

# The Lowestoft Tidal Barrier Order

*Transport and Works Act 1992*

*Transport and Works (Applications and Objections  
Procedure) (England and Wales) Rules 2006*

## A10: Planning Direction Application



**Transport and Works Act 1992**

**Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006**

**Rule 10(6)**

**The Lowestoft Tidal Barrier Order**

**REQUEST FOR DIRECTION UNDER SECTION 90(2A) OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**To:**

The Secretary of State for the environment, Food and Rural Affairs, C/o Floods Casework Team  
Flood and Coastal Erosion Risk Management Team, Department for Environment, Food and Rural Affairs  
Seacole Block – Ground Floor  
2 Marsham Street  
London SW1P 4DF

Pursuant to Rule 10(6)(a) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("the Application Rules"), East Suffolk Council of East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT hereby requests that a direction be made under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for all of the development proposed to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying plans and sections.

The proposed development comprises the construction of a new tidal barrier with twin mitre gates across the Inner Harbour Entrance Channel in Lowestoft, East Suffolk, together with demountable flood defences and associated buildings for the operation and maintenance of the barrier, accommodation works within the Royal Norfolk and Suffolk Yacht Club and includes ancillary works.

The proposed development is located in the district of East Suffolk. Further particulars of items currently identified as forming elements or possible elements of the proposed development are contained in **Appendix 1** to this request.

Notice on property owners and occupiers affected by the proposed development has been given by way of service of notices under Rule 15 of the Application Rules and other publicity required by those Rules.

The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

<b>Proposals</b>	<b>Draft Order</b>
The scheduled works:	Article 4 and Schedule 1
Miscellaneous ancillary works:	Article 4
Highway alternations and improvements:	Articles 9 to 15 and Schedule 2
Changes of use:	Articles 4, 37 and 38, Schedule 1 and Schedule 5

## Section 90(2A) Planning Direction Application

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This direction seeks deemed planning permission to be granted for the whole development and each element of it. A statement of proposed planning conditions is included with this request, in accordance with Rule 10(6)(b) of the Application Rules. In response to rule 10(6)(c) of the Application Rules, some details in respect of the external appearance and finish of certain works, are proposed to be reserved for subsequent approval by the relevant local planning authority to the extent and in the manner set out in conditions to the direction. Attached at **Appendix B** to this request are draft conditions which the application wishes to propose.

There also accompanies this request for a planning direction:

- a) A Planning Statement (**application document A12**);
- b) A Design and Access Statement (**application document A13**);
- c) An environmental Statement (**application document A17**); and
- d) Planning Direction Drawings showing, amongst other things, the boundaries of the planning application (**application document A16**)

## Appendix A. Elements of the Proposed Development

1. A tidal barrier, with twin mitre gates, across the inner harbour entrance channel of the Port of Lowestoft. This would include the construction of a reinforced concrete cill beam spanning the inner harbour entrance channel situated below the channel bed, two new abutments on the north and south piers of the inner harbour entrance channel and incorporating operational plant, equipment and buildings, and associated structural works, demolitions, piling and modifications of the existing quayside structures as required;
2. A barrier control system with a human-machine interface within the existing Bascule Bridge Control Room on the North Quay
3. A demountable tidal defence approximately 56 metres in length and comprising the installation of steel sheet piles, reinforced concrete capping beam and demountable flood barrier and situated to the north western edge of the proposed new tidal barrier;
4. A demountable tidal defence, approximately 36 metres in length comprising the installation of steel sheet piles, reinforced concrete capping beam and demountable flood barrier and situated to the south western edge of the proposed new tidal barrier;
5. Buildings for the operation of, and associated purposes in relation to, the tidal barrier in the vicinity of the north and south quays as follows:  
**North Quay**
  - 2 storey MCC and HPU building;
  - Substation;
  - Emergency generator; and
  - Emergency HPU building (located on the tidal barriers North abutment).  
**South Quay**
  - Emergency HPU building (located on the tidal barriers North abutment);
  - Welfare / storage building;
  - HPU building; and
  - MCC building (may be combined with HPU building).
6. Surface works to the north and south quays in connection with the construction, operation and maintenance of the tidal barrier. This includes the installation of buried ductwork, access chambers and services associated with the operation and maintenance of the new tidal barrier;
7. Works to realign approximately 48 metres of the existing pontoon situated within the south west corner of the area known as the 'Trawl Basin' in order to accommodate the new tidal barrier. The pontoon and its existing connection to the suspended quayside will be moved approximately 1m to the north;
8. The demolition of an existing stairway providing a private means of access from the quayside (north quay) to the inner harbour entrance channel and the construction of a new replacement stairway approximately 8 metres eastwards of the original stairway;
9. New buildings within the Royal Norfolk and Suffolk Yacht Club for the provision of welfare facilities in connection with the new tidal barrier;

