

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



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/52: Applicant's Response to the Local Impact Report

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

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Foreword

The Applicant's Response to the Local Impact Report (Examination Library Reference REP3-016) relates to an application ("the Application") submitted by Suffolk County Council ("the Applicant") to the Secretary of State (through the Planning Inspectorate) for a development consent order ("DCO") under the Planning Act 2008.

If made by the Secretary of State, the DCO would grant development consent for the Applicant to construct, operate and maintain a new bascule bridge highway crossing, which would link the areas north and south of Lake Lothing in Lowestoft, and which is referred to in the Application as the Lake Lothing Third Crossing (or "the Scheme").

CONTENTS	PAGE No.
Foreword	ii
Tables	iv
Abbreviations	v
1 Introduction	1
1.1 Purpose of this Document and Response	1

Tables

Table 1 - Applicant's response to the Authorities' LIR.....	1
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Abbreviations

ABP	Associated British Ports
CftS	Case for the Scheme
CoCP	Code of Construction Practice
DCLG	Department for Communities and Local Government (now referred to as the Ministry of Housing, Communities and Local Government)
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DfT	Department for Transport
DGM	Design Guidance Manual
DML	Deemed Marine Licence
DMRB	Design Manual for Roads and Bridges
DR	Design Report
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
FRA	Flood Risk Assessment
GI	Ground Investigation
HRA	Habitats Regulations Assessment
HGV	Heavy Goods Vehicle
LIR	Local Impact Report
LPA	Local Planning Authority
MMO	Marine Management Organisation
NMU	Non-motorised user
NNNPS	National Networks National Policy Statement
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OAR	Options Appraisal Report
OBC	Outline Business Case
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PNPS	Ports National Policy Statement

SCC	Suffolk County Council
SoCG	Statement of Common Ground
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
SRN	Strategic Road Network
SuDS	Sustainable Drainage System
TA	Transport Assessment
WDC	Waveney District Council
WFD	Water Framework Directive
WSI	Written Scheme of Investigation

1 Introduction

1.1 Purpose of this Document and Response

- 1.1.1 On 13 July 2018, Suffolk County Council (“the Applicant”) made an application (“the Application”) for a Development Consent Order to the Secretary of State for Transport (“the SoS”). The Application relates to the Lake Lothing Third Crossing (“the Scheme”) which is described in Chapter 5 of the Environmental Statement (Examination Library Reference APP-136).
- 1.1.2 The Application was accepted for Examination on 9 August 2018.
- 1.1.3 This document, submitted for Deadline 4 of the Examination, contains the Applicant’s response to the Local Impact Report (LIR) (Examination Library Reference REP3-016), jointly produced by Suffolk County Council (SCC) and Waveney District Council (WDC) (“the Authorities”) and published for Deadline 3 on 8 January 2019.
- 1.1.4 The Applicant notes the LIR Great Yarmouth Borough Council (Examination Library Reference REP3-010) have submitted for Deadline 3 and have no comments to make on this.
- 1.1.5 The following table generally follows the structure of the LIR submitted by SCC and WDC.

Table 1 - Applicant's response to the Authorities' LIR

Local Planning Authority Comment / LIR Reference	Applicant’s Response
Introduction	
Paragraphs 1.1 to 1.5 and 1.7	The Applicant has no comments to make on these sections of the LIR.
Paragraph 1.6: The LIR’s primary purpose is to identify the policies in Local Plans in so far as they are relevant to the proposed development and the extent to which the development accords with these policies. It does this under topic-based headings (following the form of the Overarching National Policy Statement (NPS) for Energy (EN-1)) reflecting the likely nature of impacts. The key issues for the local authorities and the local community are then identified, followed by commentary on the extent to which the applicant addresses these issues by reference to the application	The LIR follows “ <i>the form of the Overarching National Policy Statement (NPS) for Energy (EN-1)</i> ”, however the Applicant would like to note that the National Networks National Policy Statement (NNNPS) is the applicable policy against which the Scheme will be considered, albeit there is considerable overlap between the two NPSs’ approach to impact assessment.

