

Application by Suffolk County Council for Lake Lothing Third Crossing
The Examining Authority's written questions and requests for information (ExQ1)
Issued on 17 December 2018

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information - ExQ1. If necessary, the Examination Timetable enables the ExA to issue a further round of Written Questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Each question has a unique reference number (Column 1). Column 2 of the table indicates which Interested Parties (IPs) each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact lakelothing@pins.gsi.gov.uk.

Responses are due by **Deadline 3** in the Examination Timetable: **8 January 2019**.

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010023/TR010023-000447-Examination%20Library.pdf>

It will be updated as the Examination progresses.

ERRATA SHEET – inserted 24 December 2018

All changes have been applied to the ExQs issued on 17 December 2018 (reproduced from page 4, below).

ExQ	Error	Correction
2.39	Insertion of duplicate question (ExQ 2.3).	Question 2.39 deleted.
2.42	Insertion of question.	Question 2.42 deleted.
2.72	Insertion of question.	Question deleted. Replaced with: In relation to potential in-combination effects on the three European sites taken forward to the appropriate assessment stage: in the absence of a quantification or definition of effects in accordance with any identified methodology can the Applicant provide greater elaboration of the conclusion in paragraph 6.11.7, specifically with regard to the methodology applied?
4.4	With regard to Article 7 , can the Applicant confirm that the limitations to the extent maintenance advised by 7(2) should also apply to maintenance authorised by Article 6 ?	With regard to Article 43 , can the Applicant confirm that the limitations to the extent of maintenance advised by 42(2) should also apply to maintenance authorised by Article 43 ?
4.5	With regard to Article 16 , can the Applicant provide an explanation as to the legal nature of the term 'temporary passage' that would obviate the need to acquire an easement over identified land?	With regard to Article 14 , can the Applicant provide an explanation as to the legal nature of the term 'temporary passage' that would obviate the need to acquire an easement over identified land?
4.6	With regard to Article 32 , can the Applicant explain how they have taken into account the implications of the	With regard to Article 28 , can the Applicant explain how they have taken into account the implications of the

	Housing and Planning Act (specifically sections 203 to 205) in respect of the power to override easements and other rights?	Housing and Planning Act (specifically sections 203 to 205) in respect of the power to override easements and other rights?
4.7	With regard to Article 35 , can the Applicant explain and justify the need to clarify that entering and taking possession for the temporary use of land is not caught by the counter notice procedures under Schedule 2A?	With regard to Article 31 , can the Applicant explain and justify the need to clarify that entering and taking possession for the temporary use of land is not caught by the counter notice procedures under Schedule 2A?
4.8	With regard to Articles 41 and 42, can the Applicant explain why sections 6 to 9 of the Land Compensation Act 1961 have not been superseded by sections 6a to 6e of the Neighbourhood Planning Act 2017 in the drafting of both these Articles?	Question deleted. Replaced with: The Explanatory Memorandum [APP-006] refers to section 7 of the Land Compensation Act 1961 (LCA61). Section 7 has now been replaced by section 6B (Lower compensation if other land gains value) of the LCA61. Terms such as " <i>contiguous or adjacent</i> " are terms no longer used in the LCA61. In the light of this, can the Applicant confirm whether any modifications are required in respect of Article 38?
4.11	With regard to Article 53 , can the Applicant explain which vehicles will be exempted in relation to traffic regulation measures?	With regard to Article 52 , can the Applicant explain which vehicles will be exempted in relation to traffic regulation measures?
4.12	With regard to Article 55 , can the Applicant confirm that all statutory references are updated in relation to proceedings in respect of statutory nuisance (section 65 of the Control of Pollution Act 1974 has been repealed by the Deregulation Act 2015)?	With regard to Article 54 , can the Applicant confirm that all statutory references are updated in relation to proceedings in respect of statutory nuisance (section 65 of the Control of Pollution Act 1974 has been repealed by the Deregulation Act 2015)?

