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



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/82: 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 Waveney District Council (WDC)	The County and District planning authorities. SCC is the local highway authority, minerals and waste planning authority and the lead local flood authority. WDC 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/78), 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-022-024). The General Arrangement Plans (document reference REP3-042, APP-013 and APP-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

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	<ul style="list-style-type: none"> • Development Consent Order
SoCG004	Highways England	All Matters Agreed.
SoCG005	Historic England	All Matters Agreed.
SoCG006	MMO	<ul style="list-style-type: none"> • Deemed Marine Licence & Development Consent Order
SoCG007	Natural England	All Matters Agreed.
SoCG008	SCC/WDC	<ul style="list-style-type: none"> • Design Guidance Manual

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 Waveney District Council

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Document SCC/LLTC/EX/82 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

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 and Under Discussion

4.1.1 The table below outlines the principal topics of discussion between the parties. The parties are also discussing a comprehensive Side Agreement, a first draft of which was issued to ABP on 13 February 2019, initial comments upon which were returned to the Applicant on 19 February 2019.

Table 4-1 – List of Matters Agreed and Under Discussion

Theme	Topic	Matters Agreed	Matters under discussion
Navigation	Emergency Berth		<ul style="list-style-type: none"> The need for an Emergency Berth is under discussion. 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. Discussions have taken place between the parties in relation to a number of issues including: <ul style="list-style-type: none"> the location of the Emergency Berth; the circumstances when both bridges would be required to open simultaneously – the principal area of concern to ABP being the need to guarantee in perpetuity the ability to require a simultaneous lift; the length of time both bridges would need to be in a raised position;

Theme	Topic	Matters Agreed	Matters under discussion
			<ul style="list-style-type: none"> the impact on staff responsible for the operation of the bridges (threat of verbal and/or physical abuse from the public); and the refusal of the public to follow instructions once bridge lifts have been initiated.
	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 reimbursement of reasonable costs. 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 it relates to 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. 	<ul style="list-style-type: none"> ABP considers that the Vessel Survey undertaken by the Applicant is of limited value, as it only identifies vessel movements in the Port within the period of the survey and 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.
	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. 	<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"> 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

Theme	Topic	Matters Agreed	Matters under discussion
		<ul style="list-style-type: none"> It is agreed that the Scheme must be subject to further vessel simulation to ensure that the final design of the Scheme, including cycle times is simulated accurately. It is agreed that the final vessel simulation must inform the final NRA. 	<ul style="list-style-type: none"> the model was not capable of accurately simulating the passage of some large vessels that regularly use the Port, resulting in those simulations having to be aborted. 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. In view of the inaccuracy and inadequacy of the modelling undertaken to date, ABP is firmly of the view that an absolute requirement is that the final vessel simulation must accurately simulate for the effects of wind shear, wind sheltering, cycle times and meteorological impacts, as it is likely these factors will impact the conclusions of the initial Vessel Simulation Report. The scope of further vessel simulation, including the necessity of modelling wind shear and sheltering, is therefore under discussion. ABP is further of the view that correct modelling must be undertaken and used to inform the required NRA which must itself be completed and approved by ABP before the Secretary of State can determine the DCO application.

	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. • It is agreed that the Scheme of Operation should, include, as a minimum, the following issues: <ul style="list-style-type: none"> ○ Arrangements for the opening of the bridge at the Harbour Master's discretion; ○ Windows for recreational craft; ○ How the need for a 'double opening' is managed, where vessels have passed in opposite directions in Lake Lothing through one bridge and a 'double' or second opening of one bridge is required in swift succession; ○ Operating restrictions due to meteorological conditions. • 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"> • ABP does not agree with, nor does it accept, the Applicant's proposed Scheme of Operation; • ABP's starting point is that it must have overall operating control of the LLTC. • ABP's specific comments regarding the draft Scheme of Operation have been included in its Deadline 4 submission.
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Theme	Topic	Matters Agreed	Matters under discussion
	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 should reflect 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 Marine Safety Code and the Port Marine Guide To Good Practice. It is agreed that the Protective Provisions for the harbour authority will be updated to clarify that the harbour authority will have final approval of the Scheme NRA before the LLTC scheme can be implemented. 	<ul style="list-style-type: none"> Subject to the comments made by ABP in its representations submitted for Deadline 4 and in its Written Representations, 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 defective), particularly as the Applicant produced the pNRA without ABP's formal input as SHA. 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 input 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 – for the reasons set out in its representations submitted for Deadline 4. ABP considers that the Applicant's proposed dDCO drafting, which only requires the Applicant to consult with ABP (but not obtain ABP's approval) prior to finalising the NRA, is unacceptable. ABP's specific comments regarding the Article 40 and Requirement 11 of the DCO have been included in its Deadline 4 submission. The parties also continue to discuss the interaction between the NRA for the bridge and ABP's existing port-wide NRA.

Theme	Topic	Matters Agreed	Matters under discussion
			<ul style="list-style-type: none"> As noted above, the parties continue to discuss the need for an Emergency Berth.
	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. 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. 	<ul style="list-style-type: none"> The mechanism for dealing with the additional expense incurred by ABP in relation to dredging is under discussion. For the reasons provided at the examination hearing, ABP cannot operate the Port on the terms currently provided in the draft DCO which looks to the need to obtain the Applicant's prior approval. As indicated, it is, however, prepared to give formal advance notice of a minimum five days.
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 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 designed, with consequent loss of utility. It is agreed that ABP will provide the Applicant information on berth occupancy. 	<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. As such, the extent of the direct loss of quay associated with the Scheme is under discussion. The extent to which the Scheme affects the functionality of berths immediately adjacent to this 165m is under discussion. ABP is of the view that in light of the serious detriment it considers that will be caused to port operations by the construction and operation of the new bridge, the Applicant must provide replacement berthing within the Port as mitigation. The Applicant is currently considering ABP's information on the impact of the Scheme and ABP's view of the

Theme	Topic	Matters Agreed	Matters under discussion
			<p>mitigation required to offset the serious detriment it believes is caused by the Scheme.</p> <ul style="list-style-type: none"> The Applicant awaits further information from ABP on current and future berth occupancy to inform this discussion.
	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 configuration of the occupiers in Shed 3. 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 	<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. 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 awaits proposed wording for the restrictive covenant from the Applicant. The process for what happens to the bridge at the end of its design life (120 years) has not been discussed between the parties. ABP considers that the Applicant must either remove the bridge from the port estate, or continue to maintain the bridge in perpetuity.

Theme	Topic	Matters Agreed	Matters under discussion
		<p>reasonable costs associated with any modifications will be met by the Applicant.</p> <ul style="list-style-type: none"> 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 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.
Future growth in the Port of Lowestoft	Berthing	<ul style="list-style-type: none"> It is agreed that the Port of Lowestoft is well positioned to benefit from the development of natural resources and the offshore energy sector in the North Sea. 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. It is agreed that ABP will provide the Applicant with forecasts of future berth occupancy. 	<ul style="list-style-type: none"> 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 due to restrictions on opening the bridge during peak traffic periods set out in the draft Scheme of Operation and will thereby act to the serious detriment of the port undertaking. The Applicant considers that the provision of an opening structure and its associated draft Scheme of Operation mitigates this effect. 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 constrain the movement of tidally restricted vessels. The number of berths likely to be required for CTVs to the west of the Scheme is being discussed.

Theme	Topic	Matters Agreed	Matters under discussion
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 respective requirements of the parties for berthing during construction are under discussion.
	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 Access Agreement and Traffic Management Plan between the parties will be required for the Port. At this stage, no such agreement, even in outline, has been provided by the Applicant. The Applicant is considering the content of such an agreement with its recently appointed contractor, having regard to ABP's suggestions. 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 area to be used as a construction compound is under discussion. Given the impact of the location of the construction compound on ABP's tenants, discussions are underway to explore the potential to mitigate the impacts. The contents of the Traffic Management Plan/Access Agreement are under discussion, including: <ul style="list-style-type: none"> Routeing of traffic along Commercial Road (particularly with respect to an alternative route being required when the bridge deck is put in place). 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 required for the Scheme to be able to be constructed.

Theme	Topic	Matters Agreed	Matters under discussion
Development Consent Order	General	<ul style="list-style-type: none"> • It is agreed the Applicant will remove byelaw 36 (diving) from Article 3, and therefore, subject to that change, Article 3 is agreed • It is agreed that the Protective Provisions for the harbour authority will be updated to clarify that the harbour authority will have final approval of the Scheme NRA. • With respect to article 41, the parties are generally agreed, though are discussing the need to modify the article to explicitly permit access to the affected areas for the purpose of responding to emergencies/incidents • It is agreed that the Applicant will update the Deemed Marine Licence at paragraph 7(g) and Paragraph 14(b) to take account of ABP's representations to Deadline 4 	<ul style="list-style-type: none"> • The Applicant and ABP have exchanged a number of drafts of the DCO, and discussions are ongoing in relation to the current draft in terms of the articles which interact with ABP and its protective provisions. • ABP does not agree with the drafting of a number of articles in the dDCO. • ABP's specific comments with regard to the draft DCO have been included in its Deadline 4 submission.

