

(ABP: 1 of 3 – DL8)

Proposed Lake Lothing Third Crossing (TRO10023)

Associated British Ports (20013261)

**Comment on the Applicant Response to ABP's DL5 and Oral Submissions at
7 & 8 March 2019 Hearings**

These Written Representations are submitted on behalf of Associated British Ports ("ABP") for Deadline 8.

ABP would wish to record formally at this juncture, its appreciation of the time that the ExA has afforded ABP in terms of examination hearings, so as to enable it to explain its concerns to the ExA with regard to the LLTC scheme.

The ExA will understand, however, that it is becoming extremely tiresome for ABP, at every Deadline, for it to have to repeat submissions that it has made at every previous Deadline and which have been either ignored by the Applicant, Suffolk County Council or simply not understood by their advisors.

ABP's frustration is accentuated by the fact that, whilst ABP has been entirely consistent in its responses throughout the process with a view to assisting the ExA and simplifying the issues arising, the Applicant's position seems to change on a regular basis. This inconsistency in approach is due, no doubt in no small part, to the fact that the LLTC application has clearly been submitted prematurely - presumably to meet government funding timelines - and as a consequence, comprises a bridge scheme that has not yet been designed (and has even changed in design during the last few weeks, including reconfigurations to the roadway, J beams and the non-motorised user pathways), and which will introduce a serious hazard into the middle of an operational port without any attempt having been made by the Applicant properly to assess the navigational risks created by the crossing, or indeed to mitigate its impacts.

ABP suspects that the ExA is probably finding this constant repetition of statements equally tiresome. Whilst ABP appreciates that the NSIP process is designed to be taken forward on the basis of written representations, those representations being tested by the ExA at

scheduled hearings, the stance adopted by the Applicant is nothing short of belligerent and disingenuous. From ABP's perspective, the Applicant appears to be approaching their discussions with ABP on the basis that as their proposal has been recognised by the Secretary of State as being of NSIP status, it is bound to succeed regardless of the merit of any objections placed against it.

For the assistance of the ExA, ABP has not, for this Deadline, simply repeated statements already previously made and, in an attempt to clarify the process - despite the length of the Applicant's representations - we have simply cross-referenced our response to statements previously made.

That said, ABP would like to make clear its position to the ExA as follows: –

- a) Whilst ABP still does not object to the principle of a third crossing over Lake Lothing, it rejects totally a crossing located within the middle of its operational Inner Harbour;
- b) ABP is in no doubt that the Scheme as proposed by the Applicant, without mitigation, will cause serious detriment to the Port of Lowestoft in terms of both existing and future port operations;
- c) If the Scheme is to proceed, ABP is very clear that it can only proceed if the Applicant agrees to provide: –
 - i) An emergency berth in the Inner Harbour;
 - ii) Complete operational control of the bridge and bridge lift timings in line with the existing bascule bridge;
 - iii) Mitigation in terms of replacement berthing in the Outer Harbour; and
 - iv) A comprehensive Indemnity.
- d) Without these four components, which the Applicant's project team had in fact led ABP to believe were being positively considered at the start of the process at meetings held during 2018 and early 2019, ABP may well not in terms of its statutory obligations – regardless of the commercial implications raised by the serious detriment that will be caused by the Scheme - be able to accept the construction of a crossing through the middle of the Inner Harbour; and

- e) In such a scenario, the ExA should be aware that if the Secretary of State were to approve this application on the basis of the Applicant's proposal which pays no regard to ABP's statutory obligations, ABP's Board may have no option but to take its objections to a higher level.

This submission sets out the response of ABP to the Applicant's '*Response to ABP's D5 and Oral Submissions at 7 & 8 March 2019 Hearings*' (Document Reference SCC/LLTC/EX/94), submitted by the Applicant for Deadline 7.

To assist the ExA, without expending unnecessary time or resources, ABP has sought to direct the ExA to where it has previously addressed the issues raised by the Applicant in this document. Where necessary, however, ABP has had to provide clarity and correct assertions made by the Applicant in its response.

As such, where appropriate, the responses made by ABP have been cross-referenced to ABP's Written Representations and previous submissions made by ABP for earlier deadlines.

