



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed Reinforcement to North Shropshire Electricity Distribution Network

Planning Inspectorate Reference: EN020021

April 2017

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State (SoS) in respect of the content of the Environmental Statement (ES) for the proposed Reinforcement to North Shropshire Electricity Distribution Network Overhead Line from Oswestry to Wem (the Proposed Development), North Shropshire.

This report sets out the SoS's opinion on the basis of the information provided by SP Energy Networks (the Applicant) in their report entitled 'Reinforcement to North Shropshire Electricity Distribution Network: 132kV Wood pole Overhead Line from Oswestry to Wem' (March 2017) (the Scoping Report). The Opinion can only reflect the proposals as currently described by the Applicant.

The SoS has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The SoS is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The SoS draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- potential effects on landscape and visual receptors;
- potential effects on ecological features, including designated sites.

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

The SoS notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations').

1 INTRODUCTION

Background

- 1.1 On 9 March 2017, the SoS received the Scoping Report submitted by SP Energy Networks under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the Proposed Development. This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the Proposed Development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the Proposed Development is determined to be EIA development.
- 1.3 The EIA Regulations enable an Applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the ES.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
- (a) *the specific characteristics of the particular development;*
 - (b) *the specific characteristics of the development of the type concerned; and*
 - (c) *environmental features likely to be affected by the development'.*
- (EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the Proposed Development. The Opinion has taken account of:
- the EIA Regulations;
 - the nature and scale of the Proposed Development;
 - the nature of the receiving environment; and
 - current best practice in the preparation of an ES.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from

requiring additional information if it is considered necessary in connection with the ES submitted with the application when considering the application for a development consent order (DCO).

1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.

1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:

- (a) a plan sufficient to identify the land;*
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;*
and
- (c) such other information or representations as the person making the request may wish to provide or make.*

(EIA Regulation 8 (3))

1.9 The SoS considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A list of the bodies consulted by the SoS is provided at Appendix 2. The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.

1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 3, to which the Applicant should refer in undertaking the EIA.

1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.

1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this

Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

1.14 This Opinion is structured as follows:

- **Section 1:** Introduction
- **Section 2:** The Proposed Development
- **Section 3:** EIA approach and topic areas
- **Section 4:** Other information

1.15 This Opinion is accompanied by the following Appendices:

- **Appendix 1:** Presentation of the ES
- **Appendix 2:** List of consultation bodies formally consulted
- **Appendix 3:** Respondents to consultation and copies of replies

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/resources.

The Applicant's Information

Description of the Proposed Development

- 2.2 The Proposed Development comprises a 20.5km long, 132kV single circuit overhead line between Wem and Oswestry, supported on Trident wood poles with an approximate above-ground height of 12m, including a 2m-high galvanised steel crossarm on the pole top. Approximately 2.5m of the total pole length would be underground. The span length between poles would be an average of 130m, up to a maximum of 200m.
- 2.3 The overhead line would be supported on a combination of intermediate single or 'H' poles (double) where the line follows a straight alignment; section/angle single or H poles where the line changes direction (with a maximum deviation angle of 35 degrees); and terminal poles at either end of the line allowing connection to underground cables which connect to substations at Wem and Oswestry. Section/angle poles typically have 1 to 4 stay wires attached to the pole, at a maximum 45 degree angle. The poles would have three phase conductors (wires) attached to the pole top on insulators fastened to the crossarm. Pole types are illustrated on page 43 of the Scoping Report. The locations of each pole are not provided in the Scoping Report.
- 2.4 The Proposed Development also includes integral construction works, two construction compounds (location to be determined), accesses, and integral mitigation works to be determined, such as, for example, screen planting and habitat enhancement.
- 2.5 The underground lines required at either end of the overhead line to connect to substations at Wem and Oswestry do not form part of the Proposed Development. The SoS notes that it would be necessary to install a new 132kV transformer at Wem substation (Scoping Report, paragraph 2.1.6).

Description of the site and surrounding area

The Proposed Development Site

- 2.6 The Proposed Development is located in North Shropshire, entirely within the county boundary of Shropshire. The proposed route for the overhead line lies between terminal points just west of Wem and just east of Oswestry. For the purposes of scoping, the Proposed Development site boundary comprises a 100m-wide corridor, together with indicative site access tracks and five search areas for construction compounds. The Applicant anticipates that the route corridor to be included in the DCO application will be a maximum of 40m wide. The site boundary is shown on Figure 1.6 of the Scoping Report.
- 2.7 A description of the proposed route of the overhead line is provided in Section 3.3 of the Scoping Report, which splits the route into four sections. These are shown on Figures 1.2 – 1.5. Alternative routes for some sections of the line are currently proposed in two locations: to the north and south of Lower Hordley (Section 2) and to the north and south of Noneley (Section 4).
- 2.8 The proposed route would cross, pass under or pass near a number of features, including:
- the Shrewsbury to Crewe railway line;
 - a number of 'A', 'B' and minor roads; and
 - a number of watercourses, including the Montgomery Canal, River Roden, River Perry, the Sleaf Brook and other brooks.

The Surrounding Area

- 2.9 The surrounding area comprises an undulating landscape with a variety of land types and uses, including farmland, villages and hamlets, woodland and low lying floodplains.
- 2.10 The overhead line would pass over the Shropshire Plain, which is a Permian and Triassic New Red Sandstone basin overlain by Jurassic deposits. The closest geologically protected site is a Local Geological Site approximately 3km away from the overhead line route.
- 2.11 Historic environment assets within the 5km study area (which is divided into four sections along the overhead line route) are identified in Chapter 10 of the Scoping Report, and their locations are identified on Figures 10.1 and 10.2:
- Section 1 of the overhead line route corridor includes six named Scheduled Monuments; 3 Conservation Areas; seven Listed Buildings (two Grade I and five Grade II*); two Grade II Registered Parks; six non-designated historic landscapes, three

non-designated assets and one non-designated building of local significance;

- Section 2 includes three named Scheduled Monuments (one Grade II and two Grade II*); three non-designated assets and six non-designated buildings of local significance;
- Section 3 includes four named Scheduled Monuments; eight Listed Buildings (four Grade II and four Grade II*); two non-designated historic landscapes, three non-designated assets and four non-designated buildings of local significance; and
- Section 4 includes three named Scheduled Monuments; two conservation areas; eleven Listed Buildings (one Grade I, nine Grade II and one Grade II*); four non-designated assets; and six non-designated buildings of local significance.

2.12 The Midland Meres and Mosses Special Area of Conservation (SAC) and Ramsar site lie approximately 2km to the north of the proposed route. Six Sites of Special Scientific Interest (SSSIs) lie within approximately 3km of the proposed route:

- a section of the Montgomery Canal (850m to the south);
- Ruewood Pastures (150m to the south-east);
- Brownheath Moss (1.7km to the north);
- Sweat Mere and Crose Mere (2km to the north);
- Midland Meres and Mosses (2km to the north); and
- Fernhill Pastures (2.8km to the north).

2.13 Three Local Wildlife Sites (LWSs) lie within approximately 1km of the proposed route: Moorfields (90m to the south); Ruewood Pools (630m to the south); and Halston Hall Heronry (750m to the north). The nearest area of ancient woodland is 750m to the north of the proposed route.

2.14 Preliminary ecological surveys have identified records of, or the potential for, various protected and notable species to be present on or around the application site, including bats, otter, great crested newt, breeding and non-breeding birds, water vole, brown hare and badger.

Alternatives

2.15 The Applicant provides comprehensive information on alternatives to the Proposed Development in Chapter 2 of the Scoping Report. This chapter describes all the options, including undergrounding the line, that have been considered to date. This includes:

- three technical options of increasing capacity;
- five strategic location options for the line;

- an option of extending a 400kV option instead of 132kV;

2.16 Once these options were narrowed down, three design options were considered. Undergrounding the route was also considered. Four corridor route options were then taken forward (Figure 4.10). These were further refined resulting in two routes, which were then split into three sections. Following consultation on these options, the preferred route, including alternative options around the settlements of Lower Hordley and Noneley, was selected, and comprises the Proposed Development that is the subject of the Scoping Report. The chapter contains an explanation of the reasoning for selecting the preferred route.

