

Richard Price
Case Manager
The Planning Inspectorate
National Infrastructure
Temple Quay House
Temple QUAY
Bristol
BS1 6PN

Date: 26 April 2019
Enquiries to: Jon Barnard
Tel: 0345 603 1842
Email: jon.barnard@suffolk.gov.uk

Your ref: TR010023
Our ref: SCC/LLTC/EX/114

Dear Richard,

Lake Lothing Third Crossing ('LLTC') – DCO Application – Reference TR010023

Deadline 9 Submissions (26 April 2019)

Further to the Examining Authority's ('ExA') letter of 4 February 2019 issued pursuant to Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) ('the Rule 8 Letter'), the purpose of this letter is to provide:

- an overview of Suffolk County Council's ('the Applicant' / 'SCC') submissions required by the ExA at Deadline 9 of the Examination and;
- an update in relation to the consent the Applicant is seeking from the Homes England for the inclusion of additional land in the Application, pursuant to non-material change 1; the creation of a turning head on Canning Road.

Homes England

Attached to this letter is the consent from Homes England. The Applicant awaits a Procedural Decision from the Examining Authority, but can confirm the affected documentation is complete and prepared for submission.

Deadline 9 submissions

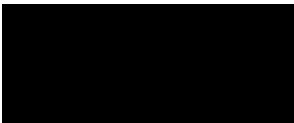
A list of the documents which the Applicant is submitting for Deadline 9 is set out in the table below, together with explanatory comments.

Document Title	Document Reference	Comments
Application Document Tracker R5	SCC/LLTC/EX/105	Submitted pursuant to the Rule 8 letter.
Comments on responses to the ExA's Second Written	SCC/LLTC/EX/106	Submitted pursuant to the Rule 8 letter.

Document Title	Document Reference	Comments
Questions and to Interested Parties' Representations Submitted at Deadline 8		
Response to ABP's issues raised in Deadline 8 Submission	SCC/LLTC/EX/107	Submitted pursuant to the Rule 8 letter.
dDCO R4 - Clean	SCC/LLTC/EX/108	Submitted pursuant to the Rule 8 letter.
dDCO R4 - Tracked	SCC/LLTC/EX/109	Submitted pursuant to the Rule 8 letter.
Explanation of changes to draft DCO	SCC/LLTC/EX/110	Submitted pursuant to the Rule 8 letter.
Compulsory Acquisition Negotiations Tracker & Objections Tracker R4 clean	SCC/LLTC/EX/111	Submitted pursuant to the Rule 8 letter.
SoCG Update Report - clean	SCC/LLTC/EX/112	Submitted pursuant to the Rule 8 letter.
SoCG Update Report - track changes	SCC/LLTC/EX/113	Submitted pursuant to the Rule 8 letter.

If you have any questions on any of these matters, please do not hesitate to contact me.

Yours sincerely



Jon Barnard
 Project Manager, Lake Lothing Third Crossing

Richard Bulger
Homes England
Arpley House
110 Birchwood Boulevard
Birchwood
Warrington
WA3 7QH

Date: 14 February 2019
Enquiries to: Jon Barnard
Tel: 0345 603 1842
Email: lakelothing3rdcrossing@suffolk.gov.uk

Ref: 1069948-NMC-CONS-20190214-2426012

URGENT

Dear Mr Bulger,

Lake Lothing Third Crossing – Application for Development Consent

Proposed Non-Material Changes to the Application

**REQUEST FOR CONSENT TO INCLUSION OF ADDITIONAL LAND IN THE
DEVELOPMENT CONSENT ORDER (NMC1)**

I write in connection with Suffolk County Council's application for development consent for the Lake Lothing Third Crossing ('the scheme') which was accepted for examination by a panel ('the Examining Authority') appointed by the Planning Inspectorate, on behalf of the Secretary of State for Housing, Communities and Local Government on 9 August 2019. As you may be aware, the examination of the application is currently underway.

At Deadline 4 of the examination on 29 January 2019, the Council will be submitting to the Examining Authority a request to make eight proposed minor or 'non-material' changes ('NMCs') to the scheme ('Proposed Changes Application'). The need for the proposed changes has arisen from: comments made by interested parties in relevant representations submitted to the Planning Inspectorate regarding the scheme; the Council's ongoing negotiations with persons affected by the scheme; and the Council's ongoing work in connection with the development of the design of the scheme.

The Proposed Changes Application will include full details of the changes which are proposed to be made to the scheme. I will write to you again shortly to explain how you can view and comment on the Proposed Changes Application. A plan showing the location and nature of each of the proposed changes (NMCs numbered 1 to 8) is appended to this letter.

I am writing to you now because one of the proposed changes – the addition of a turning head at the eastern end of Canning Road ('NMC1' as shown on the plan appended to this letter) – requires the additional permanent acquisition of a small area of land.

For the reasons set out below, the Council seeks your consent to this proposal.

The land in question is already included in the Order limits for the scheme, where it forms part of plot 3-45, which is currently proposed to be subject to new rights created and acquired through the development consent order ('DCO') for the purposes of constructing, protecting and maintaining the scheme and providing for the diversion, protection and maintenance of statutory undertakers' apparatus.

Plot 3-45 is shown shaded blue in the 'before' excerpt (below) from the Land Plans (document reference APP-016 – APP-021) comprised in the Council's DCO application.

To provide the turning head on Canning Road (requested in relevant representations submitted by interested parties), the Council would need to acquire approximately 28 square metres of land currently forming part of plot 3-45 ('the additional land').