The ExA should note that this response also references the Applicant's '*Impact of the Scheme on the Port of Lowestoft Report*' (Document Reference SCC/LLTC/EX/59) ("Impact Report"). ABP submitted representations on the Impact Report for Deadline 5. ABP considers the Impact Report to be a large extent incorrect in its assertions and misleading in content and conclusions. Although ABP has provided further comments on a later iteration of the Impact Report directly to the Applicant, ABP will be responding formally to this document at a later stage in the process.

Reference	ABP's Response
IMPACT ON FUTURE PORT ACTIVITY	
No Scheme Benefit	<ul style="list-style-type: none"> • ABP's position regarding the Scheme benefit on the Port is set out in Paragraphs 3.19 to 3.24 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). • Given the recent changes to the predicted transport benefits of the Scheme, ABP questions the Applicant's reliance on the analysis in the Economics Report. • ABP disagrees that its statement in paragraphs 15.1 of its Written Representation amounts to an implicit acknowledgement that the Scheme is beneficial to ABP. To the contrary, ABP does not believe that the scheme will have any benefit for the Port, its operations or its customers. • ABP disagrees that the Scheme is essential to the sustainable growth of the offshore energy sector at the Port, and as is demonstrated by ABP's numerous submissions,

Reference	ABP's Response
	<p>the Scheme will in fact detrimentally impact on the future development and operation of the Port. In light of ABP's previous comments, ABP finds it difficult to understand how the Applicant can still be perpetuating this totally incorrect line of justification.</p>
Bridge Lifts	<ul style="list-style-type: none"> • ABP's position regarding the future potential bridge lifts is set out in Paragraphs 3.25 to 3.27, and 3.86 to 3.88 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). • The explanation given by the Harbour Master at the ISH supports ABP's view that the frequency, rather than the length, of bridge lifts is likely to increase to accommodate increased marine traffic movements at the Port. • The Applicant asserts that "<i>shorter duration bridge lifts could take longer as more CTV vessels transited on a single lift</i>". For the reasons previously explained, ABP remains of the view that 'shorter duration bridge lifts' would not, on average, take longer. • The Applicant's assumption does not appear to take into consideration the additional Scheme bridge lifts that may consequently be required for vessels requiring a transit to the west of the Scheme bridge, that cannot pass the under the Scheme bridge without a bridge lift.
Future Prospects - General	<ul style="list-style-type: none"> • ABP's position regarding future activity at the Port is set out in: <ul style="list-style-type: none"> ○ Paragraphs 3.29 to 3.53 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). ○ Offshore Wind Opportunities in the Port of Lowestoft ("BVG Report") (REP5-027) ○ Assessment of Trends in the European CTV Market, 4C Offshore Limited, submitted by ABP at Deadline 8 • The BVG analysis applied the following assumptions: <ul style="list-style-type: none"> ○ ABP would not win all potential Round 3 or Round 4 wind farm opportunities. For example, it is assumed that the operations base for Norfolk Boreas and Norfolk Vanguard will be located at Great Yarmouth, and consequently, Lowestoft may only win a modest amount of Vattenfall related supply-chain work. ○ ABP would only win approximately 44% of the Round 3 and 66% of Round 4 wind farm opportunities, when calculated by wind farm capacity. ○ Not all wind farms will adopt a CTV operating model. ○ Of the wind farms that were assumed to use CTVs, the analysis for future wind farms assumed that operators would favour the locations where they have existing operations. For example, for any extension or repowering for Galloper, it was assumed that the operator would continue to use Harwich. ○ For wind farms that are assumed to use CTVs from Lowestoft, in all but one case Lowestoft is the nearest port. The only exception is Greater Gabbard, which uses Lowestoft currently and is likely to continue to do so if the wind farm is repowered in order to maximise the continuity of its workforce. • The sites of future Round 4 wind farms are currently uncertain, however, industry expectation is that those wind farms will most likely be a co-location or expansion of existing developments, rather than completely fresh developments. The BVG analysis makes a pragmatic assessment of the proportion of these wind farms that will use Lowestoft.

