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STATUTORY INSTRUMENTS

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**2020 No. 474**

**INFRASTRUCTURE PLANNING**

**The Lake Lothing (Lowestoft) Third Crossing Order 2020**

*Made - - - - 30th April 2020*

*Coming into force 21st May 2020*

**THE LAKE LOTHING (LOWESTOFT)  
THIRD CROSSING ORDER 2020**

**PART 1**

**PRELIMINARY**

1. Citation and commencement
2. Interpretation
3. Disapplication of legislation, etc.

**PART 2**

**WORKS PROVISIONS**

*Principal powers*

4. Development consent, etc., granted by the Order
5. Limits of deviation

*Streets*

6. Street works
7. Application of the 1991 Act
8. Construction and maintenance of new, altered or diverted streets and other structures
9. Classification of roads, etc.
10. Permanent stopping up of streets and private means of access
11. Temporary stopping up and restriction of use of streets
12. Access to works
13. Agreements with street authorities
14. Use of private roads for construction

**Changes to legislation:** There are currently no known outstanding effects for the The Lake Lothing (Lowestoft) Third Crossing Order 2020. (See end of Document for details)

### *Supplemental powers*

15. Discharge of water
16. Protective works to buildings
17. Authority to survey and investigate land
18. Felling or lopping of trees
19. Trees subject to tree preservation orders
20. Temporary suspension of navigation within Lake Lothing in connection with the authorised development
21. Removal of vessels

## PART 3

### POWERS OF ACQUISITION AND POSSESSION OF LAND

#### *Powers of acquisition*

22. Compulsory acquisition of land
23. Crown land
24. Compulsory acquisition of land – incorporation of the mineral code
25. Time limit for exercise of powers to possess land temporarily or to acquire land compulsorily
26. Compulsory acquisition of rights, etc.
27. Acquisition of subsoil and airspace only
28. Private rights over land
29. Power to override easements and other rights
30. Rights over or under streets
31. Application of the 1981 Act
32. Modification of the 1965 Act

#### *Temporary possession of land*

33. Temporary use of land for carrying out the authorised development
34. Temporary use of land for maintaining the authorised development

#### *Supplementary*

35. Statutory undertakers and utilities
36. Apparatus and rights of statutory undertakers and utilities in stopped up streets
37. Recovery of costs of new connection

#### *Compensation*

38. Disregard of certain interests and improvements
39. Set-off for enhancement in value of retained land
40. No double recovery

## PART 4

### OPERATIONAL PROVISIONS

41. Operation of the new bridge
42. Extinguishment of right of navigation within Lake Lothing in connection with authorised development
43. Maintenance of authorised development
44. Subsidiary works and operations in Lake Lothing

- 45. Protection against dredging by the harbour authority
- 46. Byelaws
- 47. Fixed penalty notices

## PART 5

### MISCELLANEOUS AND GENERAL

- 48. Benefit of Order
  - 49. Transfer of benefit of Order, etc.
  - 50. Planning permission
  - 51. Saving for undertaker's highway and planning functions
  - 52. Application of landlord and tenant law
  - 53. Traffic regulation measures
  - 54. Clearways
  - 55. Deemed marine licence
  - 56. Defence to proceedings in respect of statutory nuisance
  - 57. Crown rights
  - 58. Protective provisions
  - 59. Saving for Trinity House
  - 60. Certification of documents
  - 61. Service of notices
  - 62. Arbitration
  - 63. Consents, agreements, certifications and approvals
- Signature

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## SCHEDULES

### SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the administrative area of East Suffolk Council

Work No. 1 – as shown on sheets 1 and...

Work No. 2 – as shown on sheet 2 of...

Work No. 3 – as shown on sheet 1 of...

Work No. 4 – as shown on sheet 2 of...

Work No. 5 – as shown on sheet 2 of...

Work No. 6 – as shown on sheet 2 of...

Work No. 7 – as shown on sheet 2 of...

And for the purposes of or in connection with the...

works within highways, including— (a) alteration of the layout of...

works within Lake Lothing (to the extent they are situated...

other works and development— (m) for the strengthening, alteration or...

### SCHEDULE 2 — REQUIREMENTS

#### PART 1 — REQUIREMENTS

- 1. Interpretation
- 2. Time limit for commencement of the authorised development
- 3. Design of the authorised development
- 4. Code of construction practice
- 5. Landscaping scheme
- 6. Surface water drainage
- 7. Highways lighting
- 8. Contaminated land and groundwater
- 9. Mooring

**Changes to legislation:** There are currently no known outstanding effects for the The Lake Lothing (Lowestoft) Third Crossing Order 2020. (See end of Document for details)

10. Written schemes of investigation
11. Navigation risk assessment
12. Traffic mitigation
13. Piling works risk assessment
14. New bridge operating signals
15. Amendment to approved details

#### PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

16. Interpretation
17. Applications made under requirements
18. Further information regarding requirements
19. Appeals
20. Publication of requirements
21. Anticipatory steps towards compliance with any requirement

### SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC

#### PART 1 — A12 AND A146

In the administrative area of East Suffolk Council—

1. A12 Waveney Drive
2. A12 Lake Lothing Third Crossing Southern Roundabout
3. A12 Riverside Road
4. A12 Lake Lothing Third Crossing
5. A12 Lake Lothing Third Crossing Northern Roundabout
6. A12 Lake Lothing Third Crossing Northern Roundabout western arm (to and from Peto Way)
7. A12 Roundabout (existing junction of Peto Way (C970), Barnards Way and North Quay Retail Park)
8. A12 Peto Way
9. A12 Roundabout (existing junction of Peto Way (C970), Barnards Way and North Quay Retail Park)
10. A12 Peto Way
11. A12 Roundabout (existing junction of Peto Way (C970) and Peto Way (A1117) with Normanston Drive (A1117) and Normanston Drive (A1144))
12. A12 Peto Way
13. A12 Roundabout (existing junction of Oulton Road, Millennium Way and Peto Way)
14. A12 Millennium Way
15. A12 Roundabout (existing junction of Millennium Way, Bentley Drive and Park Meadows)
16. A12 Millennium Way
17. A146 Bridge Road
18. A146 Roundabout (existing junction of Saltwater Way (A1117), Bridge Road (A1117) and Victoria Road (B1531))
19. A146 Saltwater Way
20. A146 Bridge Road
21. A146 Roundabout (existing junction of Bridge Road (A1117) and Commodore Road)
22. A146 Bridge Road
23. A146 Roundabout (existing junction of Bridge Road (A1117), Gorleston Road (B1375) and Normanston Drive (A1117))
24. A146 Normanston Drive

#### PART 2 — OTHER ROADS

25. C970 Lake Lothing Third Crossing Northern Roundabout northern arm (to/from Denmark Road)

- 26. Canning Road
- 27. New Access Road

SCHEDULE 4 — PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS AND PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

PART 1 — HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

PART 2 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

PART 3 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 6 — LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

PART 1 — LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

PART 2 — RIGHTS FOR THE BENEFIT OF CADENT

SCHEDULE 7 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

- 1. Compensation enactments
- 2. (1) Without limitation on the scope of paragraph 1, the...
- 3. (1) Without limitation on the scope of paragraph 1, the...
- 4. Application of the 1965 Act
- 5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 8 — LAND IN WHICH ONLY AIRSPACE AND NEW RIGHTS MAY BE ACQUIRED

SCHEDULE 9 — LAND OF WHICH ONLY TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 10 — THE LOWESTOFT THIRD CROSSING BYELAWS 2020

PART 1 — PRELIMINARY

- 1. Citation and commencement
- 2. Interpretation

PART 2 — CONDUCT AND BEHAVIOUR

- 3. Smoking etc.
- 4. Unacceptable behaviour

PART 3 — ACCESS AND TRAFFIC

- 5. Unauthorised access and loitering
- 6. Traffic regulation

PART 4 — GENERAL

- 7. Saving for appointed persons

SCHEDULE 11 — TRAFFIC REGULATION MEASURES

PART 1 — SPEED LIMITS AND RESTRICTED ROADS

**Changes to legislation:** There are currently no known outstanding effects for the The Lake Lothing (Lowestoft) Third Crossing Order 2020. (See end of Document for details)

Note 1: Where roads are to become restricted roads as...

Note 2: Where existing speed limits (to be retained) are...

PART 2 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

PART 3 — REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

SCHEDULE 12 — DEEMED MARINE LICENCE

PART 1 — GENERAL

1. Interpretation
2. (1) Except where otherwise indicated, the main point of contact...
3. Details of licensed marine activities
- PART 2 — CONDITIONS APPLYING TO CONSTRUCTION ACTIVITIES
4. Construction method statement
5. Post construction
- PART 3 — CONDITIONS APPLYING TO MAINTENANCE DREDGING TO BE UNDERTAKEN POST CONSTRUCTION
6. Maintenance dredging method statement
- PART 4 — CONDITIONS APPLYING TO ALL LICENSABLE ACTIVITIES INCLUDING CONSTRUCTION ACTIVITIES AND MAINTENANCE DREDGING ACTIVITIES
7. Notification of commencement and completion of construction activities only
8. Marine pollution contingency plan
9. Vessels
10. Concrete and cement
11. Coatings and treatments
12. Spills, etc.
13. Scheme-wide written scheme of investigation
14. Dropped objects
15. Disposal at sea
16. The licence holder must not dispose of any dredged materials...
17. The licence holder must inform the MMO of the location...
18. The material to be disposed of within the disposal site...
19. During the course of disposal at sea, material must be...
- PART 5 — PROCEDURE FOR THE DISCHARGE OF CONDITIONS
20. Meaning of “application”
21. Further information regarding application
22. Determination of application
23. Notice of determination

SCHEDULE 13 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. The provisions of this Part of this Schedule have effect...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. This Part of this Schedule does not apply to apparatus...
4. (1) Regardless of the temporary stopping up, alteration or diversion...
5. Despite any provision in this Order or anything shown on...
6. (1) If, in the exercise of the powers conferred by...
7. (1) Where, in accordance with the provisions of this Part...
8. (1) Not less than 28 days before starting the carrying...
9. (1) Subject to the following provisions of this paragraph, the...

