

LOWESTOFT TIDAL BARRIER TWAO ORDER
PRE-APPLICATION PROGRAMME TO MEET LEGAL REQUIREMENTS AROUND SUBMISSION

Notes:

The “2006 Rules” means The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (SI 2006/1466)

Actions identified in red text represent statutory activities which must be undertaken if the application is to be submitted on 16 May 2023.

Month	Week No.	Date	Action	Responsibility	Notes
February	-14	Fri 3 February	Place newspaper notice of ESCs intention to consider whether to resolve to make the TWAO application (at least 30 days prior to intended date of Council meeting – assuming resolution takes place at full Council meeting on 15 March)	BDBP	See notes below regarding section 239 process.
	-13	Fri 10 February	Notice of Council Meeting (s.239) published in the following publications: <ul style="list-style-type: none"> • Lowestoft Journal • Beccles and Bungay Journal • East Anglian Daily Times • Eastern Daily Press 	BDBP	A second notice will require to be published at least 30 days ahead of meeting to confirm the second resolution (after the TWAO application is made)
			Deadline for BDBP comments on Stage 1 ES	BDBP	

Month	Week No.	Date	Action	Responsibility	Notes
		Wed 15 February	BDBP to provide comments on draft documentation for s.239 process	BDBP	
	-12	Fri 17 February	Comments to be provided to BDBP on draft Order and Explanatory Memorandum including draft Works Descriptions for inclusion in Schedule 1 to the Order	ESC / Jacobs	
	-11	Tues 21 February	List of Schedule 5 / Schedule 6 bodies to be issued to ESC / Jacobs for checking / confirming	BDBP	
		Thurs 23 February	Draft request for Deemed Planning Direction issued to team for completion	BDBP	
		Fri 24 February	Second revision of Draft Order and EM to be produced for inclusion in s.239 paperwork	BDBP	
	-11	Mon 27 February	Sample application covers and bundling arrangements to be confirmed to BDBP	Jacobs/ ESC	
			Arrangements for printing of application to be confirmed	Jacobs/ ESC	<i>As noted below, BDBP can arrange assume responsibility for sourcing and instructing printers if ESC / Jacobs would like us to.</i>
		Tues 28 February	Draft planning conditions provided to ESC (in its capacity as local planning authority)	Jacobs / ESC	
			Draft request for deemed planning direction to be completed with elements of works completed	Jacobs / ESC	

Month	Week No.	Date	Action	Responsibility	Notes
			Draft covering letter and other supporting application documents to be circulated for comment	BDBP	
March	-11	Thurs 2 March	Deadline for all s.239 resolution documentation to be ready ahead of Full Council meeting on 15 March 2023	BDBP / ESC / Jacobs	
		Fri 3 March	Draft landowner, statutory consultee, site and newspaper notices and lists for service prepared and issued for comment	BDBP	
			Comments on draft List of Schedule 5 / Schedule 6 parties to be provided to BDBP	ESC / Jacobs	
	-10	Fri 10 March	List Schedule 5 / Schedule 6 parties finalised	BDBP / ESC / Jacobs	
	-9	Mon 13 March	Plan showing Order limits and scheme location to be provided for Schedule 5 / Schedule 6 parties	Jacobs	

Month	Week No.	Date	Action	Responsibility	Notes
		Wed 15 March	First Council meeting pursuant to section 239 Local Government Act 1972 takes place – seeking approval for submission of TWAO application	ESC	<p>Please note that the provisions of s.239 of the Local Government Act 1972 must be complied with.</p> <p>This requires two resolutions to be passed – one prior to the application being submitted and one immediately after the application has been made.</p> <p>Both resolutions require at least 30 clear days' notice be given in local newspapers.</p>
		Fri 17 March	Desirable date to send draft Order to Schedule 5 / Schedule 6 parties for comment (allowing 6 weeks for comments to be made, slightly longer than the statutory minimum of 28 days but also allowing for the Easter holiday period and time to accommodate any late responses)	BDBP	Authorisation for electronic service of documents will also be sought at this time.
			Desirable date to send draft Order to Defra for comment (allowing 6 weeks for comments to be made, slightly longer than the statutory minimum of 28 days but also allowing for the Easter holiday period and time to accommodate any late responses)	BDBP	Rule 5 prescribes the obligation to do this. This is 35 days because the following week is Easter and this therefore still allows 28 days for comments.
	-7	Fri 31 March	Second Draft ES issued for review	Jacobs	