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	22 February 2019	22 February 2019

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



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/82 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/82

Date: February 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/82 Appendix 3: SoCG003: Statement of Common Ground Report 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/82

Date: February 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 Environment Agency 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 Environment Agency 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. Final minutes issued by SCC on 11th July 2016.
09/09/16	Letter	Flood Risk Assessment ("FRA") methodology circulated to the EA and East Suffolk District Council.
23/11/16	Letter	EA response to the FRA methodology.
09/12/16	Letter	Clarity on the role of the definition of 'safety critical' received from the EA.
11/04/17	Email	Requesting clarification on the EA's response to the scoping report.
25/05/17	Letter	EA response to the Interim Flood Risk Assessment. WSP responded subsequently on the 6th of June 2017.
19/06/17	Email	EA confirmation that wave overtopping does not require assessment. Further clarifications also received.
23/06/17	Email	Comments on ecology records and the road drainage methodology received from the EA.
31/07/17	Letter	EA response to the WFD assessment scope of works. Minor clarification received from the EA by email on the 3rd of August 2017.
19/09/17	Email	Confirmation of technical queries with regard to the baseline model received from the EA.

Date	Format	Key Topics Discussed and Key Outcomes
13/10/17	Letter	EA response to the s42 consultation.
03/11/17	Email	Confirmation of authorised landfills that accept construction waste received from the EA.
10/11/17	Email	Confirmation that a Flood Risk Activity Permit is required received from the EA.
08/11/17	Email	Confirmation from the EA that they have no objections or concerns regarding sediment sampling and testing methodology.
09/03/18	Report	Draft FRA submitted to EA for comment.
08/05/18	Report	Comments upon the Draft FRA received from the EA.
12/10/18	Telecon	The EA's comments on the FRA within the Relevant Representation.
15/11/18	Telecon	To discuss this SoCG
19/11/18	Telecon	To discuss sediment transport modelling
11/01/19	Email	Regarding flooding, WFD, sediment modelling, Protective Provisions and SOCG
18/01/19	Telecon	Discussion on SOCG
29/01/19	Telecon	Discussion on SOCG
08/02/19	Email	Email from EA to confirm flood risk matters were resolved
12/02/19	Telecon	EA update that Protective Provisions remain under review by EA's legal department
18/02/19	Telecon	Discussion regarding contamination matters

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 Environment Agency are commented on further in this SoCG:

- Flood Risk Assessment
- Groundwater and Contamination
- Water Environment
- Biodiversity
- Flood Risk and Flood Modelling
- Protective Provisions
- Sediment transport
- Water Framework Directive

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 Environment Agency.

4 List of Matters Agreed

Table 4-1 – List of Matters Agreed

Ref	Description of matter	Details of agreement
Flood Risk Assessment		
[1]	Baseline	It is agreed that the Environmental Statement (“ES”) has sufficiently identified the baseline data and environment relating to potential flood impacts.
[2]	Flood Risk Assessment Modelling	<p>It is agreed that the modelling undertaken as part of this Flood Risk Assessment (“FRA”) has been reviewed alongside the relevant modelling files provided to the Environment Agency (“EA”).</p> <p>It is agreed in principle that the FRA assesses the potential sources and impacts of flooding both with and without the Scheme that are within the remit of the EA.</p> <p>It is agreed that there are no outstanding matters relating to the FRA.</p>
[3]	Flooding Potential	It is agreed in principle that the FRA has appropriately identified potential flood impacts arising from the Scheme in respect of fluvial and tidal flood risk.
[4]	Local hydraulic effects	It is agreed that the data used to identify local hydraulic effects of the Scheme is recent and accurate.
[5]	Flood Mitigation	It is agreed that increases in flood depths as a consequence of the Scheme are small and are likely to have an insignificant impact.

Ref	Description of matter	Details of agreement
[6]	Climate Change	<p>It is agreed that the impacts of climate change scenarios and potential tidal flooding have been appropriately assessed in the ES.</p> <p>The Climate Projections (UKCP09) high emissions scenario and 50% probability level to inform the design and mitigation of the development is agreed by both parties.</p> <p>Although the Scheme design has been assessed against H++ estimate it is agreed that no mitigation is to be provided for these impacts as this assessment was only undertaken to understand the full picture of risk.</p>
[7]	Wave overtop	It is agreed that the impacts of wave overtopping have not been considered within the model but this is not critical to the assessment of flood risk.
Groundwater and Contamination		
[8]	CoCP	It is agreed that appropriate mitigation measures for potential contamination impacts are set out in the Interim Code of Construction Practice (Appendix 5A of the ES).
[9]	Appendix 12A of the ES	It is agreed, having regard to the contents of Appendix B of this document, the Environmental Desk Study Report is adequate
[10]	Ground Investigations	<p>It is agreed in principle that appropriate sediment sampling, groundwater testing and soil testing have been appropriately undertaken in the Ground Investigations Report (Appendix 12B, document SCC/LLTC/EX/32) and set out in Chapter 12 of the ES.</p> <p>It is agreed that with the ability of the EA to approve the final Piling Risk Assessment, sufficient mechanisms are in place to minimise the risk of contaminant mobilisation during piling works.</p>
Water Environment		
[10]	Aquifers	It is agreed that the correct ground water aquifers are identified in Chapter 17 of the ES.
[11]	Risk	It is agreed that Chapter 17 of the ES has taken account of potential risks and incorporated mitigation measures associated with spillage.


Ref	Description of matter	Details of agreement
[12]	SuDs	It is agreed that the Drainage Strategy as set out in Appendix 18B (document reference 6.3 / PINS document reference APP- 204) of the ES does not pose a risk to the water environment and is an appropriate strategy for the purposes of the Scheme.
Biodiversity		
[13]	Cumulative Impacts	It is agreed that the Cumulative Effects Assessment Advice Note 17v4, produced by PINS, has sufficiently informed the Cumulative Impact Assessment carried out in Chapter 20 of the ES for the purposes of biodiversity.
[14]	European Eel	It is agreed that impacts upon the European eel <i>Anguilla anguilla</i> have been adequately assessed within the ES.
Sediment Transport Model		
[15]	Sediment Transport Model	It is agreed that the revised sediment transport assessment (Appendix 17C (document reference SCCD/LLTC/EX/36 / PINS document reference REP3-049) of the ES) is adequate to sufficiently inform the Examining Authority.
Water Framework Directive		
[16]	Water Framework Directive (WFD) Assessment	It is agreed that following the submission of a technical note (see Appendix A) in response to matters raised by the EA in the Relevant Representations, the assessment is adequate to sufficiently inform the Examining Authority.
DCO		
[17]	Requirements	<p>It is agreed that a requirement is required in the DCO to provide for the approval by the EA of a final Piling Risk Assessment (document REP3-047).</p> <p>It is agreed that requirement 8 of the DCO should be updated to ensure a hydrocarbon sheen observed in boreholes BHC06 and BHC101 (as reported in the Ground Investigations Report (SCC/LLTC/EX/32)) is subject to further investigation prior to construction.</p>

5 List of Matter Under Discussion

Table 5-1 - List of Matters Under Discussion

Ref	Description of stakeholder issue	Current position
DCO		
[1]	Protective Provisions	The wording for the Protective Provisions (and associated disapplications within the DCO, such as Flood Risk Activity Permit) is under discussion between the parties but good progress has already been made to enable agreement to be reached as soon as possible.

6 Signatures

	Environment Agency	Suffolk County Council
Signature	Agreed, awaiting signature	
Printed Name	Barbara Moss-Taylor	Jon Barnard
Title	Sustainable Places Planning Specialist	Project Manager
On Behalf of	Environment Agency	Suffolk County Council
Date	22 February 2019	22 February 2019

Appendix A

4.0 Environmental Statement Volume 3 Appendix 17A - WFD Assessment

4.1 In summary, we do not agree with some of the assumptions used in the Assessment nor that the data supplied in some sections is sufficient. As such we do not yet consider the Assessment to be complete.

4.2 WFD Assessment for the Bure & Waveney & Yare & Lothing transitional water, Section 2 Biology – scoping template. The applicant has assumed that there are no higher or lower sensitivity habitats present within the area of the proposed scheme and has therefore not considered this section. Lower sensitivity habitats will be present and this section should be updated to consider the questions in relation to the footprint of the activity.

