
The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187: Statements of Common Ground Report - Clean

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

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Acronyms

ABP	Associated British Ports
BA	Broads Authority
DBA	Desk Based Assessment
DfT	Department for Transport
DCO	Development Consent Order
DML	Deemed Marine Licence
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
FRA	Flood Risk Assessment
GI	Ground Investigations
HAWRAT	Highways Agency Water Risk Assessment Tool
HE	Historic England
HRA	Habitat Regulations Assessment
MMO	Marine Management Organisation
NE	Natural England
NMU	Non-Motorised User
OBC	Outline Business Case
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
SCC	Suffolk County Council
SoCG	Statement of Common Ground
WFD	Water Framework Directive
SRN	Strategic Road Network
TA	Transport Assessment
WDC	Waveney District Council
WSI	Written Scheme of Investigation

1 Introduction

1.1 Purpose of this document

- 1.1.1 This report, and the appended Statements of Common Ground ("SoCG"), have been prepared in relation to the application by Suffolk County Council ("SCC") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new bridge over Lake Lothing in Lowestoft, Suffolk ("the Scheme"). This report provides an overview of the Scheme and identifies those stakeholders where a SoCG has been prepared. The individual SoCGs are appended thereafter.
- 1.1.2 The application was submitted on 13 July 2018 and accepted on 9 August 2018 by the Planning Inspectorate on behalf of the Secretary of State.
- 1.1.3 The aim of this report and appended SoCGs is to provide a clear record of engagement between the stakeholders, identified in Table 1-1, including the issues discussed between the stakeholders and the current status of those discussions, being Matters Agreed, Matters under Discussion, and Matters not yet Agreed.
- 1.1.4 Further updates of this report and appended SoCGs will be submitted in accordance with the Examination Timetable as the Examination progresses, and the Applicant will continue to seek to reach an agreement with stakeholders (those identified in section 1.2).
- 1.1.5 Guidance about the purpose and possible content of SoCGs is given in paragraphs 58-65 of the Department for Communities and Local Government's 'Planning Act 2008: Guidance for the examination of applications for development consent' (March 2015). Paragraph 58 states:
- 'A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters in which they agree. As well as identifying matters which are not in real dispute, it may also be useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those, matters are dealt with in the written representations or other documentary evidence.'*
- 1.1.6 This guidance has been taken into account in the preparation and development of the SoCGs.

1.2 Stakeholders to the Appended Statements of Common Ground

1.2.1 The stakeholders are listed below in the order in which the documents are appended to this report.

Table 1-1 – Stakeholders included in the Statements of Common Ground

Document Reference	Stakeholder	Relevance
SoCG001	Associated British Ports (ABP)	ABP is the Statutory Harbour Authority (“SHA”) for the Port of Lowestoft. As SHA it has a variety of duties relating to the operation and maintenance of the port and the control and direction of vessels therein.
SoCG002	Broads Authority	The Broads Authority is the local planning, harbour and navigation authority for the protected area of Norfolk and Suffolk Boards.
SoCG003	Environment Agency	The Environment Agency is a public body sponsored by DEFRA with responsibility to protect the environment.
SoCG004	Highways England	Highways England is the government company in charge of the operation, maintenance and improving England’s Strategic Road Network (SRN). The A47 in Lowestoft is part of the SRN.
SoCG005	Historic England	Historic England is a public body with responsibility to protect the historic environment.
SoCG006	Marine Management Organisation (MMO)	The Marine Management Organisation (MMO) is a public body with responsibility to license, regulate and plan marine activities in the seas around England.
SoCG007	Natural England	Natural England acts as the Government’s adviser for the natural environment in England.
SoCG008	Suffolk County Council (SCC) and East Suffolk (ESC)	The County and District planning authorities. SCC is the local highway authority, minerals and waste planning authority and the lead local flood authority. East Suffolk is the coast protection authority.

1.3 Structure of the Appended Statements of Common Ground

1.3.1 The structure of each of the appended Statements of Common Ground is generally as follows:

- Section 1 – Introduction
- Section 2 – Consultation to date
- Section 3 – Summary of topics covered by the SoCG
- Section 4 – List of matters agreed
- Section 5 – List of matters under discussion
- Section 6 – List of matters not agreed

1.3.2 Throughout each of the appended SoCG:

- Where a Table or column is entitled 'Matters Agreed', this signifies matters that have been stated as agreed by Suffolk County Council and the stakeholder.
- Where a Table or column is entitled 'Matters under Discussion', this signifies matters still under discussion.
- Where a Table or column is entitled 'Matters not Agreed', this specifies that both parties are confident that no agreement can be reached.

1.4 Summary of the Scheme

1.4.1 The Scheme involves the construction, operation and maintenance of a new bascule bridge highway crossing linking the areas north and south of Lake Lothing in Lowestoft, hereafter referred to as the Lake Lothing Third Crossing ("the Scheme").

1.4.2 The Scheme would provide a new single-carriageway road crossing of Lake Lothing, consisting of a multi-span bridge with associated approach roads, and would comprise:

- an opening bascule bridge over the Port of Lowestoft, in Lake Lothing;
- on the north side of Lake Lothing, a bridge over Network Rail's East Suffolk Line, and a reinforced earth embankment joining that bridge, via a new roundabout junction, to the C970 Peto Way, between Rotterdam Road and Barnards Way; and
- on the south side of Lake Lothing, a bridge over the northern end of Riverside Road including the existing access to commercial property (Nexen Lift Trucks) and a reinforced earth embankment (following the alignment of Riverside Road) joining this bridge to a new roundabout junction with the B1531 Waveney Drive.

1.4.3 The Scheme would be approximately 1 kilometre long and would be able to accommodate all types of vehicular traffic as well as non-motorised users ("NMUs"), such as cyclists and pedestrians.

1.4.4 The opening bascule bridge design would allow large vessels to continue to use the Port of Lowestoft. A new control tower building would be located immediately to the south of Lake Lothing, on the west side of the new highway crossing, to facilitate the operation of the opening section of the new bascule bridge.

1.4.5 The Scheme would also entail:

- the following changes to the existing highway network:
 - the closure of Durban Road to vehicular traffic at its junction with Waveney Drive
 - the closure of Canning Road at its junction with Riverside Road, and the construction of a replacement road between Riverside Road and Canning Road to the west of the Registry Office; and
 - a new Access Road from Waveney Drive west of Riverside Road, to provide access to property at Riverside Business Park;
 - improvements to Kimberley Road at its junction with Kirkley Run; and
 - part-signalisation of the junction of the B1531 Victoria Road / B1531 Waveney Drive with Kirkley Run;
- the provision of a pontoon for use by recreational vessels, located to the east of the new highway crossing, within the Inner Harbour of Lake Lothing; and
- works to facilitate the construction, operation and maintenance of the Scheme, including the installation of road drainage systems; landscaping and lighting; accommodation works for accesses to premises; the diversion and installation of utility services; and temporary construction sites and access routes.

1.4.6 The works required for the delivery of the Scheme are set out in Schedule 1 to the draft DCO (document reference SCC/LLTC/EX/189), where they are referred to as "the authorised development", with their key component parts being allocated reference numbers, which correspond to the layout of the numbered works as shown on the Works Plans (document reference APP-023, REP10-019 & REP10-020). The General Arrangement Plans (document references REP10-013 to REP10-015) illustrate the key features of the Scheme.