10. Demolition of the existing building within the Royal Norfolk and Suffolk Yacht Club, known as 'the Bosun's store' and construction of a replacement building/s approximately 15m to the north west of the Royal Norfolk and Suffolk Yacht Club's existing slipway;
11. Accommodation works within the Royal Norfolk and Suffolk Yacht Club, including works to reconfigure the existing pontoon known as the 'Heritage Quay Pontoon', temporary refuelling and pump out facilities, and a temporary fuel tank on the Bandstand Pier, works to reconfigure the club's pontoon system within the area known as 'the Yacht Basin', and works to dredge the Yacht Basin to accommodate these works;
12. Demolition of part of the existing suspended quayside on the western side of the Trawl Basin, installation of a temporary crane platform and for the temporary installation and operation of a crane in connection with construction of the new barrier and thereafter for removal of the crane, its platform and reinstatement of the quayside;
13. Demolition of part of the existing suspended quayside on the western side of the Yacht Basin, installation of a temporary crane platform and for the temporary installation and operation of a crane in connection with construction of the new barrier and thereafter for removal of the crane, its platform and reinstatement of the quayside;
14. Installation of a new permanent crane to the south of the Royal Norfolk and Suffolk Yacht Club's existing slipway. Works will include the installation of a new crane base, the installation of underground ducting to allow the running of electrical cables to a power supply, and alterations to the existing foundations of the tidal flood walls to allow for the installation of the crane base and reinstatement and surfacing works following installation of the crane
15. Ancillary works and operations, including the rerouting of service connections within the footprint of the barrier, fencing, safety signage on the tidal barrier and construction elements including the cofferdams, temporary lighting within working areas and landscaping.
16. The installation of temporary navigation aids as required and a temporary assess arrangement to allow ABP's Pilots to transfer from and to the ports pilot vessels while the existing or replacement (Work No.5) Inner Harbour access channel steps are not available.

## Appendix B. Conditions Proposed to be Attached to the Direction Being Sought for Deemed Planning Permission

### DEFINITIONS

In these conditions, unless the context otherwise requires:

**“Commence”** means the carrying out of a material operation, as defined in section 56(4) of the Town and Country Planning Act 1990, comprised in or carried out for the purposes of the Development, but does not include any engineering investigation, environmental (including archaeological) investigation and monitoring, site or soil survey, environmental mitigation measures, erection of fencing or demarcation fencing marking out site boundaries;

**“Construction Noise and Vibration Management Plan”** means a plan setting out procedures for the management of noise and vibration arising from the construction of the Development, including working practices for protecting nearby residential dwellings and measures to control and monitor noise and vibration;

**“Construction Traffic Management Plan”** means a plan setting out details of construction site boundaries, pedestrian and cycling routes and haul roads to be employed during construction and details of the proposed times during which construction materials or equipment may be delivered to the Development;

**“Core Working Hours”** means between 0700hrs-1830hrs Monday to Saturday (excluding public holidays);

**“Development”** means the works authorised by the Order;

**“Harbour Authority”** means Associated British Ports (company number ZC000195) being the harbour authority for the Port of Lowestoft and includes its harbour master and statutory successors;

**“Landscaping Scheme”** means a scheme for landscaping works associated with the Development which shall include details of existing vegetation to be retained and protected during the course of the works, proposals for soft landscaping to include stock species, size of planting and planting densities, proposals for hard landscaping to include paving and surface treatments, boundary treatments, street and proposals for implementing the landscaping scheme and maintenance for a 5 year period of soft landscaping works;