This could be achieved through the extension of plot 3-44, which is proposed to be subject to powers of compulsory acquisition, and which is shown shaded pink in the below 'before' excerpt from the Land Plans. The 'after' excerpt below shows the proposed increase in plot 3-44 (and the corresponding reduction in the area of plot 3-45) which would be required to secure the additional land needed for the delivery of the new turning head on Canning Road (NMC1).

BEFORE



AFTER



The land in plots 3-44 and 3-45 is currently within the curtilage of the Registrar's Office and is in the freehold ownership of Waveney District Council ('WDC') registered at HM Land Registry under title number SK260637 (attached for reference).

From diligent inquiry carried out to inform the Book of Reference (document reference APP-009) comprised in the Council's DCO application, the Council understands that Homes England also has a minor interest in the land in title number SK260637. This is because the Proprietorship Register of title number SK260637 includes (at reference B2) a restriction which states that:

"No disposition within 21 years of 14 January 2005 of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by East of England Development Agency..."

In addition, under the Charges register (at reference C3), there are restrictive covenants made between East of England Development Agency (vendor) and the purchaser at the time. It is assumed that these restrictive covenants also apply to successors in title i.e. WDC.

As you will be aware, the government abolished Regional Development Agencies (RDAs) in March 2012 and all rights to land were transferred to the Homes and Communities Agency (now Homes England). Therefore, the restrictions and restrictive covenants outlined above now fall under the remit of Homes England and it is in connection with this that I am writing to you now.

Requirement for consent to the inclusion of additional land in the DCO application

The Council is required to obtain the written consent of all relevant affected persons to the inclusion of the additional land in the DCO application. As Homes England is understood to have an interest (as explained above) in the additional land, the Council now seeks its consent to the increase in the area of plot 3-44 as outlined above.

If Homes England is minded to consent to the inclusion of the additional land as described in this letter it would be helpful if you could **provide me with confirmation of that consent, on behalf of Homes England, as soon as possible please.**

You can do this by signing and returning the enclosed copy of this letter to me (either in hard copy or as a scanned copy by email) no later than **11:59pm on Monday 4 March 2019**, to enable me to report to the Examining Authority at the close of the Council's non-statutory consultation on the proposed changes to the DCO application.

In addition, if possible please it would be helpful if you could send a scanned copy of this signed letter by email to heidi.slater@pinsentmasons.com.

As always, if you have any general questions or comments relating to the scheme, you can contact the Council by email at lakelothing3rdcrossing@suffolk.gov.uk or by telephone on 0345 603 1842 (open Mon-Fri 8:30am-6:00pm).

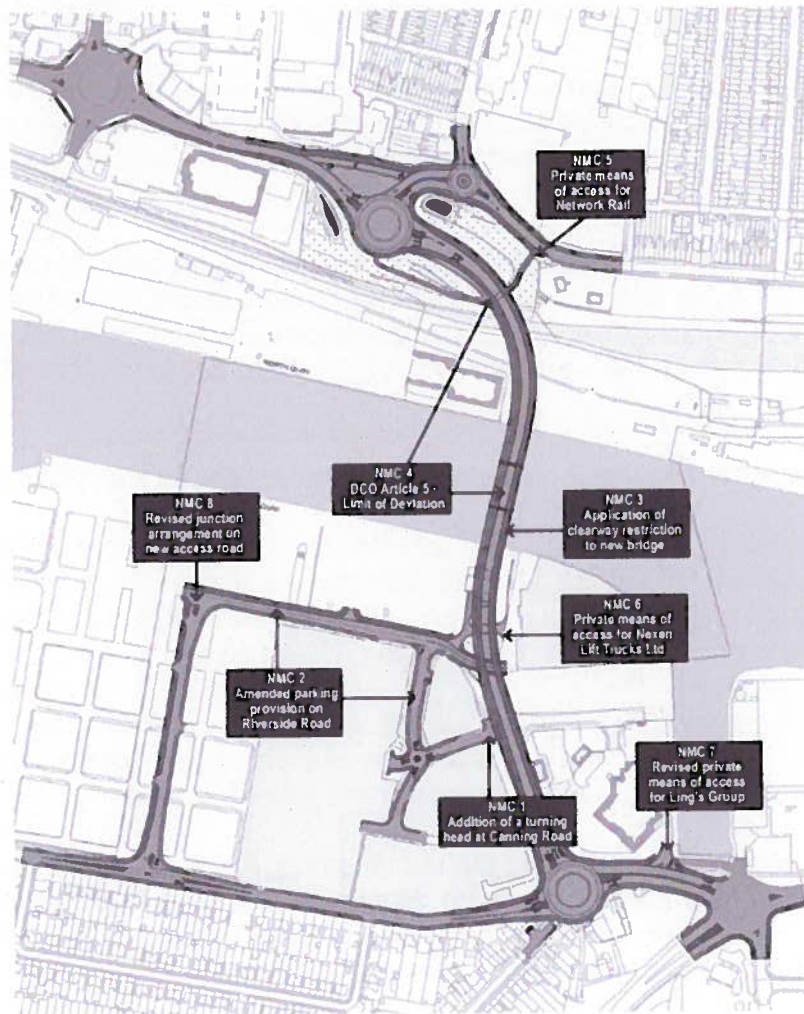
Yours faithfully,



Jon Barnard
Project Manager, Lake Lothing Third Crossing

Enc. Copy of title number SK260637

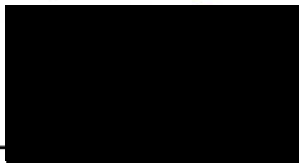
Plan showing the location and nature of each of the eight proposed non-material changes



Consent to inclusion in the DCO application of additional land required for NMC1

Affected Person: Homes England

**Signed on behalf of and
authorised by the Affected Person:**



Christine Wilson
Deputy General Counsel &
Head of Legal Land Team

Date: 12/4/2019