

(ABP: 3 of 5 – DL4)

Proposed Lake Lothing Third Crossing (TRO10023)

Associated British Ports (20013261)

Comments on the Local Impact Report of Suffolk County Council and Waveney District Council (PINS Reference: REP3-016)

1. As far as ABP is aware, the sole definition of a Local Impact Report ("LIR") is provided in section 60(3) of the Planning Act 2008 as:

"a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)."

2. For the reasons explained in this section, the joint LIR of Suffolk County Council and Waveney District Council does not, in ABP's view, pay any account of the likely impact of the proposed LLTC development and as such should be viewed by the Secretary of State as defective.
3. From an analysis of the LIR, ABP understands that the Report has been formulated in two broad parts:
 - Section 7 sets out the development plan policies which are relevant to the principle of the proposed development (an understanding which appears to be supported by the wording in paragraph 7.15); and
 - Section 8 then sets out a consideration of the proposed LLTC development as applied for on issues and associated policy requirements which the two authorities consider to be key.
4. With regard to this second element of the LIR, ABP is somewhat surprised that no attempt has been made to consider the likely impact of the LLTC on economic matters, the Port of Lowestoft and the local economy.
5. This is somewhat surprising having regard to first, one of the central themes running through the development plan as detailed below - reference to which appears to have been omitted by the authorities within the LIR, and second, recognition of the fact that

the LLTC development, if authorised, would bisect the very port which the development plan ostensibly claims to support and protect.

Waveney Core Strategy – The Approach to Future Development in Waveney to 2021 (Adopted January 2009)

6. Although Policy CS05 is touched on in the LIR (at paragraph 7.1), what is not made clear at the outset, is that the focus on the then subsequent preparation of the Area Action Plan would be *'employment led regeneration'*.
7. Whilst – as identified in paragraph 7.1 of the LIR - *'better connections between the communities north and south of Lake Lothing'* is identified in the policy as one of the nineteen objectives for the Area Action Plan, it is pertinent to note that other objectives of relevance include the creation of:
 - *"a flourishing local economy to provide wealth and at least 1000 jobs",* and
 - *"employment and transport opportunities in the port, including greater use of the water"*.
8. The supporting text to the policy (at paragraph 5.24) makes clear that:

"The port is an important local and regional economic driver which will have a significant role in the future regeneration of Lowestoft, particularly through the Area Action Plan".
9. Policy CS07 (Employment) further makes it clear that:

"In particular: Lowestoft – The Lake Lothing and outer harbour area will be identified and developed as a strategic employment site through the Area Action Plan in support of port development, employment-led regeneration and economic diversification."
10. None of these central objectives of the Core Strategy are referenced in the LIR which of itself, must be viewed as a singular omission.

Lowestoft Lake Lothing & Outer Harbour Area Action Plan (Adopted January 2012)

11. The AAP sets out a series of themes and objectives (Section 2.2). One of the themes identified is 'Employment and Economy', and in discussing this theme the AAP identifies that:

“Supporting new employment growth and strengthening the local labour market are fundamental to reversing Lowestoft’s economic fortunes and realizing the vision of a town which is a vibrant and attractive place to live and work” (paragraph 2.2.2).

12. In this context the AAP recognises that Lowestoft is:

“well placed to serve as an operations base for existing and planned offshore wind farms in close proximity to the town. The AAP therefore supports the development of an energy cluster which capitalises on the enormous opportunities associated with investments taking place in the North Sea and East of England including offshore wind, oil and gas, Sizewell power station and future potential for offshore carbon capture, gas storage and wave technologies” (paragraph 2.2.2).

13. As well as promoting job creation in renewable and related growth sectors, the ExA should note that the AAP also:

“seeks to safeguard existing port activities and other viable businesses in the Lake Lothing and Outer Harbour” (paragraph 2.2.3).

14. **Objective 1 of the AAP**, titled - '**To generate a flourishing and diverse local economy**' – provides that:

“Existing businesses will be supported with provision for expansion and relocation space within the area and provision will be made for diverse economic sectors encompassing energy and green industries, port activities.....” (Objective 1).

15. Within that part of the AAP dealing specifically with Economic and Employment matters, the Lake Lothing and Outer Harbour area is identified as a strategic employment site where:

“port development, employment led regeneration and economic diversification will be promoted” (paragraph 3.1.3).

16. Policy EMP4 of the AAP deals specifically with ‘Port Activities’. The supporting text highlights the importance of the Port of Lowestoft and explains that the AAP:

“seeks to facilitate the protection and enhancement of Port Activities (particularly in supporting the Renewable Energy Business Cluster proposals)” (paragraph 3.1.12).