Proposed access

2.17 Access to the Proposed Development will be made via existing roads, farm tracks and farm gates. Construction accesses will be created and maintained throughout the construction phase for each pole on the route. Temporary trackways comprising metal plates or hardcore, of approximately 5m in width, may be required in some locations on the route. Indicative locations for some of the access tracks are shown on Figure 1.6 of the Scoping Report.

2.18 Information is not provided in the Scoping Report on the permanent accesses required for maintenance during the operational phase.

Construction

2.19 An indicative construction programme has been included in Section 3.9 of the Scoping Report. It is anticipated by the Applicant that, if consented, work on the Proposed Development would commence on site in 2020 over a construction period of 12 months, and that it would become operational in 2021. The works at each pole location are anticipated to take 1-2 days.

2.20 Paragraph 3.4.15 of the Scoping Report identifies that the construction phase of the project will require working areas at each end of the proposed overhead line and every few kilometres along the line. The route corridor would be between 20 to 40m wide in order to enable the construction works.

2.21 Section 3.5 of the Scoping Report sets out information on construction in relation to the following activities:

- pre-construction activities, including ground surveys to determine exact pole locations;
- vegetation clearance and ground preparation works, including tree-felling or pruning;
- delivery of construction materials;
- erection of wood pole supports;

- delivery of conductor drums and stringing equipment;
 - insulator and conductor erection and sagging;
 - ground reinstatement;
 - crossing of existing overhead lines; and
 - crossing of or paralleling roads, railways, watercourses and other infrastructure/features.
- 2.22 Construction vehicles would be of a standard specification that could be used on the public highway without escort vehicles or the need to make deliveries outside of normal working hours. No 'Abnormal Indivisible Load' vehicles would be required.
- 2.23 It is anticipated that the overhead line works would be undertaken by a team of approximately 10 to 20 staff between 07:00 and 19:00 Monday to Friday, and between 07:00 and 13:00 on Saturdays (Scoping Report, Chapter 14).

Operation and maintenance

- 2.24 Limited information is provided in the Scoping Report in respect of operation and maintenance. Paragraph 13.6.3 (Land Use chapter) notes that there would be a permanent loss of small areas of agricultural land as a result of the footprints of the wood poles and stays. Paragraph 7.6.4 (Landscape chapter) notes that the overhead line would only require 'very occasional visits' for maintenance and repair. Paragraph 10.6.7 (Historic Environment chapter) refers to pruning/vegetation clearance during the operational phase.

Decommissioning

- 2.25 It is stated that as the overhead line is intended to be a permanent installation the decommissioning of the Proposed Development has not been considered in the Scoping Report.

The Secretary of State's Comments

Description of the Proposed Development

- 2.26 The SoS welcomes the inclusion of figures in the Scoping Report to illustrate the information provided in the Scoping Report, and considers that it is a helpful approach to divide the overhead line route corridor into sections for illustrative purposes.
- 2.27 Although not forming part of the Proposed Development, the Scoping Opinion Figures depict the underground line at the western end of the overhead line that connects to the Oswestry substation, which is helpful. However, they do not show the underground line at the eastern end that connects to the substation at Wem. The SoS would find it of assistance for any relevant figures in the ES to include both

of the underground lines, also making it explicit (as do the current Figures in relation to Oswestry) that it does not form part of the DCO application.

- 2.28 The SoS welcomes the inclusion of illustrations depicting Trident poles and alternative overhead line structures (paragraphs 2.1.9 and 3.4.16, respectively). It is noted that most references in the Scoping Report are to single poles; however, Section 3.4 indicates that 'H' structures may be used in a few locations (not illustrated). The SoS assumes the term refers to double Trident poles. All elements of the Proposed Development should be described in the ES, and the SoS would welcome the provision of illustrative diagrams. It is not stated whether the pole types in each location will be confirmed prior to the DCO application, or included in the application as an alternative option. The Applicant is referred in respect of this to the SoS's comments in the 'Flexibility' section below. The SoS also notes that the Applicant has not stipulated the number of poles that would be required, and assumes that this will be identified in the ES.
- 2.29 Paragraph 3.4.14 of the Scoping Report states that single wood poles require very limited land take (not quantified), and that double Trident poles require 3m between the two poles and a 'further area' for the stays. The total land take required for each of the pole locations should be specified in the ES.
- 2.30 The SoS notes that paragraph 3.3.3 of the Scoping Report states that the two underground lines at either end of the overhead line that connect to the Wem and Oswestry substations, and the works required to the substations, would be permitted development and therefore would not be reported in the ES. The SoS advises that in order to address the consequential effects the ES should assess the underground lines and substation works in the cumulative effects assessment (CEA) for the Proposed Development.
- 2.31 The Applicant should ensure that the description of the Proposed Development that is being applied for is as accurate and firm as possible as this will form the basis of the EIA. It is understood that at this stage in the evolution of the scheme the description of the proposals may not be confirmed. The Applicant should be aware, however, that the description of the Proposed Development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the application.
- 2.32 In the event that a DCO application is submitted, the Applicant should clearly define what elements of the Proposed Development are integral to the NSIP, and whether any elements are 'Associated Development' under the Planning Act 2008 (as amended) (PA2008) or ancillary matters. Associated Development is defined in the PA2008 as development which is associated with the principal

development. Guidance on Associated Development can be found in the Department of Communities and Local Government (DCLG) publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'. Any proposed works and/or infrastructure required as Associated Development or an ancillary matter (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment.

2.33 The SoS recommends that the ES should include a clear description of all aspects of the Proposed Development, at the construction, operation and decommissioning phases, and include:

- land use requirements, including the area of the offshore elements;
- site preparation;
- construction processes and methods;
- transport routes;
- operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
- maintenance activities including any potential environmental or navigation impacts; and
- emissions - water, air and soil pollution, noise, vibration, light, heat and radiation.

2.34 The potential environmental effects resulting from the processing and removal of all wastes from the site at all phases of the Proposed Development should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off-site.

Description of the application site and surrounding area

2.35 The SoS considers that the ES should include detailed baseline information within each topic-specific chapter; it should also include a section that summarises the site and surroundings. This would establish the context of the receiving environment including any relevant designations and any sensitive receptors. This section should identify land that could be directly or indirectly affected by the Proposed Development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.

Flexibility

2.36 It is noted that the Scoping Report presents two alternative options for the corridor route around Noneley and Lower Hordley. It is also stated that consideration will be given to undergrounding sections of the overhead line in the event that 'very significant' landscape and

visual effects are identified during the EIA process (Scoping Report, paragraph 2.1.10). The SoS is unclear what is meant by 'very significant' and/or how this would be defined. It is also unclear if this would be established prior to the DCO application being made or included as an alternative option in the application.

- 2.37 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development are yet to be finalised and provide the reasons. At the time of the DCO application, any proposed parameters should not be so wide-ranging as to represent effectively different developments. The parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.38 The Applicant's attention is drawn to Advice Note Nine: 'Using the 'Rochdale Envelope', which is available on the Planning Inspectorate's website, and to the 'Flexibility' section in Part 4 of this Opinion which provides additional details on the recommended approach.
- 2.39 The SoS welcomes the confirmation provided in Section 5.7 of the Scoping Report that any design consideration that has not been finalised by the time the DCO application is submitted will be explained and justified in the ES and the parameters assessed accordingly.
- 2.40 It should be noted that if the Proposed Development changes substantially during the EIA process, prior to application submission, the Applicant may wish to consider the need to request a new scoping opinion.

Proposed access

- 2.41 The SoS notes that not all of the accesses to individual poles are shown on the Scoping Report Figures. The SoS understands that five locations are under consideration for the siting of the construction compounds, including one at Rednal Airfield, although no access route is shown from this site to the overhead line route corridor. No information is provided on accesses required during the operational phase of the Proposed Development, and it is not clear whether any, or which, of the proposed accesses for construction are temporary or will be retained for operational use. This should be made explicit in the ES, and all site accesses should be encompassed in the Proposed Development site boundary, and illustrated on plans appended to the ES.

Alternatives

- 2.42 The EIA Regulations require that the Applicant provide 'An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects' (See Appendix 1).
- 2.43 The SoS welcomes the comprehensive information that has been provided in the Scoping Report on the alternatives to the Proposed Development that were considered by the Applicant, and that such information will be included in the ES.

