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

Our Ref
20013261

Your Ref
TR010023

Date:
27 November 2018

Dear Sir,

**Associated British Ports (Reference Number 20013261)
Lake Lothing Third Crossing, Lowestoft – Notification of Attendance at Preliminary Meeting and Open Floor Hearing**

1 Introduction

- 1.1 We write on behalf of our client Associated British Ports ("ABP"), in relation to the application by Suffolk County Council for an Order granting Development Consent for the Lake Lothing Third Crossing ("LLTC").
- 1.2 As you are aware, ABP is the owner and operator of the Port of Lowestoft ("Port") and as such, the Statutory Port Undertaker. It is also Statutory Harbour Authority and the Competent Harbour Authority.
- 1.3 ABP submitted its Relevant Representations in respect of the LLTC application (Document Reference Number RR-022) and is an Interested Party (Reference Number 20013261) to the Examination.

2 Notice of Attendance

- 2.1 In respect of the Preliminary Meeting and the Open Floor Hearing, both to be held on Wednesday 5 December 2018 at the Ivy House Country Hotel, we confirm that the following will be in attendance:
- (a) Peter Goatley, counsel, acting on behalf of ABP;
 - (b) Brian Greenwood, partner, Clyde & Co; and
 - (c) Representatives of ABP.

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2.2 Overall, we anticipate that approximately eight people will attend the Preliminary Meeting and Open Floor Hearing on behalf of ABP. We also confirm that no special requirements are necessary.

2.3 As far as participation at both the Preliminary Meeting and the Open Floor Hearing is concerned, we will, of course, be happy to assist the Examining Authority as required.

3 Additional Principle Issues

3.1 To this end, and we appreciate that the Ex.A have already carried out an initial assessment of the principle issues arising from the LLTC application as identified in Annex B of the Rule 6 letter, and entirely with a view to assisting the Ex.A, we do wonder whether the three topics identified in section 6 "Maritime and port operation matters" should be expanded to encompass a number of additional points, itemised in the paragraph below. We suggest this simply because we believe that all of these items are central to ABP's ability to continue to carry out its port operations and at the same time comply with its duties and obligations as the statutory port undertaker in the face of the LLTC proposals.

3.2 Our suggested additional topics for consideration include the following:

- (a) **LLTC Scheme Details** – Implications of the lack of detail provided by the promoter in relation to the LLTC, design, operation and the assessment of impacts relating to marine and navigational safety within the Port;
- (b) **Environmental Statement** – The extent to which the environmental assessment of the LLTC, as set out in the Environmental Statement, is adequate;
- (c) **National Ports Policy** – Whether the LLTC complies with the National Policy Statement for Ports;
- (d) **Serious Detriment** – The serious detriment caused by the LLTC to ABP, in terms of both existing and future Port operations, in accordance with the test specified in section 127 of the Planning Act 2008 and the mitigation required to offset that serious detriment – the Ex.A should be aware that a letter in this respect will be sent shortly to the Secretary of State and will be copied to PINS;
- (e) **Port Security** – Whether the LLTC impacts on ABP's ability to comply with the statutory security arrangements, as required by the Department for Transport, and implications for security arrangements at the Port;
- (f) **Marine Safety** – The impact of the LLTC on the safety of marine operations within the Port of Lowestoft (we note that the issue of marine safety extends beyond navigational safety, as referred to in Principle Issue 6(i), such as requirement of the Emergency Berth for commercial vessels);
- (g) **Navigational Risk Assessment** – The implications of the Applicant's Preliminary Navigational Risk Assessment in respect of the LLTC and ABP's statutory duties as statutory port undertaker. Although we note that 'safe navigation' is referred to in Principle Issue 6(i), we would suggest that the particular concerns arising in relation to the Navigational Risk Assessment need to be assessed in further detail;

- (h) **Bridge Opening Procedures** – The impact of the proposed bridge opening procedures of the LLTC on the existing and future operation of the Port;
- (i) **Berth Occupancy** – The effect of the LLTC on berth occupancy, for existing and future operations, in both the Inner Harbour and the Outer Harbour (we would suggest that this issue extends beyond berth space in the Inner Harbour only, as referred to in Principle Issue 6(ii));
- (j) **Western Route Alternative** – The adequacy of the assessment undertaken by the promoter in relation to the alternative Western Route;
- (k) **Indemnity** – The risks arising from the construction and operation of the LLTC within an operational Port by the introduction of a hazard into the middle of an operational port, and how ABP and users of the Port will need to be protected;
- (l) **In-combination Effects** – The effect of the LLTC on the, in terms of in-combination effects arising from the Lowestoft Flood Risk Management Project.

3.3 We emphasise that the above topics have only been drawn to the attention of the Ex.A for their assistance and we will of course, be happy to expand upon our concerns, should the Ex.A so require, at either the Preliminary Meeting or the Open Floor Hearing, as required.

3.4 Finally, we are grateful for the note drawing attention to the Ex.A's recent unaccompanied site inspection. If it would assist, our client would be happy to make arrangements for the Ex.A to visit the Port – again on an unaccompanied basis in terms of the Examination – but of course, subject to essential health and safety and security procedures.

3.5 I trust the above is of assistance.