17. Policy EMP4 makes clear, amongst other things, that:

“Existing port activities will be protected and enhanced through development.”

18. Again, inexplicably bearing in mind the project that is ostensibly being addressed, none of these central themes are referenced in the LIR.

New Waveney Local Plan (Final Draft March 2018)

19. Relevant aspects of this emerging plan which relate to the interaction between the Port of Lowestoft and the LLTC scheme have been considered within ABP’s Written Representation (section 7). As a consequence, they are not repeated here.
20. It is, however, of note that the particular part of the emerging Local Plan which considers this particular issue (i.e., policy WLP2.10 which deals with the Inner Harbour Port Area) - which ABP presumes is of relevance for the ExA – has not been referenced within the LIR.
21. As indicated in ABP’s written representations, in terms of emerging policy WLP2.10, Waveney District Council has proposed modifications to the policy that make it clear that it is only a LLTC scheme approved by a DCO – and thereby a scheme that does not have a serious detrimental impact upon the Port – which is supported by this policy.

Suffolk Minerals Core Strategy (Adopted September 2008) and the emerging Suffolk Minerals & Waste Local Plan (Submission Draft June 2018)

22. These documents are referred to in the LIR, which indicates that an area of the Port to the west of the proposed LLTC scheme is:

- safeguarded in the adopted Core Strategy as a minerals handling location (the subject of policy 6); and
 - proposed to remain so safeguarded in the emerging Minerals & Waste Local Plan (the subject of draft policy MP9).
23. The LIR (see paragraphs 7.16 and 7.17) seems to suggest that because the LLTC does not directly impact this area of the Port then the area identified in the existing an emerging plan documents is not adversely affected.
24. The ExA should be aware, however, that Policy 6 and emerging policy MP9 are concerned with more than simply those proposals which directly impact upon the areas safeguarded. This is because:
- Policy 6 requires - *“Development proposals in close proximity to rail and port handling facilities should demonstrate that they would not prejudice or be prejudiced by those facilities,”* and
 - Emerging policy MP9 makes clear that - *“When proposals are made which might potentially compromise the use of:*
 - (a) *an existing, planned or potential rail head, wharf or associated storage, handling or processing facilities for the bulk transport by rail or sea of minerals, including recycled, secondary and marine dredged materials, ...*

Applicants will be required to demonstrate to the County Council that those sites no longer meet the needs of the aggregate industry. Where this is not the case, satisfactory alternative handling facilities should be made available by the developer. Development proposals in close proximity to the above minerals related facilities should demonstrate that they would not prejudice or be prejudiced by those facilities.

....”
25. In the light of the above, ABP would suggest that the current and emerging policy requirements in relation to both the Port, and by extension, the LLTC project are far more fundamental than is implied in the LIR.

New Anglia Norfolk and Suffolk Economic Strategy 2017

26. This strategy is referred to in the LIR, with the simple statement being made that:

“The strategy is very broad brush and mentions the need to improve infrastructure including the A47 and the potential of the Energy Coast” (paragraph 7.19)

27. ABP would agree that this is a broad brush strategy, but ABP would also point out that the strategy does highlight in respect of the ‘Energy’ sector that the East of England Energy Zone is unrivalled in the UK, and that the coast around Lowestoft and Great Yarmouth is at the centre of the world’s largest market for offshore wind (Our sectors, page 12).
28. The strategy also identifies ‘Transport, Freight and Logistics’ as another important sector, and highlights that the Port of Lowestoft has a *“regional focus relating to the offshore energy sector”* (Our sectors, page 14).

Conclusion

29. Within the LIR, the authorities conclude that the impacts of the LLTC development:

“are acceptable and thus it accords with local policy” (paragraph 16.2).

30. For the reasons outlined above, ABP disagrees strongly with this expressed view which it considers to be fundamentally misleading.
31. ABP would ask the ExA to consider whether they are actually able to rely upon a submitted LIR which omits all reference to key policies and objectives relating to the future of the Port of Lowestoft and which undertakes no evaluation of the impacts of the LLTC on the Port of Lowestoft.
32. As indicated by the brief analysis contained within the preceding paragraphs, employment and economic matters are key elements of the planning strategy for the Lake Lothing area, where the importance of the Port of Lowestoft and its ongoing enhancement and growth is supported.
33. As ABP’s wider evidence demonstrates, the LLTC development will have a serious detrimental impact on the Port. The failure of the LIR properly to assess extant and emerging policy renders the LIR defective.

34. Further, ABP would suggest that the additional policy provisions to which the attention of the ExA has now been drawn, demonstrates that the LLTC proposal does not accord with the development plan.

Clyde & Co LLP

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