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Date: 15 January 2019  
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Your ref: TR010023  
Our ref: SCC/LLTC/EX/9

Dear Richard,

**Lake Lothing Third Crossing, Lowestoft, Suffolk ('LLTC' / 'the Scheme')  
DCO Application – Reference TR010023 ('the Application')  
Suffolk County Council ('the Applicant')  
Applicant's intention to submit a request for proposed scheme changes**

The purpose of this letter is to inform the Examining Authority ('ExA') in writing of the Applicant's intention to request a number of proposed changes to the Application.

**Procedure and timescales**

This letter therefore constitutes 'Step 1' in Figure 1 on page 4 of the Inspectorate's *Advice Note 16: How to request a change which may be material* (issued March 2018) ('AN16') (albeit that the Applicant does not consider the changes to be material, for the reasons explained below).

Subject to the receipt of advice from the ExA pursuant to 'Step 2' in AN16, regarding the need, scale and nature of consultation that the Applicant may need to undertake in relation to the proposed changes, it would be the Applicant's intention to submit a written change request, pursuant to Step 4 in AN16, at Deadline 4 of the Examination (i.e. 29 January 2019).

The Applicant is conscious of the time pressures associated with the DCO Examination process and of the related need for a request for proposed changes to be made early enough to allow time for the ExA to make appropriate Procedural Decisions and for the changes to be accepted into the Examination of the Application.

It is in this context that the Applicant is aiming to submit a written change request at Deadline 4. The basis on which that request is proposed to be submitted is explained

below (see the section of this letter entitled 'Written change request to be submitted at Deadline 4' on page 3).

### **Need for the proposed changes**

The need for the proposed changes has arisen from the Applicant's ongoing negotiations with Affected Persons and Interested Parties, including in some cases points raised through the submission of Relevant Representations, and in the case of one proposed change, in the context of preparation for the detailed design of the Scheme. As such, the purpose of the proposed changes is to accommodate the needs of those affected by the Scheme and to improve the integration of the Scheme into its surroundings.

### **Non-materiality of the proposed changes**

The Applicant is aware of the characteristics that indicate that a change may be more likely to be regarded as a material change, examples of which are considered in Government guidance issued in March 2015 by the Department for Communities and Local Government (as was) - *Planning Act 2008: Guidance on Changes to Development Consent Orders* ('the Guidance') to provide a starting point for assessing the materiality of a change.

Having considered the proposed changes both individually and collectively in the light of the characteristics outlined in the Guidance, the Applicant is of the view that the changes it wishes to propose are not material and that they do not change the substance of the Scheme which has previously been consulted on and in respect of which the Application has been made.

### **Consultation**

In light of the above, the Applicant surmises that the proposed changes would need to be subject to the 'non-material change request process' outlined in the right hand column of Figure 2 in AN16.

In that context, the Applicant considers, and seeks confirmation from the ExA that, if consultation on the proposed changes is required, in order to be proportionate, such consultation would necessarily continue to involve only those affected persons and interested parties who would be likely to be directly affected by the proposed changes (such that consultation on the scale of that carried out by the Applicant prior to submission of the Application would not be disproportionate and therefore not required).

The Applicant would welcome discussion with the Inspectorate on the need for and scope of additional consultation as soon as possible, in order to inform the Applicant's preparation of the written change request proposed to be submitted at Deadline 4.

### **Environmental appraisal**

The Applicant is currently reviewing and appraising the proposed changes in the context of the original environmental impact assessment carried out in respect of the Scheme, to ascertain whether any of the proposed changes, either individually or cumulatively, would

give rise to any new or materially different likely significant effects, beyond those reported in the Environmental Statement [APP-136].

Should the production of further environmental information be necessary, the Applicant would of course consult on this, alongside any additional consultation necessary in connection with the proposed changes themselves.

The Applicant will keep the Inspectorate informed of its findings in this regard, as preparation of the written change request is prepared in the run up to Deadline 4.

### **Written change request to be submitted at Deadline 4**

In its written change request the Applicant would set out:

- full details of each of the proposed changes, including 'before and after' excerpts of plans/drawings; information regarding any related ancillary matters; and explanations of why the Applicant considers the proposed changes to be non-material; and
- details of whether and if so how any application documentation would need to be updated if the proposed changes were to be accepted into the Examination of the Application, including suggested timescales for incorporating the production of such documentation into the Examination Timetable.

In addition, the change request would include:

- confirmation of the land ownership position in respect of any additional land required to deliver the proposed changes, including confirmation of whether or not the proposals could be achieved without the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('the CA Regulations') being engaged;
- an explanation of the position in relation to environmental impact assessment of the proposed changes, including whether there was a need for consultation on further environmental information; and
- confirmation of how any necessary consultation on the proposed changes was to be carried out, including confirmation of the scope of any such consultation and the procedures and timescales for reporting to the ExA on its outcomes.

