested Parties to comment on the Applicant's Deadline 9 DCO. We would suggest that this new deadline could be 30th or 31st May 2019.

Submission of draft SoCGs

- SCC notes that the draft timetable within the Rule 6 Letter makes provision for SoCGs to be submitted at Deadline 3 but does not require further SoCG submissions post Deadline 3. It appreciates that this is because a request has been made for final signed versions to be submitted at Deadline 3; SCC's ability to do so will depend on the status of negotiations with third parties at that time (as noted above).

As part of this, SCC particularly notes that Deadline 3 falls just after Christmas. This will make it difficult for SoCG's to be agreed by that point as many of the third parties may be away over the Christmas period. SCC therefore suggests, noting also that draft SoCGs are being submitted alongside this letter, that the first timetabled submission of SoCGs is required for Deadline 4 rather than Deadline 3.

SCC would also suggest that additional entries for submission of an 'Updated SoCG Report (if required)' are added in the Examination timetable to:

- Deadline 5: as part of post hearing submissions to reflect discussions with Interested Parties following those hearings;
- Deadline 7: to help inform the agendas for the scheduled May hearings; and
- Deadline 9: so that the Examining Authority has the 'final' position on matters at the end of Examination.

Submission of updates to the CA Negotiations Tracker

- In a similar vein, SCC notes that the draft Examination timetable does not provide for updates to the land negotiations tracker submitted with the application (APP-010). SCC submits that in accordance with usual practice it may be beneficial to the Examining Authority for updated versions of this tracker to be submitted at intervals during the Examination. It therefore suggests that a requirement to submit the tracker is added to the same deadlines as are suggested above for the SoCG Reports; to help inform the agenda for the potential February compulsory acquisition hearing.

Submission of updated documentation at Deadline 3

- Finally, the Examining Authority will note from the submissions included with this letter that the Applicant has committed to submitting updated documents at Deadline 3. These updates arise from SCC's responses to Relevant Representations; they will comprise points of clarification and will provide additional explanation in response to points raised by Interested Parties; they will not change the basis or results of the assessments to which they relate. However, SCC considers it will be more convenient to the Examining Authority to provide such updates in the form of a replacement document which incorporates the updates rather than to provide simply an addendum document which will have to be read alongside the original document. For the sake of clarity, I have set out below the compiled list of documents suggested (which, upon submission, will be provided where they update an earlier document in 'tracked change' and 'clean' versions, so that all changes made are readily identifiable) - the Examining Authority may wish to add these to any revised version of the Examination timetable:
 - **Transport Assessment** (document reference 7.2/PINS document reference APP-093);
 - **Design Guidance Manual** (document reference 7.6 / PINS document reference APP-133);
 - **Chapter 11 of the Environmental Statement** (document reference 6.1/PINS document APP-136);
 - **Interpretative Environmental Ground Investigation Report (Appendix 12B of the ES)** (document reference 6.3 / PINS document reference APP-192);
 - **Piling Works Risk Assessment Interpretative Environmental Ground Investigation Report (Appendix 12C of the ES)** (document reference 6.3 / PINS document reference APP-193);
 - **Sediment Transport Assessment (Appendix 17C of the ES)** (document reference 6.3 / PINS document reference APP-201);
 - **Drainage Strategy (Appendix 18B of the ES)** (document reference 6.3 / PINS document reference APP-204); and

- **Written Scheme of Investigation (WSI) (Appendix 9F of the ES)** (document reference 6.3 / PINS document reference APP-179);
- **Interim Code of Construction Practice (Appendix 5A of the ES)** (document reference 6.3/PINS document reference APP-163); and
- **Preliminary Scheme of Operation for the new bridge.**

4. Multilateral Statement of Common Ground on the draft DCO

- 4.1 SCC notes the request at item 1 of Annex F of the Rule 6 Letter for a 'multilateral SoCG' relating to the provisions of the draft Development Consent Order.
- 4.2 SCC submits that given the number of parties referenced in the draft DCO and their very different roles and views on its provisions, it is unlikely that such a SoCG will be able to be produced. SCC is not aware of this requirement having been made in the case of any other DCOs, presumably for the same reason.
- 4.3 However, SCC also notes that with the exception of ABP, the main body of the DCO is only likely to be of interest to Suffolk County Council as local highway authority and county planning authority, and Waveney District Council as local planning authority. You will note from the Relevant Representations of those parties that there is little at issue between them and SCC as Applicant in relation to DCO wording; and it is indeed anticipated that outstanding matters should be able to be dealt with by Deadline 3.
- 4.4 It will therefore be the case that other parties' involvement will be limited to the parts of the DCO which directly affect them (e.g. the DML for the MMO, and the individual Protective Provisions for ABP, the Environment Agency, Anglian Water, Cadent and Network Rail). As such, SCC submits that the Examining Authority will be able to consider those parts with reference to the bilateral SoCGs with, and submissions by, each of those parties.
- 4.5 SCC would therefore propose that it should not be required to produce such a SoCG for Deadline 3 of the Examination, but it will be willing to discuss this at the Preliminary Meeting.

If you have any questions on any of these matters, please do not hesitate to contact me.

Yours sincerely



Jon Barnard
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