2 Principal Issues Covered by the Statements of Common Ground

2.1 Principal Issues Covered

2.1.1 The table below identifies the key and recurring principal issues only and is not a comprehensive list. Similar issues have been grouped for simplicity.

Table 2-1 – Principal Issues Covered in the Statements of Common Ground

Document reference	Stakeholder	DML & DCO	Scheme Design	Scheme Operation	A47 Bascule Bridge	Design Guidance Manual	Assessment Methodology	Environmental Statement	Habitats Regulation Assessment	Disposal at sea	Survey Information	Bathymetric Survey	Navigation & Port Operations	Synergistic Effects	Air Quality	Noise and Vibration	Biodiversity	Cultural Heritage / Archaeology	WSI	Landscape / Visual Impact	Flood Risk Assessment /Modelling	Sediment Transport Model	Water Framework Directive	Water Environment	Surface Water Drainage	Groundwater & Contamination	Non-Motorised Users	Non Material Changes	Transport/Highways (including Transport Assessment)	Regeneration	Code of Construction Practice
SoCG001	ABP	✓		✓							✓		✓																		
SoCG002	Broads Authority	✓		✓							✓						✓			✓							✓				
SoCG003	Environment Agency	✓															✓				✓	✓	✓	✓		✓					✓
SoCG004	Highways England	✓		✓	✓																							✓			
SoCG005	Historic England	✓					✓	✓										✓	✓												
SoCG006	MMO	✓					✓	✓	✓	✓	✓	✓		✓			✓		✓												✓
SoCG007	Natural England						✓		✓						✓	✓	✓														
SoCG008	SCC/WDC	✓	✓			✓									✓	✓	✓	✓	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓

Key	
	Matter Agreed
	Matter Under Discussion
	Some matters related to this issue agreed, some under discussion, and some not agreed. (Please refer to SoCG001 for further details)

3 Current Status of the Statements of Common Ground

3.1.1 For some of the SoCGs, discussions are still ongoing between the Applicant and the stakeholder. Some of the SoCGs have been signed by both parties as all matters having been agreed. Some SoCGs remain unsigned by the third party, but have been submitted to the Examining Authority as they are agreed, but the signing process could not be concluded in time for the submission of this document. A signed copy will be provided as soon as practical.

3.1.2 Table 3-1 below shows the Matters under Discussion in each SoCG.

Table 3-1 –Matters under Discussion in the Statements of Common Ground

Document Reference	Stakeholder	Matters under discussion
SoCG001	ABP	<ul style="list-style-type: none"> Navigation Operational Impacts Statutory Port Security Future Growth in the Port of Lowestoft Construction Impacts Development Consent Order
SoCG002	Broads Authority	All Matters Agreed.
SoCG003	Environment Agency	All Matters Agreed.
SoCG004	Highways England	All Matters Agreed.
SoCG005	Historic England	All Matters Agreed.
SoCG006	MMO	All Matters Agreed.
SoCG007	Natural England	All Matters Agreed.
SoCG008	SCC/WDC	All Matters Agreed.

4 Appendices

Appendix 1	SoCG001	Associated British Ports
Appendix 2	SoCG002	Broads Authority
Appendix 3	SoCG003	Environment Agency
Appendix 4	SoCG004	Highways England
Appendix 5	SoCG005	Historic England
Appendix 6	SoCG006	Marine Management Organisation
Appendix 7	SoCG007	Natural England
Appendix 8	SoCG008	Suffolk County Council and East Suffolk Council

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Document SCC/LLTC/EX/187 Appendix 1: SoCG001: Statement of Common Ground Report Statement of Common Ground Between Suffolk County Council and Associated British Ports

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Suffolk County Council ("SCC") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new bridge over Lake Lothing in Lowestoft, Suffolk ("the Scheme").

1.2 Aim of this document

- 1.2.1 The aim of this SoCG between SCC and Associated British Ports (ABP) is to provide a record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions.

1.3 Structure of this Statement of Common Ground

- 1.3.1 This structure of this SOCG is as follows:

Section 1 – Introduction

Section 2 – Workshops

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed and under discussion

Section 5 – Signatures

2 Workshops

2.1 Overview of discussions

2.1.1 A series of workshops have been held between the parties to discuss the application for the Scheme since it was submitted:

- 1 August 2018
- 13 September 2018
- 15 October 2018
- 5 November 2018
- 19 November 2018
- 12 December 2018
- 17 January 2019
- The Applicant has set out a further record of exchanges in the Compulsory Acquisition Negotiations Tracker

3 Summary of Topics Covered by the Statement of Common Ground

3.1 Covered in the Statement of Common Ground

3.1.1 The following topics discussed between SCC and ABP are commented on further in this SoCG:

- Navigation
 - Emergency berth
 - Control Tower
 - Vessel Survey
 - Vessel Simulation
 - Scheme of Operation
 - Navigation Risk Assessment
 - Dredging
- Operational Impacts
 - Berthing
 - Land impacts
- Statutory Port Security
 - Operational requirements
- Future Growth in the Port of Lowestoft
 - Berthing
- Construction Impacts
 - Berthing
 - Land impacts
- Development Consent Order

4 List of Matters Agreed, Under Discussion and Not Agreed

4.1.1 The table below outlines the principal topics of discussion between the parties. The parties are also discussing a comprehensive Side Agreement, however these discussions are still at a very early stage and Heads of Terms have not yet been agreed between the parties. It may be that negotiations thereon will extend beyond the conclusion of the examination on 5 June 2019 in an effort to continue to resolve outstanding matters. An update on the position will be provided to Deadline 11.

Table 4-1 – List of Matters Agreed, Under Discussion and Not Agreed

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
Navigation	Emergency Berth			<ul style="list-style-type: none"> The need for an Emergency Berth is not agreed between the parties. ABP, as the SHA, are of the firm view that an Emergency Berth must be provided in order to mitigate the serious risks that will arise should a vessel become trapped between the two bridges – for example, should one of the bridges fail - i.e. is stuck down or partially closed, the vessel itself fails, or is caught by unfavourable weather conditions. The Applicant considers that such a berth is unnecessary and the Scheme of Operation/operational procedures for the Scheme Bridge will be able to sufficiently mitigate navigational risk associated with its introduction by permitting both the Scheme Bridge and A47 Bascule Bridge to open simultaneously in certain circumstances
	Control Tower	<ul style="list-style-type: none"> It is agreed in principle that ABP will be the operator of the Control Tower, subject to the 	<ul style="list-style-type: none"> A proposed lease relating to the Control Tower arrangement has been provided to ABP as part of the Side Agreement. 	

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>reimbursement of reasonable costs.</p> <ul style="list-style-type: none"> • It is agreed that the Control Tower, as currently proposed, is appropriately located as far as vessel movements are concerned, but subject to the provision of appropriate complementary CCTV/infrared (or similar) coverage. • It is agreed that the internal specification of the Control Tower and any property issues will be resolved separately between the parties. 		
	Vessel Survey	<ul style="list-style-type: none"> • Whilst the accuracy of the Vessel Survey is not disputed insofar as the specific survey period covered, it is recognised that vessel movements are cyclical in nature and that current and future trends in vessel design and vessel movements must be taken into account if a vessel survey is to be of any practicable use in terms of assessing the impact of the LLTC on the Port. • It is agreed that the vessel survey only records movements in the Port within the period of the survey and 		<ul style="list-style-type: none"> • ABP considers that the Vessel Survey undertaken by the Applicant is of limited value.