Construction

- 2.44 The Scoping Report considers five search areas from which it is indicated two construction compounds will be selected. The chosen locations and their access routes to the Proposed Development site should be clearly identified in relevant figures in the ES.
- 2.45 The SoS notes that where the route corridor for the overhead line passes over or close to trees that could infringe safety clearances to 'live' conductors, the trees would be felled or pruned prior to construction. The locations of these activities should be described in the ES, and potential impacts on ecological features should be included in the ecology assessment.
- 2.46 It is unclear what is meant by the statement in paragraph 3.5.8 of the Scoping Report that 'Pre-construction survey would ensure that any new access or working areas were located within areas of least environmental sensitivity.'. The Applicant is referred to the comments made under 'Flexibility' above, in relation to the importance of clearly defining the parameters of the Proposed Development in the DCO and the ES, and assessing the potential impacts in the ES according to those parameters.
- 2.47 Chapter 14 of the Scoping Report makes reference to the undergrounding or diversion of lower voltage overhead lines. It is not explained in the Report whether it is anticipated that these would be included in the DCO application. The SoS advises that the potential impacts of all such works should be assessed in the ES. The Applicant's attention is drawn to the comments made by National Grid, contained in Appendix 3 of this Opinion, in respect of potential overhead line diversions.
- 2.48 The SoS welcomes the confirmation in the Scoping Report that a Construction Environmental Management Plan (CEMP) will be prepared and provided with the DCO application for the Proposed Development. Any mitigation measures contained within it should be cross-referenced from the relevant ES topic sections and must be appropriately secured.

- 2.49 The Scoping Report does not make any reference to the lighting of construction compounds or construction works. The SoS expects that the need for lighting would be addressed and if necessary, assessed in the ES.
- 2.50 The SoS considers that information on construction including the: phasing programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and the number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

Operation and maintenance

- 2.51 Information on the operation and maintenance of the Proposed Development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; and the number and types of vehicle movements generated during the operational stage.

Decommissioning

- 2.52 Paragraph 3.6.2 of the Scoping Report indicates that the design life of the Proposed Development is 40 years, after which it is likely to require refurbishment. It is noted that the Applicant proposes to exclude decommissioning from consideration in respect of all of the ES topics.
- 2.53 The SoS acknowledges in relation to decommissioning that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The SoS advises that the process and methods of decommissioning should be considered and options presented in the ES. The EIA should cover the life span of the Proposed Development, including construction, operation and decommissioning.

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 1 of this Opinion and should be read in conjunction with this section.

EU Directive 2014/52/EU

- 3.2 The SoS draws the Applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the Applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the EU. There is no immediate change to infrastructure legislation or policy. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPSs)

- 3.6 Sector-specific NPSs are produced by the relevant Government departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs.
- 3.7 The relevant NPSs for the Proposed Development, ie EN-1 and EN-5, set out both the generic and technology-specific impacts that should be considered in the EIA for the Proposed Development. When undertaking the EIA, the Applicant must have regard to both the generic and technology-specific impacts and identify how these impacts have been assessed in the ES.
- 3.8 The SoS must have regard to any matter that the SoS thinks is important and relevant to the SoS's decision.

Environmental Statement Approach

- 3.9 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.10 The SoS notes that some of the topic chapters in the Scoping Report do not specify the study area that will be used for the assessment. The SoS advises that the physical scope of the study area should be clearly identified for each environmental topic, and should be sufficiently robust for the purposes of the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.11 The Scoping Report does not consistently describe the approach to defining the study area, including from where it extends. This should be clearly stated in the ES. The SoS highlights the importance of ensuring that the terminology used to describe the boundaries is consistent throughout the ES.
- 3.12 The SoS welcomes the inclusion of figures in the Scoping Report to identify relevant features/receptors according to the topics, and recommends that those provided in the ES show the complete study area for the topic. Figures 7.5 and 7.6 in the Scoping Report, for example, do not show the extent of the 5km study area to the east and the west of the Proposed Development site.
- 3.13 The SoS recommends that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors. The SoS notes and welcomes the ongoing consultation with relevant bodies, such as, for example, Shropshire Council, the Environment Agency (EA), Natural England (NE) and Historic England.
- 3.14 It is stated in Chapter 5 that moderate and major effects will 'generally' be deemed to be significant. However Chapter 5 also states that the methodologies for the assessments vary between topics, and the SoS notes that not all of the topic chapters contain a definition of what would be considered to constitute a significant effect. The SoS advises that the overarching methodology and criteria

used for the EIA should be described in a discrete ES chapter, and any departure from that should be described in individual topic chapters as appropriate. The ES should clearly identify, for each phase of the Proposed Development, all the potentially significant effects, the specific mitigation measures proposed to avoid or reduce those effects, and any remaining residual effects, significant or otherwise. It should be clearly identified in the ES which are 'primary/'embedded' mitigation measures and which are 'secondary' mitigation measures. The SoS welcomes the definition of these terms provided in paragraph 5.4.2 of the Scoping Report.

- 3.15 It is noted that a cumulative effects assessment will be undertaken. The intention to agree with Shropshire Council the relevant developments to be considered in the CEA is welcomed. The Applicant is advised to also agree the developments with other relevant bodies as appropriate, such as, for example, the Environment Agency and Internal Drainage Boards.
- 3.16 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations or parameters to the Proposed Development.
- 3.17 The SoS recommends that in order to assist the decision making process, the Applicant considers the use of tables:
- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - (c) to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO; and
 - (d) to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES

Environmental Statement Structure

- 3.18 Section 5.8 of the Scoping Report sets out the proposed structure of the ES and states that it is anticipated that the ES will be comprised of the following:
- Non-Technical Summary
 - Volume I: Environmental Statement (Main Report)

- Volume II: Figures and Plans
- Volume III: Technical Appendices
- Volume IV: Confidential Technical Annexes

3.19 Table 5.2 of the Scoping Report (pages 67 – 68) identifies the technical topic chapters proposed to be included in the ES, as follows:

- Chapter 7: Landscape
- Chapter 8: Visual
- Chapter 9: Ecology (including Ornithology and Arboriculture)
- Chapter 10: Historic Environment and Cultural Heritage
- Chapter 11: Flood Risk and Water Resources (if not scoped out)
- Chapter 12: Socio-Economics
- Chapter 13: Land Use
- Chapter 14: Statutory Nuisance (if not scoped out)
- Chapter 15: Traffic and Transport (if not scoped out)
- Chapter 16: Minerals (if not scoped out)
- Chapter 17: Electro-Magnetic Fields (if not scoped out)
- Chapter 18: Cumulative Effects
- Chapter 19: Summary of Significant Residual Effects and Conclusions

3.20 The SoS notes that the Scoping Report contains a 'Cumulative Effects' chapter that sets out the methodology that will be applied to the cumulative effects assessment (CEA), but also that the topic chapters include information on the CEA methodology. The SoS suggests that the CEA methodology could be set out in a discrete chapter or included in the Methodology chapter of the ES, with no need to repeat it in the topic chapters.

3.21 Although separate landscape and visual assessments must be undertaken, the Applicant may wish to consider the combining of the two chapters into one to avoid duplication of particular information.

3.22 The SoS notes that the Flood Risk and Water Resources chapter of the Scoping Report also covers water quality (as stated in Table 6.2, page 74), and suggests that the Applicant may wish to consider renaming the chapter to reflect the inclusion of this topic.

3.23 The SoS does not consider that a chapter entitled 'Statutory Nuisance' is appropriate for inclusion in the ES. The SoS notes that statutory nuisance is a consequence of certain environmental effects and therefore the ES should more appropriately include chapters entitled 'Noise and Vibration' and 'Air Quality' to address such matters.