Local Planning Authority Comment / LIR Reference	Applicant's Response
documentation, including DCO articles, requirements and obligations, as relevant.	
Description of the area	
Section 2 (paragraph 2.1 to 2.6)	The Applicant has no comments to make on this section of the LIR.
Statutory Development Plan	
Section 3 (paragraphs 3.1 to 3.9)	<p>The Applicant agrees with the list of relevant development plan documents listed in section 3 of the LIR and confirms that this is in line with Section 8 (Other National and Local Planning Policy) of the Case for the Scheme (Document Reference 7.1, PINS Reference APP-091).</p> <p>The Applicant notes the update on the status of the new Waveney Local Plan and the new Suffolk Minerals and Waste Local Plan provided in paragraphs 3.4 and 3.7 of the LIR, which relate to where in the examination process the two plans are.</p> <p>The Applicant recognises that since submission of the Application a revised National Planning Policy Framework (NPPF) was published on 24 July 2018. The Applicant submitted a Note on Updated NPPF on 20 November 2018 (Document Reference SCC/LLTC/EX/8, PINS Reference AS-004), which concludes that the revised NPPF does not alter the assessments submitted with the Application.</p>
Likely Impact of the Proposed Development	
Section 4 Introduction (paragraphs 4.1 to 4.5)	<p>The Applicant notes the reference made at paragraph 4.4 of the LIR regarding the Scheme being a major infrastructural priority that should help unlock major regeneration opportunities.</p> <p>The Applicant agrees with and welcomes these comments.</p>
Adequacy of the application / DCO	
Section 5 (paragraph 5.1)	The Applicant welcomes the statement at paragraph 5.1 of the LIR that the DCO is

Local Planning Authority Comment / LIR Reference	Applicant's Response
	considered adequate.
Relevant Planning History	
Section 6 (paragraphs 6.1 to 6.3)	The Applicant has no comments on this section of the LIR, which reflects the assessment of planning and environmental designations presented in Section 3.7 of the Case for the Scheme.
Relevant Development Plan Policies	
Waveney Core Strategy (paragraphs 7.1 to 7.3)	The Applicant has no comments on these paragraphs of the LIR, which reflect the assessment presented in Section 8.4 of the Case for the Scheme.
The Lake Lothing and Outer Harbour Area Action Plan (paragraphs 7.4 to 7.9)	
Development Management Policies Adopted (paragraphs 7.10 to 7.11)	<p>The Applicant notes the inclusion of relevant policy DM01 of Waveney Development Management Policies under paragraph 7.10 of the LIR, which has not specifically been included in the Case for the Scheme.</p> <p>The Applicant notes the confirmation in paragraph 7.10 of the LIR that there is no specific development plan policy relating to the principle of the Scheme, however the Authorities consider the principle of the new development is acceptable being a site within the physical limits of Lowestoft as defined by policy DM01 and providing particular criteria are met.</p> <p>The Applicant considers that the design principles for the Scheme were developed in collaboration with the Authorities; are in accordance with Policy DM02 (see Townscape and Visual Impact below), and detailed in the Design Report (Document Reference 7.5, PINS Reference APP-123) and Design Guidance Manual (Document Reference SCC/LLTC/EX/17, PINS Reference REP3-036).</p>
New Waveney Local Plan (paragraphs 7.12 to 7.15)	The Applicant notes the update provided on the new Waveney Local Plan and confirms the

Local Planning Authority Comment / LIR Reference	Applicant's Response
	assessment presented in section 8.4 of the Case for the Scheme reflects paragraphs 7.12 to 7.15 of the LIR.
Suffolk Minerals Core Strategy; Suffolk Minerals & Waste Local Plan (paragraphs 7.16 and 7.17)	The Applicant notes reference to Policy 6 of the Suffolk Mineral Core Strategy and Policy MP9 of the Suffolk Minerals and Waste Local Plan in paragraphs 7.16 and 7.17 of the LIR and confirms that the Case for the Scheme considers these in section 8.7 and confirms that the Scheme will not impact on the development of any identified safeguarded facilities or sites.
Suffolk Local Transport Plan (2011-2031) (Paragraph 7.18)	The Applicant confirms that the Suffolk Local Transport Plan as referred to in the LIR is assessed at section 8.6 of the Case for the Scheme and has no comments on this paragraph of the LIR.
New Anglia Norfolk and Suffolk Economic Strategy 2017	The Applicant confirms that the New Anglia Norfolk and Suffolk Economic Strategy 2017 as referred to in the LIR is assessed at section 4.7 of the Case for the Scheme and has no comments on this paragraph of the LIR.
Flood Risk	
Section 8 (paragraphs 8.1)	In response to this paragraph, the Applicant confirms in Chapter 17 of the Environmental Statement (Examination Library Reference APP-136) and Appendix 17A of the Environmental Statement (Document Reference 6.1, PINS Reference APP-199) that the Scheme complies with the objectives in the Water Framework Directive.
Key Local Issues (paragraphs 8.2 to 8.10)	<p>The Applicant has no comments to make on these paragraphs and notes the updates provided on the Lowestoft Flood Risk Management Project in paragraphs 8.6 to 8.10.</p> <p>The Applicant notes that <i>"flood risk is unlikely to change with the development of the Third Crossing"</i> as stated in paragraph 8.10 of the LIR.</p>
Adequacy of application / DCO	The Applicant has no comments to make on