Examining Authorities Written Questions – issued 17 December 2018

ExQ1 Question to:		Question:
1 General and cross-topic questions		
1.1	The Applicant	<p>In terms of general approach, the Limits of Development (LoD) set out within the Environmental Statement (ES) and those set out within the draft Development Consent Order (dDCO) [APP-005] relate to different elements of the Proposed Development. Neither of the above express a maximum or minimum set of dimensions for each of the main elements. It is unclear whether the assessments in the ES have taken the LoD set out in the dDCO into account, and whether the LoD specified in the ES are secured in the dDCO.</p> <p>Can the Applicant to make expressly clear the relationship between the LoD in the ES and the LoD in the dDCO?</p>
1.2	The Applicant	<p>Many of the plans, including the Works Plans [APP-022 to APP-024] and the General Arrangement Plans [APP-013 to APP-015], state that the design and location of elements of the Proposed Development are shown for illustrative purposes only and will be subject to detailed design development in accordance with the terms of the dDCO.</p> <ol style="list-style-type: none"> i. Can the Applicant explain how the Reference Design used for the purposes of the assessments reported in the ES relates to the design of the Proposed Development set out in the plans presented? ii. In relation to the above, can the Applicant explain the relationship between the Engineering Section Drawings [APP-038 to APP-051] and the Works Plans [APP-022 to APP-024] (which it is indicated should be

ExQ1	Question to:	Question:
		<p>read in conjunction with the former)?</p> <p>iii. How have the design parameters set out in the Engineering Sections Drawings [APP-038 to APP-051] been taken into account in the assessments within the ES?</p>
1.3	The Applicant	<p>The Proposed Development incorporates three construction compounds, the land take for these being identified on the Land Plans Sheet 4 [APP-020]. However, these have not been allocated a specific works number in the dDCO and are not otherwise identified on the Works Plans [APP-022 to APP-024].</p> <p>Can the Applicant now define the location and extent of the compounds for the specific purposes of the dDCO?</p>
1.4	The Applicant	<p>The ES makes reference to the potential need for cofferdams and temporary piers in relation to both north and south quays.</p> <p>Can the Applicant confirm the necessity for such temporary infrastructure?</p>
1.5	The Applicant	<p>A high-level construction phasing programme is presented with development commencing in the Quarter 4 of 2019 and opening of the bridge in Quarter 1 of 2022. However very limited detail is presented of the development activities and phasing within this period (Plate 5-2, Section 5.6 of the ES [APP-136]).</p> <p>Within the key phases (mobilisation, bridge construction, piles, pile caps, piers, bridge deck, southern approach, northern approach, demobilisation and scheme opening) can the Applicant provide details of the main activities within each of the identified phases?</p>
1.6	The Applicant	<p>i. Can the Applicant make clear to what extent the ongoing maintenance</p>

ExQ1	Question to:	Question:
		<p>of the Proposed Development has been assessed in the ES?</p> <p>ii. Can the Applicant also identify within the dDCO the parameters of maintenance activities anticipated for the structure?</p>
1.7	The Applicant	<p>Diversion of utilities infrastructure will be required in order to facilitate the Proposed Development.</p> <p>i. Can the Applicant confirm that all connections to utilities are located within the Order limits?</p> <p>ii. Have the impacts of such diversions and replacement connecting infrastructure been considered in all the relevant ES assessments?</p>
1.8	The Applicant	<p>Both terrestrial maritime sediment waste are identified for disposal in the ES which are identified as 'small'.</p> <p>Can the Applicant provide further information of the types of waste anticipated during the construction phase?</p>
1.9	The Applicant	<p>A Mitigation Route Map [APP-135] has been provided which sets out the proposed controls and mitigation measures which the Applicant considers are necessary. Whilst a range of information is supplied to support such an approach it is deficient in key respects. Mitigation measures proposed need to be cross-referenced to specific provisions/ Requirements within the dDCO and Deemed Maritime Licence (DML).</p> <p>Can the Applicant please provide a summary table for all factors that identifies the receptor, impact, likely effects prior to mitigation, the specific mitigation measure, any residual effects following implementation of the mitigation, and any proposed monitoring that may be necessary?</p>

ExQ1 Question to:		Question:
1.10	The Applicant	<p>Construction mitigation measures, incorporated in an interim Construction Code of Practice (CoCP) [APP-163] and applied through adherence to good practice are intended to secure appropriate construction-related mitigation. This is to be secured substantially through the interim CoCP but will also be finalised through a Requirement attached to the dDCO [APP-005]. However uncertainties remain; pollution prevention measures in respect of road drainage are caveated by a statement suggesting such measures may not be relevant if not relevant to a given construction methodology.</p> <p>In the context of such uncertainty, can the Applicant explain in detail how the measures set out in the interim CoCP and associated management plans will be secured through the dDCO?</p>
2 Environmental Statement (ES) [APP-136 to APP-209]		
Air Quality and Emissions (Chapter 8)		
2.1	The Applicant	What further assistance/ advice will be put in place for local residents affected by the Proposed Development in respect of air quality in the context of wider environmental management during and after the construction phase of the project?
2.2	The Applicant	Will there be further modelling of air quality levels at the key road junctions proposed to address concerns of Waveney District Council?
Townscape and visual impact (Chapter 10)		