**“Lighting Scheme”** means a scheme detailing any external lighting proposed to be installed permanently as part of the Development, including details of siting, uniformity, glare rating and illumination levels;

**“Local Planning Authority”** means East Suffolk Council.

**“Mitigation Action Plan”** means the plan provided at Appendix 18 to the Environmental Statement (Application Document A17) setting out environmental mitigation measures to be implemented during construction and operation of the Development;

**“Navigational Management Plan”** means a plan setting out the measures to be implemented during construction and operation of the Development to aid navigation;

**“Order”** means the Lowestoft Tidal Barrier Order 2023 (Application Document A2);

**“Planning Direction Drawings”** means the drawings accompanying the request for a direction deeming planning to be granted for the Development (Application Document A16) in the form approved by the Secretary of State;

**“Stage”** means a defined part, section or stage of the Development, the extent of which has been submitted to, and approved in writing by, the Local Planning Authority;

and any references to numbered works are references to the works set out in Schedule 1 to the Order.

## CONDITIONS

### Time limit for commencement of development

1. The Development shall Commence not later than five years from the date the Order comes into force.

**Reason:** *to ensure that the development is commenced within a reasonable period of time.*

### Design approval

2. Works relating to the external materials and finishes of the following aspects of the Development shall not Commence until details of those external materials and finishes have been submitted to, and approved in writing by, the Local Planning Authority:

- a) the barrier comprised within Work No. 1;
- b) the buildings (other than the proposed new substation and emergency generator on the North Quay) comprised within Work Nos. 3A, 3B and 6; The Development shall be carried out in accordance with the approved details or any amendments to those details as may be approved in writing by the Local Planning Authority.

**Reason:** *to ensure satisfactory external appearance in the interests of visual amenity.*

### Construction Environmental Management Plan

3. No stage of the development shall commence until a Construction Environmental Management Plan (CEMP) to set out how the developer will minimise the impact of construction works, relevant to that Stage, have been submitted to, and approved in writing by, the Local Planning Authority. The construction works for each Stage of the development shall be carried out in accordance with the CEMP, or any amendment to it as may be approved in writing by the Local Planning Authority.

**Reason:** *to protect the environment and amenity of the locality during construction of the Development.*

### Land Contamination

4. No Stage of the Development which may disturb land contamination with the potential to materially harm persons, pollute controlled waters or the environment shall Commence until a contaminated land management plan relevant to that Stage has been submitted to, and approved in writing by, the Local Planning Authority. The management plan shall identify whether contamination is believed to exist and include:

- a) a description of the Stage concerned;
- b) the results of an investigation and assessment to identify the extent of contamination at the relevant site, including both onsite and offsite sources; and
- c) where necessary, details of the proposed remediation measures and how they will be undertaken.

Following implementation of the measures identified in (c) above, a verification report, providing evidence that all required remediation measures have been put into effect, shall be submitted to, and approved in writing by, the Local Planning Authority.

If while undertaking any Stage of the Development, land contamination not previously identified is found to be present, no further work shall be undertaken on that part of the site until details as to how the contamination is to be dealt with have been submitted to and approved in writing by the Local Planning Authority.

All Stages of the Development shall only proceed in accordance with the relevant approved contaminated land management plan, or any amendments to the relevant plan as may be approved by the Local Planning Authority.

**Reason:** *to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the Development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

### Land and Marine Environment Archaeology

5. No Stage of the Development shall Commence until a Written Scheme of Archaeological Investigation relevant to that Stage has been submitted to, and approved in writing by, the Local Planning Authority. The Written Scheme submitted shall set out whether a watching brief is needed for that Stage and the measures required to record and preserve finds. Each Stage of the Development shall be carried out in accordance with the approved Written Scheme of Archaeological Investigation.