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>does not take into account historic capacity nor predicted vessel movements arising from future new business, changes in the future design or sizes of vessels nor does it provide a comparison between a no-bridge scenario and a scenario with a bridge.</p> <ul style="list-style-type: none"> • It is agreed that the Vessel Survey confirms that ABP operates the A47 Bascule bridge in general accordance with the 2018 Notice. • It is agreed that there were 10 openings in the restricted periods during the Vessel Survey period, which were, nevertheless, undertaken by ABP in accordance with the 1969 Order. 		
	Vessel Simulation	<ul style="list-style-type: none"> • As the design of the Scheme has not been finalised, it is agreed that it is not possible to accurately assess the effects of wind upon vessel movements. • In particular, it is agreed that the Vessel Simulation did not have the capabilities to fully take account of wind sheltering or wind shear effects. • It is agreed that the Scheme must be subject to further 		<ul style="list-style-type: none"> • ABP do not agree that the reference design for the Scheme was accurately modelled in the Vessel Simulation, as: <ul style="list-style-type: none"> • Given the size (height and width) and elevated position of the single leaf bascule, the effects of wind shear and wind sheltering would change the conclusions of the report; • there is uncertainty regarding the cycle time of the bridge opening/closing; and • the model was not capable of accurately simulating the passage of

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>vessel simulation to ensure that the final design of the Scheme, including cycle times is simulated accurately.</p> <ul style="list-style-type: none"> It is agreed that the final vessel simulation must inform the final NRA and the scheme cannot be implemented until the final NRA has been approved by ABP It is agreed that further vessel simulation will incorporate an agreed approach to wind shear/sheltering, the accurate cycle time and other meteorological effects, as may reasonably be simulated. 		<p>some large vessels that regularly use the Port, resulting in those simulations having to be aborted.</p> <ul style="list-style-type: none"> SCC considers that the vessel simulation undertaken to date accurately represents the reference design of the Scheme, acknowledging that wind shear/sheltering has not been modelled. The Applicant's consideration of this is set out in the Vessel Simulation Report (VSR) (APP-198) and the pNRA (APP-208). As the VSR states, the simulated cycle time was 2 minutes 40 seconds, but it is acknowledged this could alter through the detailed design process, hence the commitment to further simulation by the Applicant.
	Scheme of Operation	<ul style="list-style-type: none"> It is agreed that the principal purpose of the Scheme of Operation is as a public facing document to advise mariners of when an opening can be requested. In relation to the Scheme of Operation, the following are agreed: <ul style="list-style-type: none"> Paragraph 3 Paragraph 5 Paragraph 9 Paragraph 10 Paragraph 12 In relation to the Scheme of Operation, the following are agreed in principle, subject to 		<ul style="list-style-type: none"> ABP does not agree that the Scheme of Operation should be a certified document. ABP considers that it should have overall operating control of the Scheme. ABP considers that because the Navigation Working Group is not a statutory body the views of ABP should take primacy (as it is the appropriate statutory body) and that any further consultation on the Scheme of Operation should be undertaken by ABP in accordance with the Port Marine Safety Code In relation to the Scheme of Operation, the following are not currently agreed:

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>the provision of a traffic signal system required to control marine traffic:</p> <ul style="list-style-type: none"> • Paragraph 6 • Paragraph 7 • It is agreed that as operator of the bridge, ABP would agree with the Applicant an internal Operations Manual which would provide practical guidance relating to, for example: <ul style="list-style-type: none"> • Certain meteorological conditions; and • Emergency situations. 		<ul style="list-style-type: none"> • Paragraph 1/2 - ABP does not agree that there should be any peak hour restrictions in the Scheme of Operation that are more restrictive than the current regime operated by ABP in respect of the A47 Bascule Bridge. The Applicant considers there are demonstrable benefits to journey time reliability with peak hour restrictions on the Scheme bridge. • Paragraph 2 – time restrictions and the definition of ‘tidally restricted’ • Paragraph 4 – scheduled openings • Paragraph 8 – height clearance • Paragraph 11 - Risk of vessels becoming trapped in the Inner Harbour (noting that this is without prejudice to ABP’s view that an Emergency Berth is required) and the ‘sequential flow chart’.
	Navigation Risk Assessment	<ul style="list-style-type: none"> • It is agreed that the pNRA for the Scheme must be updated as its design develops and be informed by further vessel simulation (as noted above). • It is agreed that the dDCO drafting reflects that the pNRA is not a static document and must be updated from time to time as circumstances change to enable ABP to undertake a technical assessment of its potential compliance with Port 		<ul style="list-style-type: none"> • ABP considers that the LLTC application cannot be determined by the Secretary of State until the navigational risks have been properly assessed by the Statutory Harbour Authority (SHA) and a final NRA is approved by ABP. • Once the Applicant’s NRA has been finalised, ABP will then undertake its own NRA of the Scheme. • Until both elements of this exercise have been completed, ABP considers that pNRA submitted with the application is inadequate (and consequently

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>Marine Safety Code and the Port Marine Guide to Good Practice.</p>		<p>defective), particularly as the Applicant produced the pNRA without ABP's formal input as SHA</p> <ul style="list-style-type: none"> • The Applicant disagrees with this position, noting it is very well precedented for a DCO to be examined and determined on the basis of a preliminary Navigation Risk Assessment and considers that the dDCO is drafted to ensure that ABP approves into the final NRA before construction starts. • ABP does not agree that the position adopted by the Applicant with regards to the NRA is well-precedented. • In respect of Requirement 11 of the dDCO and the Protective Provisions as they relate to the NRA, ABP, as SHA, considers it must have the power of <u>absolute</u> approval of the Scheme NRA before the LLTC scheme can be implemented, which is not the position as currently proposed in the dDCO. The Applicant considers that Requirement 11 and the protective provisions provide ABP with the ability to approve the NRA, acting reasonably.
	Dredging	<ul style="list-style-type: none"> • It is agreed that the Scheme has the potential to affect sediment movement and distribution of deposition of sediment within Lake Lothing in the locality of the bridge structure. 	<ul style="list-style-type: none"> • The draft Side Agreement proposes a mechanism for recovering any additional costs associated with dredging, which ABP is considering. 	