Higher and lower sensitivity habitats were checked against the Magic website and the WFD summary information table in line with the EA guidance.

The habitat within Lake Lothing is predominantly of soft mud as detailed in Appendix 11G Benthic Survey Report. Based on this knowledge, and with the use of tidal limits to differentiate subtidal from intertidal habitats, we have calculated there to be the following areas of lower sensitivity habitats within the Lake Lothing waterbody:

- Approximately 490,000m² of subtidal soft sediments like sand and mud; and
- Approximately 31,000m² of intertidal soft sediments like sand and mud.

The Scheme is located entirely within the subtidal area as illustrated in Figure EA1 WFD Sensitive Habitats which accompanies this response.

4.3 The on-line sources of information used, Magic and the WFD summary information table, are incomplete for this waterbody. The applicant may use their own survey data to show the presence of lower sensitivity soft sediment subtidal and intertidal habitats.

See response to 4.2.

4.4 As online habitat information is incomplete for the rest of this WFD waterbody, we recommend the applicant considers if the footprint of their activity is 1% or more of the subtidal area or the intertidal area. We estimate the subtidal area of the waterbody is approximately 420 ha. The applicant should provide details in this section of the predicted size of footprint during construction as well as the footprint of the piers.

The footprint of the Scheme during construction and operation is as follows:

- Construction footprint including cofferdam is approximately 2,800m² which is approximately 0.57% of the subtidal area as calculated above.
- Footprint of the piers during operation is approximately 852m² which is approximately 0.17% of the subtidal area as calculated above.

The footprint of the activity is therefore less than 1% of any lower sensitivity habitat and therefore an impact assessment on this habitat is not required.

In this point you mention an area of 420ha. It is assumed that this is an error and should read 420,000m² (or 42ha).

Using this smaller area the activity would still be less than 1% of any lower sensitivity habitat.

4.5 Section 17.4.5 – While Lake Lothing is in name a lake it is not suitable to classify it as such. The document later states that it is completely tidal, however while fluvial input is restricted by the lock structure the waterbody should be classified as an estuary, or at the least transitional.

(NB: This comment is made against section 17.4.5 of the ES chapter rather than Appendix 17A)

This clarification is noted for some of the initial description in the baseline section. In paragraph 17.4.10 when referring to WFD specifically, it is referred to as a transitional waterbody and the assessment treats it as tidal with fluvial inputs.

4.6 Section 17.4.28 – the section on Geomorphology is very sparse and does not contain the sort of information that we should expect. While the hydromorphological regime has been discussed in other sections of the report this section should contain information on the following as an environmental baseline: Tidal prism of the waterbody, Sediment budget and particle size i.e. D50 and classification (clays or silts), Tidal range (micro, meso or macrotidal), Tidal symmetry (or asymmetry), Extent of intertidal area at MLWS, Channel Length, Classification of the waterbody, Fluvial inputs (m³s).

(NB: This comment is made against section 17.4.28 of the ES chapter rather than Appendix 17A)

channel length and intertidal area are provided below (This information is provided within the updated Sediment Transport Assessment); the classification is provided in paragraph 17.4.28 of the Environmental Statement and. This information does not change the assessment findings, conclusions or level of significance of effects. Summary information is as follows.

A sediment survey (see Annex D in Appendix 12B of the ES) has been carried out in Lake Lothing to determine the sediment particle size at the bed. The particle distribution ranges from 0.002mm (Clay) to 0.02mm (Medium Silt), however the majority of the domain is in the 0.002mm to 0.003mm range.

There is a meso-tidal range at Lowestoft (2-4m) and intertidal area of 3.1ha. The channel length is approximately 3.2km from Mutford Bridge to the coastal boundary of Lake Lothing.

The existing regime carries clay into the estuary on the flood tide. The particles are then deposited as the tide changes and the water speed is not sufficient to erode the sediment according to the Hjulström Curve. As a result, the harbour requires periodic dredging to prevent siltation over time and a dredging programme is currently in place. The tides are predominantly symmetric but low velocities in the estuary mean that velocities during the receding tide are not high enough to move a significant amount of sediment out of the estuary, hence the deposition occurs.

The combined fluvial inputs to Lake Lothing (from Kirkley Stream and the two unnamed drainage channels flowing into the estuary) are 3.27m³/s for a 0.5% AEP event.

4.7 Section 17.5.4 -The waterbody is frequently referred to as a river, this is geomorphologically incorrect. Similar with regards to stream beds, unless referring to the fluvial tributaries, which are unlikely to have gravel beds used for spawning in a tidal system dominated by fine sediment. Possible impacts from an increase in fine sediment are likely to affect shellfish populations were they present.

(NB: This comment is made against section 17.5.4 of the ES chapter rather than Appendix 17A)

It is acknowledged that in this paragraph the term 'river bed' is used in relation to Lake Lothing when describing mobilisation of sediments from the bed of this waterbody. Other references relate to a general statement regarding the potential impacts of fine sediments on the water environment. The water environment includes Kirkley Stream which discharges into Lake Lothing and is a fluvial tributary; although acknowledged that it is unlikely to have gravel beds for spawning. Aquatic invertebrates are included as potential sensitive receptors within the ES in Table 11-5. We consider that the assessment has considered Lake Lothing and Kirkley Stream in a geomorphologically correct way.

4.8 Section 17.5.30 – While modelling has been completed which has deemed the chances of erosion to be minimal, monitoring should be undertaken to ensure that scour is minimal.

As demonstrated in the updated Sediment Transport Assessment and considering that the geomorphology of Lake Lothing is heavily modified (including a heavily engineered quay), and that regular dredging is undertaken due to build-up of sediment, it is not judged likely that erosion or scour processes shall be exacerbated notably or cause a significant effect, taking into account the Scheme design. Scour monitoring is therefore not considered to be appropriate in this instance.

4.9 Section 4 - WFD protected areas - can the applicant also confirm that they have considered if there is a risk from the activity to the bathing water at Lowestoft (Lowestoft North of Claremont Pier Bathing Water)?

The bathing waters at Lowestoft (North of Claremont Pier) have been considered. Impacts on the water quality of Lake Lothing are assessed to be of neutral significance during the operational period as concluded in the ES Chapter 17 (Paragraph 17.5.28). At approximately 1.3 km down-flow of the scheme and out with Lake Lothing, WSP has a high level of confidence that these bathing waters are therefore not considered to be at risk. Considering the construction period is approximately two years, and that marine construction will not be taking place for this full duration (and will be enclosed by a cofferdam), the WFD assessment considers construction impacts to be short-term and therefore excluded from the WFD assessment.

4.10 We welcome the statement that the applicant will consider mitigation measures for fish during construction and measures that could improve the waterbody.

Noted

4.11 The risk to groundwater in the deep principal aquifer Crag has been deemed low in part due to the assumption of hydraulic continuity between layered granular deposits. However, an assessment of groundwater heads data is required to confirm this assumption i.e. by determining the vertical gradient between aquifer layers.

The ground investigation works have identified permeable drift and permeable bedrock are present where piling will take place. The units are considered to be hydraulically connected with only minimal vertical constraints in flow where low permeability layers (clay, sandy clay beds) are discontinuous and of variable thickness (<0.5m to >1.0m).

Regional groundwater level contours for the Crag Group aquifer are recorded at 0mOD and locally, Crag water levels have been lowered below 0mOD by marsh drainage and in coastal areas this has led to saline intrusion, as identified from the Hydrogeological Map of Northern East Anglia. This will impact on the groundwater quality which is expected to be brackish to saline. Groundwater levels will also be influenced by the tide due to the proximity of the Scheme to the coast.

WSP does not expect a significant change in vertical pressure difference due to the nature of the lithologies (bedrock and superficial), saline groundwater water quality and tidal influences acting on the aquifers. Bedrock groundwater pressures in coastal areas are often with an upwards hydraulic gradient due to recharge in the wider catchment. A Piling Risk Assessment accompanied the DCO application and this assumed that there is likely to be hydraulic continuity between shallow groundwater in the drift deposits and groundwater in the bedrock where piling will take place. Therefore the risk to groundwater from piling activities is unlikely to be an issue considering the units are already hydraulically connected, with saline groundwater water quality and tidal influences acting on the aquifers. The bored piling method technique will minimise the risk of creating preferential pathways and is therefore considered to provide the most conservative approach for pile construction.

When the piling design is finalised the EA would be able to ask for more information (if necessary) as part of their approval of the detailed design pursuant to their protective provisions.

4.12 We are pleased to note that the bored piling method has been selected for the piling works in order to reduce the risk of creating preferential pathways for contamination; the installation of temporary or permanent casing should also reduce the risks, as will the maintenance of a hydrostatic head with bentonite and filling from the base up with cement appropriate for the situation; cement suitable for saline water may be required.