ExQ1	Question to:	Question:
2.3	The Applicant	<p>In addition to those measures already proposed, what further actions are necessary to mitigate the loss of landscaping within the areas of Compulsory Acquisition identified in respect of the Northumbria Water Trinity House site (plots 3-43, 3-46, 3-47, 3-48, 4-08, 5-01, 5-02, 5-03, 5-04 and 5-32) that have been previously required through conditions attached to approved planning permissions?</p>
2.4	The Applicant	<p>The Rochdale Envelope approach is acknowledged, as is the preparation of a Design Guidance Manual (DGM) [APP-133]. However the parameters of the design approach remain broad. The application Design Report [APP-123] states that the final version will be provided prior to the closing of the Examination. The Design Report goes on to state that a version will be submitted to meet Deadline 3 in the examination programme. In this context:</p> <ul style="list-style-type: none"> i. Can the Applicant confirm that the version of the DGM to be submitted for Deadline 3 will be the final version? ii. What provisions are being set out to ensure the finessing of the form, profile and proportion of the bridge and control tower design? Applicant's Design Report [APP-123 section 9.1] and DGM [APP-133 – chapter 3:3.5]. iii. With specific regard to the control tower and its associated substation, can the Applicant explain the discrepancy between Work No 6 in the dDCO [APP-005] and General Arrangement Plan Sheet 2 [APP-015], each of which identify a different location for the substation? iv. What provisions are in place to ensure the choice of detailing for all bridge technical fixtures DMG [App-133 chapter 2: 2.4]? v. What provisions are being made to ensure the optimal choice of

ExQ1 Question to:		Question:
		materials used in the construction of the bridge and all associated structures and infrastructure Applicant's Design Report [APP-123] and DGM [APP-133]?
Traffic and transport (Chapter 19)		
2.5	The Applicant	Are there any further specific measures that can be presented that would address concerns over access to specific sites such as the Lings Motor Group [RR-012] and the Wickes site [RR-011]?
2.6	The Applicant	Will there be a re-running of traffic modelling in relation to the identified junctions (Waveney District Council and Suffolk County Council) to address highway safety concerns [RR-020]?
2.7	The Applicant	<ul style="list-style-type: none"> i. What further mitigation measures are proposed in respect of Waveney Drive to address concerns over pedestrian/ cycle safety and enhanced connectivity? ii. Will pedestrian crossings be supported by signalling infrastructure to support above?
2.8	The Applicant	Is there any intention to introduce revisions through a Roads Traffic Order in relation to Durban Road (in relation to parking, parking restrictions and speed limits)?
2.9	The Applicant	How will further parking restrictions on Canning Road and Riverside Road (overspill parking for the Riverside Business Park) be mitigated?
2.10	The Applicant	What further measures can be put in place to address highway safety concerns in respect of the arrangements for the revised junction of the New

ExQ1 Question to:		Question:
		Access Road and New Canning Road?
2.11	The Applicant	What measures will be implemented following consultation to ensure continued access to Waveney Gymnastics Club facilities, specifically in relation to Durban Road, over the course of the construction period?
Road drainage and the water environment (Chapter 17)		
2.12	Associated British Ports (ABP)	Could you please explain how the proposed bridge will impact on your ability to comply with your statutory duties as a statutory harbour authority (SHA), complying with the International Ship and Port Facility Security Code and the obligations under the Port Marine Safety Code for the safety of navigation [RR-022]?
2.13	ABP	How will the bisection of the inner harbour damage your ability to secure further business from the offshore wind sector [RR-022]?
2.14	ABP	Are you satisfied that safety of navigation in the inner harbour can be maintained with two bridges in place operated by different bodies in two different places?
2.15	ABP	<ul style="list-style-type: none"> i. Do you intend the emergency berth to be immediately to the east, on the north side, of the proposed bridge? ii. What length of quay will be required for this berth [RR-022]?
2.16	ABP	Is a dedicated emergency berth provided in the outer harbour in respect of the A12/ A47 road bridge?

