

From: [REDACTED]
To: [Lake Lothing Third Crossing](#)
Subject: Deadline 4. Comments by LCC on REP3-030 (SCC/LLTC/EX/11) & REP3-033 (SCC/LLTC/EX/41)
Date: 28 January 2019 12:11:44

Dear PINS team,

(A). In response to Deadline 4 the Lowestoft Cruising Club (LCC) would like to comment on document REP3-030 (SCC/LLTC/EX/11: First revised draft Development Consent Order) published 10/01/2019. Our comments are listed against the Article and page numbering (as paginated) with some quotes of relevant text from the document.

PART 1 PRELIMINARY. Interpretation. Page 8.

"the Navigation Working Group" means the group consulted by the undertaker in relation to its preparation of the preliminary navigation risk assessment and maintained by the undertaker following this Order coming into force for the purposes of article 40 and Schedule 2, as its membership may from time to time be varied by the undertaker;

LCC Comment: Allowing the undertaker (Suffolk County Council (SCC)) to decide the membership of the Navigation Working Group (NWG) runs the risk of a genuine stakeholder being denied membership solely on criteria decided by SCC. A safeguard of unbiased membership selection should be implemented as part of the draft Development Consent Order (dCO).

PART 2 WORKS PROVISIONS Supplemental powers. Article 20. Temporary suspension of navigation within Lake Lothing in connection with authorised development. Page 20

LCC Comment: These are very wide ranging powers obstructing a right of navigation. There is no indication of seasonality or duration of any closures. SCC initially quoted a summer closure of up to three weeks. LCC has objected to this on the grounds that it would have a significant deleterious impact on club sailing activity and visitor income.

PART 2 WORKS PROVISIONS Supplemental powers. Article 20. Temporary suspension of navigation within Lake Lothing in connection with authorised development. Page 21.

LCC Comment: LCC request that the following paragraph should added to Supplemental Power Article 20 as a new paragraph 20. (8).

20. (8). Any person or body (including private members clubs) who suffers loss (including loss of use, loss of access to the sea and loss of income) as a result of interruption to the right of navigation under this article shall be entitled to be paid compensation by the undertaker, to be determined in case of dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act and all costs incurred in such determination shall be paid by the undertaker.

PART 4 OPERATIONAL PROVISIONS. Article 40. Operation of the new bridge. Page 32.

(1) The undertaker must operate the new bridge in accordance with the Scheme of Operation. (2) The Scheme of Operation may be varied or replaced by the undertaker at any time, following consultation with the navigation working group and with the consent of the harbour authority (such consent not to be unreasonably withheld).

LCC Comment: Should the harbour authority fail to consent to any varied or replacement Scheme of Operation the undertaker (SCC) can make a submission to the Secretary of State for consent. What opportunity is there for local maritime stakeholders to disagree with SCC's proposals and seek rejection, for example, by the Secretary of State? Should greater emphasis be placed upon the role of the NWG?

(B). In response to Deadline 4 the Lowestoft Cruising Club (LCC) would like to comment on document REP3-033 (SCC/LLTC/EX/41: Scheme of Operation for the new bridge) published 10/01/2019. Our comment is listed against the paragraph and page numbering (unpaginated) with a quote of relevant text from the document.

1 Draft Scheme of Operation. 1.1 Notes. page 3.

1.1.2 As provided for by article 40 of the Order, the Scheme of Operation may be varied or replaced by Suffolk County Council ("the Council"), provided that after consultation with the Navigation Working Group, the harbour authority agrees to such changes. Where the harbour authority does not agree to any changes, those changes to the Scheme of Operation must be approved by the Secretary of State for Transport.

LCC Comment: Should the harbour authority fail to consent to any varied or replacement Scheme of Operation the undertaker (SCC) can make a submission to the Secretary of State for consent. What opportunity is there for local maritime stakeholders to disagree with SCC's proposals and seek rejection, for example, by the Secretary of State? Should greater emphasis be placed upon the role of the NWG?

Yours faithfully,

Dr David Bennett (on behalf of Lowestoft Cruising Club)

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