Local Planning Authority Comment / LIR Reference	Applicant's Response
(paragraphs 8.11 to 8.13)	these paragraphs and welcomes the Authorities' confirmation that the Scheme is compliant with Policy DM02 of the adopted Waveney Development Management Policies.
Air Quality	
Key Local Issues (paragraphs 9.1 to 9.3)	The Applicant has no comments to make on these paragraphs of the LIR.
<p>Adequacy of application / DCO (paragraphs 9.4 to 9.5)</p> <p>Paragraph 9.5:</p> <p>The Interim CoCP lists the measures that will be implemented to minimise dust generating activities. This is considered to be an acceptable approach, but it is recommended that all relevant measures described in the IAQM guidance for high risk sites are included in the Full CoCP / Air Quality Management Plan for the scheme and that adequate monitoring of particulates is agreed and implemented.</p> <p>Consequently, the local authority does not envisage any impacts on air quality that cannot adequately be controlled.</p>	<p>The Applicant has agreed in SoCG (Appendix SOCG8) with the Authorities submitted at Deadline 4 (Document Reference SCC/LLTC/EX/53) that relevant IAQM measures for the Scheme will be included in the full CoCP, which the county planning authority will in any event be required to approve under DCO Requirement 4.</p>
Cultural Heritage	
Key Local Issues (paragraphs 10.1 and 10.2)	<p>The Applicant notes that there is no specific reference to Development Management Policy DM30 in the Application, however confirms that, in accordance with the legislation, policies and guidance set out in part 9.2 of the ES, the Scheme is in accordance with this policy and the detailed assessment of the effects of the Scheme on heritage assets (including Conservation Areas and listed buildings) is presented in Chapter 9 of the Environmental Statement (Document Reference 6.1, PINS Reference APP-136).</p>
Paragraph 10.3	The Applicant confirms that the wording of draft DCO Requirement 10 is now agreed with the

Local Planning Authority Comment / LIR Reference	Applicant's Response
<p>In the case of archaeological assets, it is proposed to secure archaeological mitigation through the Written Scheme of Investigation for Future Evaluation and Mitigation (Document 6.3 Appendix F), required by and referenced in the DCO consent. The WSI is of necessity flexible as it needs to be staged to allow for further evaluation to refine mitigation. However, whilst the submitted WSI is broadly acceptable and proportionate to impacts as far as they are known at present, the applicant is advised that there are clarifications and provisos needed to ensure that all situations are covered. Additionally, given that staged work is still needed, it is suggested that amendments to the DCO wording are needed.</p> <p>Paragraph 10.4</p> <p>Requirement 10 in Schedule 2 could be amended to demonstrate that it relates to archaeology, and to tighten the links to submitted documents. It is usual to have trigger points for discharging requirements set out in archaeological conditions, and an initial draft suggestion has been provided to the applicant for consideration. The intention is to ensure that archaeology is in place before physical works commence, and that the evaluation which covers the remaining uncertainties has been done.</p>	<p>Authorities, please refer to Appendix SOCG8 in the SoCG Report (Document Reference SCC/LLTC/EX/53).</p>
<p>Paragraph 10.5</p>	<p>The Applicant has no comments to make on this paragraph.</p>
<p>Paragraph 10.6</p>	<p>The Applicant welcomes the Authorities' confirmation to Section 9.7 of the Environmental Statement (Document Reference 6.1, PINS Reference APP-136) and statement that <i>"the</i></p>

Local Planning Authority Comment / LIR Reference	Applicant's Response
	<i>high-quality design of the new crossing structure will provide a positive reinforcement of the character and visual amenity to this part of Lowestoft</i> ".
Paragraph 10.7 and 10.8	<p>The Applicant welcomes confirmation of that, whilst the bridge will be visible from Oulton Broad and South Lowestoft Conservation Areas, the impact on them will be minimal.</p> <p>The Applicant also welcomes the Authorities' statement that, subject to achieving high-quality design of the bridge through agreeing the Design Guidance Manual, the Scheme will be compliant with Development Management Policy DM30.</p>
Townscape and Visual Impact	
Key Local Issues (paragraphs 11.1 and 11.2)	The Applicant notes that Development Management Policy DM02 sets out design criteria that development proposals are expected to meet. The Applicant notes that the design principles for the Scheme were developed in collaboration with the Authorities; are in accordance with Policy DM2, and detailed in the Design Report (Document Reference 7.5, PINS Reference APP-123).
Adequacy of application / DCO (paragraphs 11.3 and 11.4)	<p>The Applicant appreciates the close collaboration with the Authorities on the emerging Design Guide Manual and welcomes the Authorities' agreement on design principles.</p> <p>The Applicant welcomes the Authorities' confirmation that draft DCO Requirement 3 (Document Reference SCC/LLTC/EX/11, PINS Reference REP3-030) and compliance with the Design Guidance Manual should ensure that the Scheme will be a striking landmark feature within Lowestoft's townscape and is compliant with Development Management Policy DM02.</p>
Contamination and Ground water	
Key Local Issues (paragraphs 12.1 and	The Applicant has no comments to make on

