



## Planning Act 2008 – section 91

### Application by Suffolk County Council for an Order Granting Development Consent for the Lake Lothing Third Crossing

### Agenda for Issue Specific Hearing 1 dealing with matters relating to the draft Development Consent Order (dDCO)

The Examining Authority (ExA) notified Interested Parties in its letter dated 14 January 2019 of the decision to hold an Issue Specific Hearing dealing with matters relating to the dDCO as follows:

Hearing	Date and time	Location
<b>Issue Specific Hearing 1</b> – Draft Development Consent Order	Wednesday 13 February 2019 Seating available from 9.30am. The hearing will start at <b>10.00am</b> .	Ivy House Hotel, Ivy Lane, Oulton Broad, Lowestoft NR33 8HY

### Attendees

The ExA would find it helpful if the following parties could attend this hearing. However, this does not indicate that other parties will not be able to contribute. All Interested Parties are invited to attend and make oral representations on the matters set out in the agenda, subject to ExA's ability to control the hearing.

- Suffolk County Council (the Applicant)
- Waveney District Council
- Associated British Ports (ABP)
- The Environment Agency
- The Marine Management Organisation
- Network Rail
- Shakespeare Martineau (for Cadent Gas Ltd)
- Axis Property Consultancy LLP
- Squire Patton Boggs (for Statuslist Ltd)
- Arrow Group Global Ltd
- Bryan Cave Leighton Paisner (for Northumbrian Water Ltd)
- Lings Motor Group
- Lowestoft Cruising Club

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. However, the details set out below are indicative

and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

The documents referred to during the hearing will be the most recent versions. References in square brackets are the unique document reference numbers in the Examination Library. The Examination Library is published on the project webpage on the National Infrastructure Planning website, here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010023/TR010023-000447-Examination%20Library%20-%20PDF%20Version.pdf>

Reference may also be made to:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
- The Infrastructure Planning (Examination Procedure) Rules 2010
- The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (above all available on legislation.gov.uk)
- DCLG Planning Act 2008: Guidance for the examination of applications for development consent, March 2015  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance\\_final\\_for\\_publication.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance_final_for_publication.pdf)
- DCLG Planning Act 2008: Guidance on associated development applications for major infrastructure projects, April 2013  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/192681/Planning\\_Act\\_2008\\_-\\_Guidance\\_on\\_associated\\_development\\_applications\\_for\\_major\\_infrastructure\\_projects.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf)
- Planning Inspectorate Advice Note Thirteen: Preparation of a draft order granting development consent and explanatory memorandum, Version 2, April 2012  
[https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2014/12/Advice\\_note\\_13v2\\_1.pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2014/12/Advice_note_13v2_1.pdf)
- Planning Inspectorate Advice Note Fifteen: Drafting Development Consent Orders, Version 2, July 2018  
[https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2014/10/advice\\_note\\_15\\_version\\_1.pdf](https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2014/10/advice_note_15_version_1.pdf)

## **AGENDA**

The Applicant submitted a revised dDCO at Deadline 4 in the Examination Timetable. It is the tracked changes version of the Deadline 4 dDCO [REP4-008] that the ExA will be working from in the course of this hearing and which informs the issues identified below.

### **1. Welcome, introductions and arrangements for the hearing**

### **2. Purpose of the hearing**

### **3. Reasons for the changes applied to the dDCO**

Applicant to summarise reasons for applying the changes identified in the dDCO submitted to Deadline 4 [REP4-008].

### **4. Articles**

- a) Article 3: Reference to section 24 of the Water Resources Act 1991 deleted from this Article, further to discussions with the Environment Agency. Article 3(3) has also been amended further to discussions with Northumbrian Water Ltd.
- b) Article 20: Following discussions with ABP and the Navigation Working Group, and considering the Lowestoft Cruising Club's Written Representations, Article 20 amended to provide for a notification period of three months. Additional amendments made to provide flexibility for situations where less notice may be required.
- c) Article 25: Several amendments have been made to provisions, following discussions with Cadent Gas Ltd, 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 Gas Ltd.
- d) Any other matters relating to the Articles.

### **5. Schedule 2 (Requirements)**

- a) Requirement 3: Text has been added to this Requirement to provide for the detailed design of key highway elements of the Proposed Development to be approved by the county planning authority before relevant works may commence.
- b) Requirement 11: 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.
- c) Requirement 12: 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 Proposed

Development. As such this Requirement has been amended to remove these works from its ambit.

- d) Requirement 13: This Requirement has been added further to discussions with the Environment Agency, as recorded in the Statement of Common Ground [REP4-011].
- e) Any other matters relating to the Requirements.
- f) Paragraph 16(1): Amended to extend the deemed discharge period from six to eight weeks.

## **6. Schedule 10 (Bylaws)**

Additions have been made to this Schedule following discussions with ABP.

## **7. Schedule 12 (Deemed Marine Licence)**

The Deemed Marine Licence (DML) has been amended to reflect the most recent position agreed between the Applicant and the Marine Management Organisation (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.

## **8. Schedule 13 (Protective Provisions – Part 4 and 5)**

- a) The Protective Provisions for the benefit of Network Rail have been amended in accordance with its Written Representations.
- b) The Protective Provisions for the benefit of ABP as harbour authority have been amended to reflect some of the discussions held and ongoing with ABP further to its Written Representations.

## **9. Other matters in respect of the dDCO provisions**

Articles and Schedules not subject to latest revisions including the response of the Applicant to representations made in respect of detailed matters.

## **10. Any other relevant business**

## **11. Closing remarks**