
STATUTORY INSTRUMENTS

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

Status: This is the original version (as it was originally made).

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

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the administrative area of East Suffolk Council

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
 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

Status: This is the original version (as it was originally made).

20. Publication of requirements
21. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC

PART 1 — A12 AND A146

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

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

Status: This is the original version (as it was originally made).

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...
PART 5 — FOR THE PROTECTION OF THE HARBOUR AUTHORITY
53. For the protection of the harbour authority the provisions of...
54. In this Part of this Schedule— “accumulation” means any accumulation...
55. (1) The undertaker must not, under the powers conferred by...
56. (1) At least 56 days before commencing the construction or...
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

Status: This is the original version (as it was originally made).

- 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