Noted.

4.13 An assessment of the salinity of groundwater at the northern and southern sites should also be provided; if it is not saline, further assessment will be needed to determine how the piling will be undertaken within Lake Lothing itself without introducing saline water into the underlying aquifers.

During construction there is a risk that piling could introduce saline waters to the groundwater beneath Lake Lothing. Considering regional groundwater levels, specified on the Hydrogeological Map of Northern East Anglia, for the Crag Group aquifer and proximity to the coast, groundwater water quality is already expected to be saline. Locally, Crag water levels have been lowered below 0mOD by marsh drainage and in coastal areas this has led to saline intrusion and impeded on water quality as identified from the Hydrogeological Map of Northern East Anglia. The drift and bedrock (Crag Group) are likely to be hydraulically connected where low permeability layers are discontinuous and of variable thickness (see comments above in response to 4.11). The hydraulic continuity and tidal pressure changes make it unlikely for fresh water to be present beneath Lake Lothing (at least to a depth of 50mbgl which is the maximum total depth of the ground investigation works completed).

A Piling Risk Assessment has identified that bored piles are the most suitable technique for minimising the risk of mobilising potential contamination and creating preferential pathways for migration. WSP does not expect any significant change to

groundwater water quality where the potential for saline groundwater water quality already exists and therefore considers the risk to be low.

When the piling design is finalised the EA would be able to ask for more information (if necessary) as part of their approval of the detailed design pursuant to their protective provisions.

4.14 Section 17.6.19 states that the impact of piling on groundwater flow will be negligible given the proposed piling size and density. Whilst Appendix 12A (Interim Piling Works Risk Assessment) provides details of potential number of piles per bridge support and pile depth, further information will be needed on the design and density in order to confirm the likely negligible impacts on local groundwater flow.

See 4.11. When the piling design is finalised the EA would be able to ask for more information (if necessary) as part of their approval of the detailed design pursuant to their protective provisions.

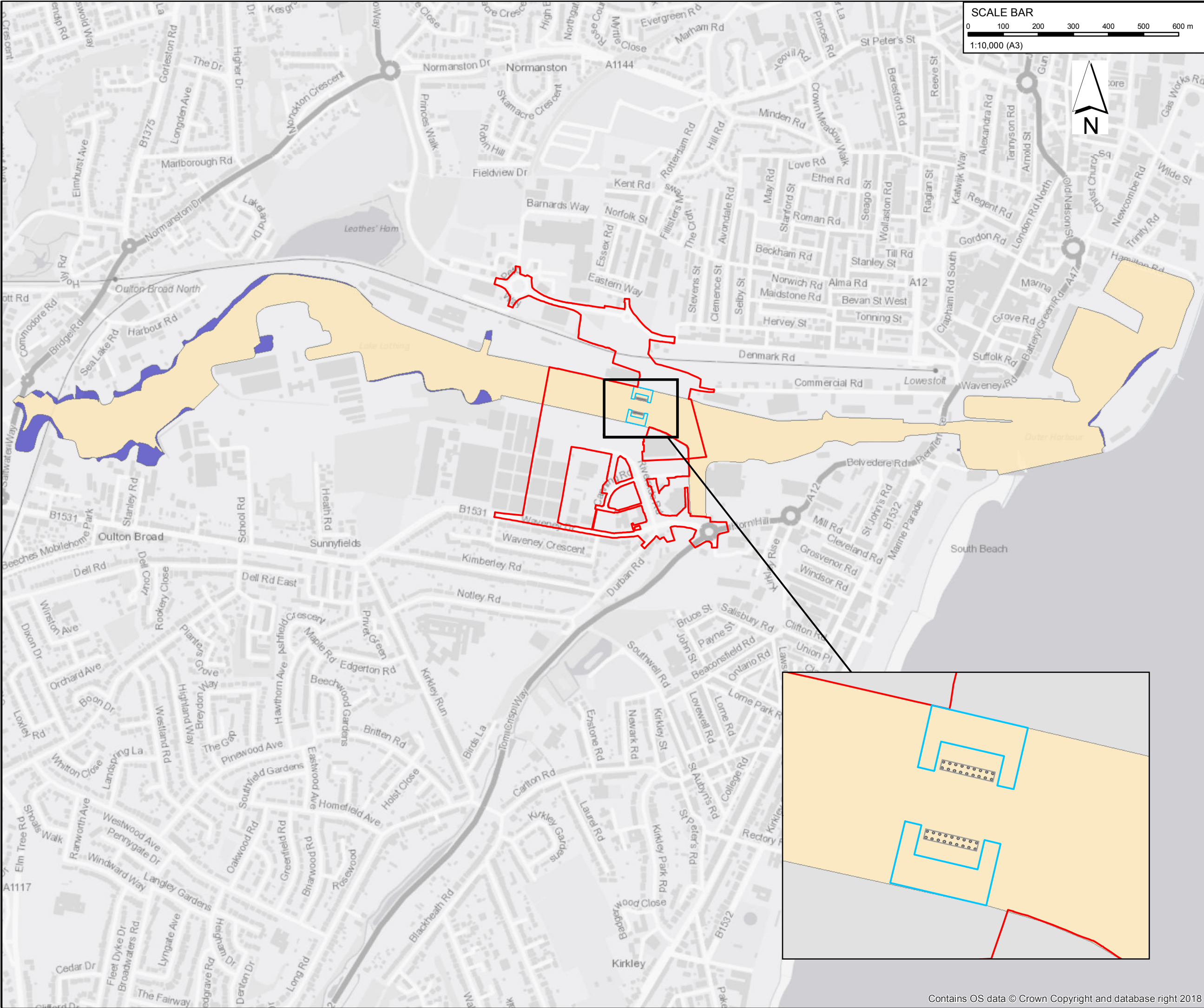
4.15 We are pleased to note that road drainage will be passed through settlement ponds prior to discharge and that flow control devices, penstock valves and oil separators will be employed to ensure sufficient treatment and or/isolation of pollution; clearly the ponds and oil separators must have the capacity to deal with the largest storm event for this proposal to be sufficient. There also needs to be agreed provision for ongoing maintenance of the drainage schemes. Whilst section 17.6.19 states that no drainage effluent will be discharged to groundwater section 17.1.3 suggests that discharges may be made to ground. The Environment Agency would wish to review any proposals to discharge to ground and a full risk assessment would be required.

(NB: This comment is made against section 17.6.19 and 17.1.3 of Appendix 17A)

17.1.3 states 'potentially construction into the groundwater aquifer'. This relates specifically to piling activities. There are no proposals to discharge to ground. Information on discharges is provided in the updated Drainage Strategy that will be submitted at PINS Examination Deadline 3.

4.16 Section 17.5.30 – While modelling has been completed which has deemed the chances of erosion to be minimal, monitoring should be undertaken to ensure that scour is minimal.

See 4.8 above.



KEY

Order Limits

Intertidal soft sediments like sand and mud

Subtidal soft sediments like sand and mud

Cofferdam

Bridge piers

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REVISION	DRAWN	CHECKED	APPROVED	DATE
DESCRIPTION				

Suffolk

County Council

PROJECT TITLE

Lake Lothing
THIRD CROSSING

DRAWING TITLE

WFD Sensitive Habitats
Figure EA1

DRAWING STATUS

Information

DRAWN	CHECKED	APPROVED	AUTHORISED	SUITABILITY
DH	SM	HR	JB	S4

SCALE @ A3 SIZE	DATE	REVISION
1:10,000	29/11/2018	P01.00

DRAWING NUMBER				
Project		Originator		Volume
1069948-WSP-EGN-LL-SK-0001 P001				
Location		Type		Role
				Number