Matters to be Scoped In/Out

- 3.24 The Applicant has identified in Chapter 19 and in some topic chapters of the Scoping Report matters proposed to be scoped out. These are:
- potential effects on heritage assets as a result of routine operation and maintenance of overhead lines and pruning/vegetation clearance during the operational phase, and changes to underground hydrology during the construction and operational phases;
 - socio-economic (construction and operation) (excluding potential effects on tourism and recreation)
 - water resources (construction and operation)
 - mineral resources
 - traffic and transport (construction and operation);
 - noise and vibration (construction and operation);
 - air quality (construction and operation);
 - electric and magnetic fields (EMFs) (construction and operation);
 - geology and ground conditions (construction and operation);
 - other emissions (construction and operation);
 - waste (construction and operation); and
 - contribution to climate change (construction and operation).
- 3.25 Due to the nature of the Proposed Development and its location, the SoS agrees that the following matters may be scoped out: potential effects on heritage assets as a result of routine operation and maintenance of overhead lines and pruning/vegetation clearance during the operational phase and hydrological changes during construction and operation; socio-economic effects during construction and operation; effects on water resources during operation; mineral resources during construction and operation; traffic and transport during operation; noise during operation; vibration during construction and operation; air quality during operation; EMFs during construction and operation; geology and ground conditions during construction and operation; other emissions during operation; waste during operation; and contribution to climate change during construction and operation.
- 3.26 In relation to potential effects from vibration during construction, the SoS has agreed that these can be scoped out unless a continuous flight auger is utilised (as referenced in paragraph 14.1.30 of the Scoping Report), in which case the potential impacts on ecological receptors should be assessed and reported in the ES.
- 3.27 The SoS does not agree that the remaining matters in the above list can be scoped out, on the basis of the information provided at this

stage. Further comments in relation to some specific matters are made below.

- 3.28 In relation to potential effects on water resources (and quality) during the construction phase the Applicant's attention is drawn to the comments from the Environment Agency in Appendix 3 of this Opinion, which points out that there are a number of small ordinary watercourses which have not been included in their Flood Map and which should be included in the FRA. The SoS does not therefore agree that fluvial flooding in areas which have not been mapped by the Environment Agency can be scoped out. The Scoping Report states in paragraph 11.6.5 that the effect from non-fluvial flooding along the route of the Proposed Development will also be scoped out but does not present any evidence to explain why this approach is justified. The SoS does not agree at this stage that the effects on non-fluvial flooding can be scoped out.
- 3.29 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS. Whilst the SoS has not agreed in this Opinion to scope out certain topics or matters on the basis of the information available at this time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such topics/matters out of the ES, where further evidence has been provided to justify this approach. In order to demonstrate that the topics/matters have not simply been overlooked, the ES should explain the reasoning for scoping them out and justify the approach taken.

Topic Areas

Landscape (see Scoping Report Chapter 7)

- 3.30 The SoS notes that some of the matters discussed in this topic chapter in the Scoping Report relate to visual rather than landscape considerations. The SoS has commented on those matters under the 'Visual' section below.
- 3.31 Reference is made to the landscape and visual assessment in respect of construction impacts at bullet point 3 at paragraph 7.7.31 of the Scoping Report. As the Report topic chapters differentiate between landscape and visual matters, they should be reflected accordingly in the topic chapters of the ES if the ES is structured in this way. The Applicant is referred to the SoS's comments, made under 'Environmental Statement Structure' above, in relation to potentially combining the landscape and visual chapters in the ES.
- 3.32 The SoS notes the proposed use of the Guidelines for Landscape and Visual Assessment third edition (GLVIA3).

- 3.33 The SoS notes the intention to use local Landscape Character Areas to determine the baseline situation. The Applicant should also give consideration to the effects on national landscape character areas.
- 3.34 It is understood that the study areas as currently described are determined by the location of the overhead line, and no reference is made to the construction compounds, although it is acknowledged that the locations are yet to be determined. Once known, these should be included in the study areas and any potential impacts assessed.
- 3.35 Paragraph 7.7.42 of the Scoping Report refers to 'temporary and permanent access arrangements'. Permanent access arrangements are not included in the Proposed Development description. This is of particular concern given the reference in paragraph 7.6.1 to the potential landscape impacts of access tracks '*...across a grassy hillside or peat moor, creating a visible man-made mark on the landscape*'. It is not made clear in the Scoping Report how this will be assessed. All likely significant effects resulting from the Proposed Development should be clearly identified and consistently assessed in all topic chapters.
- 3.36 Paragraph 7.5.12 identifies a number of designated and non-designated sites. It would be helpful if this information was provided on plans in the ES to aid understanding of the features in the area that contribute to landscape character.
- 3.37 The SoS welcomes consideration of how landscapes may alter in future in the absence of the Proposed Development. However, in doing so, the ES must clearly describe the baseline, the future baseline and the potential impacts of the Proposed Development.
- 3.38 It is noted that the criteria for assessing landscape value and susceptibility to change refer to the Holford Rules (Scoping Report Tables 7.1 and 7.2). The SoS considers that it would also be of assistance if the ES contained a summary which directly explained how the Proposed Development accords with the Holford Rules.
- 3.39 The Secretary of State welcomes the intention to carry out an assessment of cumulative effects. The SoS recommends that the Applicant consults with Shropshire Council about which other developments should be included in the assessment.
- 3.40 The Applicant's attention is drawn to the comments made by Natural England, contained in Appendix 3 of this Opinion, in respect of both landscape and visual matters.

Visual (see Scoping Report Chapter 8)

- 3.41 The SoS notes that some of the matters discussed in this topic chapter in the Scoping Report relate to landscape rather than visual

considerations. The SoS has commented on those matters under the 'Landscape' section above. The Applicant is referred to the SoS's comments, made under 'Environmental Statement Structure' above, in relation to potentially combining the landscape and visual chapters in the ES.

- 3.42 The SoS generally welcomes the approach to the assessment of visual effects described in this chapter of the Scoping Report, particularly the agreement on the groups of visual receptors and the choice of viewpoints with Shropshire Council.
- 3.43 The Scoping Report identifies that the same 1km and 5km study areas are to be used for the landscape and the visual assessments. A number of references are made in the Landscape topic chapter to the study area, however it is not always clear whether the reference is to the 1km or the 5km study area. This should be explicit in the ES.
- 3.44 The Landscape topic chapter of the Scoping Report explains the reasoning for defining a 1km and 5km study area from the proposed overhead line route (paragraphs 7.7.7 – 7.7.8). While the explanation for the choice of the 1km study area is understood by the SoS it is not clear why 5km is considered an adequate distance in which to capture long-distance views. The Applicant may find it helpful to refer to the zone of visual influence (ZVI) of the proposed development when defining the study area in the ES.
- 3.45 The Scoping Report states at paragraph 8.7.4 that a computer generated Zone of Theoretical Visibility (ZTV) will not be used for the Proposed Development as it cannot take tree cover into account and would therefore produce a much larger zone of visibility than would result in reality. It is noted that an extensive field survey will be undertaken in its place. The SoS acknowledges that this is a legitimate approach; however, the ES must clearly explain how the likely extent of visibility of the project has been determined and provide the evidence used to support that. Ideally, the approach should be agreed with Shropshire Council.
- 3.46 Paragraph 7.5.11 of the Landscape topic chapter notes that the nearest Area of Outstanding Natural Beauty (AONB) is the Clwydian Range (Bryniau Clwyd), which is 8km northwest of the Proposed Development. The Applicant should ensure that the study area for this topic is sufficiently broad to encompass any AONBs (or other relevant features) which could be affected by the Proposed Development, or that the reasoning is provided in the ES for excluding any such features.
- 3.47 In addition to the study areas referred to above, paragraph 8.7.24 notes that a residential amenity assessment will be undertaken with a 200m study area either side of the overhead line. The study area should extend from the limits of deviation of the route corridor. This study area does not appear to be depicted on a plan. Such a plan

would assist the reader, and it would also be helpful if the selected viewpoints were depicted, especially where particular exceptions have been made and the study area broadened.

- 3.48 It is noted that no lighting would be required for the operation of the line. In relation to impacts on landscape character, the Applicant should also consider potential night time impacts from the lighting, if required, of construction compounds.
- 3.49 The Secretary of State welcomes the information provided in the Scoping Report on the assessment of cumulative visual effects. The SoS recommends that the Applicant consults with Shropshire Council about which other developments should be included in the assessment.
- 3.50 The SoS recommends that the ES cross-refers to other relevant assessments and chapters in the ES such as, for example, in relation to the consideration of potential impacts of landscape mitigation on ecological receptors.
- 3.51 The Applicant's attention is drawn to the comments of the Canal and River Trust, contained in Appendix 3 of this Opinion, particularly in respect of potential impacts on the Montgomery Canal and its structures.