Reference	ABP's Response
	<ul style="list-style-type: none"> • BVG Associates has reviewed the Applicant's response in bullet point 4 and the Table on page 7, which concludes that demand at Lowestoft would peak at 36 vessels, but cannot follow the Applicant's logic or work out how the Applicant reached this conclusion. ABP requests further information in this regard. • Some offshore wind farms have been refused consent on the basis of bird population and visual impacts. There is no evidence, however, to suggest that either of these issues will be significant factor for proposed East Anglia wind farms. • The recently published offshore sector deal indicates a strong political demand. The developers of East Anglia wind farms have also shown considerable commitment to offshore wind. As such, there are solid rational arguments for the optimism undertaken in the BVG analysis. • BVG's assumptions regarding the impact of the Scheme on potential future growth of the Port is based on the well informed views of the industry. Other sites are likely to have their own drawbacks, advantages and disadvantages. • BVG Associates are industry leading consultants. They have undertaken their assessment on a conservative and reasonable basis. Conversely, it is unclear as to the relevant expertise upon which the Applicant are formulating their opinions. ABP queries whether the Applicant has actually obtained any relevant expert evidence in this regard? If, as seems the case, the Applicant is simply responding without any factual basis but simply with a view to promoting its case, ABP cannot see on what basis the BVG Report cannot be accepted.
<p>Air Draft – Figure to be assumed</p>	<ul style="list-style-type: none"> • ABP's position regarding the air draft clearance to be adopted under the Scheme Bridge is set out in Paragraphs 3.54 to 3.65 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). • The Applicant's assessment is based on a very brief snapshot in time – 1 day of Port operations – which it considers to be more relevant than ABP's long-term experience of Port operations. • ABP also notes that its assessments of vessels requiring a bridge opening is based on actual tidal data over 54 years, whereas the Applicant has applied predicted tidal values. This will consequently result in differences between the data and assessments produced by the two parties, as tidal ranges are affected by unpredictable aspects such as weather systems, pressure, wind and tide surges, and this consequently impacts on predicted tidal values. • Current widely accepted scientific predictions indicate there will be an increase in Mean Sea Levels as the century progresses. As a result of this change in sea levels, all tidal values will progressively increase – i.e. both high and low tide predicted levels will have increased values. The Applicant has failed to take into account the impact of climate change in its assessment of the Scheme. • The PIANC guidance sets the industry standard and has to be the starting point for any risk assessment with the assessment, and then modified to take into account local circumstances as the process develops. ABP has modified the guidance contained in PIANC, by reducing the recommended 2m air draft to 1m, which evidences ABP has considered the issue. Although the Applicant has implied that PIANC is not relevant, ABP considers it is wholly appropriate and applicable to the Scheme due to the vessels involved. ABP is also not aware of any other relevant industry guidance and

Reference	ABP's Response
	<p>notes that the Applicant has failed to identify any alternative guidance.</p>
<p>Air Draft – Current and Future Trends</p>	<ul style="list-style-type: none"> • ABP's position regarding the air draft current and future trends is set out in: <ul style="list-style-type: none"> ○ Paragraphs 3.66 to 3.71 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ Overview of CTV Characteristics Report ("CTV Report") (REP5-028) ○ Assessment of Trends in the European CTV Market, 4C Offshore Limited, submitted by ABP at Deadline 8 • As discussed above, climate change will detrimentally impact air draft clearance over the life of the Scheme; however the Applicant has failed to assessment or mitigate this impact. ABP is basing its arguments on the premise that the Scheme has not yet been consented, and all relevant impacts over the life of the Scheme must be assessment and mitigated by the Applicant. Whereas, the Applicant is presuming the Scheme will be consented without mitigation, given that the impacts of climate change "<i>will occur so far into the future</i>" - this is not an acceptable position. • The Applicant appears to be relying on an air draft heights taken from standard specification vessel data, however, this information may not reflect the installation of equipment such as whip aerials and communications equipment. As an example, the Damen FCS air draft has been reported to ABP, by the vessel owner, as 14 metres (i.e. the Rix Lion), not "<i>less than 11.5m</i>", as is asserted by the Applicant. Consequently, the Applicant's implication that the vast majority of CTV's (i.e. approx. 70%) currently using the Port would be able to pass under the Scheme bridge is incorrect. This also evidences the impact that aerials and communications installations (which cannot be readily removed) can have on vessels' air drafts. • The ExA should formally note that it is not always the case (particularly for smaller commercial vessels) that Ship Masters know their vessel's air draft (unlike vessel draft and beam measurements). The actual height of the vessel is of little consequence, because Ports do not generally have bridges across them. The Applicant's argument is specious and is not based on any practical knowledge or experience. • In this context, ABP would note that at the hearing session, counsel for the Applicant suggested that once the LLTC crossing is in place, operators will simply commission new vessels that can fit under the bridge. ABP considers this to be a quite extraordinary and misleading statement and evidences the lack of understanding prevalent within the Applicant team as to port operations and the requirements of vessel owners and operators. • It should also be noted that the Applicant has not offered any mitigation measure that calculates in real time the air draft of a vessels as it approaches the LLTC crossing (whether from the east or west). Thus, as currently formulated, there is no system proposed that would assess a vessel's actual air draft in relation to the air draft restriction that would be imposed by the LLTC with the bascule leaf in a 'down' position. The bridge operator will be entirely reliant on the accuracy of the assessment by the Ship's Master of the vessel's air draft and would have to assess – in real time – whether a particular ship will be able to pass under the proposed LLTC at that particular state of the tide. This would place a very onerous responsibility on individual bridge operators to dynamically assess each vessel's ability to pass the LLTC without a bridge lift. ABP strongly suggests that, with the best will in the world; increased risk of a bridge strike will exist, absent a form of "magic eye" to measure available

