

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

Date: 4 June 2019
Enquiries to: Jon Barnard
Tel: 0345 603 1842
Email: jon.barnard@suffolk.gov.uk

Your ref: TR010023
Our ref: SCC/LLTC/EX/194

Dear Richard,

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

Deadline 11 Submissions (4 June 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 11 of the Examination;
- an outline of the final changes to the DCO, including a response to the Examining Authority's DCO issued on 29 May 2019; and
- the Applicant's consideration of a letter from Clyde & Co, on behalf of ABP to the Secretary of State for Transport, dated 30 May 2019, purporting to ask the Secretary of State "to consider the serious detriment that the LLTC scheme will cause to the Port of Lowestoft within the provisions of section 127 of the Planning Act 2008".

The Applicant noted in its covering letter to its Deadline 10 submissions that it had no substantive points on the REIS.

Deadline 11 submissions

A list of the documents which the Applicant is submitting for Deadline 11 is set out in the table below, together with explanatory comments.

Document Title	Document Reference	Comments
Application Document Tracker R7	SCC/LLTC/EX/195	Submitted pursuant to the Rule 8 letter.

Document Title	Document Reference	Comments
dDCO R7 Clean	SCC/LLTC/EX/196	Submitted pursuant to the Rule 8 letter.
dDCO R7 Tracked	SCC/LLTC/EX/197	Submitted pursuant to the Rule 8 letter. Please note that the Table of Contents in this tracked change version of the dDCO is showing changes in formatting that at first glance may appear to be showing changes in content from previous draft DCO submissions – for the avoidance of doubt, the Applicant can confirm that, with the exception of the two new crown related articles added pursuant to the ExA’s DCO (as explained below), this is not the case.
DCO R7 Validation Report	SCC/LLTC/EX/198	As required by Advice Note 15.
Scheme of Operation R2 - clean	SCC/LLTC/EX/199	Submitted further to comments received from ABP at Deadline 10. These versions were provided to both ABP and the Lowestoft Cruising Club. The latter confirmed it was content with the changes. No comments were received from ABP
Scheme of Operation R2 - tracked	SCC/LLTC/EX/200	
Closing submissions (ABP)	SCC/LLTC/EX/201	The Applicant’s summary of case in relation to objections made by ABP.
Closing submissions (other Interested Parties)	SCC/LLTC/EX/202	The Applicant’s summary of case in relation to outstanding objections from other Interested Parties, including in relation to Scheme funding. This document also includes an update in relation to Crown Land consent.
Comparison of r7 of the DCO against the application DCO (R0)	SCC/LLTC/EX/203	As required by Advice Note 15
Updated Explanatory Memorandum Clean	SCC/LLTC/EX/204	
Updated Explanatory Memorandum Tracked Changes	SCC/LLTC/EX/205	

Development Consent Order

The Examining Authority produced its version of the draft DCO on 29 May 2019, and the Applicant has considered the suggestions therein, as indicated below.

DCO provision	Comment
Article 5(9) Limits of deviation	As noted in the Applicant’s D10 response (REP10-080, p5), dredging already has to be approved under the harbour authority’s protective provisions (PPs) as a ‘specified work’. It would be undesirable to have two separate approvals regime running in parallel – under this article and under the PPs; as such the Applicant has not included this change in the DCO

	submitted to this deadline.
Article 23 Crown land	The Applicant accepts this insertion in principle, but has altered the wording, in particular to clarify that the article relates to non-Crown interests in Crown land, not Crown land <i>per se</i> .
Article 57 Crown rights	The Applicant accepts this insertion in principle, but has altered the wording for clarity.
Schedule 12, Deemed Marine Licence, paragraph 11	As noted in the Applicant's D10 response (REP10-080, p10), a similar point arises to that in relation to article 5; the harbour authority would be able to impose appropriate controls and monitoring in relation to such matters if it felt necessary pursuant to approvals given under its protective provisions.

Some further minor changes have been incorporated into the DCO submitted at this deadline (SCC/LLTC/EX/196):

DCO provision	Comment
Throughout	A final 'sense check' has been undertaken of the DCO to ensure that the document is internally consistent. This has resulted in some minor amends to the document.
Article 2(1)	The definition of the Scheme of Operation in article 2(1) has been altered slightly to reflect recent changes to article 41 (operation of the new bridge).
Article 46	A new general byelaw 37G has been added to require compliance with the Scheme of Operation, given that the final Scheme now includes a number of responsibilities on vessel masters who will not be caught by article 41(1), as that only applies to the undertaker. ABP has been notified of this change in advance of Deadline 11.
Article 62 and paragraph 52 of the Protective Provisions for the benefit of Network Rail	Changes have been made to these provisions following discussion with Network Rail, such that agreement has now been reached
Protective Provisions for the benefit of ABP (Schedule 13)	A small change has been made to paragraph 63 in relation to the scope of the indemnity offered in respect of any failures of the opening of the new bridge. ABP has been notified of this change in advance of Deadline 11.

ABP Letter to Secretary of State for Transport

On 3 June 2019, the Applicant was emailed a copy of a thirty one page letter with 6 appendices that had been sent to the Secretary of State by Clyde & Co, on behalf of ABP, setting out ABP's submissions to him with regards to the decision he must make under

section 127 of the Planning Act 2008. The Applicant understands that this was sent to the Planning Inspectorate on the same day as it was sent to the Applicant.

Notwithstanding the late arrival of such a lengthy document submitted separately to the Examination process, the Applicant (on the assumption the Examining Authority has indeed received and decided to accept this additional submission) has endeavoured to respond to it to the best of its abilities in the very limited time available. This response is set out in a 'Postscript' (coming as it did as the Applicant's submissions were close to being finalised) to the 'Closing Submissions (ABP)' document referred to above.

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