**Reason:** *to ensure that works are undertaken with due regard to any archaeological remains on the site.*

### Working hours

6. Construction work shall only take place during Core Working Hours subject to the following exceptions:

- a) works requiring closure of the Inner Harbour Entrance Channel;
- b) works that are tidally constrained;
- c) with the prior approval, in writing, of the Local Planning Authority, the completion of works which have been delayed by severe weather conditions which disrupted or interrupted normal construction activities may additionally take place on a Sunday between the hours of 07.00 hrs and 1830hrs hrs;
- d) works required to be undertaken in the case of an emergency or for reasons of safety;
- e) the completion of operations commenced during Core Working Hours which cannot safely be stopped including larger concrete pours;
- f) works inside any building;
- g) the operation of pumps required to dewater any part of the site; and



- h) any highway works which the local highway authority reasonably requests be undertaken outside Core Working Hours.

**Reason:** *in the interests of the amenity of local residents during construction of the Development.*

### Construction noise

7. Routinely, the level of noise emitting from the Development and attributable to the construction works, as measured at the façade of the nearest occupied commercial or residential building, shall not exceed 75dB LAeq 1hr before 07.00 hours or after 18.30 hours Monday to Sunday, and where practicable control measures set out in BS 5228-1 will be implemented. Where works are anticipated to fall outside of these thresholds *advanced notice should be provided to the receptors as appropriate and practicable, and the contractor should submit applications as appropriate under Section 61 of Part III of The Control of Pollution Act 1974 to Suffolk Coastal and East Suffolk Councils to detail the construction operations and their impacts.*

**Reason:** *to protect the amenity, in respect of noise and vibration, of occupiers of premises close to the Development.*

### Construction lighting

8. Any external tower lighting or flood lighting used to illuminate activities undertaken as part of the construction of the Development (other than any lighting required under or pursuant to the Order to be installed for reasons of navigational safety) shall be:

- a) directional; and
- b) extinguished whenever associated construction activities are not taking place,

and in so far as any external tower lighting or flood lighting is proposed to be erected on a mast, the mast shall not exceed 5 metres in height.

**Reason:** *in the interests of minimising light pollution.*

### External lighting

9. No permanent external lighting may be installed in connection with the Development, save to the extent that such lighting is:

- a) required under or pursuant to the provisions of the Order to be installed for reasons of navigational / operational safety;
- b) detailed on the [Planning Direction Drawings]; or
- c) in accordance with a Lighting Scheme which has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** *in the interests of minimising light pollution.*

### **Landscaping**

10. No landscaping works relating to any Stage of the Development shall take place until a Landscaping Scheme relevant to that Stage has been submitted to, and approved in writing by, the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

The implemented landscaping works relating to each Stage shall be retained and maintained for a period of 5 years post-completion of the relevant Stage. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season.

**Reason:** *to provide a suitable setting for the Development in the interests of visual amenity and to enhance flora and fauna.*

### **Mitigation Action Plan**

11. The Development shall be carried out in accordance with the Mitigation Action Plan.

**Reason:** *to protect the environment and amenity of the locality during construction and operation of the Development.*

### **Navigation Management Plan**

12. No construction of the barrier or related works comprised within Work Nos. 1, 4, 5 and 7 shall take place until the Navigation Management Plan has (following consultation with the Harbour Authority regarding its provisions) been submitted to, and approved in writing by, the Local Planning Authority. Construction of the barrier or related works comprised within Work Nos. 1, 4, 5 and 7 shall be carried out in accordance with the approved Navigation Management Plan. Thereafter, the barrier comprised within Work No 1 shall be operated in accordance with the approved Navigation Management Plan.

**Reason:** *to aid navigation during construction, operation and maintenance of the Development.*

13. Not Used

### **Approvals**

14. Where, under any of these conditions, the approval, agreement or consent of the Local Planning Authority is required to any matter, that approval, agreement or consent shall be given in writing. The Development shall be implemented in accordance with any such approval, agreement or consent, or any subsequent revisions that have been submitted to, and approved by, the Local Planning Authority.

**Reason:** *to provide for certainty in the approvals and implementation processes.*



To find out more about the Lowestoft  
Tidal Barrier, email or visit our website.



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**[www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk)**

To view the Lowestoft Tidal Barrier TWAO  
Application Documents visit:

 **[https://www.eastsuffolk.gov.uk/lowestoft-tidal-  
barrier-TWAO-application](https://www.eastsuffolk.gov.uk/lowestoft-tidal-barrier-TWAO-application)**

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**October 2023**