### **Introduction to the proposed changes**

An outline of the nature of and need for each proposed change is set out below.

#### **1 Proposed change #1 – Addition of a turning head at Canning Road**

1.1 For the reasons set out in the Applicant's Responses to Relevant Representations [AS-013] (specifically, in the response to RR-017 submitted by Northumbrian Water

Limited – see issue reference HT11) the Application as originally submitted does not include provision for a turning head at the junction of Canning Road with Riverside Road (where that junction will be removed and Riverside Road improved to form the southern approach to the new bridge).

- 1.2 However, having considered the points raised in Relevant Representations, the Applicant is of the view that it would be appropriate to provide a turning head at this location, to enable vehicles passing eastwards along Canning Road to turn around at the end of Canning Road (without using the access to the Registry Office to facilitate this manoeuvre) prior to re-passing along Canning Road to its western end.
- 1.3 Accordingly, the Applicant proposes to include a turning head at the eastern end of Canning Road. Whilst this would only require the use of land which is already within the Order limits, it would involve the acquisition of a small amount of 'additional land' as defined by the CA Regulations in that part of plots 3-46 and 3-47, which are currently shaded blue on the Land Plans (see sheet 5 – APP-021), would need to be subject to compulsory acquisition powers, rather than powers to acquire new rights compulsorily, as is currently the case.
- 1.4 The Applicant is in the process of seeking consent from persons with an interest in the relevant land (which is owned by Waveney District Council) with the aim of ensuring that engagement of the CA Regulations will not be necessary.

## **2 Proposed change #2 – Amended parking provision in Riverside Road**

- 2.1 For the reasons set out in the Applicant's Responses to Relevant Representations [AS-013] (specifically, in the response to RR-017 submitted by Northumbrian Water Limited – see issue references HT14 and DCO15) the Application as originally submitted includes traffic regulation measures which would reduce the amount of available on-street parking in Riverside Road and Canning Road.
- 2.2 However, having had regard to the points raised in Relevant Representations, the Applicant would be prepared to allow some on-street parking provision to be retained in Riverside Road and Canning Road.
- 2.3 Accordingly, the Applicant proposes to amend the parking restrictions currently proposed in the draft DCO and the related Traffic Regulation Measures (Prohibitions) Plans (see sheet 2 – APP-030) to reduce the extent of the currently proposed 'no waiting' and 'parking limited to 2 hours' restrictions, thereby allowing more on-street parking on certain parts of Riverside Road and Canning Road.

## **3 Proposed change #3 – Application of a clearway restriction to the new bridge**

- 3.1 The submitted Application includes proposals to restrict parking on the new bridge and its northern and southern approaches, as set out in the draft DCO and the Traffic Regulation Measures Plans (Prohibitions) (APP-029 to APP-031).

- 3.2 However, following further consideration, the Applicant is of the view that it would be more appropriate to afford 'clearway' status to these elements of the Scheme. Currently, both Peto Way (to the north of the Scheme) and Tom Crisp Way (to the south of the Scheme) are clearways.
- 3.3 In light of these considerations, the Applicant proposes to amend the Traffic Regulation Measures Plans (Prohibitions) (APP-029 to APP-031) and add drafting to article 52 (traffic regulation measures) of the draft DCO to designate the new bridge and its northern and southern approaches as clearways, to prevent inappropriate vehicular use of those elements of the scheme and to integrate them appropriately into the surrounding highway network.

#### **4 Proposed change #4 – DCO article 5 - Limits of deviation**

- 4.1 (i) Discussions between the Applicant and its recently appointed contractor have identified a potential opportunity to reduce the impact of the northernmost abutment of the new LLTC bridge by positioning it slightly further northwards, lessening the impact on land understood to be Crown land (see APP-051.2) and which is subject to rights owned by Network Rail. The Applicant is therefore reviewing the drafting of article 5 (limits of deviation) ('LoDs') paragraph 8(a) and the associated Works Plan (see APP-023). This change would not require any land currently outside the Order limits or any additional land in the context of the CA Regulations.
- 4.2 (ii) As the Applicant has set out in its Deadline 3 submission, in particular its response to ExQ1.1 (see REP3-029, in particular Appendix A), it is preparing an update to Mainline Long Section Sheet 2 of 2 [APP-041] to show more explicitly how the LoDs in DCO article 5 relate to the finished road levels shown on that drawing. The Applicant also proposes to reflect in this drawing and article 5 the LoDs as they apply to the 'blades' of the opening section of the new bridge. The Applicant proposes to explain how the LoDs that the Applicant seeks relate to the reference design, as assessed in the Environmental Statement. This change would not require any land currently outside the Order limits or any additional land in the context of the CA Regulations.