ExQ1 Question to:		Question:
2.17	ABP	If the proposed bridge is constructed will you still be able to use the berth immediately to the west on the north side where your transit shed is located?
2.18	ABP	How many commercial ships have passed through the site of the proposed bridge in the previous twelve months?
2.19	ABP	Will you as the SHA allow two-way working through the proposed new bridge for recreational vessels?
2.20	ABP	Approximately how much material is removed at each of your biannual dredging programmes?
2.21	ABP	How much notice do you usually receive of a commercial vessel requiring a bridge lift on (a) the inward passage and (b) departure?
2.22	ABP	Do you consider that the raised north shore approach section of the bridge will have any adverse impact on the operation and use of the adjacent transit shed?
2.23	The Applicant	Please explain in detail why you require the proposed bridge site to be closed to navigation for a continuous period of three weeks during the construction.
2.24	The Applicant	A Preliminary Navigation Risk Assessment is provided with the application [APP-208]. When will the final Navigation Risk Assessment be published?
2.25	The Applicant	How will the Undertaker ensure that it will always be able to communicate with ABP's control room?

ExQ1	Question to:	Question:
2.26	The Applicant	Do you intend that your bridge opening regime will be the same as that operated by ABP at the A12/ A47 bridge?
2.27	The Applicant	<ul style="list-style-type: none"> i. Is Highways England (HE) the owner of the A12/ A47 road bridge? ii. Is HE responsible for the maintenance of the bridge?
2.28	The Applicant	Will your control room be manned 24 hours a day?
2.29	The Applicant	How and who will measure the height of yacht masts before allowing them through without the bridge being raised?
2.30	The Applicant	Will you allow two-way working for recreational vessels through your bridge?
2.31	The Applicant	What impact are the fenders either side of the Proposed Development designed to absorb?
2.32	The Applicant	Have you reached agreement with ABP as regards maintenance dredging costs?
2.33	The Applicant	<ul style="list-style-type: none"> i. In your capital dredging programme how much material do you expect to remove? ii. What method(s) will you use to achieve this?
2.34	The Applicant	Why with the current technology available (CCTV etc) is a control room needed at the site of the proposed new bridge instead of centralising the control of both bridges in one location?

ExQ1 Question to:		Question:
2.35	The Applicant	What will be the width of channel available to shipping when (a) the cofferdams for the outermost piers are being constructed and (b) when the cofferdams have been constructed?
2.36	The Applicant	<p>ABP as the SHA require an emergency berth in the inner harbour.</p> <ul style="list-style-type: none"> i. What consideration has been given to the provision of an emergency berth in the harbour to the east of the proposed crossing in response to concerns raised by ABP? ii. What is you're the Applicant's preferred solution in the event of your proposed bridge not fully opening for some reason?
2.37	The Applicant	Have you yet obtained permission from the Marine Management Organisation to dispose of your dredged material in TH005?
2.38	The Applicant	<ul style="list-style-type: none"> i. What mitigation measures is the Applicant able to put in place to mitigate the closure of the western harbour to recreational and cruising craft over the summer closure period? ii. Do such measures include modifications to the programme to minimise the closure period, reducing the current three week closure period? iii. Has consideration been given to temporary berthing facilities below the proposed bridge location for the duration of the closure period?
Nature conservation (Chapter 11) (including Habitats Regulations Assessment)		
2.39	Deleted 24 December 2018	

ExQ1	Question to:	Question:
2.40	The Applicant	<p>In respect of ES Chapter 17 Road Drainage and the Water Environment [APP-136]:</p> <ol style="list-style-type: none"> i. In respect of European designations for nature conservation sites, para 17.4.3 of the ES states that there are no water related designations within the aspect study area but that the Outer Thames Estuary Special Protection Area (SPA) (classified for non-breeding red-throated divers) and Southern North Sea candidate Special Area of Conservation (cSAC) (designated for harbour porpoise) are located approximately 1.3km downstream, within the 2km Water Framework Directive (WFD) Protected Areas Search Area. No subsequent reference is made to these sites within this ES chapter. Can the Applicant explain the extent to which impacts on nature conservation sites, including the European sites within the WFD protected search area, have been assessed? ii. What evidence is there to support the conclusion that Leathes Ham (a local nature reserve) is not hydraulically connected to Lake Lothing, and therefore excluded from further consideration of effects? iii. What evidence is there to support the conclusion that Oulton Broad is not hydraulically connected to Lake Lothing as a consequence of the presence of Mutford Bridge, an 'artificial barrier', and is therefore excluded from further consideration of effects?
2.41	The Environment Agency	<p>In respect of ES Chapter 17 Road Drainage and the Water Environment [APP-136]:</p> <ol style="list-style-type: none"> i. Does the Environment Agency agree with this assertion made by the Applicant in relation to Leathes Ham and Oulton Broad? ii. The Environment Agency has expressed concerns over the