10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. If in consequence of the exercise of the powers conferred...  
PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
12. (1) For the protection of any operator, the following provisions...
13. The exercise of the powers of article 35 (statutory undertakers...
14. (1) Subject to sub-paragraphs (2) to (3), if as the...
15. Any difference arising between the undertaker and the operator under...
16. This Part of this Schedule does not apply to—  
PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
17. The following provisions of this Part of this Schedule apply...
18. In this Part of this Schedule— “the Agency” means the...
19. (1) Before beginning to construct any specified work, the undertaker...
20. The undertaker must give to the Agency notice in writing...
21. (1) If any part of a specified work or any...
22. (1) Subject to sub-paragraph (6) the undertaker must from the...
23. Subject to paragraph 26, if by reason of the construction...
24. If by reason of construction of the specified work the...
25. (1) The undertaker must take all such measures as may...
26. (1) The undertaker must indemnify the Agency in respect of...
27. (1) The undertaker is responsible for and must indemnify the...
28. The Agency must give to the undertaker reasonable notice of...
29. The fact that any work or thing has been executed...
30. Any difference or dispute arising between the Agency and the...  
PART 4 — FOR THE PROTECTION OF RAILWAY INTERESTS
31. The provisions of this Part of this Schedule have effect,...
32. In this Part of this Schedule— “construction” includes execution, placing,...
33. (1) Where under this Part of this Schedule Network Rail...
34. (1) The undertaker must not exercise the powers conferred by...
35. (1) The undertaker must before commencing construction of any specified...
36. (1) Any specified work and any protective works to be...
37. The undertaker must— (a) at all times afford reasonable facilities...
38. Network Rail must at all times afford reasonable facilities to...
39. (1) If any permanent or temporary alterations or additions to...
40. The undertaker must repay to Network Rail all reasonable fees,...
41. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
42. If at any time after the completion of a specified...
43. The undertaker must not provide any illumination or illuminated sign...
44. Any additional expenses which Network Rail may reasonably incur in...
45. (1) The undertaker must pay to Network Rail all reasonable...
46. Network Rail must, on receipt of a request from the...
47. In the assessment of any sums payable to Network Rail...
48. The undertaker and Network Rail may, subject in the case...
49. Nothing in this Order, or in any enactment incorporated with...
50. The undertaker must give written notice to Network Rail if...
51. The undertaker must no later than 28 days from the...
52. In relation to any dispute arising under this Part of...
53. PART 5 — FOR THE PROTECTION OF THE HARBOUR AUTHORITY
54. For the protection of the harbour authority the provisions of...
55. In this Part of this Schedule— “accumulation” means any accumulation...
56. (1) The undertaker must not, under the powers conferred by...
57. (1) At least 56 days before commencing the construction or...

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- 57. The undertaker must at all reasonable times during construction of...
- 58. (1) After the purpose of any temporary works has been...
- 59. (1) If during the construction of a tidal work or...
- 60. The undertaker must pay to the harbour authority the reasonable...
- 61. The undertaker must, at or near a specified work, exhibit...
- 62. The undertaker must comply with any reasonable directions issued from...
- 63. (1) If any tidal work of which the undertaker is...
- 64. (1) Without limiting the other provisions of this Part, the...
- 65. The fact that any work or thing has been executed...
- 66. Save to the extent expressly provided for nothing in this...
- 67. With the exception of any duty owed by the harbour...
- 68. Any difference or dispute arising under this Part must, unless...

#### PART 6 — FOR THE PROTECTION OF ANGLIAN WATER

- 69. The following provisions of this Part of this Schedule have...
- 70. In this Part of this Schedule—“alternative apparatus” means alternative...
- 71. The undertaker must not interfere with, build over or near...
- 72. The alteration, extension, removal or re-location of any apparatus must...
- 73. In the situation, where in exercise of the powers conferred...
- 74. Regardless of any provision in this Order or anything shown...
- 75. If in consequence of the exercise of the powers conferred...
- 76. If in consequence of the exercise of the powers conferred...
- 77. If for any reason or in consequence of the construction...

#### PART 7 — FOR THE PROTECTION OF CADENT GAS LIMITED

- 78. Application
- 79. Interpretation
- 80. On Street Apparatus
- 81. Apparatus of Cadent in stopped up streets
- 82. Protective works to buildings
- 83. Acquisition of land
- 84. Removal of apparatus
- 85. Facilities and rights for alternative apparatus
- 86. Retained apparatus: protection
- 87. Expenses
- 88. Indemnity
- 89. Enactments and agreements
- 90. Co-operation
- 91. Access
- 92. Arbitration

#### SCHEDULE 14 — DOCUMENTS TO BE CERTIFIED

##### Explanatory Note



**Changes to legislation:**

There are currently no known outstanding effects for the The Lake Lothing (Lowestoft) Third Crossing Order 2020.