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<ul style="list-style-type: none"> It is agreed that additional expense incurred by ABP, due to changes in dredging methodology, in fulfilling its statutory duties to maintain the navigational channel, will be recoverable from the Applicant. 		
Operational impacts	Berthing	<ul style="list-style-type: none"> It is agreed that there is 720m of operational quay to the west of the Scheme (from Shell Quay to No.4W), access to which would be through the Scheme bridge, which may require a bridge lift, depending on vessel size. It is agreed that there are 1400m of quay in the Outer harbour and 2100m in the Entrance Channel and Inner Harbour. It is agreed that the presence of a “knuckle”, located at the point where North Quay and Silo Quay meet, acts as a constraint to the designation of berths in the Inner Harbour to the east of the Scheme. It is agreed that the partial loss of a berth arising from the Scheme means that the berth will no longer be able to accommodate vessels of the length for which it was 	<ul style="list-style-type: none"> Mitigation measures relating to the impact of the Scheme on North Quay 4E, including the relocation of the security fence and provision of fendering is under discussion, pursuant to the draft Side Agreement. 	<ul style="list-style-type: none"> ABP is of the view that the length of quay directly impacted by the Scheme is 165 metres measured in full berths (comprising berths No.2, No.3 and No.4E). The Applicant considers that the maximum direct loss (if the full extent of the limit of deviation is used) is 62 metres. The Applicant does not accept that partial loss of a berth means the remaining berth should be considered a ‘direct loss’ for all vessels, as some smaller vessels may be able to utilise a part-berth and larger vessels may straddle two berths. The Applicant considers that with the Scheme in place there remains at least 120m of usable quay east of the Scheme, and west of the knuckle, comprising North Quay 1 and North Quay 2. These berths could accommodate a range of berthing scenarios, including 100m vessels that may be required associated with a dedicated aggregates operation. The Applicant recognises however that the loss of North Quay 3 does have some

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>designed, with consequent loss of utility.</p> <ul style="list-style-type: none"> • It is agreed that North Quay 3 is essentially lost to the Scheme • It is agreed that the location and spacing of bollards, as well as the method of construction of the suspended quay, are also relevant considerations when assessing the impact of the proposed LLTC on the Port. • It is agreed that, based on the reference design and associated land plans, access to bollards 13,14,15,16 would become inaccessible due to the Scheme. 		<p>effect on the range of berthing scenarios that may be accommodated on north quay, though as both North Quay 1 and 2 are unaffected by the Scheme, their collective utility is unaffected by the Scheme – i.e. what can currently be berthed exclusively on these berths will continue to be able to berthed there with the Scheme in place.</p> <ul style="list-style-type: none"> • ABP asserts that, in fact, North Quay 1 and 2 berths would only be capable of accommodating two 45m long vessels (ref: “scenario 1” drawing submitted by ABP as part of its DL8 submission). • The Applicant considers that there remains some utility of the remainder of North Quay 4E achievable in association with the relocation of the security fence and/or provision of fendering to permit CTV use of this berth. ABP disagrees that, in practice, there is any resulting utility given the short length of berth remaining and the spacing of bollards. • The Applicant considers that depending on the detailed design of the Scheme and particular vessel requirements bollards 13 and 16 may be usable in some, albeit limited, circumstances. ABP considers that this is of no practical benefit, as demonstrated by the four “scenario” drawings submitted by ABP as part of its DL8 submission. • ABP is of the view that in light of the serious detriment it considers that will be caused to port operations by the

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
				<p>construction and operation of the new bridge, the Applicant must provide replacement berthing within the Port as mitigation.</p> <ul style="list-style-type: none"> The Applicant does not agree that the detriment to the Port warrants the reprovision of berthing, owing to the comparatively small length of quay affected, and the consequences of such loss for current and future port operations.
	Land impacts	<ul style="list-style-type: none"> It is agreed that the Scheme introduces a height restriction over Commercial Road. It is agreed this will be no less than 5.3m. It is agreed that accessibility to Shed 3 (the ABP shed immediately to the west of the Crossing on the north quay of Lake Lothing) would be adversely impacted if the full extent of the pink land associated with the pier adjacent to the eastern façade of the building is inaccessible. This will therefore need to be reviewed having regard to the impact of the pier and any associated protection, once the Scheme is operational. It is agreed that the Scheme may potentially sterilise part of Shed 3, depending on the 	<ul style="list-style-type: none"> The measures required to protect Shed 3 from operational impacts of the Scheme, in terms of potential interference from persons/vehicles/objects on the bridge, are under discussion between the parties in the context of the proposed Side Agreement. The nature of a restrictive covenant regulating the use of land adjacent to the Scheme by ABP and its tenants is under discussion between the parties. ABP is considering a draft Deed of Covenant provided by the Applicant. The nature of provisions to be added to the Side Agreement relating to decommissioning and confirmation that prior to decommissioning the Scheme will be maintained by the Applicant, are under discussion. 	

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<p>configuration of the occupiers in Shed 3.</p> <ul style="list-style-type: none"> • It is agreed that there is 90,493m² of Port land (including the slipway) to the west of the Scheme, access to which would be along Commercial Road. • It is agreed that an additional oil spill containment boom is required as a result of the Scheme, all reasonable costs for which will be met by the Applicant. The appropriate equipment will be approved by ABP and must be in place before the commencement of any works within the Port. • It is agreed that the parties will undertake a joint review of the impact of the Scheme on the existing CCTV and lighting at the Port, and that all reasonable costs associated with any modifications will be met by the Applicant. • It is agreed that the impact of the Scheme on ABP's port communications equipment will be jointly assessed by the parties and any shortfall or detrimental impact in coverage arising as a result of the bridge will be rectified by the 		

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		Applicant at its reasonable cost.		
Statutory Port Security	Operational Requirements	<ul style="list-style-type: none"> It is agreed that the ABP must maintain its statutory obligations throughout both construction and operation of the scheme. 	<ul style="list-style-type: none"> The implications for Port Security as a consequence of the Scheme are under discussion between the parties. The Applicant has proposed through the draft Side Agreement a process by which the Applicant can resource ABP's review of the Port Security Plan and any mitigation measures arising therefrom. ABP may not be able to agree to this process, due to confidentiality requirements. This is under discussion between the parties. ABP has concerns in relation to the meeting note provided by the Applicant in respect of its meeting with DfT on 25/4/19. As such, ABP requests the Applicant provides copies of the information provided to DfT in the context of that meeting, which led to its response, so that ABP can consider this issue further. The Applicant can confirm it provided copies of application plans including the General Arrangements, Land Plans, and Engineering Section Drawings 	
Future growth in the	Berthing	<ul style="list-style-type: none"> It is agreed that the Port of Lowestoft is well positioned to benefit from the development 		<ul style="list-style-type: none"> ABP considers that the information regarding the future growth in the Port of Lowestoft is sufficiently clear and

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
Port of Lowestoft		<p>of natural resources and the offshore energy sector in the North Sea.</p> <ul style="list-style-type: none"> • It is agreed that the growing offshore energy sector presents an important opportunity likely to drive investment and supply chain growth in Lowestoft. • It is agreed that details of all contractual discussions between ABP and potential customers/tenants/operators are commercially confidential. • It is agreed that other opportunities exist for the Port in addition to those presented by the off-shore energy sector, for example aggregates handling. 		<p>justified by a number of expert reports and evidence from offshore energy operators.</p> <ul style="list-style-type: none"> • The Applicant continues to recognise the opportunities for the Port identified in ABP's various reports, but considers that the assumptions on the future attractiveness of Shell Quay (centred on the Scheme of Operation and the perceived risk of Scheme failure) set out in the BVG, Edge Economics and ABPmer reports as well as ABP's own representations (which underpin the conclusions on the impact of the Scheme) are unduly pessimistic. • ABP considers that the potential to obtain contracts associated with the offshore energy sector will be rendered materially more difficult by the existence of the Scheme, in particular, the additional delay caused by the increase in restricted period during the AM and PM traffic period, as proposed by the draft Scheme of Operation (i.e. the increase in restricted period beyond the current operating regime of the A47 Bascule Bridge), will impose a significant financial burden on shipping to the west of the Scheme, and will put the Port at a significant commercial disadvantage, and will thereby act to the serious detriment of the port undertaking. • The Applicant considers that the provision of an opening structure and its