ExQ1 Question to:		Question:
		<p>completeness of evidence in respect of sediment transportation. Please can you provide further details about the nature of these concerns, including identifying the data that you consider is required?</p> <p>(The Sediment Transport Assessment [APP-201] is indicated as being updated for Examination Deadline 3).</p>
2.42	Deleted 24 December 2018	
2.43	The Applicant	<p>Section 5 Mitigation and monitoring</p> <p>In light of risks associated with hard standing removal associated with the Proposed Development can the Applicant confirm:</p> <ul style="list-style-type: none"> i. the area of the Proposed Development that is currently hard standing and the degree to which this currently prevents potential infiltration of pollutants to groundwater; and ii. the area of this that will be affected during the construction phase and the likely level of the risk that the construction works would breach the impermeable surface and potentially compromise the groundwater quality?
2.44	The Applicant	<p>Appendix 12c of the ES [APP-193] concludes that the proposed piling design sufficiently mitigates risk of ground water contamination, although describes the information currently presented as 'conceptual'.</p> <p>In light of this uncertainty, can the Applicant explain how the proposed mitigation of potential impacts on the receptors identified in the risk assessment would be secured to ensure that no significant adverse effects would arise?</p>

ExQ1	Question to:	Question:
2.45	The Environment Agency and the Marine Management Organisation	<p>Impacts on groundwater quality are anticipated to be of minor magnitude, resulting in an effect of slight adverse significance, based on the findings of the Piling Risk Assessment [APP-193] and as set out in ES Chapter 12 [APP-136].</p> <p>Can the Environment Agency and the Marine Management Organisation confirm that they agree with the outcome of this assessment?</p>
2.46	The Applicant	<p>In order that the risks to ground water contamination as a result of accidental spillage are mitigated can the Applicant confirm:</p> <ul style="list-style-type: none"> i. how the surface water drainage system specifications and detailed design will be secured through the DCO; ii. how the drainage system will be monitored; and iii. how any adverse effects from pollutants would be removed from groundwater should any pollution enter groundwater through surface water infiltration?
2.47	The Applicant	<p>In order that water quality monitoring is effective prior to, during and after construction, can the Applicant confirm how this monitoring of water quality would be secured through the dDCO [APP-005]?</p>
2.48	The Applicant	<p>In relation to the Habitats Regulations Assessment (HRA) [APP-206/ AS-003]:</p> <ul style="list-style-type: none"> i. Are the limits of development set out in ES Figure 5.1 (Order Limits of the Scheme [APP-140]) those applied as the limits for the purposes of HRA? ii. Para 3.3.2 of the HRA Report identifies the potential impacts that were considered in relation to all the European sites included in the

ExQ1	Question to:	Question:
		assessment. Can the Applicant confirm that these parameters are agreed with Natural England?
2.49	Natural England	<p>Para 3.3.2 identifies the potential impacts that were considered in relation to all the European sites included in the assessment [APP-206/ AS-003].</p> <p>Can Natural England confirm these are in accordance with their expectations of appropriate parameters to be set?</p>
2.50	Marine Management Organisation	<p>Para 3.3.2 identifies the potential impacts that were considered in relation to all the European sites included in the assessment [APP-206/ AS-003].</p> <p>Can the Marine Management Organisation confirm these are in accordance with their expectations of appropriate parameters to be set?</p>
2.51	The Applicant	Can the Applicant identify the source of the data relied upon for the assessment sourced from statutory and non-statutory bodies in section 1.3 of the HRA Report [APP-206], including cross-references as appropriate to survey information contained within the application documents?
2.52	The Applicant	<ul style="list-style-type: none"> i. Can the Applicant explain how they intend to address the concerns of the Environment Agency set out in their responses on the Sediment Transport Assessment (STA) [APP-201] and Water Framework Directive Assessment (WFDA) [APP-199]? ii. Can the Applicant supply an update on any progress made on the level of agreement between Environment Agency and the Applicant?
2.53	The Applicant	Can the Applicant provide information on the methodology applied to the HRA in-combination study area and accurately identify the study area thereof?