Reference	ABP's Response
	<p>headroom relative to tide levels in Lake Lothing.</p> <ul style="list-style-type: none"> • ABP disagrees with the Applicant's assertion that "<i>the height restriction of the Scheme would be taken into consideration by operators when selecting vessels for operations</i>". In general, offshore wind farm operators do not own their own vessels; they charter these from vessel owners. As such, their vessel fleet is governed by a variety of factors including the available vessels, hire rates, sea-keeping capability in expected wave conditions, carrying capacity and fuel usage. Air draft consideration would be an additional factor which could complicate the choice of vessel and lead the market to become distorted if owners can see an advantage in lower height vessels at a particular offshore wind farm. It is also the case that offshore wind farm operations are normally undertaken using the operators existing fleet of vessels, which means that the operators do not have the flexibility to simply change vessels to suit the air draft of the Scheme, as is assumed by the Applicant. • The reality is that operators will use the presence of the Scheme as a negative factor in their suitability scoring before considering whether to base themselves at the Port.
CTV – Impact of Bridge	<ul style="list-style-type: none"> • ABP's position regarding the impact of the Scheme on CTVs is set out in: <ul style="list-style-type: none"> ○ Paragraphs 3.72 to 3.76 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ BVG Report (REP5-027) ○ CTV Report (REP5-028) • Planned closures of the existing Bascule Bridge do not necessarily reflect its unreliability, as those closures are undertaken for routine maintenance to support reliability. The Applicant has failed to identify the number of incidences between the planned and unplanned closures, and as such, the statement is misleading. • The Applicant puts forward contradictory arguments, by stating that the operating regime of the existing Bascule Bridge is a deterrent to business, whereas the Scheme of Operation for the Scheme Bridge will not be a deterrent, as it will be widely available and taken into account by vessels. The line being taken by the Applicant underlines ABP's concerns that the Applicant really does not understand how the Port operates. • At the bottom of page 7, the Applicant has attempted to calculate the transit time to windfarms from Lowestoft, Great Yarmouth and Harwich, by relying on a number of key inputs. In respect of Great Yarmouth, the Applicant has assumed the internal travel time from berth4/5 is 6 minutes. ABP understands that Great Yarmouth does not yet have any designated CTV berths within 6 mins of the port entrance, as such, it appears the Applicant's calculations and consequential assessment is incorrect.
Future Growth Scenario	<ul style="list-style-type: none"> • ABP's position regarding the future growth scenario is set out in: <ul style="list-style-type: none"> ○ Paragraphs 3.72 to 3.76 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ BVG Report (REP5-027) ○ Economic Study, Edge Economics, Annex 4A to ABP's Written Representations ("Edge Economics Report") (REP3-024) ○ Berth Utilisation Assessment – Years 2015 to 2017, ABPmer (REP5-026) • As part of its DL8 submissions, ABP has also provided a post-hearing note on the