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
				<p>associated draft Scheme of Operation, mitigates this effect.</p> <ul style="list-style-type: none"> • ABP remains concerned that the Applicant is seeking to place peak-hour prohibitions on when the bridge can be opened to shipping, as set out in the draft Scheme of Operation, and that those restrictions will inevitably coincide with the scheduling of shipping around High Water at certain times during the tide cycle. • The Applicant notes the draft Scheme of Operation does not introduce any restrictions for tidally restricted vessels. • ABP notes that, as the definition of “tidally restricted vessels” has not been agreed with the Applicant, the implications of the Applicant’s statement cannot be ascertained. ABP has provided an alternative definition of “tidally restricted vessels” as part of its Deadline 10 submissions, which it considers it appropriate in the context of the draft Scheme of Operation. • The Applicant considers the effect of the Scheme of Operation also needs to be seen in the context of existing constraints in the Port (including the operating regime of the A47 Bascule Bridge) and that the Vessel Survey evidences that vessels are able to manage their time to deal with that restriction; the relative merits of other ports, the potential size of Extension projects/Round Four following HRA considerations; and the likelihood

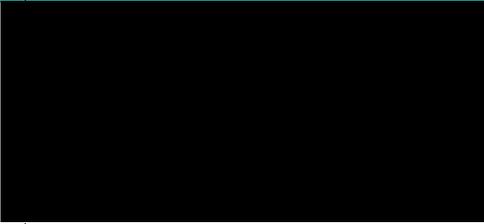
Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
				<p>of ABP obtaining a substantial proportion of offshore support contracts for these projects.</p> <ul style="list-style-type: none"> The Applicant and ABP are not agreed on the conclusions of ABPmer's Berth Utilisation Report, in particular as it relates to predictions on berth utilisation in the future. This disagreement principally derives from different perspectives on how berth dedication should be taken into account; the future utilisation (or not) of berth North Quay 4 East and the application of assumptions from the BVG report. Further details are set out in the respective parties' written submissions.
Construction impacts	Berthing	<ul style="list-style-type: none"> It is agreed that the total length of quay potentially affected by the construction of the Scheme is 412m (i.e. as contained within the Order limits). 	<ul style="list-style-type: none"> Mitigation and a protocol for the closure of the navigation channel during construction and also the compensation payable to ABP for any losses associated with such a closure, is under discussion. The Applicant has set out a process in the draft Side Agreement. Managing the parties' respective requirements for berthing during construction are under discussion. 	<ul style="list-style-type: none"> The Applicant considers that the Protective Provisions afforded to ABP through the draft DCO provide for an appropriate medium to resolve detailed operational matters as they relate to the construction as they necessarily need to be informed by the prevailing requirements of the Applicant and ABP at the point of the undertaking of any particular work. ABP considers that the Protective Provisions are not sufficient to address the underlying issues relating to the impact of the Scheme on the Port during the construction phase (i.e. detailed operational matters) – these are merely provisions designed to facilitate practical

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
				arrangements to be agreed between the parties.
	Land impacts	<ul style="list-style-type: none"> • It is agreed that the ability to access Shed 3 through the eastern door will be removed during the construction phase of the Scheme. • It is also agreed that the eastern end of Shed 3 may be sterilised during construction, depending on the configuration of the occupiers in the western end of Shed 3. • It is agreed that the location, extent and configuration of the proposed bridge construction compound within the Port coincides with an area used by ABP's tenant Dudmans to stack HGVs and that interface will need to be managed. • It is agreed that a separate Traffic and Access Management Action Plan between the parties will be required for the Port. • It is agreed that pre- and post-construction surveys of Port Estate Roads will be undertaken at the Applicant's expense to inform any post-construction remediation works, which would also be at the Applicant's expense. 	<ul style="list-style-type: none"> • The contents of the Traffic Management Plan/Access Agreement (to be secured through the Side Agreement) are under discussion in the context of the proposed Side Agreement, including: <ul style="list-style-type: none"> <u>Commercial Road</u> <ul style="list-style-type: none"> ○ Routing of traffic along Commercial Road (particularly with respect to an alternative route being required when the bridge deck is put in place), taking in to account such health and safety considerations as are required. ○ The respective priorities of Scheme and Port traffic within the Port (ABP considers that Port traffic should take priority). ○ Arrangements for the use of any additional dock and quay space by the contractors during construction should it be expedient and convenient to both parties to do so. However, it is agreed that in the first instance this is not 	<ul style="list-style-type: none"> • ABP considers that the Applicant cannot impose the diversionary route between Shed 3 and Lake Lothing (required while Commercial Road is temporarily closed) without ABP's consent, as the owner of the land affected by the proposed route. • The Applicant's position on this is as shown in final bullet point of the 'matters agreed' column

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
		<ul style="list-style-type: none"> It is agreed that the dDCO gives the Applicant the power to temporarily close Commercial Road during construction of the proposed LLTC, though the interim CoCP, secured by the dDCO requires port access to be maintained during construction. It is also agreed that the consent of ABP, as street authority for Commercial Road within the Port, will be required to put in place any temporary closure of Commercial Road. 	<p>required for the Scheme to be able to be constructed.</p> <p><u>Dudmans</u></p> <ul style="list-style-type: none"> HGV routeing around/through the Dudmans site, taking in to account such health and safety considerations as are required. Review of weighbridge arrangements Use of additional land for Dudmans HGV management should it be expedient and convenient to both parties to do so Provision of vehicle marshalling 	
Development Consent Order	General	<ul style="list-style-type: none"> Article 3 is agreed Article 21 is agreed Article 41 is agreed Article 44 is agreed further to SCC amending paragraph (4) at Deadline 10 to refer to 5 days instead of 7. 	<ul style="list-style-type: none"> Following comments received from ABP on 20 May, the following provisions of the DCO are under discussion: <ul style="list-style-type: none"> Article 5; Article 8; Article 11; Article 40; Article 45; Requirements 4,6,7,8 and 11; the DML; and the indemnity; its Protective Provisions above and 	<ul style="list-style-type: none"> As per comments above on the Scheme of Operation, ABP does not agree with the drafting of Article 40 Article 45 is not agreed The indemnity is not agreed. ABP considers that the indemnity in the Protective Provisions is inadequate in the context of the proposed Scheme, particularly given the 125+ year operational period of the Scheme. The indemnity is required to protect the Port in relation to the hazards introduced into an operational port by the Scheme. Without a further specific indemnity to cover the hazards introduced by the Scheme, ABP cannot agree the

Theme	Topic	Matters Agreed	Matters under discussion	Matters not agreed
			beyond indemnity. the	indemnity in the Protective Provisions, as proposed.