Appendix B

APPENDIX B

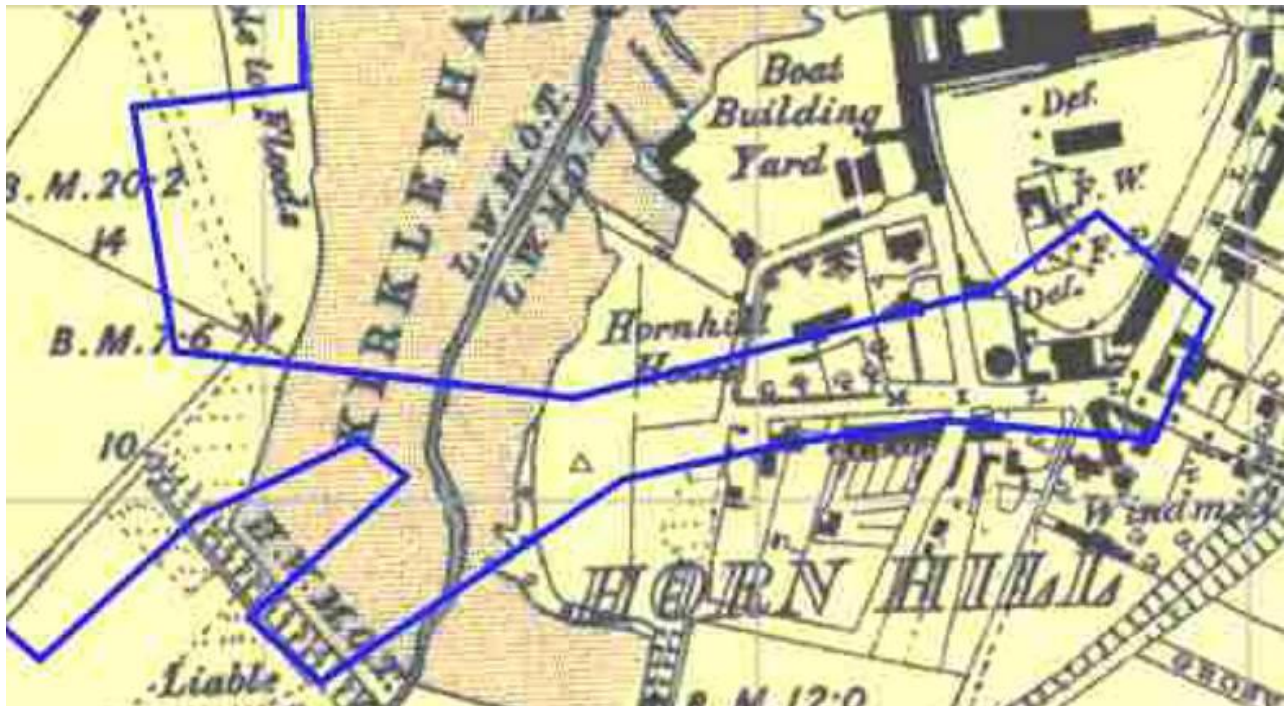
Appendix 12A of the Environmental Statement (document APP-190)

Query

The Environment Agency sought clarification on the contents of Table 4 *Summary of Potential Sources of Contamination* in respect of DoE Industry Profile for 'Gas works, coke works and other coal carbonisation plants'.

Applicant's response

The DoE Industry Profile document, from 1995, lists the contaminants that are likely to be present on any gas works or similar facilities. As stated in Section 2.5 of the Environmental Desk Study Report, that was Appendix 12A to the Environmental Statement, a gasometer was present in the south west of the study area and the location of this is shown below (the gasometer is unlabelled but is the circular structure).



This area of the Order limits encompasses the A12 Horn Hill roundabout where limited works and certainly no significant excavations are proposed.

It is also of note that the DoE profile is based upon carbonisation plants and a gasometer is a gas storage device rather than a gas works, coke works or other coal carbonisation plant and therefore the risks of contamination will be significantly lower as no processing will have been undertaken here.

Notwithstanding this, the ground investigation and the testing that was undertaken included sufficient determinands that would identify the likely presence of contamination associated with carbonisation plants. Included within the testing suite were petroleum hydrocarbons, phenol,



heavy metals, VOC's, SVOC's and polyaromatic hydrocarbons and these would have identified the likely presence of any gas works related previous land use and this will have informed the need for further targeted and specific testing. No elevated concentrations that warranted further assessment were identified.

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



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/82 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/82

Date: February 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/82 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/82

Date: February 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/82: 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/82

Date: February 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

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

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> <tr> <th>Station / Sample</th><th>Distance Covered (m)</th><th>Duration (minutes: seconds)</th></tr> <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> </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																	

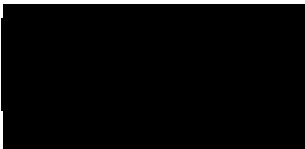

Ref	Description of matter	Details of agreement
[19]	Habitat Regulations Assessment (HRA)	It is agreed that the MMO will defer the Natural England's conclusions on the HRA. Where mitigation is necessary to control the likely impact to interest features, the MMO consider that such measures should be captured 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.
DCO		
[25]	Wording of the DCO	It is agreed that the arbitration article of the DCO shall not apply to the DML.

5 List of Matters Under Discussion

Table 5-1 – List of Matters Under Discussion

Ref	Description of stakeholder issue	Current position
Deemed Marine Licence & Development Consent Order		
[1]	Wording of the DML	<p>The wording for the DML is under discussion between the parties but good progress has already been made to enable agreement to be reached as soon as possible. The principal outstanding issues relate to:</p> <ul style="list-style-type: none"> • Timescales for determination of applications to the MMO. • Wording of conditions/ and structure of sections. <p>It is however agreed that the arbitration condition should be removed from the DML</p>
[2]	Wording of the DCO	<p>The wording of the DCO is under discussion between the parties but good progress has already been made to enable agreement to be reached as soon as possible.</p>

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	22 February 2019	22 February 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/82:

Statement of Common Ground Report

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/82

Date: February 2019

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Tables

<i>Table 2-1</i>	<i>Consultation to Date</i>	<i>2</i>
<i>Table 4-1</i>	<i>List of Matters Agreed</i>	<i>4</i>
<i>Table 5-1</i>	<i>List of Matters under Discussion</i>	<i>6</i>

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 Natural England 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 Natural England over the duration of the project.

Table 2-1 – Consultation to Date

Date	Format	Key Topics Discussed and Key Outcomes
14/09/16	Meeting	Meeting (with SCC Ecology also) to discuss work to date, and that which is proposed. This included issuing meeting notes and a programme and figure of where surveys would be undertaken.
24/11/16	Email	Comments from Marija Nilova of Natural England on the meeting notes of the meeting held on the 14/09/16.
16/10/17	Letter	Natural England response to the S42 consultation.
20/11/17	Email	Consultation on sediment sampling and testing methodology. Natural England confirmed on the 5 th of December 2017 that it was satisfied with the methodology.
01/10/2018	Email	Natural England were sent the first draft of this Statement of Common Ground to comment upon.
11/01/19	Email	Updating the SoCG and comments on the HRA rev2.
17/01/19	Telecon	Voicemail left with John Jackson
22/01/19	Telecon	Voicemail left with John Jackson
23/01/19	Telecon	Voicemail left with Helen Dixon
24/01/19	Telecon	Phone call with Jen Love re HRA
04/02/19	Email	Natural email agreement on the HRA

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 Natural England are commented on further in this SoCG:

- Overall Assessment
- Construction Noise
- Air Quality
- Nature Conservation and Biodiversity
- HRA

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 Natural England.

4 List of Matters Agreed

Table 4-1 – List of Matters Agreed

Ref	Description of matter	Details of agreement
Overall Assessment		
[1]	Baseline	It is agreed that the Environmental Statement (“ES”) sufficiently identifies the relevant designated and undesignated sites that may be affected by the Scheme.
[2]	Survey methodology	It is agreed that the surveys carried out and described in appendices 11C-G of the ES have been carried out appropriately.
[3]	Species specific surveys	It is agreed that the species-specific surveys are adequate to inform the assessment of effects on ecology in the ES.
Construction Noise		
[4]	Methodology	The conclusions of the assessment of construction noise on terrestrial and underwater receptors as set out in the ES are agreed
[5]	Mitigation	It is agreed that the mitigation measures set out in the Interim Code of construction Practice (Appendix 5A of the ES) in relation to the control of noise are appropriate to mitigate the effect of construction noise on ecological receptors.
Air Quality		
[6]	Study Area	It is agreed that the 350m study area during construction and 200m during operation is appropriate and in keeping with DMRB criteria.
[7]	Effects upon ecologically designated sites	It is agreed that the assessment and the conclusions within the ES adequately addresses the effects of nitrogen deposition upon ecologically designated sites.
[8]	Cumulative and Synergistic effects	It is agreed that the ES has appropriately considered cumulative effects.


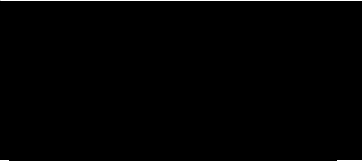
Ref	Description of matter	Details of agreement
Nature Conservation and Biodiversity		
[9]	Study Area	It is agreed that the 2km and 30km study areas for nationally designated sites and internationally designated sites respectively are appropriate. It is agreed that Sprat's Water and Marshes, and Barnby Broad and Marshes Sites of Special Scientific Interest (SSSI) should be included in the study area. It is appropriate to include them in the study area even though they lie beyond 2 km of the project boundary as these sites are component SSSIs of the Broadland Special Protection Area (SPA).
[10]	Benthic Studies	It is agreed that the benthic sampling surveys adequately identifies the environment at the base of Lake Lothing.
[11]	Habitat Regulations	It is agreed that the Habitat Regulations Assessment (document reference 6.5 / PINS document reference APP-206) adequately assesses the risk to designated sites and its conclusions are agreed.
[12]	Sediment transport Assessment	It is agreed that the sediment transport assessment set out in Appendix 17C of the ES adequately assesses the risk to the designated site and benthic ecology.
[13]	Assessment	It is agreed that the assessment in the ES has adequately addressed the likely significant effects upon nature conservation assets.
Habitats Regulation Assessment		
[14]	HRA Revision 2 (document REP3-038)	The HRA Revision 2 (document REP3-038) submitted by the Applicant at Deadline 3 is agreed.

