

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

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Lake Lothing  
**THIRD  
CROSSING**

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## **Document SCC/LLTC/EX/65: Explanation of changes to draft DCO**

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**Planning Act 2008**

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009**

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Author: Suffolk County Council

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## THE LAKE LOTHING (LOWESTOFT) THIRD CROSSING ORDER

### EXPLANATION OF CHANGES MADE TO THE DRAFT DCO AT DEADLINE 4 (REV 2)

#### 1. INTRODUCTION

- 1.1 This document provides a commentary on changes made to the draft Development Consent Order ("dDCO") in the version submitted at Deadline 4 (29 January 2019) (DCO Revision 2), compared with the version of the draft DCO submitted at Deadline 3 (DCO Revision 1) (Examination Library document reference REP3-30). The Applicant's revised draft DCO (Revision 2) is document 3.1 (Revision 1) [SCC/LLTC/EX/63], and an electronic .pdf comparison between the two versions has also been submitted [SCC/LLTC/EX/64].
- 1.2 In broad terms the changes made in the latest dDCO have been made for the following reasons:
- 1.2.1 changes arising from issues raised by Interested Parties in their Written Representations;
  - 1.2.2 on-going discussions with Interested Parties, including those recorded in the SoCG Report submitted at Deadline 4 (SCC/LLTC/EX/53);
  - 1.2.3 changes made to the Deemed Marine Licence arising from continuing discussions with the Marine Management Organisation (MMO);
  - 1.2.4 changes arising from continuing discussions with Associated British Ports (ABP); and
  - 1.2.5 other points which the Applicant has identified as requiring amendment since the version 1 of the draft DCO was submitted at Deadline 3.

#### 2. TABLE OF CHANGES TO THE DRAFT DCO REVISION 2

Provision in revised draft DCO and/or issue	Brief description and explanation
Article 3 (disapplication of legislation, etc.)	Reference to section 24 of the Water Resources Act 1991 has also been deleted from this article, further to discussions with the Environment Agency.  Article 3(3) has also been amended further to discussions with Northumbrian Water Limited.
Article 20 (temporary suspension of navigation within Lake Lothing in connection with authorised development)	Following discussions with ABP, the Navigation Working Group and the Written Representation of the Lowestoft Cruising Club, this article has been amended to provide for a notification period of 3 months. Additional amendments have been made to provide flexibility for situations (such as a result of weather delays) where less notice may be required.
Article 25 (compulsory acquisition of rights and Schedule 6 (land in which only new rights etc. may be acquired))	A number of amendments have been made to these provisions, following discussions with Cadent Gas Limited, to provide more certainty as to the rights to be granted to them by the Applicant if the Order were to be made. The matters in square brackets are to be finalised in discussion with Cadent.
Schedule 2, requirement 3	Following discussions with the local highway authority, WDC and the Applicant's consideration of written representations, text has

<b>Provision in revised draft DCO and/or issue</b>	<b>Brief description and explanation</b>
(design of the authorised development)	been added to this requirement to provide for the detailed design of key highway elements of the Scheme to be approved by the county planning authority before relevant works may commence.
Schedule 2, requirement 11 (NRA)	This requirement has been amended to reflect discussions between the Applicant and ABP, and the latter's Written Representations; and seeks to make explicit the relationship between vessel simulations and the revised navigation risk assessment.
Schedule 2, requirement 12 (traffic mitigation)	As recorded in the SoCG with the local highway authority submitted at Deadline 4, it has been agreed that works to the existing B1531 Victoria Road/B1531 Waveney Drive/Kirkley Run mini-roundabout do not need to be undertaken as a consequence of the Scheme. As such this requirement has been amended to remove these works from its ambit.
Schedule 2, requirement 13 (piling works risk assessment)	This requirement has been added further to discussions with the Environment Agency, as recorded in the SoCG.
Schedule 2 paragraph 16(1)	This paragraph has been amended to extend the deemed discharge period from 6 to 8 weeks.
Schedule 2 paragraph 18(1)(b)	Further to Northumbrian Water Limited's Written Representation, this paragraph has been amended to ensure there is no inconsistency with paragraph 15 (1).
Schedule 10 (Byelaws)	Additions have been made to this Schedule following discussions with ABP.
Schedule 12 (DML)	The Deemed Marine Licence has been amended to reflect the most recent position agreed between the Applicant and the MMO including its preferred approach to coordinates. Further discussions with the MMO are still on-going and consequently the wording of the DML is not yet fully agreed.
Schedule 13 (Protective Provisions), Part 4	The Protective Provisions for the benefit of Network Rail have been amended in accordance with their Written Representations.
Schedule 13 (Protective Provisions), Part 5 (for the protection of the harbour authority)	Part 5 of the protective provisions (for the protection of ABP as harbour authority) have been amended to reflect some of the discussions held and ongoing with ABP further to its Written Representations.
Schedule 14 (documents to be certified)	The list of Documents to be certified has been updated to reflect the latest set of drawings and other documents submitted at Deadline 4.