#### **5 Proposed change #5 – Addition of a private means of access for Network Rail**

- 5.1 As the Applicant's ongoing engagement with Network Rail has progressed, proposals for a new private means of access ('PMA') have developed. The proposed new PMA would traverse land previously acquired by the Applicant on the north side of Lake Lothing, and would provide Network Rail with vehicular access to its land (and to the aforementioned Crown land), lying to the south of the Applicant's land, from Denmark Road/Peto Way.
- 5.2 The new PMA would be located within the Order limits and would not require any additional land (in the context of the CA Regulations) or any 'upgrade' to the land

use powers currently sought. It would necessitate a small consequential amendment to the proposed location of the non-motorised user ('NMU') route which is proposed to pass beneath the new bridge on the north side of the lake, where that NMU route meets Denmark Road/Peto Way.

## **6 Proposed change #6 – Revised private means of access to Nexen's premises and change to portal design**

- 6.1 As noted in the Applicant's Responses to Relevant Representations [AS-013] (specifically, in the responses to RR-026 to RR-037 (inclusive) submitted by Nexen Lift Trucks Limited and related parties (together referred to as 'Nexen') – see issue reference LD8), the Applicant's discussions with representatives of Nexen have been ongoing regarding the suitability of permanent replacement access to the Nexen site.
- 6.2 As a result of those ongoing discussions, proposals for a new PMA have been developed. This new PMA is to the north of, and in addition to, the revised access arrangement already proposed in the Application, and would allow separate access to the northernmost part of the Nexen site via its western side, together with increased headroom where the new PMA would pass beneath the southern approach to the new bridge. This new PMA would provide access from the north side of Riverside Road, where it runs east-west in parallel with the lake, and would then turn eastwards, passing to the south of the control tower (and the related limits of deviation of Work No.6).

## **7 Proposed change #7 – Revised private means of access to Lings' premises**

- 7.1 As noted in the Applicant's Responses to Relevant Representations [AS-013] (specifically, in the responses to RR-012 submitted by Lings Motor Group – see issue references LD17-22 and LD25 inclusive), the Applicant's discussions with Lings and its representatives have been ongoing regarding the suitability of a permanent replacement access to the site and the relationship between this and the optimum configuration of the site to support its ongoing use as a car sales business.
- 7.2 As a result of those ongoing discussions, proposals for a revised replacement PMA have been developed. The proposals involve an alternative alignment for the replacement PMA into Lings' site. This alternative alignment would provide access off Waveney Drive (as currently proposed) but would differ from the original PMA proposal in that it would not include the sharp left turn into the site, but would instead direct traffic alongside the eastern façade of the Lings building. The implications of this alternative access arrangement for the rights sought by the Applicant across the site (as currently set out in the draft DCO) are currently the subject of discussion between the Applicant and the landowner.

## **8 Proposed change #8 – Revised junction arrangement on new access road**

- 8.1 As noted in the Applicant's Responses to Relevant Representations [AS-013] (specifically, in the responses to RR-018 submitted by Statuslist Limited – see issue references LD4 and HT18 inclusive), the Applicant's discussions with Statuslist and its representatives have been ongoing regarding the alignment of the new access road and the relationship between this and the use of land known as the 'Jeld-wen site' which is proposed to be re-developed by Statuslist in due course.
- 8.2 As a result of those ongoing discussions, proposals for a revised alignment for the new access road have been developed. The proposals involve the addition of a T-junction at the northern end of the new access road, at the point where the current alignment curves eastwards to meet Riverside Road.
- 8.3 The T-junction would replace the current curved layout; also the alignment between Waveney Drive and the new T-junction would be relocated slightly to the east of the location currently shown on the General Arrangement Plans (see sheet 2 - APP-015). The consensus is that this revised alignment will more appropriately serve Statuslist's future development proposals.
- 8.4 The alternative alignment proposals would not involve any land outside the Order limits or any additional land for the purposes of the CA Regulations; the revised alignment can be delivered within the currently proposed limits of deviation for this part of the Scheme. However, the Applicant would need to provide updated versions of the General Arrangement drawings and other plans/drawings showing this element of the Scheme.

I should be grateful if you would please contact me if you have any questions on any of these matters, or if there is anything else to which you believe we should have regard whilst preparing to submit the above-mentioned change request at Deadline 4.

In any event, as mentioned above, I look forward to discussing with you imminently the need for and scope of any additional consultation required in connection with the proposed changes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Barnard'.

Jon Barnard  
Project Manager, Lake Lothing Third Crossing