ExQ1 Question to:		Question:
2.54	The Applicant	Can the Applicant provide a justification of the conclusion that in-combination effects will not result in significant effects on any European site that addresses the in-combination effects of each development considered for all phases of the Proposed Development? This justification should refer to in-combination rather than cumulative effects.
2.55	The Applicant	Can the Applicant explain the basis for the assumption (with appropriate cross-reference to supporting evidence) that there will be no significant effects to air quality as a result of construction machinery emissions?
2.56	The Applicant	<ul style="list-style-type: none"> i. Can the Applicant explain why the Broadland Ramsar site has been screened out and not taken forward to the Appropriate Assessment stage despite indications that it too supports species identified for the Broads SAC, which has been taken forward to appropriate assessment? ii. If this omission is an error can the Applicant provide the corresponding information accordingly, including an integrity matrix?
2.57	Natural England	Does Natural England agree the approach set out by the Applicant that given the non-availability of conservation objectives for the Broadland Ramsar site those identified for the Broadland SPA are appropriate?
2.58	Natural England	Does Natural England agree with the conclusions set out in Section 9 of the HRA Report [APP-206/ AS-003] that the Proposed Development will not have an adverse effect, either alone or in combination, on the integrity of any European site?

ExQ1	Question to:	Question:
2.59	The Applicant	In relation to the Broadland Ramsar site can the Applicant provide an updated screening matrix to address the absence of the Ramsar Criterion 2 species and habitats from Matrix 6.6?
2.60	The Applicant	Can the Applicant provide an updated screening matrix to address the apparent discrepancy in respect of Benacre to Easton Bavents SPA and the absence in the formal site information of a reference to Bittern as an over-wintering feature (Matrix 6.10)?
2.61	The Applicant	Can the site conservation objectives for the Benacre to Easton Bavents SPA be confirmed?
2.62	The Applicant	Can the vulnerabilities and the conservation objectives for the Benacre to Easton Bavents SPA set out in paragraphs 5.7.3 and 5.7.4 also be made consistent with the formal site information [APP-206/ AS-003]?
2.63	The Applicant	Can the Applicant agree with Natural England in respect of the Alde-Ore Estuary SPA (Section 5.8 and Matrix 6.11) a consistent approach to formal site information?
2.64	The Applicant	Can the Applicant explain to the ExA how they intend to progress consideration of the <i>Holohan CJEU judgement (C-461/17)</i> , issued on 7 November 2018?
2.65	The Applicant	In respect of the Screening matrix Evidence Notes (ENs) for the Southern North Sea SCI/cSAC (Matrix 6.7) and the Outer Thames Estuary SPA (Matrix 6.8), can the Applicant:

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i. Specify the maximum volume of sediment that would require disposal? ii. Explain how it would be determined if it was suitable? iii. Explain how any sediment would be disposed of in the event that it was not suitable for disposal in the specified offshore disposal area (TH005)? iv. Explain who would approve the alternative disposal method?
2.66	The Applicant	<p>In respect of the Broads SAC, please can the Applicant provide an updated screening matrix to address:</p> <ul style="list-style-type: none"> i. the absence of information in relation to the impact pathway from the application site to the SAC with specific reference to any effects on otters; and ii. further evidence to support the assertion that there will be no significant effects on Desmoulin’s whorl snail, the Fen orchid and the Ramshorn snail within the SAC area.
2.67	The Applicant	<p>In respect of the Broadland SPA can the Applicant provide an updated screening matrix containing evidence that addresses the following points:</p> <ul style="list-style-type: none"> i. In relation to displacement, no evidence is provided in screening matrix ENs d, e, and f to support the statements made therein, other than a reference in EN d to the distance of the SPA from the application site; and ii. in relation to pollution, no evidence is provided in screening matrix ENs j, k, and l to support the statements made therein, other than a reference in each note to the distance of the SPA from the application

ExQ1	Question to:	Question:
		site.
2.68	The Applicant	<p>In respect of the Broadland Ramsar site can the Applicant provide an updated screening matrix containing evidence that addresses the following points:</p> <ul style="list-style-type: none"> i. No information is provided (and therefore corresponding ENs) in Screening Matrix 6.6 for Ramsar Criterion 2 habitats and species; instead the reader is referred to the information contained in the Broads SAC matrix (6.4); ii. In relation to displacement, no evidence is provided in screening matrix ENs d, e, and f to support the statements made therein, other than a reference in EN d to the distance of the SPA from the application site; iii. in relation to pollution, no evidence is provided in screening matrix ENs j, k, and l to support the statements made therein, other than a reference in each note to the distance of the SPA from the application site; iv. in relation to displacement, screening matrix EN d states that vibration and underwater noise generated by construction activities has the potential to disturb harbour porpoise. It is concluded that the works would not be likely to disturb the porpoise and give rise to their displacement on the basis that the works would be of temporary duration during construction only and the large size of the cSAC which is 1.3km from the application site at its closest point. No further information is provided to support this conclusion. It is then noted that in any event construction methods would follow JNCC's 'Statutory Nature Conservation Agency protocol for minimising the risk of harm to individual marine mammals occurring as a result of piling noise'. Please can the Applicant explain whether implementation of JNCC's protocol is