5 Signatures

	Associated British Ports	Suffolk County Council
Signature	Approved, but unsigned, by Michael Stacey	
Printed Name	Michael Stacey	Jon Barnard
Title	Head of projects - Commercial	Project Manager
On Behalf of	Associated British Ports	Suffolk County Council
Date	24 May 2019	24 May 2019

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187 Appendix 2: SoCG002 Statement of Common Ground Between Suffolk County Council and the Broads Authority

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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**Statement of Common Ground between
Suffolk County Council and Broads
Authority was agreed in the SoCG
(document reference REP4-011) submitted
for Deadline 4.**

The Lake Lothing (Lowestoft)

Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187 Appendix 3: SoCG003 Statement of Common Ground Between Suffolk County Council and the Environment Agency

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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**Statement of Common Ground between
Suffolk County Council and the
Environment Agency was agreed in the
SoCG (document reference REP9-007)
submitted for Deadline 9.**

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187 Appendix 4: SoCG004 Statement of Common Ground Between Suffolk County Council and Highways England

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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**Statement of Common Ground between
Suffolk County Council and Highways
England was agreed in the SoCG
(document reference REP4-011) submitted
for Deadline 4.**

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187 Appendix 5: SoCG005 Statement of Common Ground Between Suffolk County Council and Historic England

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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**Statement of Common Ground between
Suffolk County Council and Historic
England was agreed in the SoCG
(document reference REP4-011) submitted
for Deadline 4.**

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187: Statement of Common Ground Report Appendix 6: SoCG006 Statement of Common Ground Between Suffolk County Council and the Marine Management Organisation (MMO)

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in relation to the application by Suffolk County Council ("SCC") under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent ("DCO") for the construction, operation and maintenance of a new bridge over Lake Lothing in Lowestoft, Suffolk ("the Scheme").

1.2 Aim of this document

- 1.2.1 The aim of this SoCG between SCC and the Marine Management Organisation ("MMO") is to provide a clear record of engagement between the parties, including of the issues discussed between the parties and the current status of those discussions. The SoCG can be used as evidence of engagement for the purposes of the examination into the DCO application.

1.3 Structure of this Statement of Common Ground

- 1.3.1 This structure of this SOCG is as follows:

Section 1 – Introduction

Section 2 – Consultation to date

Section 3 – Summary of topics covered by the SoCG

Section 4 – List of matters agreed

Section 5 – List of matters under discussion

Section 6 – Signatures

2 Consultation to Date

2.1 Overview of Consultation to Date

2.1.1 Set out in Table 2-1 is a summary of consultation that has taken place with the MMO over the duration of the project.

Table 2-1 – Consultation to Date

Date	Format	Key Topics Discussed and Key Outcomes
19/05/16	Meeting	'Defra group' meeting at Ipswich Town Football Club where the broad approach to both the Lake Lothing and Upper Orwell schemes were discussed in principle and high-level feedback received.
12/07/16	Email to Michael Wilks (MW) of Suffolk County Council	Information on laboratories that can analyse samples to MMO accreditation, projects pertinent to cumulative assessment, the need for a socio-economics assessment to accompany the application and timescales for granting licences.
22/08/16	MW conversation with MMO	Agreement that MMO labs are only necessary to support dredge and dispose applications. Subsequent email on the 24th August confirmed that any laboratory was suitable for the purposes of Environmental Impact Assessment.
29/09/16	Email	Confirmation from MMO that they did not wish to comment upon the Flood Risk Assessment methodology.
28/03/17	Letter	Consultation from Suffolk County Council to the MMO on the Environmental Scoping Report (MMO Scoping Opinion issued: 28 March 2017).
17/10/17	Letter	Consultation from Suffolk County Council to the MMO on the Preliminary Environmental Information Report (MMO Section 42 Response issued 17 October 2017).
20/11/17	Email	Consultation on sediment sampling and testing methodology.
06/02/18	Letter	Request from Suffolk County Council to the MMO to review and comment on the drafted Deemed Marine Licence ("DML") and DCO (initial comments by the MMO on the draft documents issued: 06 February 2018).
06/02/18 – 18/07/18	Email	Pre-application emails from Suffolk County Council to the MMO with regards to dredge and disposal activities, and their inclusion within the drafted DML and DCO documents

Date	Format	Key Topics Discussed and Key Outcomes
		(communications on this topic were held between 06 February 2018 and 18 July 2018).
02/05/18	Email	Email from Frances Edwards of the MMO requesting further information on the appropriateness of disposal of dredgings at sea.
12/06/18	Email/Telecon	Confirmation from Jethro Watson of the MMO on their proposed approach for the assessment of disposal at sea. Followed up with a telecon between Michael Wilks of SCC and Jethro Watson that the DML needs to add the coordinates of the existing ABP disposal site.
18/06/18	Email	Confirmation from Frances Edwards of the MMO of the volumes in Michael Wilks' (SCC) email of the 22nd of May 2018 being acceptable for disposal at the ABP disposal site.
31/10/18	Telecon	Telecon with Jethro Watson and Jamie Johnson of the MMO to discuss this Statement of Common Ground.
11/01/19	Email	Update on SoCG matters and confirmation of Applicant's submissions to Deadline 3
18/01/19	Telecon	Discussion on outstanding SOCG matters
24/01/19	Telecon	Discussion on outstanding SOCG matters
25/01/19	Email	Update on SoCG matters
04/02/19	Email	Issue of DML to MMO for comment
14/02/19	Email	Request to MMO for comments trailed at the DCO ISH
19/02/19	Email	Receipt of MMO comments on DML
21/02/19	Email	Issue of SoCG
15/4/19	Telecon	Discussion on DML and outstanding SOCG matters
25/4/19	Telecon	Discussion on DML and outstanding SOCG matters
10/05/19	Email	Email from MMO on MMO final position on determination timescales
13/05/19	Email	Email from SCC to MMO agreeing to MMO's request.
23/05/19	Email	Exchanges in relation to amendments to the DCO/DML pursuant to comments by ABP to SCC

3 Summary of Topics Covered by the Statement of Common Ground

3.1 Covered in the Statement of Common Ground

3.1.1 The following topics discussed between SCC and the MMO are commented on further in this SoCG:

- Assessment Methodology
- Environmental Statement
- Disposal at sea
- Surveys
- Deemed Marine Licence & Development Consent Order
- European Eels
- Synergistic Effects
- DML & DCO

3.2 Not Covered in the Statement of Common Ground

3.2.1 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by the MMO.

4 List of Matters Agreed

Table 4-1 – List of Matters Agreed

Ref	Description of matter	Details of agreement
Assessment Methodology		
[1]	Marine and Coastal Access Act 2009	It is agreed that the application documents have adequately taken account of the Marine and Coastal Access Act 2009.
[2]	MMO's Eastern Marine Plans and the Marine Policy Statement	It is agreed that the Scheme has been appropriately assessed against the policies contained in the East Inshore and East Offshore Marine Plan, which is set out in the Case for the Scheme (document reference 7.1 / PINS document reference APP-092).
[3]	Baseline sediment transportation	It is agreed that the sediment transport modelling undertaken for the Environmental Statement ("ES") adequately informs the baseline assessment during the Scheme's construction and operation.
[4]	Hydraulic Modelling	It is agreed that the hydraulic modelling from Mutford Bridge to the A47 Bascule Bridge has been constructed using TUFLOW FV and that this is appropriate to inform the assessments reported in the ES.
Environmental Statement		
[5]	Data and assessments	It is agreed that the data and assessments presented in the ES are appropriate to the nature and scale of the Scheme.
[6]	Study Areas	It is agreed that the study areas accurately capture the area of interest to the MMO, subject to the resolution of matters relating to offshore disposal, as set out in row 10 of Table 4-1 of this document.
[7]	Conclusions and Mitigation	It is agreed that the conclusions of the ES and the proposed mitigation measures are acceptable.
[8]	Marine Environment	It is agreed that the likely potential impacts to the marine environment have been adequately considered.
Disposal at sea		