5 List of Matters under Discussion

Table 5-1 – List of Matters under discussion

Ref	Description of matter	Details of agreement
There are no matters under discussion		

6 Signatures

	Natural England	Suffolk County Council
Signature		
Printed Name	Jen Love	Jon Barnard
Title	Marine Lead Adviser	Project Manager
On Behalf of	Natural England	Suffolk County Council
Date	22 February 2019	22 February 2019

The Lake Lothing (Lowestoft)

Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

Document SCC/LLTC/EX/82:

Statement of Common Ground Report

Appendix SOCG008:

Statement of Common Ground Between Suffolk

County Council (the Applicant) and Suffolk

County Council and Waveney District 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/82

Date: February 2019

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<i>Table 5-1</i>	<i>List of Matters Under Discussion</i>	<i>17</i>

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 the Applicant and SCC and WDC 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

Appendix A

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 Suffolk County Council and Waveney District Council over the duration of the project.

Table 2-1 – Consultation to Date

Date	Format	Key Topics Discussed and Key Outcomes
25/08/16	Email	Comments on the Desk Based Assessment received from the Archaeological Officer of SCC.
21/09/16	Meeting	To discuss WDC knowledge of land contamination with Sue Bowyer of WDC.
28/09/16	Letter	Response from Simon Curl (Flood and Water Management team at SCC) on the Flood Risk Assessment methodology.
13/10/16	Telecon/Meeting	Telecon meeting with Will Fletcher of HE and Abby Antrobus (Suffolk County Council Archaeological Advisory Service ("SCCAAS")), to discuss the proposed scope of the cultural heritage assessment.
18/10/16	Email	Issuing method statement monitoring locations for diffusion tubes to WDC and SCC.
24/10/16	Email	Email from WSP issuing method statement and viewpoint locations for the Landscape and Visual Impact Assessment to both SCC and WDC.
08/11/16	Meeting	Meeting between the Applicant, SCC, WDC and WSP (then Mouchel) about the approach to the Landscape and Visual Impact Assessment ("LVIA").
14/11/16	Letter	Comments received from Anita Seymour (Development Manager at SCC) on the LVIA method statement issued on the 24 th of October 2016.
15/11/16	Email	Confirmation on the method statement for diffusion tube monitoring received from Anita Seymour of SCC.
18/11/16	Email	To Anita Seymour and David Porter, identifying the purpose of monitoring and that lockable covers for the diffusion tubes haven't been possible to procure.

Date	Format	Key Topics Discussed and Key Outcomes
28/11/16	Report	Issue of draft Written Scheme of Investigation ("WSI") to Abby Antrobus of SCCAAS for archaeological monitoring of the trial trenches.
05/12/16	Telecon	Held with SCC and WDC to discuss the proposed scope of air quality and noise assessments.
06/12/16	Minutes	Issue of the minutes of the LVIA meeting held on 08/11/16.
07/12/16	Site meeting	Meeting on site with David Porter (WDC Environmental Health Officer ("EHO")) to agree diffusion tube locations for air quality monitoring.
08/12/16	Email	Agreement from EHO to use the Children's Centre for unattended noise monitoring.
09/12/16	Telecon	Conversation between Ian Baker and David Porter (WDC EHO) to discuss the traffic movements that the model is identifying.
09/12/16	Email	Comment from Abby Antrobus (SCCAAS) the draft WSI for the trial trenches.
16/12/16	Email	Comment from Anita Seymour (SCC) upon the Landscape and Visual Impact Assessment meeting minutes.
23/12/16	Report	Issue of final WSI for the trial trenches to Abby Antrobus (SCCAAS).
28/12/16	Email	Confirmation from SCCAAS of the adequacy of the WSI
12/01/17	Meeting	Design team meeting to discuss junction options, site issues and constraints. Attended by Jon Barnard, Andrew Pearce, Michael Wilks, Graeme Mateer, Steve Merry of SCC and Philip Perkin (Principal Planning Officer, WDC) and Robert Scrimgeour (Principal Design and Conservation Officer, WDC)
08/02/17	Meeting	Air Quality and Noise assessment workshop with WDC and SCC. Scope of the proposed modelling assessment presented and discussed.
16/02/17	Meeting	Design team meeting, attended by Jon Barnard, Andrew Pearce, Michael Wilks, Graeme Mateer, Steve Merry, Anita Seymour of SCC and Philip Perkin, Robert Scrimgeour of WDC.

Date	Format	Key Topics Discussed and Key Outcomes
22/03/17	Meeting	Design review meeting with CABE to discuss the need for a design led approach, attended by Jon Barnard, Andrew Pearce, Michael Wilks and Anita Seymour of SCC and Robert Scrimgeour of WDC.
30/05/17	Report	Submitted draft Townscape Character Baseline section to SCC and WDC for review.
16/06/17	Email	SCC comments on the draft Townscape Character Baseline.
12/06/17	Workshop	Design workshop, attended by relevant officers from SCC and WDC, including presentation of mechanism options and discussion on the adaptability of the design in relation to the future development of Southern Quay.
14/06/17	Workshop	Visioning workshop with WDC and their designer, Wayne Hemingway.
19/06/17	Site Meeting	Site visit with Andrew Murray-Wood of SCC to discuss the site and the ecological survey scope of works.
29/06/17	Meeting	Second design review meeting with CABE, attended by Jon Barnard and Anita Seymour of SCC and Philip Perkin, Robert Scrimgeour of WDC.
30/08/17	Email	Comments from Andrew Murray-Wood of SCC upon the draft reptile report and the minutes of the site meeting notes.
15/09/17	Email	SCC advising the Applicant of possible badger presence near to the scheme.
27/09/17	Email	TPO information and photographs received from Phil Perkin of WDC.
25/10/17	Telecon	Between WSP and Mark Seaman (WDC Environment Protection Officer) with regard to the PEIR geology and soils chapter and additional information that the EHO holds.
16/10/17	Email	Proposals on additional noise monitoring location sent to David Porter (EHO).

Date	Format	Key Topics Discussed and Key Outcomes
13/11/17	Email	Agreement from Robert Scrimgeour to the approach to the photomontages. Philip Perkin subsequently confirmed as well on the 14 th .
14/11/17	Email	Agreement from Phil Watson of SCC to the approach to the photomontages.
05/12/17	Workshop	Design workshop with the relevant Officers from SCC and WDC to discuss consultation feedback and provide a design update.
15/12/17	Email	Agreement from Phil Watson of SCC with regard to the draft conclusions on the assessment and the likely beneficial effects.
07/02/18	Email	Email from Anne Willis of East Suffolk to Michael Wilks of SCC as Applicant advising that WDC holds no information on visitor numbers to tourist attractions.
17/04/18	Workshop	Design workshop to discuss the Design Guidance Manual and provide a design update with Jon Barnard, Andrew Pearce, Graham Gunby, Sarah Jessup, John Pitchford of SCC and Phil Perkins of WDC.
11/05/18	Email	Agreement from Abby Antrobus (SCCAAS) on the nature of mitigation measures for archaeology that are to be provided with the application.
15/05/18	Email	Confirmation from WDC of there being no records of private water supplies in the vicinity of Lake Lothing.
05/06/18	Email	Response from Kit Day of SCC on the absence of any information on the spend within the town centre of Lowestoft.
30/07/18	Workshop	Design workshop to discuss the Design Guidance Manual with Jon Barnard, Andrew Pearce, Graham Gunby, Sarah Jessup, John Pitchford, Michael Wilks of SCC, Phil Perkins and Elouise Limmer of WDC and Robert Scrimgeour of Suffolk Coastal attending.
12/09/18	Workshop	Design workshop to discuss the Design Guidance Manual.
12/10/18	Teleconference	SCC/Historic England on WSI
13/1/19	Email	Update on SOCG

Date	Format	Key Topics Discussed and Key Outcomes
21/1/19	Meeting	Meeting with Highway Authority on outstanding matters and Non-Material Changes
22/1/19	Email	Update on Non-Material Changes
05/02/19	Email	Agreement of methodology for bridge signals noise assessment with WDC
13/02/19	Email	Agreement of results of bridge signals noise assessment with WDC/discussion regarding need for a Requirement
19/02/19	Email	Feedback from WDC on Appendix 12b/discussion on need to update contamination requirement
21/02/19	Email	Issue of SOCG

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 the Applicant and SCC and WDC are commented on further in this SoCG:

- Scheme Design
- New Access Road
- Landscape, Townscape and Visual Impacts
- Traffic
- Cultural Heritage
- Nature Conservation
- Regeneration
- Flood Risk and Drainage
- Air Quality
- Noise and Vibration
- Contaminated Land
- Code of Construction Practice
- Design Guidance Manual
- Surface Water Drainage
- Non material changes
- 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 SCC and WDC.