Ecology (see Scoping Report Chapter 9)

- 3.52 While the general approach described within Chapter 9 of the Scoping Report appears to be comprehensive, the SoS has a number of comments as described below.
- 3.53 The SoS notes that desk studies and field surveys will be continued in 2017, following on from work already carried out in 2016. The proposed study areas for each ecological receptor are described in Table 9.2. However it is not always clear what the justification is for the study area, for example, it is not clear how the study area for badgers relates to the zone of influence of the Proposed Development. The study areas used to gather the baseline data should be clearly explained and justified in the ES. Where the selection of study areas has been determined by a review of the initial ecological data it would be helpful to summarise this data to support the justification.
- 3.54 The intention to continue gathering baseline data is welcomed. Surveys should be thorough and up to date. The methods used to gather the data should be explained and it should be clear which professional guidance has been used. Where the methods used to collect baseline data depart from professional guidance the reasons for doing so should be clearly explained and justified. The Applicant is encouraged to agree their approach to gathering data and predicting effects with relevant stakeholders wherever possible.

- 3.55 Table 9.2 identifies some groups of species for which further survey work is not proposed. While this may be justified for some species, either because they are not likely to be present or would not be affected by the Proposed Development, the SoS notes with some concern that no surveys are proposed for reptiles. Given the legal protection given to reptiles against killing and injury, the Applicant is advised to consider whether the approach proposed in the Scoping Report will provide an adequate ecological baseline.
- 3.56 The use of the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines to determine the significance of effects is welcomed. However paragraph 9.7.18 of the Scoping Report states that only significant effects will be considered in detail. While it is acknowledged that this approach is in line with the CIEEM guidance, it should be clear in the ES what evidence has been used to decide which effects are likely to be significant.
- 3.57 The statement in paragraph 9.7.27 that there can be effects at a local level which are 'discernible' but not significant, but which will nonetheless be discussed in the mitigation section of the ES. If effects are significant at a local level then they should be assessed as such. If effects are not significant the SoS queries whether the 'mitigation' measures are actually enhancement measures.
- 3.58 The relevance of the Holford Rules to ecological impact assessment is not entirely clear. If it is referred to in the ES then it should be clearly explained why it is relevant and how the guidance has been taken into account.
- 3.59 The commitment to continued exploration of opportunities for mitigation is welcomed. It must however be clear in the ES which mitigation measures have been taken into account in the assessment and how delivery of these measures has been secured through the DCO.
- 3.60 The approach to assessing cumulative effects is also welcomed, particularly the intention to agree with Shropshire Council which developments should be included. The Applicant may also wish to establish with the Environment Agency whether they have any views on any projects which should be included.
- 3.61 The Applicant's attention is drawn to the comments of Natural England, contained in Appendix 3 of this Opinion, particularly in relation to designated sites, and habitat and species surveys.

Historic Environment (see Scoping Report Chapter 10)

- 3.62 The SoS notes the intention to undertake desktop data gathering in line with the Chartered Institute for Archaeologists (CIfA) 'Standard and guidance for Historic Environment desk-based assessment', and

Historic England's Good Practice Planning Advice Note GPA3: 'The Setting of Heritage Assets'.

- 3.63 The SoS notes the use of the guidance in the Design Manual for Roads and Bridges in lieu of specific guidance relating to the assessment of effects on heritage assets, with some divergence where appropriate. The Applicant should engage closely with the Heritage Conservation team at Shropshire County Council together with Historic England. Wherever possible agreement should be sought on the assessment methodology, including the viewpoints to be assessed and how potential adverse effects can be minimised or avoided, eg through design/siting changes and/or mitigation measures. The scope of any proposed survey work to determine the assessment baseline should also be discussed and agreed with these bodies.
- 3.64 The SoS welcomes the clarification of terminology in relation to 'significance of effect' as set out in paragraphs 10.2.26 – 10.2.28 of the Scoping Report, and notes that study areas of 2km and 5km are proposed (paragraph 10.7.4). It should be justified in the ES why 2km is considered to be '*..the maximum point at which (the Proposed Development) would potentially give rise to significant visual effects.*' (paragraph 10.7.4), particularly considering that a 5km study area is proposed for the visual assessment.
- 3.65 In terms of assessing the setting, the SoS notes the use of Historic England's Good Practice Planning Advice Note. The Scoping Report states that as a computer generated Zone of Theoretical Visibility would be unreliable, field survey will be used to gain understanding of the visibility of the proposed development. The comments made by the SoS in relation to this approach in the section on visual amenity above also apply here.
- 3.66 The Scoping Report states that to assess the effect on archaeology, best practice and guidance notes by CifA and Historic England are to be used. However a detailed methodology has not been included in the Scoping Report. As suggested above the methodology should be discussed and agreed with Shropshire Council and Historic England.
- 3.67 The mitigation measures discussed in the Scoping Report include those in the CEMP and the Written Schemes of Investigation (WSIs). The ES should make it clear what measures would be included in the CEMP and the WSI so it is clear what level of mitigation has been taken into account in the assessment. It should also be clear how delivery of the measures set out in these documents has been secured in the DCO.
- 3.68 The SoS welcomes the consideration at paragraph 10.7.59 of inter-discipline relationship effects in the ES. This approach should be demonstrated in all topics, as appropriate.

- 3.69 The Applicant's attention is drawn to the comments, contained in Appendix 3 of this Opinion, of Historic England, and the Canal and River Trust, particularly in respect of potential impacts on the Montgomery Canal and its structures.

Flood Risk and Water resources (see Scoping Report Chapter 11)

- 3.70 The SoS notes in the description of the Proposed Development that concrete foundations are unlikely to be used but that this is not entirely ruled out. The ES should include an assessment of the worst case or the DCO should include measures to specifically rule the option out.
- 3.71 The SoS notes the intention to carry out a 'water features survey' in line with the advice from the Environment Agency (see Appendix 3 of this Opinion). However, the Scoping Report also states that effects on water resources will be scoped out because mitigation measures will be provided which will avoid significant effects (Scoping Report paragraph 11.6.9). The ES should clearly explain how effects on water resources have been considered and how significant effects have been mitigated. The Applicant is advised to agree the methods for carrying out any water features survey with the Environment Agency.
- 3.72 Although it is not explicitly stated within the text of the Scoping Report, it appears that a Flood Risk Assessment (FRA) will be carried out but only for those points where the Proposed Development crosses Flood Zone 3. The reasons for restricting the FRA to Flood Zone 3 are not explained. The ES should provide sufficient information on flood risk as it relates to the development or that generated by the construction phase of the development. The SoS notes that it is stated in Table 6.2 that the DCO application will be accompanied by a Flood Consequence Assessment. The SoS assumes that this was intended to refer to a FRA.
- 3.73 The Applicant's attention is also drawn to the comments from the Environment Agency in Appendix 3 of this Opinion, which points out that there are a number of small ordinary watercourses which have not been included in their Flood Map and which should be included in the FRA. The Applicant is strongly recommended to agree the methodology for carrying out the FRA with the Environment Agency.
- 3.74 It would be helpful if the ES explained the justification for the extent of the survey areas shown on Figures 11.1 and 11.2. The ES should also explain the methodologies used to carry out the assessments with reference to any professional guidance that has been relied on.
- 3.75 The SoS notes that the definition of magnitude of effect is confusing, and that there is an apparent overlap between the definitions of 'medium' and 'high' magnitude of effect. The criteria used to

determine the significance of effect must be clearly defined and justified in the ES.

- 3.76 In relation to the requirement for carrying out a Water Framework Directive (WFD), the SoS notes comments by the Environment Agency regarding distances of poles from watercourses. The SoS suggests that the Applicant review this response and justify the approach to the WFD. If distance of poles from watercourses is required to be stipulated, this should be secured through the DCO.
- 3.77 The Applicant's attention is drawn to the comments of the Canal and River Trust, contained in Appendix 3 of this Opinion, particularly in respect of potential impacts on the Montgomery Canal and its structures.