Ref	Description of matter	Details of agreement
[9]	Disposal at sea	Subject to controls in the DML and sediment analysis confirming suitability for disposal at the site stipulated in the DML, it is agreed that disposal at sea of materials dredged from Lake Lothing remains an acceptable option.
[10]	Environmental Effects of Disposal at Sea (including study area)	<p>It is agreed that the assessment of impacts associated with disposal at sea have been broadly considered within the ES. The MMO acknowledges the information presented within the ES, and in SCC's response to the ExA questions. The MMO has reviewed, and broadly agrees with, Appendix A "Consideration Of Disposal At Sea In The Application", which indicates that the potential impacts associated with disposal at sea are likely to be within acceptable limits. However, at this stage, on the current level of assessment, the MMO considers that the available sampling and analysis is not sufficient to allow for detailed appraisal and approval of any disposal activity.</p> <p>The MMO acknowledges the Applicant's position that the detail required to inform an MMO sample plan request is not yet available. In consideration of this, the controls within the DML, and that alternative means of disposal can be secured by the Applicant, should subsequent analysis prove it necessary, the MMO is content with the consideration given to disposal at sea, at this stage.</p>
Surveys		
[11]	Marine Surveys	It is agreed that the suite of marine surveys undertaken within Lake Lothing as reported in Chapter 11 of the ES are appropriate for the purposes of the assessment of the Scheme.
[12]	Sediment Sampling	It is agreed that existing sediment samples and analysis do provide an adequate baseline for Lake Lothing so as to allow an assessment of risks against receptors within the ES. However, this is not adequate to support any disposal at sea activity without any further sampling sediment sampling (such samples to be collected and analysed in accordance with an MMO approved sample plan), as required by the DML.
[13]	Sediment Analysis	It is agreed that where any further sediment testing is required to support an assessment as to whether disposal at sea is acceptable, an MMO validated laboratory will be used. Such analysis would then be used in support of any method statements for dredge and/or disposal activities submitted to the MMO for approval.

Ref	Description of matter	Details of agreement
[14]	Benthic survey conclusions	<p>It is agreed that a benthic survey has been undertaken and the survey report is included in Appendix 11F of the ES (document reference 6.3 / PINS reference APP-188), and a summary of the findings has been incorporated into Table 11-3 and 11-4 of the ES (document reference 6.1 / PINS reference APP-136). The impacts are discussed in Paragraphs 11.5.17, 11.6.4 and 11.6.11. The survey and subsequent analysis identified that Lake Lothing supports an impoverished community of marine macroinvertebrates and no species of particular nature conservation value were identified. It is agreed that as there are no species of nature conservation value, the consideration of pathways to impact is not relevant.</p> <p>It is agreed that the updated interim CoCP (document reference REP3-043) recognises that mitigation measures will be required to consider the control of the spread of invasive species including non-native benthic invertebrate species that were recorded within the footprint of the Scheme, namely the tube worm <i>Hydroides ezoensis</i>, the bryozoan <i>Bugula neritina</i>, and the barnacle <i>Austrominius modestus</i>, in addition to non-native mollusc <i>Theora [lubrica]</i>". It is agreed that the presence of these invasive species has been reflected in an update to Chapter 11 of the ES (Document REP3-058).</p>
[15]	Fish Trawl Surveys	<p>It is agreed that the fish trawl surveys took place in mid-April 2018 and therefore are temporal in nature. The scope of the survey was agreed in advance with the MMO and it is agreed that the surveys undertaken, are considered adequate for the purposes of the assessment and represent a reasonable investigation of the marine environment.</p>

Ref	Description of matter	Details of agreement															
[16]	Beam Trawl Survey	<p>It is agreed that trawl samples were collected using a 2m scientific beam trawl conforming to Cefas specifications (Jennings, S., Lancaster, J. Woolmer, A. & Cotter, J., 1999. Distribution, diversity, and abundance of epibenthic fauna in the North Sea. Journal of the Marine Biological Association of the United Kingdom 79: 385-399), fitted with a 4 mm codend. Prior to each deployment the net was inspected for damage which may have affected sample integrity. The duration and distance covered by each trawl are presented below.</p> <table border="1"> <thead> <tr> <th>Station / Sample</th> <th>Distance Covered (m)</th> <th>Duration (minutes: seconds)</th> </tr> </thead> <tbody> <tr> <td>Trawl 1</td> <td>130 m</td> <td>4:43</td> </tr> <tr> <td>Trawl 2</td> <td>128 m</td> <td>4:32</td> </tr> <tr> <td>Trawl 3</td> <td>143 m</td> <td>5:46</td> </tr> <tr> <td>Trawl 4</td> <td>122 m</td> <td>5:02</td> </tr> </tbody> </table>	Station / Sample	Distance Covered (m)	Duration (minutes: seconds)	Trawl 1	130 m	4:43	Trawl 2	128 m	4:32	Trawl 3	143 m	5:46	Trawl 4	122 m	5:02
Station / Sample	Distance Covered (m)	Duration (minutes: seconds)															
Trawl 1	130 m	4:43															
Trawl 2	128 m	4:32															
Trawl 3	143 m	5:46															
Trawl 4	122 m	5:02															
[17]	Bathymetric Survey information	It is agreed that the bathymetric survey information is adequately represented in the Sediment Transport Assessment (document reference (REP3-049))															
European Eels																	
[18]	European Eels	<p>It is agreed that paragraph 11.5.15 and table 11-5 of the ES (Document reference SCC/LLTC/EX/70) have been updated to reflect the presence of the eel <i>Anguilla</i> (which is a noise sensitive species) and the likely impact of the Scheme upon it. It is agreed that the interim CoCP has been updated (Document reference REP3-043) to reflect the presence of this species.</p> <p>The Applicant notes that one European Eel was identified within Lake Lothing during the beam trawl survey. It is agreed that Part 2, Section 4 "Construction Method Statement" (2) (c) of the DML makes provision for the use of vibro-piling techniques in order to minimise noise and vibration effects on the marine environment. The construction method statement will be submitted to the MMO for approval before it is implemented.</p>															
Habitat Regulations Assessment																	

Ref	Description of matter	Details of agreement
[19]	Habitat Regulations Assessment (HRA)	It is agreed that the MMO will defer the Natural England's conclusions on the HRA. Where mitigation is necessary to control the likely impact to interest features, the MMO consider that such measures should be captured as discrete conditions within the DML as necessary.
Code of Construction Practice		
[20]	Code of Construction Practice (CoCP)	It is agreed that the revised interim CoCP submitted at Deadline 3 (document reference REP3-043) adequately responds to queries raised by the MMO and further that it does not need to replicate provisions already secured through the DML.
Synergistic Effects		
[21]	Synergistic Effects	It is agreed that updated Chapter 11 of the ES (Document reference REP3-058) clarifies how synergistic effects have been considered in the assessment of ecological receptors ensuring it is clear where interactions between different impact pathways are addressed.
DML		
[23]	Construction Phasing	It is agreed, with regard to the MMO's comments on the Relevant Representation of the Lowestoft Cruising Club, that the DML provides for the submission of a construction phasing plan to the MMO.
[24]	WSI	It is agreed, with regard to the MMO's comments on the Relevant Representation of Historic England, that the WSI must be conditioned within the DML to enable effective enforcement of the WSI below Mean Low Water.
[25]	Harbour Authority	The amendments to the DML to accommodate consultation provisions for the harbour authority (and associated additions to the Interpretations) are agreed

Ref	Description of matter	Details of agreement
[25]	Timescales	<p>It is agreed that Notice of determinations:</p> <ul style="list-style-type: none"> a. Have the potential to fetter the MMO's ability as a regulatory authority to make determinations, in accordance with provisions of the Marine and Coastal Access Act 2009 and the DML; and b. Are not consistent with the drafting of stand-alone marine licences. <p>It is agreed that, if a 'notice of determination' is included within the DML, it must be worded so as to not fetter the MMO's ability as a regulatory authority to make determinations.</p> <p>It is agreed that the intended purpose of specifying timescales within the DML is to provide some certainty with regards to programme of works and that this outcome is best achieved through a revision to the included timescales across all conditions to ensure they are consistent, clear and indicative.</p> <p>It is agreed that, in the interest of proportionality, that timescales be specified as 13 weeks, or as soon as practicably possible, in line with the standard marine licensing process.</p>
DCO		
[26]	Wording of the DCO	The drafting of the DCO is agreed, including in relation to the amendment to article 5 of the DCO – limits of dredging – as requested by the harbour authority.