4 List of Matters Agreed

Table 4-1 – List of Matters Agreed

Ref	Description of matter	Details of agreement
Scheme Design		
[1]	Future proofing	It is agreed that the design of the control tower will allow for future adaptation to allow access to the waterfront upon development of the southern quay.
[2]	Scheme Design Parameters	The design parameters as set out in the Design Report (document reference 7.5 /PINS document reference APP-123) and the Control Tower Report (Appendix 7 thereof) are agreed.
[3]	Visualisations of Scheme Bridge	It is agreed that the visualisations of the Scheme bridge as contained within Section 7.5 of the Design Report represent the rolling bascule mechanism in lowered, intermediate and raised positions, and are appropriate.
[4]	Landscape and Public Realm – Northern Approach	The updated proposals for the northern landing site as shown in the updated Landscaping Plans (SCC/LLTC/EX/19) are agreed.
[5]	Non-Motorised User Provision	<p>It is agreed that provision for non-motorised users in the reference design comprising of a combination of shared and segregated footway and cycle facilities and crossing points is acceptable.</p> <p>It is agreed that where practical footway and cycleways shall be connected to adjacent sites and the public highway, the details of which will be resolved during detailed design.</p>
[6]	Controlled Crossings	It is agreed that the type of control used at crossings should be determined at the detailed design stage taking account of the requirements set out in the Design Guidance Manual.
[7]	Design Guidance Manual	It is agreed that, in principle, the Design Guidance Manual is an appropriate tool to control the detailed design of the Scheme.
New Access Road		

Ref	Description of matter	Details of agreement
[8]	Preliminary Design	It is agreed that the reference design for the New Access Road as shown in the General Arrangement Plans (document reference 2.2 / PINS document reference APP013-015) and the Design Guidance Manual is appropriate having regard to the nature and scale of development that it is envisaged to serve.
Landscape, Townscape and Visual Impacts		
[9]	Landscape, Townscape and Visual Impacts	It is agreed that the methodologies used to assess the landscape and townscape impacts and the visual impacts are appropriate.
[10]	Future Townscape	It is agreed that the description of the future townscape and how this is taken into account in the assessment of visual amenity is acceptable.
Traffic		
[11]	Base and Future Years	The base year is agreed as 2016, opening year as 2022 and the future year for modelling as 2037.
[12]	Baseline	It is agreed that the microsimulation model using VISSIM software provides a reliable representation of the existing traffic conditions.
[13]	A47 Katwijk Way Junction	It is agreed that in the absence of DfT data, the SATURN model provides a reliable means to assess the traffic flow on the A47 Katwijk Way.
[14]	Junction assessment	It is agreed that the assessment includes all relevant junctions.
[15]	Traffic Counts	It is agreed that the number and timing of traffic counts undertaken are suitable for the purposes of the transport assessment and associated modelling.
[16]	Baseline Methodology	It is agreed that the baseline methodology is acceptable as set out in Section 3 of the Transport Assessment.
[17]	Transport Analysis and Appraisal	It is agreed that the use of a SATURN highway assignment model is an appropriate tool to assess the strategic impact of the Scheme.

Ref	Description of matter	Details of agreement
[18]	Traffic Modelling	<p>It is agreed that the method (including accounting for future growth) and results of the strategic traffic modelling (VISSIM, SATURN) are acceptable and overall the Scheme will have a largely beneficial impact by reducing congestion and improving journey times on both the local highway network and the Strategic Road Network.</p> <p>The method of modelling individual junctions (Junctions 8 / Junctions 9 LinSig) is agreed. While the output and assessment of most junctions is generally accepted minor issues remain though it is agreed that these not material to overall conclusions TA.</p>
[19]	Future Development	<p>It is agreed that the traffic modelling has properly accounted for committed and allocated developments in the relevant the year modelled.</p> <p>It is agreed that the sensitivity test undertaken in respect of the impact of additional development on the performance of the New Access Road (Appendix H of the Applicant's response to Written Representations) is acceptable, with no capacity issues identified at this location.</p>
[20]	Collisions at the J9A A12 Tom Crisp Way/ Bloodmoor Road/ A1145/ Castleton Avenue junction.	<p>It is agreed that in December 2016 the highway authority implemented a safety scheme at Junction 9A to address incidences of collisions due to two vehicles both trying to exit the roundabout in to one lane. As such the accident record in the Transport Assessment reflects the historic situation, which is likely to have subsequently improved, and thus the Scheme does not necessitate any further mitigation measures.</p>

Ref	Description of matter	Details of agreement
[21]	Mitigation at Junction 7 – B1531 Victoria Road / B1531 Waveney Drive / Kirkley Run	<p>It is agreed that, following an assessment of the performance of this junction in Junctions 9 (appended to this SOCG), anticipated queue lengths reduce compared to the results presented in Chapter 7 that were based upon the Junction 8 Software, which has been noted by users to underestimate capacity at mini roundabouts.</p> <p>While indicating some delays in journey times on the route through this junction, the VISSIM modelling (as set out in Chapter 7 of the TA) does not show a significant impact on overall journey times and hence the predicted queuing at this junction needs to be seen in that context.</p> <p>It is therefore agreed that the impact should be monitored by the highway authority on a regular basis after Scheme opening. The performance of this junction will be reviewed by the highway authority and, if considered necessary, mitigation measures implemented to reduce queuing.</p> <p>Consequently, it is agreed that the physical works suggested in part 9 of the TA and referred to formerly in Requirement 12(1) (a) and (b) of the DCO do not need to be carried out as a result of the Scheme at this time.</p> <p>As a proportion of the forecast growth in traffic at this location is related to adjacent development, it is agreed that proportional contributions for mitigation work may be sought from such development (in line with NPPF paragraphs 54 to 57) or CIL, as appropriate.</p>
[22]	Junction 8a: A12 Tom Crisp Way / Blackheath Road	<p>It is agreed that to maximise the benefits (in particular the journey time improvements) of the Scheme a new MOVA control system will be installed to improve junction capacity at this junction. It is agreed that, dependent on future traffic growth, additional mitigation measures may be required by the Design Year (2037). However, it is agreed that the highway authority will monitor the performance of this junction and consider the need for improvements, having regard to future junction performance, in particular as a consequence of new developments proposed in the locality.</p> <p>It is agreed that if future development necessitates mitigation it would be appropriate, in line with paragraphs 54 to 57 of the NPPF, for that development to fund the mitigation required as this comes forward through planning obligations/CIL.</p>

Ref	Description of matter	Details of agreement
[23]	Parking restrictions and displaced on-street parking.	It is agreed that the loss of parking in Riverside Road within the footprint of the Scheme and the proposed introduction of parking restrictions on other roads within the Order limits could cause displacement of on-street parking in to the local area. It is also agreed that the highway authority would continue to have the power to vary any TRMs included within the Order should there be a need to review them, post-implementation and that the Applicant should fund any such review and alterations.
Cultural Heritage		
[24]	Baseline	It is agreed that the desk-based assessment set out in Appendix 9A of the Environmental Statement ("ES") (Document Reference 6.3 / PINS document reference APP-174) has appropriately identified the baseline environment.
[25]	ES Heritage Scope	It is agreed that Chapter 9 of the ES has assessed the impacts of the Scheme on the earlier Saxon and late Saxon/Scandinavian settlement periods and is considered acceptable.
[26]	Assessment Conclusions	It is agreed that the conclusions with regard to the assessment of the impact on heritage assets, including listed buildings and conservation areas are appropriate.
[27]	Written Scheme of Investigation ("WSI")	The WSI submitted to Deadline 4 (document reference SCC/LLTC/EX/67) is agreed.
Nature Conservation		
[28]	Mitigation Strategy	It is agreed that the mitigation measures included with the interim Code of Construction Practice (Appendix 5A of the ES document reference 6.3 / PINS document reference APP-163) are appropriate and that the Design Guidance Manual is an appropriate mechanism to ensure ecological enhancements are considered at the detailed design stage.
[29]	Habitat Regulations Assessment	It is agreed that the Habitat Regulations Assessment (document reference 6.5 / PINS document reference APP-206) has been appropriately undertaken and its conclusions are agreed.
[30]	Ecological Clerk of Works	It is agreed that an Ecological Clerk of Works is good practice for the construction phase of the Scheme.