ExQ1	Question to:	Question:
		<p>considered necessary to avoid a significant effect on this species; and</p> <p>v. in relation to displacement, in screening matrix EN e it is stated that operation and decommissioning works would not require piling and consequently concluded that there would be no risk of vibration and underwater noise affecting harbour porpoise. It is not stated whether consideration has been given to any other decommissioning activities that could cause noise and vibration.</p>
2.69	The Applicant	<p>In respect of the Outer Thames Estuary SPA can the Applicant provide an updated screening matrix containing evidence that addresses the following point:</p> <p>i. In relation to displacement screening matrix EN d, no evidence has been provided to substantiate the conclusion that red-throated diver would not be subject to disturbance from construction, operation or decommissioning works and would not be displaced from the site as a result of any of these activities.</p>
2.70	The Applicant	<p>In respect of the Alde-Ore Estuary SPA can the Applicant provide an updated screening matrix on the following point?</p> <p>i. In relation to displacement screening matrix EN j provides an explanation for the conclusion that there would not be any significant effects on Lesser black-backed gull but does not indicate from where the information is derived.</p>
2.71	The Applicant	<p>In respect of the updated HRA Report Integrity Matrices can the Applicant clarify whether the conclusion that there would not be any significant in-combination effects on any European site took into account the effects of combining a number of effects from other developments, which alone were</p>

ExQ1	Question to:	Question:
		not significant?
2.72	The Applicant	In relation to potential in-combination effects on the three European sites taken forward to the appropriate assessment stage: in the absence of a quantification or definition of effects in accordance with any identified methodology can the Applicant provide greater elaboration of the conclusion in paragraph 6.11.7, specifically with regard to the methodology applied?
2.73	The Applicant	Can the Applicant explain the extent to which there is agreement between relevant consultation bodies, including Natural England, the Environment Agency and the Marine Management Organisation, on the approach and findings of the updated version of the HRA Report [AS-003] submitted by the Applicant?
2.74	Natural England	Can Natural England explain the extent to which there is agreement between the Applicant and themselves on the approach and findings of the updated version of the HRA Report [AS-003] submitted by the Applicant?
2.75	The Environment Agency	Can the Environment Agency explain the extent to which there is agreement between the Applicant and themselves on the approach and findings of the updated version of the HRA Report [AS-003] submitted by the Applicant?
2.76	The Marine Management Organisation	Can the Marine Management Organisation explain the extent to which there is agreement between the Applicant and themselves on the approach and findings of the updated version of the HRA Report [AS-003] submitted by the Applicant?
3	Compulsory Acquisition, Temporary Possession and other land or rights considerations	

ExQ1 Question to:		Question:
3.1	Waveney District Council	What evidence is there of active development proposals on the identified plots that would be compromised by the acquisition of land to facilitate the bridge proposals?
3.2	The Applicant	In relation to the Statuslist Ltd land (Plots 3-16, 3-40, 3-41, 3-59, 4-01, 4-02, 4-03, 4-04 and 4-05) what evidence is the Applicant able to offer that alternative routes for the new south shore access road have been considered and on what basis they were rejected?
3.3	The Applicant	In relation to the land in which Overseas Interests Inc; Waveney Fork Trucks Limited; Lift Truck Rentals Limited; Nexen Lift Trucks Limited; Oakes Recruitment Limited; Team Oakes Limited and Hitech Grand Prix are interested (Plots 3-29, 3-30), what measures have been put in place to ensure continued access to the sites by all delivery vehicles during the course of construction?
3.4	ABP	<ul style="list-style-type: none"> i. What evidence is there that the acquisition of land within the port estate will act to the serious detriment of the port undertaking? ii. What proportion of the existing berth space to be acquired is in current active or proposed use? iii. What specific detriment do you identify to the existing port operations to the east of the proposed crossing location? iv. In what ways will the bisecting of the inner harbour damage your ability to secure further business from the off-shore wind sector? v. What specific evidence do you have that the effects identified above will result in the deflection of future business to competitor ports?