Reference	ABP's Response
	<p>justification of the future growth scenarios set out in the BVG Report and the Berth Utilisation Assessment.</p> <ul style="list-style-type: none"> • When discussing the impact of the Scheme on berth space to the west of the new bridge with customers, ABP represented the reality of the Scheme, based on the amount of information currently available regarding proposed height, cycle times, operating restrictions, etc, to those customers. • The "increase in minutes in the relevant hours", relates to the relevant hours within which CTV operations peak. As such, the extension of restriction times within those hours has an increased impact on Port operations. As part of its DL8 submissions, ABP has provided a post-hearing note regarding the impact of the proposed LLTC restrictions on the transit times between the existing Bascule Bridge and the LLTC.
VERACITY OF VESSEL SURVEY	
Vessel Survey	<ul style="list-style-type: none"> • ABP's position regarding the Vessel Survey is set out in Paragraphs 3.72 to 3.76 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). • CTV's below 100 GT still can have an air draft that will require an opening of the Scheme bridge at certain stages of the tidal cycle. • ABP has further considered the differences between the incidents of vessel transit times during restriction periods, based on the Applicant's data. Once the Applicant has made an allowance for marginal timing difference between the start and end of the restricted period, this has left an additional 3 incidents in addition to those previously identified by ABP in the extract from the Bridge Lift Record Book (REP5-029) submitted by ABP at Deadline 5. These remaining incidents have been reviewed and discussed between the parties. • Based on the survey periods used, the bridge restrictions are being observed by ABP subject to very minor discrepancies (of generally less than a minute) resulting from the visual time-keeping process used. The frequency of bridge lifts during the restricted periods is now therefore an agreed matter as between ABP and the Applicant.
Peak Hour Openings	<ul style="list-style-type: none"> • ABP's position regarding the peak hour openings is set out in: <ul style="list-style-type: none"> ○ Paragraphs 14.18 to 14.20 of ABP's Written Representations (REP3-024) ○ Paragraphs 3.72 to 3.76 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) • The Applicant states that "<i>Bascule Bridge lifts on average once every 5 weekdays in the AM Peak and once every 3 weekdays in the PM peak.</i>" ABP questions the veracity of this statement, particularly as the Vessel Survey figures have been adjusted to take into consideration minimum differences in timings. As such, ABP considers this statement is no longer accurate.
OPERATION OF THE EXISTING BASCULE BRIDGE	
<ul style="list-style-type: none"> • ABP's position regarding the operation of the existing bascule bridge is set out in: <ul style="list-style-type: none"> ○ Section 4 of ABP's Written Representations (REP3-024) ○ Sections 4 and 5 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ Paragraphs 1.7 and 1.8 of Summary of Oral Submissions made by ABP at the examination hearing 	

Reference	ABP's Response
	<p>held on Thursday 7 March 2019 (REP7-006)</p> <ul style="list-style-type: none"> • ABP disagrees with the Applicant's statement in the second bullet point. ABP currently only opens the existing bascule bridge during the restricted period for specific reasons. ABP understands this is now agreed by the Applicant and a revised SoCG will be submitted by the parties in this respect. • Patterns of trade have changed and vessel sizes have increased, so the tidal window has become a greater factor in the operation of the existing bascule bridge.
JUSTIFICATION OF SCHEME OF OPERATION	
	<ul style="list-style-type: none"> • ABP's position regarding the justification of the scheme is set out in Appendix 6 to ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). • The Applicant considers that vessels would ensure they transited the bascule bridge with sufficient time to enable to Scheme bridge transit. This demonstrates an absence of understanding and knowledge of how shipping movements can be affected by external factors, such as tide and weather. Timings of vessel movements cannot always be scheduled 'to the minute', so the likelihood of getting caught by the extended restriction time cannot be ruled out.
NAVIGATIONAL RISK	
Approval of NRA	<ul style="list-style-type: none"> • ABP's position regarding the NRA is set out in: <ul style="list-style-type: none"> ○ Section 12 of ABP's Written Representations (REP3-024) ○ Paragraphs 7.4 to 7.6 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) • ABP remains of the view that the amendments suggested by the Applicant in the draft DCO regarding the NRA are insufficient and do not give ABP, as SHA, the critical assurance that it statutorily requires.
Veracity of Vessel Simulation Report	<ul style="list-style-type: none"> • ABP's position regarding the veracity of the vessel simulation is set out in: <ul style="list-style-type: none"> ○ Section 13 of ABP's Written Representations (REP3-024) ○ Paragraphs 7.7 to 7.9 and 7.18 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) • The Applicant considers that the raised A47 bascule bridge leaves present a similar sheltered height as the fullest extent of the Scheme bridge piers. This view, however, does not take into account additional sheltering provided by quay structures and buildings in the vicinity of the A47 bascule bridge. In addition, the Scheme bridge is in a more exposed position, with a significantly larger (taller, wider) single leaf where effects of wind shear and wind sheltering are likely to be greater – but which, as the ExA are aware, have not been assessed.
MarNIS Software	<ul style="list-style-type: none"> • ABP's position regarding the MarNIS software is set out in Paragraphs 7.10 to 7.17 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). • The MarNIS system will cover both operational and construction phases of the Scheme, but in the marine world the mitigation measures will be drawn from the same suite, it is the number and type of mitigations that may vary for each phase.
Emergency Berth	<ul style="list-style-type: none"> • ABP's position regarding the Emergency Berth is set out in:

Reference	ABP's Response
	<ul style="list-style-type: none"> ○ Section 18 of ABP's Written Representations (REP3-024) ○ Paragraph 12 (ExA Question 2.36) of ABP's comments on the Applicant's Answers to the Examining Authority's First Written Questions (REP4-032) ○ Paragraphs 7.19 to 7.26 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ● The assessment of unavailability of the Scheme bridge amounting to approximately 8 hours per year is based on failure of the mechanical system. There are, however, numerous other reasons why the bridge would be unavailable apart from mechanical failure, which this assessment has not considered. For example, incidents on the bridge such as RTA's, vehicle breakdowns and distressed persons which would prevent openings would all be unplanned. ● The Applicant considers that the proportion of unavailability of the Scheme bridge will be planned and can be mitigated for in navigational terms. ABP disagrees, as the majority of reasons for the bridge not being available are not planned and consequently, cannot be mitigated against. ● The Applicant's comments identify a lack of understanding of NAABSA (i.e. Not Always Afloat But Safely Aground) berths. ● ABP's position with regard to the emergency berth remains as previously stated, If the Applicant is not prepared to make proper provision for such a berth within the Inner Harbour it will be responsible for the introduction of serious risks to shipping and personnel – risks that cannot be accepted by ABP.
PORT SECURITY	
	<ul style="list-style-type: none"> ● ABP's position regarding Port Security is set out in: <ul style="list-style-type: none"> ○ Section 19 of ABP's Written Representations (REP3-024) ○ Paragraphs 8.1 and 8.2 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). ● The reduction in ABP's ability to accommodate ISPS vessels removes the Port's operational flexibility and is consequently detrimental. ● ABP is unable to legally share its Port Facility Security Plan with the Applicant, but has tried to assist the Applicant with its understanding of these matters as far as reasonably practicable. ● Aspects of the Port Security Review may be classed 'official' or 'official restricted', and ABP may be unable to legally share this information with the Applicant. As such, the review mechanism proposed by the Applicant in the draft Side Agreement is under consideration. ● The DfT attended a site inspection in the vicinity of the proposed Scheme crossing on 22/08/18. This visit helped inform the ABP Security Paper, which was submitted to the DfT for comments/approval on the 30/11/18 (prior to submission to the Inspectorate). The reply received from the DfT was that they were content with the proposed submission. All correspondence was via secure email on the Egress system. A copy of the DfT response is available if required.
CHARACTERISATION OF SERIOUS DETRIMENT TEST	
Basis of Test	<ul style="list-style-type: none"> ● ABP's position regarding the serious detriment test has been set out in numerous submissions, including: <ul style="list-style-type: none"> ○ Sections 8 and 9 of ABP's Written Representations (REP3-024)

Reference	ABP's Response
	<ul style="list-style-type: none"> ○ ABP's response to Issue Number LD2 in ABP's Comments on the Applicant's Response to ABP's Relevant Representations (REP4-029) ○ Paragraphs 2.1 to 2.7, 2.14 to 2.20 and 12.5 to 12.6 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ ABP's Summary of Oral Submissions made at the Adjourned Compulsory Acquisition Hearing 2 (REP7-007) ○ Supplementary Note on the Serious Detriment test, Annex 3 to ABP's Summary of Oral Submissions made at the Adjourned Compulsory Acquisition Hearing 2 (REP7-007)
Relationship with existing Bascule Bridge	<ul style="list-style-type: none"> ● ABP's position regarding the relationship between the existing bascule bridge and Scheme bridge is set out in: <ul style="list-style-type: none"> ○ ABP's Response to ExA Questions 2.24 in ABP's Comments on the Applicant's Response to ExA's First Written Questions (REP4-032) ○ Paragraphs 2.8 to 2.13 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ● ABP has provided additional information regarding the: <ul style="list-style-type: none"> ○ Poole and Hungerford Bridges in Annex 2 to ABP's Comments on the Applicant's Response to ExA's First Written Questions (REP4-032), which confirms that these are not relevant precedents in respect of the Scheme at Lowestoft. ○ Newport precedent at Annex 4 to ABP's Summary of Oral Submissions made at the Adjourned Compulsory Acquisition Hearing 2 (REP7-007).
Relationship with ABP's PD Rights	<ul style="list-style-type: none"> ● ABP's position regarding the impact of the Scheme on ABP's PD rights is set out in: <ul style="list-style-type: none"> ○ Paragraphs 2.21 to 2.27 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ Summary of Oral Submissions made by ABP at the examination hearing held on Friday 8 March 2019 (REP7-007)
JUSTIFICATION FOR AND EFFECTS ARISING FROM CPO AND TEMPORARY POSSESSION POWERS	
Construction Compound (Plot 2-22)	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraphs 9.10 to 9.13 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ Paragraphs 13 and 14 of the Post Inquiry Note in Respect of CA Matters (REP5-024) ● Grain vessels can arrive with as little as twelve hours' notice. The arrival of HGVs can be independent of this timing and is not under the control of the Harbour Master. The timing of HGV arrivals cannot be predicted with any degree of accuracy, given that they are generally travelling from farms or storage facilities throughout the region to the Port.
Commercial Road	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraphs 16 to 21 of the Post Inquiry Note in Respect of CA Matters (REP5-