Socio-economic (see Scoping Report Chapter 12)

- 3.78 The SoS notes the Applicant's comments in relation to the limitations on providing local jobs however recommends that the types of jobs generated should be considered in the context of the available workforce in the area; this applies equally to the construction and operational stages.
- 3.79 The baseline data used in the assessment should be clearly described and be accurate and up to date. The ES should also consider the potential for the baseline to change, for example, as a result of adopted and emerging local development plan policies or other developments in the planning system. The SoS suggests that in addition to consulting with economic and tourism officers at Shropshire Council, input could be sought from the Local Enterprise Partnership.
- 3.80 Paragraph 12.7.74 of the Scoping Report notes that the spatial scope of the assessment will be similar to that applied to the landscape and visual assessments. It references a 1km area either side of the overhead line but not the further 5km which has been described in the methodologies for both the landscape and the visual topic chapters. It is appreciated that both the landscape and visual chapters consider that the impact at 5km is limited; however, the approach in this topic chapter of the Scoping Report is not justified or explained.
- 3.81 The SoS notes the proposed assessment criteria and welcomes the range of factors that will be considered in the determination of the significance of effects. The absence of definitive published guidance on appropriate criteria is acknowledged; however, the SoS suggests that the Applicant should seek to agree the assessment methodology, with relevant consultees.
- 3.82 In relation to the cumulative impacts assessment, consideration should be given to the potential for the Proposed Development to

affect the delivery of permitted development or sites/projects identified in the adopted or emerging development plan.

Land use (see Scoping Report Chapter 13)

- 3.83 The Scoping Report states that data will be gathered from desk-based studies including the Agricultural Land Classification (ALC) scheme established by the Department for the Environment, Food and Rural Affairs (DEFRA). It is noted that this will be supplemented by discussions with farmers and information on agri-environmental schemes available on the DEFRA website. The SoS welcomes this approach.
- 3.84 The Applicant must clearly set out in the ES the assessment undertaken in determining the loss of Best Most Versatile Land (BMV).
- 3.85 Paragraph 13.7.4 of the Scoping Report notes potential land take for the poles and stays and *'..if required a small number of new permanent access tracks'*. Any requirement for permanent access tracks, as noted above in this Opinion, should be clearly identified in the Proposed Development description, and any impacts fully assessed in the ES.
- 3.86 Paragraph 13.1.5 states that the ES will focus only on agricultural land without justifying why any other land classifications are not required to be assessed. Whilst it is understood that the area within which the Proposed Development would be situated is predominantly agricultural, this approach should be justified in the ES
- 3.87 The SoS welcomes the inclusion in the CEMP of measures agreed with land owners and tenants. The CEMP should include measures to address the potential effects of the temporary disturbance/loss of land and hedges prior to their reinstatement and re-establishment. The SoS also encourages the consideration of a soil management plan to mitigate any soil impacts and impacts to field drainage regimes, as necessary.

Statutory Nuisance (Noise, Vibration and Air Quality) (see Scoping Report Chapter 14)

- 3.88 The SoS notes the Applicant's proposal to apply the noise assessment 'ABC' methodology set out in British Standard 5228 (BS 5228): 'Code of practice for noise and vibration control on construction and open sites' (2014). The SoS recommends that the methodology and choice of noise receptors should be agreed with the relevant Environmental Health office of the Council and with the Environment Agency.
- 3.89 The SoS notes that the Applicant considers that a 65dB LAeq construction noise threshold is considered to be appropriate for the Proposed Development (paragraph 14.1.7). However, the 'typical

plant noise levels' for the construction of overhead lines set out in Table 14.2 all exceed 65dB, so the reasons for the conclusion in paragraph 14.1.15 of the Scoping Report that the 65dB noise limit is unlikely to be exceeded '..given the nature of the works to be undertaken..', and therefore significant effects are unlikely, are unclear. The Applicant should address this point in the ES.

- 3.90 In relation to the assessment of potential noise impacts during construction, the SoS draws the attention of the Applicant to the need to have regard to the guidance contained in the Noise Policy Statement for England (NPSE) (2010) and the National Planning Policy Framework NPPF (2012). These refer to 'Effect Levels', which comprise: a No Observed Adverse Effect Level (NOAEL); a Lowest Observed Adverse Effect Level (LOAEL); and a Significant Observed Adverse Effect Level (SOAEL). The Applicant should describe the potential noise impacts in these terms.
- 3.91 The SoS notes the reference to general principles for the control of noise set out in paragraph 14.1.16, in addition to the mitigation measures that would be contained in the CEMP. Paragraph 14.1.18 notes that the Applicant will keep local residents informed in relation to potential noise impacts. The mechanism to achieve this should be set out in the ES. Any mitigation that is to be relied upon must be adequately secured in the DCO.
- 3.92 The SoS notes that paragraph 14.1.30 of the Scoping Report states that the only significant vibration during the construction of the proposed development would result from the use of a continuous flight auger, which is unlikely to be required as wood pole structures do not typically require piled foundations. However, it later states that, should use of a continuous flight auger be required, while it is unlikely that there will be any significant effects on people, wildlife could be disturbed by noise and vibration. In the event that a flight auger is utilised, the potential impacts on ecological receptors should be assessed and reported in the ES.
- 3.93 It is stated that Shropshire Council have identified five Air Quality Management Areas (AQMAs), however the location of these in relation to the Proposed Development site is not specified. The SoS expects that this information would be provided in the ES, and potential impacts on the AQMAs considered if necessary.
- 3.94 Paragraph 14.2.9 refers to potential air quality effects on ecological sites and identifies the Moorfields LWS as '..just over 50m from the edge of the proposed development..'. It is noted that the poles will be micro-sited as far from the LWS as technically feasible. It is not clear whether it is intended to assess the potential impacts on the LWS, such as, for example, during construction. It is also stated that the locally designated sites within 50m are not considered to support habitats sensitive to dust. These sites and their features should be identified in the ES.

- 3.95 The noise, vibration and air quality assessments should take account of traffic movements along access routes, especially during the construction phase. Information should be provided on the types of vehicles and plant to be used.
- 3.96 This ES topic chapter should be cross-referenced to the ecology and socio-economic topic chapters, and the results of the noise and vibration and air quality assessments should also inform the ecological assessments.

Traffic and Transport (see Scoping Report Chapter 15)

- 3.97 The SoS welcomes the development of the assessment of transport impacts in association with the local highways authority and the Highways Agency (HA). The SoS would expect on-going discussions and agreement, where possible, with such bodies.
- 3.98 Paragraph 15.5.4 of the Scoping Report identifies that approximately 22 local construction accesses would be required for the Proposed Development. Paragraph 3.5.6 notes that an access is required for each pole. The number of poles required is not identified in the Report. This will need to be specified in the ES, and the access for each pole will need to be described and identified on relevant figures.
- 3.99 The ES should report on traffic movements between the construction compounds and the locations from which materials are to be sourced. The study area for the traffic and transport assessment, including the wider network that will be utilised (paragraph 15.5.2), should be identified on a relevant figure in the ES.
- 3.100 Paragraph 15.6.3 notes that management of PRoW that intersect the overhead line route may be required during stringing operations, but that significant effects are not anticipated. This conclusion should be justified in the ES.
- 3.101 Paragraph 15.7.8 of the Scoping Report identifies traffic management as a potential standard mitigation measure. If the Applicant intends to mitigate impacts according to a Construction Traffic Management Plan, information on this should be provided in the ES and the measures should be secured in the DCO.

Minerals (see Scoping Report Chapter 16)

- 3.102 The SoS notes that the closest Local Geological Site to the Proposed Development is approximately 3km away, and the closest mineral extraction site is Wood Lane Quarry, approximately 3.5km away.
- 3.103 The SoS welcomes the inclusion of the Mineral Resource Assessment at Appendix D of the Scoping Report, and suggests that it is appended to the ES submitted with the DCO application.

Electric and Magnetic Fields (see Scoping Report Chapter 17)

3.104 The SoS welcomes the information provided in this topic chapter and that the Applicant has had regard to the 1998 International Commission on Non-Ionising Radiation Protection (ICNIRP) guidance, NPS EN-5 and the Department for Energy and Climate Change 'Power Lines Voluntary Code of Practice' (March 2012).

Cumulative Effects (see Scoping Report Chapter 18)

3.105 The SoS welcomes the reference in this topic chapter to the Planning Inspectorate's Advice Note 17: Cumulative Effects Assessment (CEA) and recommends that the CEA is undertaken according to the advice contained within it.

