

Application by Suffolk County Council for the Lake Lothing Third Crossing
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 22 March 2018

The following table sets out the Examining Authority's (ExA) second suite of Written Questions and requests for information – ExQ2.

Each question has a unique reference number (Column 1). Column 2 of the table indicates which Interested Parties (IPs) each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact lakelothing@pins.gsi.gov.uk.

Responses are due by **Deadline 8** in the Examination Timetable: **12 April 2019**.

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010023/TR010023-000447-Examination%20Library.pdf>

It will be updated as the Examination progresses.

ExQ2 Question to:		Question:
1 Compulsory Acquisition and related land matters		
1.1	The Applicant	Should the Applicant's proposed changes to the scheme be accepted by the Examining Authority (ExA), when would the related revised documents and plans be provided to the ExA?
1.2	The Applicant	The Applicant is requested to provide a list of documents and plans that would be revised should all of the Applicant's changes to the scheme be accepted by the ExA.
1.3	The Applicant	The Applicant is requested to submit a final Book of Reference and Land Plans for the purposes of the Examination by Deadline 10 together with any final Statement of Reasons, should this document have required updating during the Examination.
1.4	The Applicant	Why are there no extinguishment of easements, servitudes and other private rights plans provided with the application?
1.5	The Applicant	The new Private Means of Accesses 10 and 11 shown on the Rights of Way and Access Plans Sheet 2 of 2 [APP-027] do not appear to connect to a public highway?
1.6	Highways England Historical Railways Estate (HEHRE)	Paragraph 8.2.12 of the Statement of Reasons [APP-007] advises that the Applicant's request for Crown Land consent in relation to the Compulsory Acquisition of plots 2-08, 2-10, 2-12 and 2-25 has been passed from HEHRE to the Department for Transport. When was this request passed and to which section of the Department?

ExQ2	Question to:	Question:
1.7	Department for Transport	When can the Applicant expect a response to the request for consent in relation to the Compulsory Acquisition of plots 2-08, 2-10, 2-12 and 2-25 which was passed to the Department by the Highways England Historical Railways Estate [APP-007, para 8.2.12]? Which section of the Department would issue the consent?
1.8	The Applicant	It would appear, from the document submitted at Deadline 3 by Anglian Water dated 8 January 2019, that it is content with the Protective Provisions for its benefit within the draft DCO. There appear however to be outstanding discussions in respect of the implications of the Compulsory Acquisition of plots 2-02, 2-03 and 2-05. What is the status of these discussions in the context of s127 of the Planning Act 2008 (PA2008)?
1.9	The Applicant	It would appear, from the Compulsory Acquisition Negotiations and Objections Tracker Revision 2 [REP5-008], that no contact has been made with Network Rail Infrastructure Limited (NRIL) since 21 December 2018, apart from the sending of a consultation letter to NRIL in respect of the Applicant's proposed changes to the scheme. Document REP5-008 advises that an agreement with NRIL is expected to be reached by or before the close of Examination. How is it intended that this will be achieved in the context of s127 of the PA2008? The Applicant is also requested to provide the dates by which specific actions in this agreement process, such as the agreement of heads of terms for any framework agreement and its subsequent signature, are anticipated to be achieved.
1.10	The Applicant	Document REP7-005 'Response to ABP's D5 and Oral Submissions at 7 & 8 March 2019 Hearings' advises, at page 34, that, as a result of documents REP5-026 and REP5-027, the Applicant is " <i>now considering its previous</i>

ExQ2	Question to:	Question:
		<i>conclusions and what ABP says the commercial effect of the Scheme has on berth occupancy</i> ". The Applicant is requested to submit the result of these considerations to the ExA at Deadline 8.
1.11	The Applicant	Document ABP: 2 of 3 – DL7, in para 1.7, appears to suggest the provision of <i>"a right of eventual reverter over those parcels of land where the acquisition of freehold has been agreed by ABP"</i> [REP7-007]. What is the Applicant's position in relation to this suggestion?
1.12	Associated British Ports (ABP)	Document ABP: 2 of 3 – DL7, in para 1.11, suggests that the loss of the freehold at the location of the bridge would result in both the loss of an interest in this land and the loss of ABP's permitted development rights in connection with this land, should the bridge be removed at some later time [REP7-007]. Apart from 'the transfer of a leasehold interest' in the land, are there any other ways in which an interest in the land could be retained by ABP and are there any other ways in which permitted development rights could be again given to ABP in relation to this land?
1.13	ABP	Document ABP: 2 of 3 – DL7, in para 1.28, states that <i>"There is no means of access for Plots 2-32 and 2-33"</i> [REP7-007]. ABP is requested to clarify this statement.
1.14	The Applicant	Following the Deadline 7 submission of the Applicant's Consultation Report of the Proposed Non-Material Changes to the Application [REP7-003] has any further response been received from Homes England in respect of the changes to Compulsory Acquisition that would result from the Applicant's proposed NMC1 change to the scheme?

ExQ2	Question to:	Question:
1.15	The Nexen Group	In the response to the Applicant's NMC6 proposed change to the scheme [REP7-003, Appendix I], the Nexen Group suggest that a low-loader would have to " <i>pass in very close proximity to [...] any vehicle parked up and waiting at</i> " the factory doors. Currently, how would a low-loader be able to pass a vehicle so parked at the doors?
1.16	The Nexen Group	In the response to the Applicant's NMC6 proposed change to the scheme [REP7-003, Appendix I], the Nexen Group suggest that " <i>an alternative access route further to the north should be considered</i> ". How would a low-loader then service the existing factory doors on the western façade of the building?
1.17	The Applicant	Would the functionality of any services and drainage within plot 3-57 be retained during and following construction of the scheme? Such functionality is questioned in the Nexen Group response to the Applicant's NMC6 proposed change to the scheme [REP7-003, Appendix I].
1.18	The Applicant	It is understood that the ExA is not required to have regard to representations concerning compensation. Nonetheless, in relation to plot 3-56, the Book of Reference identifies Overseas Interests Inc as (with others) being able potentially to make claims under section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 or Section 152(3) of the PA2008. Having regard to the removal of the public highway connection to the private road which is to the south of plot 3-56, the Applicant is asked to clarify the legal basis on which Overseas Interests Inc (with others as above) might be entitled to compensation for any depreciation in the value of plot 3-56 arising as a result of the scheme.

ExQ2 Question to:		Question:
2 Environmental issues		
2.1	The Applicant	The climate change allowances applied in the Flood Risk Activity Permit referred to in the Flood Risk section of the Environmental Statement appear to be based on modelling using UKPC09. Would the modelling outcomes be materially changed by the application of data from the updated UKCP18 version?
2.2	NWES	Have NWES secured any further technical evidence from 'noise specialists' to support their statement at bullet point 5 of their Deadline 7 submissions that the effects of the LLTC proposals would be 'very severe' [REP7-012]?
2.3	Northumbrian Water	Has the noise monitoring methodology now been agreed between Northumbrian Water and the Applicant and also shared with NWES?