Reference	ABP's Response
	<p>024)</p> <ul style="list-style-type: none"> ○ Paragraphs 9.3 to 9.5 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ● It is unclear why the construction methodology is prioritising the impact of the duration of possession on Network Rail, rather than ABP.
Mobile Crane	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraphs 9.6 to 9.9 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023)
Shed 3 (Plot 2-23)	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraphs 9.14 to 9.16 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023)
Temporary Possession of Lake Lothing	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraph 15 of the Post Inquiry Note in Respect of CA Matters (REP5-024) ○ Paragraphs 9.17 to 9.19 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ● The scale of cranes, temporary supports and temporary jetty the Applicant anticipates is required to support the construction of the Scheme will make port operations difficult to plan. It is imperative that suitable compensation is agreed for any losses associated with interruption to Port operations. ● It is unclear why Plots 3-01 and 3-10 are materially different in size; however this suggests that the Applicant has not sufficiently assessed their temporary possession space requirements required for the construction of the Scheme.
Acquisition of Plots 2-23, 3-04 and 3-05	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraphs 9 and 26 of the Post Inquiry Note in Respect of CA Matters (REP5-024)
Airspace Plots	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Post Inquiry Note in Respect of CA Matters (REP5-024)
Maintenance (Plots 2-21 and 2-34)	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraph 17 of the Post Inquiry Note in Respect of CA Matters (REP5-024)
Mooring (Plot 3-52)	<ul style="list-style-type: none"> ● ABP's position regarding the proposed construction compound is set out in: <ul style="list-style-type: none"> ○ Paragraph 17 of the Post Inquiry Note in Respect of CA Matters (REP5-024) ● ABP agree to the provision of the mooring pontoon for recreational vessels and support the position proposed. Relevantly, however, ABP consider that it will be unsuitable for all but the smallest of commercial vessels - hence the need for the emergency berth.
Alternative Western	<ul style="list-style-type: none"> ● ABP's position regarding the Western Crossing is set out in: <ul style="list-style-type: none"> ○ Post Inquiry Note in Respect of CA Matters (REP5-024)