Ref	Description of matter	Details of agreement
[31]	Weevil Wasp	It is agreed that there is a slight adverse effect on habitat supporting the Weevil-Wasp and consequently replacement habitat for this loss is not required. Furthermore, it is agreed that the management of the remaining habitat in accordance with conditions 10 and 11 of Northumbria Water Limited's planning permission DC12/1391FUL satisfies compliance with these conditions. Notwithstanding the above, WDC would be willing to discuss the matter with NWL, should further comfort be required at this time.
Regeneration		
[32]	Regeneration	It is agreed that the Scheme supports the regeneration and growth objectives of the Lake Lothing and the Outer Harbour Area Action Plan.
[33]	New Access Road	It is agreed that the New Access Road is located in such a way to facilitate the regeneration of the former Jeld-Wen site, as envisaged in WDC's Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief (2013). It is further agreed that the design of the New Access Road conforms with the Design Brief's requirements for an 'Avenue'.
Flood Risk and Drainage		
[34]	Downstream flood risk	It is agreed that the assessments undertaken in Section 6 of the ES confirm the Scheme will not have flooding impacts on the Kirkley Stream.
Air Quality		
[35]	Operational phase modelling assessment	It is agreed that congestion and queueing at junctions has been included in the air quality assessment model due to the use of average speeds being a factor of the assessment.
[36]	Monitoring	It is agreed that the diffusion tube monitoring programme that has been completed is appropriate for the purposes of model validation.
Noise and Vibration		
[37]	Noise	It is agreed that SCC will be statutorily required to carry out a re-assessment under the Noise Insulation Regulations 1975 after the DCO is granted.

Ref	Description of matter	Details of agreement
[38]	Control of Pollution Act 1974	It is agreed that consent would need to be sought from WDC under s61 of the Control of Pollution Act and thus that the final details of noise and vibration mitigation measures are best confirmed at that time, having regard to the detailed construction methodologies that will be available at that time.
[39]	Monitoring	It is agreed that the need for further baseline monitoring would be determined at the time of a proposed s61 application
[40]	Construction phase assessment	It is agreed that a detailed construction phase assessment in line with BS5228 will be provided alongside a s61 application
[41]	Operational noise of the Scheme Bridge	It is agreed that a requirement should be added to the DCO to ensure that the operation of the new bridge signals should be operated in accordance with the new bridge signals noise assessment, as may be reviewed with the agreement of the county planning authority.
Code of Construction Practice		
[42]	Code of Construction Practice	It is agreed that the CoCP does not need to refer to archaeology as this is covered by the WSI
[43]	Code of Construction Practice	It is agreed that the Code of Construction Practice is an appropriate tool to control the construction phase of the Scheme and that <ul style="list-style-type: none"> (i) the final details of noise and vibration mitigation measures will be confirmed through a s61 application (ii) relevant IAQM measures will be included in any full CoCP
DCO		
[44]	DCO	It is agreed that the DCO in combination with the proper implementation of the certified documents will ensure that the impacts of the development are acceptable and thus the Scheme accords with local policy.
[45]	Requirements	The drafting of Requirement 3 (Design of the Authorised Development), Requirement 8 (Contaminated Land and Groundwater) and Requirement 10 (Written Scheme of Investigation) are agreed
Air Quality		

Ref	Description of matter	Details of agreement
[46]	Assessment – Environmental Protection UK (“EPUK”)	It is agreed that a comparative assessment under EPUK guidance would not change the conclusions of the Environmental Statement.
[47]	Air Quality Figures	It is agreed that the air quality figures accurately reflect the impacts of the Scheme.
Non-material Changes		
[48]	Change 1 – Canning Road Turning Head	It is agreed with the Highway Authority that the proposals for a turning head on Canning Road are acceptable.
[49]	Change 2 – Amending parking provision	It is agreed with the Highway Authority that the amended parking provision is appropriate and considered proportional in terms of overall balance of parking versus the need for safe access.
[50]	Change 3 – Application of a Clearway to the bridge	It is agreed with the Highway Authority that the designation of a clearway on the Scheme bridge is appropriate.
[51]	Change 4 – Limits of Deviation (position of abutment adjacent to Network Rail, height of Blades)	The Local Authorities have no objections to minor alterations to the limits of deviation, considering they would not give rise to materially different effects.
[52]	Change 5 – Private Means of Access for Network Rail	It is agreed with the Highway Authority that the revised access proposals for Network Rail are acceptable in principle, given the frequency with which such access would be taken.
[53]	Change 6 – Provision of second access to Nexen	It is agreed with the Highway Authority that the revised access proposals to the site are acceptable in principle and would provide suitable access to Nexen’s ‘development land’.
[54]	Change 7 – Revised access arrangements to Lings	It is agreed with the Highway Authority that the revised access proposals to the site are acceptable in principle.
[55]	Change 8 – revised junction on New Access Road	It is agreed with the Highway Authority that the proposals for a T-junction on the northern end of the New Access Road is acceptable in principle.
Contaminated Land		
[56]	Interpretative Environmental Ground Investigation Report (Appendix 12B of the ES (Document Reference SCC/LLTC/EX/33))	Following review of this document, it is agreed that requirement 8 of the DCO should be amended to require investigation of ground conditions associated with the new access road (Work No.5) prior to its construction.
Surface Water Drainage		


Ref	Description of matter	Details of agreement
[57]	Drainage System	The drainage strategy for the Scheme as submitted to Deadline 5 (document reference SCC/LLTC/EX/84) is agreed.

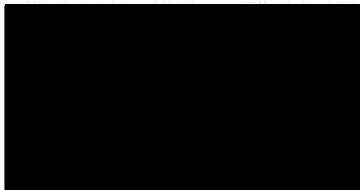
5 List of Matters Under Discussion

Table 5-1 – List of Matters Under Discussion

Ref	Description of stakeholder issue	Current position
Design Guidance Manual		
[1]	Design Guidance Manual	The development of the Design Guidance Manual remains under discussion with the Local Authorities. It is however agreed that a requirement should be added to the DCO to require the submission of an updated DGM to the CPA prior to construction with which the Scheme should be constructed in accordance with.
Highways		
[2]	Departures from Standard	The Departures from Standards Report (document 7.5, Appendix 1 / PINS document reference APP-124) remains under discussion with the highway authority.

6 Signatures

	Waveney District Council	Suffolk County Council (The Applicant)
Signature	Agreed, but awaiting final approval/signature	
Printed Name	Philip Ridley BSc(Hons) MRTPI	Jon Barnard
Title	Head of Planning & Coastal Management	Project Manager
On Behalf of	Waveney District Council	Suffolk County Council
Date	22 February 2019	22 February 2019

	Suffolk County Council	Suffolk County Council (The Applicant)
Signature		
Printed Name	John Pitchford	Jon Barnard
Title	Head of Planning	Project Manager
On Behalf of	Suffolk County Council	Suffolk County Council
Date	22 February 2019	22 February 2019

Appendix A

Table A – Junction 7 – B1531 Victoria Road / B1531 Waveney Drive / Kirkley Run mini roundabout (JUNCTION9 outputs)

	AM				PM			
	Queue (PCU)	Delay (s)	RFC	LOS	Queue (PCU)	Delay (s)	RFC	LOS
	2016 Base							
Waveney Drive	0.30	5.52	0.21	A	1.60	11.40	0.62	B
Kirkley Run	0.80	9.41	0.45	A	0.70	10.40	0.42	B
Victoria Road	0.80	6.33	0.45	A	0.50	4.73	0.31	A
	2022 DM							
Waveney Drive	0.40	5.87	0.27	A	2.20	14.29	0.69	B
Kirkley Run	1.00	10.67	0.51	B	1.10	13.56	0.54	B
Victoria Road	1.10	7.51	0.52	A	0.50	5.24	0.36	A
	2022 DS							
Waveney Drive	0.70	7.02	0.42	A	34.50	130.96	1.05	F
Kirkley Run	2.30	18.58	0.71	C	1.50	18.95	0.61	C
Victoria Road	1.50	10.46	0.61	B	0.60	5.57	0.36	A
	2037 DM							
Waveney Drive	0.50	6.59	0.35	A	4.10	23.44	0.81	C
Kirkley Run	1.50	13.36	0.60	B	2.00	20.26	0.67	C
Victoria Road	2.00	10.98	0.67	B	0.70	5.99	0.42	A
	2037 DS							
Waveney Drive	1.00	8.43	0.51	A	151.10	620.07	1.29	F
Kirkley Run	4.70	34.00	0.84	D	2.90	31.08	0.76	D
Victoria Road	3.80	21.36	0.80	C	0.80	6.49	0.44	A