Local Planning Authority Comment / LIR Reference	Applicant's Response
12.2)	these paragraphs.
<p>Adequacy of application / DCO (paragraph 12.3 and 12.4)</p>	<p>The Applicant notes that the ground investigation report, ground water monitoring and risk assessment were based upon two monitoring visits and were to be updated to reflect further monitoring to allow the results to be fully considered. These updated reports were issued at Deadline 3 (Document References SCC/LLTC/EX/32 and SCC/LLTC/EX/34, PINS Reference APP REP3-047) and do not present any information that alters the conclusions drawn at the time of the application.</p> <p>The drafting of DCO Requirement 8 (Examination Library Reference REP3-030) is agreed and there are no outstanding matters regarding the CoCP.</p>
Noise and Vibration	
Key Local Issues (paragraphs 13.1 and 13.2)	The Applicant has no comments to make on these paragraphs.
<p>Adequacy of application / DCO (paragraphs 13.3 to 13.5)</p> <p>Paragraph 13.4:</p> <p>The Interim CoCP lists some of the measures that will be implemented to minimise noise generating activities. The full CoCP is to be much expanded to include a Noise and Vibration Plan. This is considered to be an acceptable approach. Consequently, the local authority does not envisage any noise and vibration impacts from construction that cannot adequately be controlled.</p>	<p>In response to paragraph 13.4 of the LIR, the Applicant notes that as agreed in Appendix SOCG8 in the SoCG Report (Document Reference SCC/LLTC/EX/53) consent would need to be sought from WDC under s61 of the Control and Pollution Act 1974 and that the final details of noise and vibration mitigation measures will be confirmed at that time and will not require the submission of a Noise and Vibration Plan with the full Code of Construction Practice pursuant to draft DCO Requirement 4.</p>
Adequacy of application / DCO (paragraph 13.6)	<p>The updated SoCG Report (Document Reference SCC/LLTC/EX/53) records that the parties are now agreed on how the CoCP will be developed.</p> <p>With respect to potential noise from bridge</p>

Local Planning Authority Comment / LIR Reference	Applicant's Response
	alarms after further discussion with WDC, the Applicant has agreed to provide additional analysis on this matter, as reflected in the SoCG.
Transport	
Local Plan Policies; Development Management Policies; Lowestoft Lake Lothing and Outer Harbour Area Action Plan (paragraphs 14.1 to 14.6)	<p>The Applicant notes reference to Waveney Core Strategy Policy CS04 (Infrastructure) and confirms that even though there is no reference to this policy in the Case for the Scheme the Scheme is very much the culmination of collaboration between the District Council and the highway authority and therefore fully compatible with this strategic objective.</p> <p>The Applicant confirms that all other policies referenced in paragraphs 14.1 to 14.6 of the LIR have been considered in the Case for the Scheme submitted with the Application.</p>
Adequacy of Application / DCO; Provision of Transport Infrastructure; Highway Safety; Public safety and crime deterrence; Needs on non-motorised users including those with restricted mobility; Connectivity and Severance (paragraphs 14.7 to 14.16)	The Applicant has no comments to make on these paragraphs.
Design	
<p>Design and Adequacy of Application/DCO (paragraphs 15.1 to 15.3)</p> <p>Paragraph 15.2:</p> <p>There are a number of design issues under consideration through the ongoing preparation of the Design Guide Manual including:</p> <ul style="list-style-type: none"> • Structural materials specifications of the deck supports and bascule. • Materials palette for lighting, seating, signage etc. The lighting design strategy has a very clear 	<p>The Applicant continues workshops with officers from the Authorities to discuss the development of Scheme's reference design through the detailed design process, and alongside that the development of the Design Guidance Manual (DGM).</p> <p>It is agreed that the DGM will secure the high-quality design for the Scheme by creating appropriate design parameters within which the detailed design can be brought forward.</p>

Local Planning Authority Comment / LIR Reference	Applicant's Response
<p>and strong concept for luminaire design at a good detailed level. Much else to do with the wig-wags, balustrading, surfacing, finished colours etc. has yet to be detailed. It is expected the ongoing development of the DGM will express these aspirations and illustrate the detail.</p> <ul style="list-style-type: none"> • Landscaping around the northern and southern landing points and along approach roads. • Full design of the control tower: this has now been arrived at and provides for a satisfactory conclusion in design. • Full visualisations: some have been usefully included. 	
Summary	
Paragraphs 16.1 and 16.2	The Applicant welcomes the Authorities' confirmation that the impacts of the development are acceptable and accord with local policy.