

From: [REDACTED]
To: LakeLothing@pins.gsi.gov.uk
Subject: Deadline 8. Response by Lowestoft Cruising Club to REP7-005: SCC responses to ABP
Date: 26 March 2019 16:21:57

Dear PINS Team,

I would like to respond on behalf of Lowestoft Cruising Club (LCC) via Deadline 8 to Document SCC/LLTC/EX/94: Response to ABP's Deadline 5 and Oral Submissions at 7 & 8 March 2019 Hearings (Examination Library ref. REP7-005).

Page 30.

Post Inquiry Note in Respect of CA Matters (REP5-024) Paragraph 17

ABP. Mooring (Plot 03-52) ABP considers that no adequate justification has been given for why this pontoon area is required for the purposes of the Scheme – and will in any case be of no practicable utility to commercial traffic. ABP also queries why this plot needs to be acquired.

SCC 1. The pontoon is being provided as a facility to allow recreational craft (as opposed to commercial vessels) to moor while awaiting a scheme bridge lift; the need for such a facility was identified as part of the NWG consultation and subsequently in the pNRA. The need for the facility is driven by the imposition of restrictions on bridge opening times for recreational craft. While the pontoon would be designed to accommodate small commercial vessels, the scheme of operation is such that this use is not considered likely to be necessary.

SCC 2. The area of land identified for the purposes of providing this recreational vessel waiting facility (plots 03-52 and 3-53) is proposed to be subject to powers of compulsory acquisition in order to ensure that the Applicant will be capable of delivering the pontoon, should acquisition of the relevant land by agreement prove impossible within the necessary timescale, noting that it is in the ownership of two different parties (ABP and Nexen). However, in the event that acquisition by agreement is possible, the need for compulsory acquisition powers would fall away and the Applicant would undertake not to exercise such powers in respect of the plot(s) in question. In addition, the Order is drafted in terms which would permit a lesser interest (e.g. a right) to be taken over the plot(s) in question, should such an arrangement prove adequate for the purposes of providing the pontoon.

LCC Response.

ABP's comment seems to be mainly in respect of Compulsory Acquisition issues. However, we do not understand why ABP questioned the need for the pontoon. This seems at odds with the clear request by ABP representatives at the Navigation Working Group Meetings for a waiting pontoon to be provided for safety reasons, and their suggestion of the location for the pontoon off Nexen.

We concur with the SCC 1 response. The placement of a waiting pontoon between the old and new bridges is essential to the safety and convenience of port users who get caught between the two bridges waiting for a respective scheduled bridge opening and avoiding restricted opening times. It is also a key mitigation measure in the pNRA.

SCC 2 is in response to the Compulsory Acquisition issues and not relevant to LCC, unless agreement is not reached to allow the positioning of the pontoon as planned, in which case an alternative site will need to be found.

Page 36.

Written Summary of Oral Submissions at DCO ISH (REP5-021)

ABP. Article 20 – Temporary suspension of navigation within Lake Lothing in connection with the authorised development. ABP sets out that the role of the NWG within this article is inappropriate and unnecessary as it is an ad hoc group and ABP already carries out its own consultation in carrying out its statutory duties

SCC. The Applicant has brought forward the DCO proposals with a continuation of the role of the Navigation Working Group to ensure that it is consulted, as a change to the scheme of operation may not necessarily be a navigational safety issue. The Applicant does not have control of ABP's consultations under the Port Marine Safety Code, and has brought forward this article in recognition of its duties as a public authority and scheme promoter, which are relevant above and beyond ABP's statutory duties as harbour authority

LCC Response.

We concur with the SCC response. LCC supports the continuing role of the Navigation Working Group (NWG). We consider that the references to the NWG should remain in the draft DCO to enable LCC to have direct input to the applicant for the revised Navigation Risk Assessment and any changes to the Scheme of Operation (see our submission REP5-034). At the same time we value the opportunity to participate in future ABP Port Stakeholders Meetings.

Page 36.

Written Summary of Oral Submissions at DCO ISH (REP5-021)

ABP. Article 40 – Scheme of operation ABP considers that this article needs to be seen in the context of its wider concerns in relation to the Scheme to be discussed at the March hearings. ABP refers to its ongoing concerns regarding the drafting of Article 40, and its detailed comments regarding the draft Scheme of Operation, both of which were submitted at Deadline 4.

SCC. • The issues as to the effects of the Scheme itself are set out above.

- In respect of the drafting of article 40 itself, given that it will relate to the Scheme in whichever form it ends up in at the Examination, the Applicant considers that the parties are not too far apart.
- However the Applicant's position as to the need for it to retain control of the SofO, the role of the NWG and the Secretary of State and the nature of ABP's consent remain as set out in the Written Summary of the DCO Hearing (Document Reference SCC/LLTC/EX/75, PINS Reference REP5-009).

LCC Response.

We are content with the drafting of Article 40 in the latest draft DCO (REP5-003 & REP5-004), subject to the amendment to Article 40, paragraph (6) we have requested in REP7-010, to replace "or" with "and" to ensure that comments from both the Navigation Working Group (NWG) and the Harbour Authority are sought and passed to the Secretary of State.

LCC value the continued existence of the NWG during the bridge design phase, the construction period, and the initial development of the Scheme of Operation, as experience of coordinating the two bridges provides feedback from users and operators. It is possible that looking longer term the need for the NWG will diminish, and the ABP Port Stakeholder Meetings will provide an satisfactory forum for LCC input.

Yours sincerely,

Dr David B Bennett (on behalf of Lowestoft Cruising Club)