3.106 The SoS notes that in addition to this chapter the topic chapters also contain information on the CEA. The SoS suggests that the CEA is either contained in one discrete ES chapter or reported on in individual topic chapters.

4 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's Opinion on the information to be provided in the ES. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for Applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'¹. The prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy, and review certain draft documents, as well as advise on procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of pre-application support provided by the Planning Inspectorate will be agreed between an Applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development. The SoCC must state whether the Proposed Development is EIA development, and if it is, how the Applicant intends to publicise and consult on PEI (defined in the EIA Regulations under Regulation 2 'Interpretation'). Further information in respect of PEI may be found in Advice Note Seven: 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

Habitats Regulations Assessment (HRA)

- 4.5 The SoS notes that European sites² could potentially be affected by the Proposed Development. The Habitats Regulations require

¹ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

² The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites,

competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). Applicants should note that the competent authority in respect of NSIPs is the relevant SoS. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

- 4.6 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations), and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations apply and Ramsar sites which may be affected by the Proposed Development.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the competent authority of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the competent authority.
- 4.8 The Applicant's attention is also drawn to UK Government policy³, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on any of the above sites.
- 4.9 Further information on the HRA process is contained within Planning Inspectorate Advice Note 10, available on the National Infrastructure Planning pages of the Planning Inspectorate's website. It is recommended that Applicants follow the advice contained within this Advice Note.

Plan to Agree Habitats Information

- 4.10 A plan may be prepared to agree upfront what information in respect of the Habitats Regulations the Applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an 'Evidence Plan' for proposals wholly in England or in both England and Wales, but a similar approach can be adopted for proposals wholly in Wales. For ease these are all termed 'evidence plans' here.

and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note 10.

³ In England, the NPPF paragraph 118. In Wales, TAN 5 paragraphs 5.2.2 and 5.2.3.

- 4.11 Any Applicant for a proposed NSIP can choose to prepare an evidence plan. Preparation should begin at the start of pre-application (after notifying the Planning Inspectorate on an informal basis) with contacting Natural England.
- 4.12 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help Applicants meet the requirement to provide sufficient information (as explained in Advice Note 10) in their application, so the ExA can recommend to the SoS whether or not to accept the application for examination and whether an appropriate assessment is required.

Sites of Special Scientific Interest (SSSIs)

- 4.13 The SoS notes that a number of SSSIs are located close to or within the Proposed Development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) ('the W&C Act'). These are set out below for information.
- 4.14 Under s28(G), the SoS has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.
- 4.15 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.16 If Applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by Applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, Applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.17 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.18 If an Applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the Applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.19 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if Applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The Applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.
- 4.21 Ecological conditions on the site may change over time. It will be the Applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any

resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in the Planning Inspectorate's Advice Note 11, Annex C⁴.

Other Regulatory Regimes

- 4.23 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the Proposed Development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.24 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Water Framework Directive

- 4.25 EU Directive 2000/60/EC ('the Water Framework Directive') (WFD) establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.26 In determining an application for a DCO, the SoS must be satisfied that the Applicant has had regard to relevant river basin management plans and that the Proposed Development is compliant with the terms of the WFD and its daughter directives. In this respect, the Applicant's attention is drawn to Regulation 5(2)(I) of the APFP Regulations which requires an application for an NSIP to be accompanied by 'where applicable, a plan with accompanying

⁴ Advice Note 11, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

information identifying-... ..(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development.'

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

4.27 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency. Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit⁵.

4.28 The Environment Agency's environmental permits cover:

- industry regulation;
- waste management (waste treatment, recovery or disposal operations);
- discharges to surface water;
- groundwater activities; and
- radioactive substances activities.

4.29 Characteristics of environmental permits include:

- they are granted to operators (not to land);
- they can be revoked or varied by the Environment Agency;
- operators are subject to tests of competence;
- operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- conditions may be attached.

The Water Resources Act 1991

4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the Environment Agency. For example, an abstraction licence may be

⁵ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

- 4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the Environment Agency's web-based guidance on applying for a full, transfer or impounding licence⁶:
- 4.32 Characteristics of water resources licences include:
- they are granted to licence holders (not to land);
 - they can be revoked or varied;
 - they can be transferred to another licence holder; and
 - in the case of abstraction licences, they are time limited.

Role of the Applicant

- 4.33 It is the responsibility of Applicants to identify whether an environmental permit and/or water resources licence is required from the Environment Agency before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.
- 4.34 The Environment Agency allocates a limited amount of pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.
- 4.35 The Environment Agency encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires an HRA, Applicants are encouraged to "parallel track" their applications to the Environment Agency with their DCO applications to the Planning Inspectorate. Further information on the Environment Agency's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice Note 11: Working with public bodies in the infrastructure planning process⁷.
- 4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the Environment Agency will not be in a position to provide a detailed view on the application until it

⁶ Available from: <https://www.gov.uk/government/publications/wr176-applying-for-full-transfer-or-impoundment-licence-form-guidance>

⁷ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally submit its application sufficiently early so that the Environment Agency is at this point in the determination by the time the DCO reaches examination.

- 4.37 It is also in the interests of an Applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO e.g. a stack of greater height than that authorised by the DCO could be required and render the DCO impossible to implement.

Health Impact Assessment

- 4.38 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from Public Health England (see Appendix 3).
- 4.39 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Transboundary Impacts

- 4.40 The SoS notes that the Applicant has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.41 Regulation 24 of the EIA Regulations inter alia requires the SoS to publicise a DCO application if the SoS is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.42 The SoS recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a DCO for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

A1.2 An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

(a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the Applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but

(b) that includes at least the information required in Part 2 of Schedule 4.

(EIA Regulations Regulation 2)

A1.3 The purpose of an ES is to ensure that the environmental effects of a Proposed Development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

A1.4 The SoS advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the Proposed Development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

A1.5 The SoS emphasises that the ES should be a 'standalone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

A1.6 Schedule 4 Part 1 of the EIA Regulations states this information includes:

17. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the Proposed Development.*

18. An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects.

19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- (a) the existence of the development;*
- (b) the use of natural resources;*
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*

and the description by the Applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

(EIA Regulations Schedule 4 Part 1)

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the Applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects, and

28. A non-technical summary of the information provided [under the four paragraphs of Schedule 4 part 2 above].

(EIA Regulations Schedule 4 Part 2)

- A1.7 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

- A1.8 The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

A1.9 The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the Applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

A1.10 The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

A1.11 It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

A1.12 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The Applicant's attention is drawn to the Planning Inspectorate's Advice Note Nine: 'Rochdale Envelope' which is available on the Advice Notes page of the National Infrastructure Planning website.

A1.13 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the Applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

A1.14 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the Proposed Development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

A1.15 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

A1.16 In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered;
- the relevance in terms of the specialist topic;
- the breadth of the topic;
- the physical extent of any surveys or the study area; and
- the potential significant impacts.

A1.17 The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.18 The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

A1.19 The assessment should consider:

- Environmental impacts during construction works;

- Environmental impacts on completion/operation of the Proposed Development;
- Where appropriate, environmental impacts a suitable number of years after completion of the Proposed Development (for example, in order to allow for traffic growth or maturing of any landscape proposals); and
- Environmental impacts during decommissioning.

A1.20 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

A1.21 The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

A1.22 The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

A1.23 The SoS recommends that the baseline should describe the position from which the impacts of the Proposed Development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.24 The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.25 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

A1.26 The baseline situation and the Proposed Development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

- A1.27 In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.
- A1.28 In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.
- A1.29 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

- A1.30 The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).
- A1.31 As a matter of principle, the SoS applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the Proposed Development will have an effect, and not that a development will definitely have an effect.
- A1.32 The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.
- A1.33 The SoS recognises that the way in which each element of the environment may be affected by the Proposed Development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

A1.34 The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

A1.35 The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations or parameters to the Proposed Development.

Cumulative Impacts

A1.36 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities. Applicants should refer to Planning Inspectorate Advice Note 17 Cumulative Effects Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment.

A1.37 Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard. For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on transboundary effects below).

Related Development

A1.38 The ES should give equal prominence to any development which is related with the Proposed Development to ensure that all the impacts of the proposal are assessed.