ExQ1 Question to:		Question:
		vi. What other mitigation measures have you proposed in respect of the above matters?
3.5	The Applicant	What measures are being put in place to ensure the safeguarding and continuity of access to Cadent Gas Ltd's apparatus on its land immediately adjacent to the DCO boundary during the course of the construction period [RR-014]?
3.6	The Applicant	The Applicant is requested to complete the Compulsory Acquisition Objections Schedule provided at Annex A to this document, or to reconcile its content with an updated version of the Negotiation Tracker [APP-010] provided with the application.
Funding Statement (APP-008)		
3.7	Applicant	The Funding Statement identifies an overall short fall of 8m in funding. Can the Applicant now identify the 'other sources' of funding referred to in the statement that can address the shortfall?
3.8	Applicant	In this regard, can the Cabinet of Suffolk County Council (through the Applicant) confirm that the additional funding of 8m would be available if required?
3.9	Applicant	In the event of 'other sources' not being available, is the Applicant able to identify sources of borrowing alternatively available to address the shortfall?
3.10	Applicant	Has the Cabinet of Suffolk County Council made any further decisions in respect of securing shortfall funding prior to the anticipated final decision

ExQ1 Question to:		Question:
		date of autumn 2019?
4	Draft Development Consent Order (dDCO) (APP-005)	
4.1	ABP	<ul style="list-style-type: none"> i. With regard to your Relevant Representation [RR-022], in particular, paragraphs 3.1 (a) (b) (c) (d) could you please explain in greater detail how the proposed bridge will have a seriously detrimental effect on your day to day port operations? ii. As the SHA are you satisfied that the provisions of the dDCO will give you proper control of the harbour especially in an emergency in the vicinity of the proposed bridge?
4.2	The Applicant	Referring to Article 20(2)(b) of the dDCO in what circumstances can you envisage the whole of Lake Lothing requiring to be closed to navigation?
4.3	The Applicant	With regard to Article 4 of the dDCO, can the Applicant more precisely quantify how much land 'adjacent' to the DCO boundary (and thus will be affected by the provision) will be affected?
4.4	The Applicant	With regard to Article 43, can the Applicant confirm that the limitations to the extent of maintenance advised by 42(2) should also apply to maintenance authorised by Article 43?
4.5	The Applicant	With regard to Article 14, can the Applicant provide an explanation as to the legal nature of the term 'temporary passage' that would obviate the need to acquire an easement over identified land?
4.6	The Applicant	With regard to Article 28, can the Applicant explain how they have taken into

ExQ1 Question to:		Question:
		account the implications of the Housing and Planning Act (specifically sections 203 to 205) in respect of the power to override easements and other rights?
4.7	The Applicant	With regard to Article 31, can the Applicant explain and justify the need to clarify that entering and taking possession for the temporary use of land is not caught by the counter notice procedures under Schedule 2A?
4.8	The Applicant	The Explanatory Memorandum [APP-006] refers to section 7 of the Land Compensation Act 1961 (LCA61). Section 7 has now been replaced by section 6B (Lower compensation if other land gains value) of the LCA61. Terms such as " <i>contiguous or adjacent</i> " are terms no longer used in the LCA61. In the light of this, can the Applicant confirm whether any modifications are required in respect of Article 38?
4.9	The Applicant	With regard to Article 47, can the Applicant be more specific in identifying the power on which this Article is based, making specific reference to section 120 of the Planning Act 2008?
4.10	The Applicant	With regard to Article 50, can the Applicant provide more justification as to why the consent of the Secretary of State is not required in respect of the transfer of the benefits of the Order?
4.11	The Applicant	With regard to Article 52, can the Applicant explain which vehicles will be exempted in relation to traffic regulation measures?
4.12	The Applicant	With regard to Article 54, can the Applicant confirm that all statutory references are updated in relation to proceedings in respect of statutory nuisance (section 65 of the Control of Pollution Act 1974 has been repealed by

ExQ1	Question to:	Question:
		the Deregulation Act 2015)?
4.13	The Applicant	Will the Applicant be submitting further Protective Provisions for the safeguarding of the railway during the course of construction in accordance with the expectations of Network Rail's 'standard Protective Provisions' [RR-021]?

ANNEX A

**LAKE LOTHING THIRD CROSSING:
 LIST OF ALL OBJECTIONS TO THE GRANT OF COMPULSORY ACQUISITION OR TEMPORARY POSSESSION POWERS
 (EXQ1: QUESTION 3.6)**

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent/ Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection

ⁱ Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ⁱⁱ Reference number assigned to each Interested Party (IP) and Affected Person (AP)

ⁱⁱⁱ Reference number assigned to each Relevant Representation (RR) in the Examination library

^{iv} Reference number assigned to each Written Representation (WR) in the Examination library

^v Reference number assigned to any other document in the Examination library

^{vi} This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who "would or might" be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

^{vii} This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

^{viii} CA = compulsory acquisition. The answer is 'yes' if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.

