



Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44(0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

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Our internal reference:

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Our Planning Inspectorate

Reference: LLTC-SP079

The Planning Inspectorate
National Infrastructure Directorate

[By Email only]

02 April 2019

Dear Mr Morgan,

THE PLANNING ACT 2008 - SECTION 89 AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010: LAKE LOTHING THIRD CROSSING, LOWESTOFT ORDER – DEADLINE 8

The Marine Management Organisation (MMO) is an Interested Party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area.

The MMO has an interest in this project because the development includes the construction of a new highway comprising a carriageway and cycleway over Lake Lothing, with associated licensable activities occurring both over and within the marine environment. The DCO application includes a Deemed Marine Licence (DML) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA 2009) and, should consent be granted for the project, the MMO will be responsible for monitoring compliance and enforcement of DML conditions.

In accordance with the deadlines specified under the Examination Timetable for the proposed Lake Lothing Third Crossing, I am writing to provide the MMO's response to the ExA Deadline 8.

Deadline 8 consists of:

- Responses to the Examining Authority's (ExA's) Written Questions
- Comments on Applicant's report dealing with consultation on changes to the application proposed in Deadline 4 submission [**REP4-013**]
- Comments on any further information requested by the ExA and received to Deadline 7
- Any further information requested by the ExA under Rule 17 of the Exam Rules



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Of these items, the MMO considers the following relevant for inclusion in this response:

- Comments on Applicant's report dealing with consultation on changes to the application proposed in Deadline 4 submission [REP4-013]
- Responses to the ExA's Written Questions

1. Comments on Applicant's report dealing with consultation on changes to the application proposed in Deadline 4 submission [REP4-013]

1.1 The MMO received notice from the Applicant of the proposed non-material changes to the Application on 1 February 2019.

1.2 Following review of the information provided within the proposed non-material changes notification documents, the MMO understands that eight non-material changes (NMCs) had been proposed by the Applicant. These eight proposed NMCs are as follows:

NMC1 – The addition of a turning head at the eastern end of Canning Road.

NMC2 – Traffic regulation measures to allow for on-street parking in Riverside Road and Canning Road (additional to that proposed in the DCO Application).

NMC3 – Traffic regulation measures to provide clearway status (i.e. no stopping) along the route of the new crossing (instead of the parking restriction measures proposed along the route of the new crossing in the DCO Application).

NMC4 – Amendments to article 5 of the draft DCO regarding the limits of deviation applicable to (i) the position of the northern embankment (enabling it to be constructed further north of the railway line); and (ii) to include limits of deviation relating to the height of the lifting elements of the new bridge superstructure.

NMC5 – The addition of a new private means of access from railway land owned by Network Rail, across land owned by the Council, to Denmark Road.

NMC6 – The addition of a new private means of access off the realigned Riverside Road to premises owned and occupied by Nexen.

NMC7 – Revision of the layout of the new private means of access (proposed in the DCO Application) off Waveney Drive to premises owned and occupied by MotorLings.

NMC8 – Revision of the alignment of the proposed new access road, linking Waveney Drive to Riverside Road – the curved alignment proposed in the DCO Application (located within the Jeld-Wen site) is proposed to be replaced by a T-junction.

- 1.3** Due to the apparent nature and location of the proposed NMCs outside of the UK marine environment, the MMO determined that the proposed changes did not directly affect the Organisation or its responsibilities to monitor compliance and enforce the conditions of the DML. Consequently, the MMO did not submit any comments to the Applicant with respect to the NMCs to the proposed development.
- 1.4** The MMO has reviewed the Applicant's report dealing with consultation on changes to the application proposed in Deadline 4 submission **[REP4-013]** and has the following comments to make:
- 1.4.1** The MMO notes that the proposed changes associated with **NMC4** include alteration to the "Limits of Deviation", as detailed under **Part 2(5)** of the dDCO. Provided that the scale of the proposed development is accurately and clearly captured, the MMO has no objection to **NMC4**.
- 1.4.2** Further to the point raised under **paragraph 1.4.1** of this response, the MMO wishes to highlight that the "Limits of Deviation", as detailed under **Part 2(5)** dDCO, must account for and reference all aspects of the proposed development. The MMO has previously submitted comments in this regard as part of our Deadline 5 response, submitted to the ExA on 22 February 2019.
- 1.4.3** The MMO has reviewed and agrees with the Applicant's assessments of the likely environmental effects of the proposed NMCs. Specifically, the MMO does not consider that any of the proposed NMCs are of such a magnitude as to warrant further assessment beyond what has already been undertaken as part of the existing Environmental Statement.

3. Responses to the ExA's Written Questions

- 3.1** The MMO has reviewed the ExA's Written Questions, issued on 22 March 2019. The MMO has no response to make to the ExA's Written Questions for the following reasons:
- a) The ExA has not directed any specific questions to the MMO.
 - b) The MMO is not directly affected by any of the questions posed by the ExA to another Interested Party.

4. Concluding comments

- 4.1** The MMO wishes to express its willingness to continue working with the Applicant on the establishment on further revisions of the dDCO and its associated DML. Any progress will be captured within future revisions of the Statement of Common Grounds between the Applicant and the MMO.
- 4.2** The MMO reserves the right to modify its present advice, or opinion, in view of any additional matters or information that may come to our attention.

If you would like to discuss any specific matter further or require additional clarity, please do not hesitate to contact me directly.

Yours sincerely,



Dr Jamie Johnson
Marine Licensing Case Officer

Direct line: 0208 225 8951

Email: jamie.johnson@marinemanagement.org.uk

Copies to:

Jethro Watson (MMO): jethro.watson@marinemanagement.org.uk

Paul Kirk (MMO): paul.kirk@marinemanagement.org.uk