5 List of Matters Under Discussion

Table 5-1 – List of Matters Under Discussion

Ref	Description of stakeholder issue	Current position
There are no matters under discussion		

6 Signatures

	Marine Management Organisation	Suffolk County Council
Signature		
Printed Name	Jamie Johnson	Jon Barnard
Title	Marine Licensing Case Officer	Project Manager
On Behalf of	Marine Management Organisation	Suffolk County Council
Date	24 May 2019	24 May 2019

Appendix A

APPENDIX A

LAKE LOTHING THIRD CROSSING

CONSIDERATION OF DISPOSAL AT SEA IN THE APPLICATION

Environmental Statement

To support the assessment of the Scheme and production of the Environmental Statement (ES), the Applicant undertook sediment sampling in the areas from which the material is to be dredged, as per Appendix D to the Interpretative Environmental GI Report which can be found in Appendix 12B of the ES. Appendix 12B to the ES has been revised following completion of the ground investigation, although the revised version only presents updated information with regard to terrestrial conditions and does not provide any additional information with regard to sediment.

The baseline environment with regard to sediment within Lake Lothing is discussed in paragraphs 12.4.36 to 12.4.38 of the ES where the number of sediment samples that have been extracted and tested is identified. This states that *“some sediment samples recorded contaminant concentrations above the CEFAS Action Level 1 screening values but no samples recorded concentrations above the CEFAS Action Level 2”*. The chemical analysis of the samples is presented in the Interpretative Environmental Ground Investigation Report; Revision 1 (SCC/LLTC/EX/32).

This testing confirms the findings of previous sampling in Lake Lothing and, thus, the likelihood that the material is suitable for disposal at sea. The ES states in 12.4.38 that *“it has been assumed that, given the volumes of sediment arising, that disposal at sea is the most appropriate approach and this has been approved in principle with the MMO”*. By way of clarification, it has been agreed with the MMO (and is reflected in the SoCG) that subject to controls in the DML and sediment analysis confirming suitability for disposal at the site stipulated in the DML, it is agreed that disposal at sea of materials dredged from Lake Lothing is an acceptable option.

Paragraph 3.2.8 of SCC/LLTC/EX/32 states that the purpose of this testing was for *“assessing whether the lake bed sediments are contaminated and to assess potential offshore or onshore disposal routes for any excavated sediments.”* Section 6.5 of this report goes on to consider the testing that has been undertaken and concludes in Paragraph 6.5.6 *“It is therefore considered that the sediments are likely to be suitable for offshore disposal subject to approval by the MMO pursuant to the DML. The sediments are also considered unlikely to have an unacceptable impact from a contamination perspective if they are mobilised during and / or after construction”*.

In addition to the assessment of whether sediment is contaminated, Chapter 14 of the ES considers the effects of the Scheme upon material usage and waste generation.

Paragraph 14.2.11 – makes reference to the Ports National Policy Statement in so far that it provides information on dredging and disposal of waste at sea.

Paragraph 14.5.12 states the sediment quantity that will require disposal. 14.5.16 states that this will be disposed of at sea and together with the land disposal of terrestrial excavated materials, 14.5.17 concludes that the impact of waste will be of slight significance.

Therefore, it is accordingly concluded, that the likely impact of sediment disposal at sea has been adequately assessed within the ES, although the Applicant acknowledges that further sediment sampling, pursuant to the DML will be undertaken prior to construction of the Scheme to ensure that there is sufficient evidence (by way of bespoke sampling/analysis) to permit disposal at sea.

Habitat Regulations Assessment

Disposal at sea to site TH005 has also been assessed in the updated HRA report Revision 2 (Document SCC/LTC/EX/42). This report considers the effect of disposal activities in relation to Southern North Sea SCI/cSAC, where it concludes at paragraph 6.7.6 that “*Deposition of sediment within disposal site TH005 will not have a significant effect at the European site due to the relatively small volumes to be disposed of and due to material needing to be further tested beforehand to ensure it is suitable for disposal in accordance with MMO requirements pursuant to the Deemed Marine Licence.*” A similar conclusion is drawn regarding the impact on the Outer Thames Estuary SPA at paragraph 6.8.5.

Additionally, the Applicant would note that, as stated in section 4.15 of the HRA report, TH005 is already a licensed disposal site, to which up to 200,000 tonnes of dredged material per annum may be deposited in accordance with ABP’s marine licence (Case ref: MLA/2016/00181/1).

The environmental effects of that licence application are set out in the *Port of Lowestoft: Renewal of Maintenance Dredge Licence Habitats Regulations Assessment (ABP, April 2016)*, which came to the same conclusions in respect of the two sites referenced above, as did the MMO in its *Record of Appropriate Assessment (MMO, August 2016)*, which concluded at page 9 that “*The MMO has determined that the proposed works will not have an adverse effect, either alone or in combination, on the integrity of the European marine sites*”.

Of note, also, is that as ABP outlined in their response to the Examining Authority’s Q2.20 “*In a normal year, the total disposed can be around 150,000 tonnes*”, though returns submitted as part of its marine licence application for the current licence show that it averaged 114,000 tonnes from 2006 to 2012.

Consequently, the Applicant considers it has sufficiently assessed the impacts of disposal at sea, particularly given that:

- § disposal at sea is proposed to a licenced site, similar activities associated with which have already been assessed and accepted by the MMO;
- § the volume of materials disposed of there annually are significantly less than what the marine licence currently provides for;
- § the disposal of arisings from the Scheme would have a negligible impact on the volume of arisings from the Port; and
- § in any event, arisings associated with the Scheme, which are intended to be disposed of by the Applicant, cannot be disposed at sea of until further sediment testing is undertaken.

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187 Appendix 7: SoCG007 Statement of Common Ground Between Suffolk County Council and Natural England

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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**Statement of Common Ground between
Suffolk County Council and Natural
England was agreed in the SoCG
(document reference REP5-005) submitted
for Deadline 5.**

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/187 Appendix 8: SoCG008 Statement of Common Ground Between Suffolk County Council (the Applicant) and Suffolk County Council and East Suffolk Council

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

PINS Reference Number: TR010023

Author: Suffolk County Council

Document Reference: SCC/LLTC/EX/187

Date: May 2019

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Statement of Common Ground between Suffolk County Council (the Applicant) and Suffolk County Council and East Suffolk Council was agreed in the SoCG (document reference REP9-007) submitted for Deadline 9.