Reference	ABP's Response
Crossing	<ul style="list-style-type: none"> ○ Response to Technical Report – review of Central and Western Bridge Options (REP5-032)
EFFECT ON BERTHING	
Plots 3-03, 3-36 and 3-55	<ul style="list-style-type: none"> ● ABP's position regarding Plots 3-03, 3-36 and 3-55 is set out in: <ul style="list-style-type: none"> ○ Section 10 of ABP's Written Representations (REP3-024) ○ Paragraphs 6.1 to 6.6 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). ○ Paragraph 17 of ABP's Post Inquiry Note in respect of Compulsory Acquisition matters (REP5-024) ● The Applicant asserts that ABP has taken a worst case approach when assuming the 'rights strip' is at a complete loss to its statutory undertaking. It is the case that the Applicant may well decide in the future that ABP cannot utilise any of this land for port operations, as it may be required as a buffer to protect the bridge – which would be permitted by the statutory powers sought by the Applicant. Consequently, as the Applicant has a permanent right of acquisition over all of this land, ABP has no choice but to undertake a 'worst case' assessment of the potential impact of the powers that the Applicant is seeking to obtain, in order to protect its statutory undertaking. ABP also notes that the Applicant has frequently stated they have taken the worst case approach in their assessments. Therefore, it is unclear why the Applicant considers this is an unsuitable approach for ABP to take.
Mooring Lines	<ul style="list-style-type: none"> ● ABP's position regarding mooring lines is set out in: <ul style="list-style-type: none"> ○ Paragraphs 6.10 to 6.15 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023). ○ Annex 5, Vessel Mooring Systems in Tidal Ports, ABPmer Mooring Analysis (REP5-030) ○ Summary of Oral Submissions made by ABP at the examination hearing on 1 April 2019 ○ Plans identifying future berthing scenarios, submitted by ABP at Deadline 8
Berth No. 4E	<ul style="list-style-type: none"> ● ABP's position regarding Berth 4E is set out in: <ul style="list-style-type: none"> ○ Section 10, Table 2 of ABP's Written Representations (REP3-024) ○ Paragraphs 6.16 to 6.22, and 6.28 to 6.29 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ Summary of Oral Submissions made by ABP at the examination hearing on 1 April 2019 ● The alternative fence position shown in the Applicant's photo is not feasible or desirable to ABP. ● The vessel simulations undertaken by ABP show that a 100m LOA vessel is the largest vessel that can fit into the space between the bridge fenders and the knuckle (i.e. along North Quay 1 & 2). To clarify, a 100m LOA vessel will not fit on North Quay 4E.

Reference	ABP's Response
Berth Loss	<ul style="list-style-type: none"> • ABP's position regarding the berth loss is set out in: <ul style="list-style-type: none"> ○ Section 10 of ABP's Written Representations (REP3-024) ○ Current and Future Anticipated Berthing in the Inner Harbour, Annex 1 to Comments on the Applicant's Response to Relevant Representations (REP4-029) ○ Paragraphs 3.9 to 3.17, 6.23 to 6.45 of ABP's DL5 Response to the Impact of the Scheme Report (REP5-023) ○ Annex 1, Berth Utilisation Assessment, ABPmer (REP5-026) ○ BVG Report (REP5-027) ○ Summary of Oral Submissions made by ABP at the examination hearing on 1 April 2019
ENVIRONMENTAL STATEMENT METHODOLOGY	
ES Deficiencies	<ul style="list-style-type: none"> • ABP's position regarding the inadequacies of the Environmental Statement is set out in: <ul style="list-style-type: none"> ○ Section 21 of ABP's Written Representations (REP3-024) ○ Response to the Applicant's Response on Environmental Statement Matters (REP5-022)
FUNDING	
Funding	<ul style="list-style-type: none"> • ABP's position regarding the funding of the Scheme is set out in: <ul style="list-style-type: none"> ○ Section 23 of ABP's Written Representations (REP3-024) ○ ABP Post Inquiry Note on Funding (REP5-025) • ABP's position remains that it considers the LLTC Scheme to have been inadequately funded – particularly in terms of compensation that will be payable to a large number of affected parties – and has been submitted prematurely in order to meet Government funding requirements.
DCO DRAFTING	
<ul style="list-style-type: none"> • ABP's position regarding the dDCO is set out in: <ul style="list-style-type: none"> ○ Section 22 of ABP's Written Representations (REP3-024) ○ Comments on the First Revised dDCO R1 (REP4-031) ○ Summary of Oral Submissions at DCO ISH (REP5-021) ○ Supplementary Note on CPO and DCO Issues, Annex 2 to Summary of Oral Submissions at the CA hearing on Friday 8 March (REP7-007) • As the ExA will be aware, ABP has a number of continuing concerns with the draft DCO, but the principal concerns remain in relation to the: <ul style="list-style-type: none"> ○ Scheme of Operation; ○ Navigational Risk Assessment; and ○ The lack of a meaningful Indemnity. 	

Reference	ABP's Response
INDEMNITY	
<ul style="list-style-type: none">• ABP's position regarding the requirement for a comprehensive stand-alone indemnity is set out in:<ul style="list-style-type: none">○ Section 20 of ABP's Written Representations (REP3-024)○ Summary of Oral Submissions at DCO ISH (REP5-021)○ Supplementary Notice on the Port of Newport, Annex 4 to Summary of Oral Submissions at the CA hearing on Friday 8 March (REP7-007)	