Month	Week No.	Date	Action	Responsibility	Notes
April	-6	Thurs 6 April	Deadline for legal review of Second Draft ES	BDBP	<i>Note this assumes timely production of ES by 31 March 2023</i>
		Fri 7 April	GOOD FRIDAY BANK HOLIDAY		
	-5	Mon 10 April	EASTER MONDAY BANK HOLIDAY		
	-4	Mon 17 April	EIA workshops to discuss and resolve outstanding comments from latest review to commence.	ESC / Jacobs / BDBP	<i>Suggested – for discussion with team.</i>
		Tues 18 April	Appropriate date for settling contents of the Book of Reference and certification of land referencing	Carter Jonas	<i>Rule 12(10) prescribes that the landowner information must be correct at the beginning of a period of 28 days ending with the date of the application.</i>
		Wed 19 April	Draft newspaper notice and London Gazette notices sent to Courts for setting up and booking space with local newspapers and London Gazette	BDBP	
			Print specification to be produced (to include details relating to ring-binders, CD covers and inserts)	BDBP	<i>This will explain how many hard copies of the Application Documents are required and how many electronic copies.</i>
		Fri 21 April	Last day for EIA workshops to discuss and resolve outstanding comments from latest review to commence.	ESC / Jacobs / BDBP	<i>Suggested – for discussion with team.</i>

Month	Week No.	Date	Action	Responsibility	Notes
	-3	Mon 24 April	Print specification to be provided to printers to secure quotations	BDBP [?]	ESC to confirm if it would like BDBP to assume responsibility for sourcing and instructing printers.
		Tues 25 April	Final form of landowner, highway and site notices and lists for service fixed.	BDBP	
			Desirable date for all Application Documents (other than draft Order) to be approved and sent to printers.	Jacobs / BDBP / ESC	
			Final scheme hectarage details to be provided to BDBP and BDBP to confirm application fee.	Jacobs / BDBP	
		Fri 28 April	Last day for all Application Documents (other than draft Order) to be sent to printers	Jacobs / BDBP / ESC	
			Deadline for Defra / Secretary of State and Schedule 5 / Schedule 6 bodies to make comments on draft Order (assuming sent on Friday 17 March and allowing 6 weeks (42 days) for comment)	Defra / Schedule 5 and 6 bodies	This allows 1 week for all comments to be incorporated into the final Order – this is a very tight timescale and we would not recommend it is reduced any further.
May	-2	Mon 1 May	BANK HOLIDAY		

Month	Week No.	Date	Action	Responsibility	Notes
		Tues 2 May	Earliest date first newspaper notice of application in local press can be published (this must be published not more than 14 days before application is submitted).		<p><i>Rule 14 prescribes the requirements here.</i></p> <p><i>Precise dates of publication for relevant newspapers to be confirmed.</i></p> <p><i>As noted below, we suggest the First TWAO application newspaper notice is published in local newspapers on Friday 5 May.</i></p>
		Wed 3 May	Proof Application Documents from printers (these should be reviewed and any printing issues raised with printers before full print run takes place)	Jacobs / BDBP	
		Fri 5 May	Deadline for finalising draft Order	BDBP	<i>The draft Order will be produced and printed by BDBP.</i>
			Electronic copies of all Application Documents prepared and USBs compiled.	ESC / Jacobs	<i>ESC to consider whether to establish a website with all application documents.</i>
			<p>First TWAO application newspaper notice published in the following publications:</p> <ul style="list-style-type: none"> • Lowestoft Journal • Beccles and Bungay Journal 	BDBP	<p><i>This is a suggested date on the assumption that we would use the same local newspaper as have been chosen for the s.239 notice -all currently publish on a Friday.</i></p>

Month	Week No.	Date	Action	Responsibility	Notes
			<ul style="list-style-type: none"> East Anglian Daily Times Eastern Daily Press 		<i>If other publications are to be included, a different publication date may be necessary.</i>
	-1	Mon 8 May	BANK HOLIDAY		
		Tues 9 May	ESC to place BDBP in funds in respect of TWAO application fee	ESC	
		Wed 10 May	All Application Documents delivered to BDBP for collation and preparation of the application	Jacobs/ESC	
		Fri 12 May	Copies of TWAO application to be delivered by hand to public inspection points in anticipation of TWAO application date	ESC	
	0	Tues 16 May	TWAO APPLICATION DATE		
			4 copies of TWAO application to be delivered by hand to Defra and 2 copies delivered to Parliament (House of Commons Library / House of Lords Library).	BDBP	<i>Rule 13</i> <i>Note that ESC may decide to seek a waiver under Rule 18 to only submit 1 hard copy of the TWAO application or to make an electronic only submission.</i>
			Landowner notices to be served.	Carter Jonas	<i>Rule 15</i>
			Copy of application and notices served on 'Schedule 5' statutory bodies.	BDBP	<i>Rule 13(3)</i>
			Notices served on 'Schedule 6' statutory bodies.	BDBP	<i>Rule 14(4)</i>

Month	Week No.	Date	Action	Responsibility	Notes
			Site notices and highways notices erected on site.	ESC [?]	<i>Rules 14(6) and (7)</i>
			ESC press notice issued and website launched	ESC	
		Wed 17 May	Newspaper notice appears in London Gazette.	BDBP	<i>Rule 14(1)</i>
		Thurs 18 May	Draft Affidavits of compliance with Rules 13, 14 and 15 and send out to relevant parties so that they are aware what they need to comply with.	BDBP	<p><i>The Affidavits of Compliance are submitted to Defra as soon as practicable after the objection period has expired.</i></p> <p><i>The parties who are swearing the Affidavit should advise BDBP as soon as possible if there are any amendments to be made to the Affidavits (e.g. re-service of Notices, or additional Notices being served, or reposting of Site Notices).</i></p>
		Fri 19 May	Second TWAO application newspaper notice published in the following publications: <ul style="list-style-type: none"> • Lowestoft Journal • Beccles and Bungay Journal • East Anglian Daily Times • Eastern Daily Press 	BDBP	<p><i>This is a suggested date on the assumption that we would use the same local newspaper as have been chosen for the s.239 notice -all currently publish on a Friday. If other publications are to be included, a different publication date may be necessary.</i></p>

Month	Week No.	Date	Action	Responsibility	Notes
	+1	Tues 23 May	Last possible date for publication of second TWAO application newspaper notice in local press (this must be published not later than 7 days after application is submitted).	BDBP	Precise dates of publication for relevant newspapers to be confirmed. As noted above, we suggest the Second TWAO application newspaper notice is published in local newspapers on Friday 19 May.
			Site notices/ inspection documents checked and replaced as necessary.	[TBC]	Rule 14(9)
	+2	Mon 29 May	BANK HOLIDAY		
			Site notices/ inspection documents checked and replaced as necessary.	[TBC]	Rule 14(9)
		Thurs 27 July	<p>First permissible date for Second Full Council meeting pursuant to section 239 Local Government Act 1972 takes place.</p> <p>The first full council meeting available (14days after submission) is 27th July</p> <p>CMIS > Committees > Full Council</p>		<p>Section 239(2)(b) Local Government Act 1972.</p> <p>Note Council meeting dates need to be confirmed. It is necessary to publish notice of the meeting 30 days in advance. The 24 May Full Council meeting is too soon after the proposed submission date as 14 days must be allowed.</p>

Month	Week No.	Date	Action	Responsibility	Notes
June	+3	Tues 6 June	Site notices/ inspection documents checked and replaced as necessary.	[TBC]	<i>Rule 14(9)</i>
	+4	Tues 13 June	Site notices/ inspection documents checked and replaced as necessary.	[TBC]	<i>Rule 14(9)</i>
	+5	Tues 20 June	Site notices/ inspection documents checked and replaced as necessary.	[TBC]	<i>Rule 14(9)</i>
	+6	Tues 27 June	Statutory objection period expires.	N/a	<i>Rule 21</i>
July	+7	Tues 4 July	Receipt of and analysis of objections received to identify prospects of (a) resolving any objections and (b) a public inquiry being fixed to consider the application.	ESC, Jacobs and BDBP	
	+ 9	Mon 17 July	Submit completed sworn Affidavits to Defra with exhibits	BDBP	
	+10	Tues 25 July	Likely ' relevant date ' for Secretary of State to announce whether a public inquiry should be fixed. This date falls 4 weeks after the date on which the deadline for objections occurs. It also constitutes the "Starting Date" for later inquiry-related stages.	Defra	<i>Following this date, the programme will vary depending on whether or not a Pre Inquiry Meeting is fixed – please see note below.</i>

If a Pre Inquiry Meeting is fixed

ESC will have, from the Starting Date:

- (a) 3 weeks to publish notice of the Pre Inquiry Meeting;
- (b) 8 weeks to serve upon the Secretary of State and statutory objectors an outline Statement of Case;

The Pre-Inquiry Meeting will take place within 16 weeks of the Starting Date.

The Secretary of State will publish notice of the Pre-Inquiry meeting at least 3 weeks before it is due to take place.

Following the Pre-Inquiry Meeting, ESC will have a further 4 weeks within which to serve the Statement of Case upon the Secretary of State and statutory objectors.

If no Pre-Inquiry Meeting is fixed....

ESC will have, from the Starting Date:

- (a) 6 weeks within which to serve upon the Secretary of State and statutory objectors a statement of case.

Every document or the relevant part of each document, to which ESC intends to refer to in evidence before the inquiry must be sent to the Secretary of State with the Statement of Case, whilst each statutory objector must be served with notice specifying where these documents can be examined free of charge at all reasonable hours until the inquiry takes place.

BDB Pitmans LLP

13 February 2023