A1.39 The SoS recommends that the Applicant should distinguish between the Proposed Development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

- A1.40 The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the Applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).
- A1.41 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.
- A1.42 The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

- A1.43 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.
- A1.44 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.
- A1.45 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.
- A1.46 The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

- A1.47 The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions

between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

A1.48 As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

Consultation

A1.49 The SoS recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

A1.50 Consultation with the local community should be carried out in accordance with the SoCC which will state how the Applicant intends to consult on the PEI. This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the Applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon Applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

A1.51 The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

A1.52 The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12: 'Development with significant transboundary impacts consultation', which is available on the Advice Notes Page of the National Infrastructure Planning website⁸.

⁸ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Summary Tables

A1.53 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

Table X: to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX: to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX: to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

A1.54 The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.55 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Confidential Information

A1.56 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information

should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.57 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non Technical Summary

A1.58 The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate’s Advice Note three ‘EIA Consultation and Notification’ (version 6, July 2015)⁹.

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Shropshire Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England – West Midlands
The Relevant Fire and Rescue Authority	Shropshire Fire and Rescue Service
The Relevant Police and Crime Commissioner	West Mercia Police and Crime Commissioner
The Relevant Parish Council(s) or Relevant Community Council	Baschurch Parish Council
	Hordley Parish Council
	Loppington Parish Council
	Whittington Parish Council
	Cockshutt-cum-Petton Parish Council
	Wem Rural Parish Council
	Wem Town Council
	West Felton Parish Council
The Environment Agency	The Environment Agency – West Midlands
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Shropshire Council
The Relevant Strategic Highways Company	Highways England - West Midlands

⁹ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Scoping Opinion for
Proposed Reinforcement to North Shropshire Electricity Distribution Network

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Relevant Internal Drainage Board	Melverley Internal Drainage Board
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission - North West and West Midlands Area
The SoS for Defence	Ministry of Defence
RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	Shropshire Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
NHS Foundation Trusts	The Robert Jones Agnes Hunt Orthopedic Hospital NHS Foundation Trust
	West Midlands Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	Environment Agency - West Midlands
Water and Sewage Undertakers	Severn Trent
Public Gas Transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd

Scoping Opinion for
Proposed Reinforcement to North Shropshire Electricity Distribution Network

SCHEDULE 1 DESCRIPTION	ORGANISATION
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	National Grid Gas Distribution Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	G2 Energy IDNO Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	SP Distribution Plc
	SP Manweb Plc
Western Power Distribution (West Midlands) plc	
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc
	SP Transmission Limited
SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	Shropshire Council
	Powys Council
	Herefordshire Council

Scoping Opinion for
Proposed Reinforcement to North Shropshire Electricity Distribution Network

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Wrexham County Borough Council
	Cheshire West and Chester
	Cheshire East
	Telford and Wrekin
	Staffordshire County Council
	South Staffordshire District Council
	Wyre Forest District Council
	Malvern Hills District Council
	Worcestershire County Council
	Stafford Borough Council
	Newcastle - under - Lyme District Council

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Bodies who replied by the statutory deadline:

Canal and River Trust
Environment Agency
Highways England
Historic England
Health and Safety Executive
National Grid
Natural England
Public Health England
West Mercia Police and Crime Commissioner



Canal &
River Trust

DATE 06.04.17

Alison L Down
EIA & Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref: North Shropshire
Your Ref: 170309_EN020021-000011

Dear Alison L Down,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)- Regulations 8 and 9

Application by SP Energy Networks for an Order granting Development Consent for the Reinforcement to North Shropshire Electricity Distribution Network

Scoping Consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested.

Thank you for your consultation in respect of the above.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a prescribed consultee in the NSIP process.

Following consideration of the scoping consultation we have the following comments to make:

The Montgomery Canal runs on an almost north-south alignment across the line of the proposed overhead power line approximately 3miles to the east of Oswestry. As land owner/ operator of the canal the Trust wish to see any potential impacts on the canal and its users fully identified and addressed within the Environmental Statement.

The Scoping Report provides information on the likely nature and form of the proposed development and identifies areas of potential impacts. The proposed methodologies identified in the report appear to be broadly appropriate.

Canal & River Trust, Fradley Junction, Alrewas, Burton-Upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 **E** planning@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

The Scoping document acknowledges the Montgomery Canal and identifies its location in relation to the line of the overhead power line. Whilst the document does refer to the canal, it is considered that in setting baselines for the ES these should be more clearly and consistently referenced throughout. Subsequently this increased consistency in identifying the baseline conditions of the current site will ensure the identification of potential impacts is more robust.

The Montgomery Canal has been substantially restored following its abandonment in 1936. It has 127 listed structures within the Canal & River Trust's ownership, and is designated of international and national importance for its wildlife value. The canal towpath provides a popular route for leisure and recreation, and provides a public right of way and cycle route.

One of the Canal & River Trust's charitable objectives is to promote, facilitate, undertake and assist in for public benefit, the restoration and improvement of inland waterways. In 1999 the Montgomery Canal Partnership was formed to co-ordinate the restoration, with representation from 15 organisations including the Canal & River Trust (formerly British Waterways), Montgomery Waterway Restoration Trust (MWRT), relevant local authorities, Inland Waterways Association and Shropshire Union Canal Society. In 2005 the Montgomery Canal Partnership produced a comprehensive Conservation Management Strategy as a framework for delivery of further sustainable restoration work on the canal and wider regeneration of the waterway corridor. We therefore wish to ensure that these organisations have also been included within any consultations on the proposals.

A unique attraction of the Montgomery Canal is based on its visual amenity value, in addition to its significance as a heritage and wildlife corridor and as a sustainable transport route. It is essential that the amenity value of the canal is protected and that no development takes place that may adversely affect the experience of waterway users.

The Canal & River Trust are keen to work with the applicants to ensure that the impacts of the proposed electricity connection on the canal and its users are fully recognised, minimised and mitigated as far as possible. The submission indicates that the impacts of the overhead line are not outweighed by the benefits of placing the cable underground. However, we request that the possibility of routing the lines underground in the vicinity of the canal be re-considered. The applicant should provide alternative assessments of the environmental impact within the preferred route to ascertain the least impact on the canal within that route. The Scoping Report should be amended accordingly to reflect this.

In assessing the visual, ecological and heritage impacts of the overhead line the Environmental Statement should provide clear, detailed comparison of the impacts of an underground line to an overhead line. Based on this comparison the justification as to why an overhead line has been selected should also be clearly set out.

As highlighted above the impact of the development on the visual amenity of users of the Montgomery Canal and its towpath must be fully assessed, minimised and mitigated. The Scoping Report appears to include viewpoint assessments from the canal corridor (Figure 8.2 point 8, 9 & 10) Similar assessment should be made in view of the canal's status as a non-designated heritage asset. In determining appropriate viewpoints, it should be demonstrated that consideration has been given to views from public viewpoints and important nearby landscapes, such as the Woodhouse Estate.

The use of the wooden trident poles is considered to be a more appropriate approach for the location. However, as a general principle the trident poles should be sited as far away as possible

Canal & River Trust, Fradley Junction, Alrewas, Burton-Upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E planning@canalrivertrust.org.uk www.canalrivertrust.org.uk

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on either side of the canal. The loss of mature trees and vegetation on either side of the canal corridor must be minimised and a more detailed assessment of the degree of screening provided by existing or proposed vegetation should be included within the ES.

The impacts during construction and operational phases should be clearly set out and any physical risks to the canal infrastructure and heritage assets must be fully addressed. This should include assessment of routes for construction and future maintenance traffic, and should minimise the need to cross historic canal bridges in the area.

It should be noted that the access along this stretch of canal is very limited and the towpath is narrow. The construction of any new access routes in close proximity to the canal corridor should consider any visual and ecological impacts. Details on the safety warning signage required on the canal, including repair & installation, should also be submitted.

The height of the overhead lines over the canal must be sufficient to ensure that access along the towpath to carry out essential maintenance and repair of the canal infrastructure is not restricted.

The height of the overhead lines must also be sufficient to ensure that boaters, towpath users, anglers and wildlife are not adversely affected. It should be ensured that they do not experience unacceptable levels of noise disturbance from the lines and they should be identified as 'sensitive receptors' within any assessments.

Any risks of pollution or other adverse impact on the water quality of the canal during construction must be prevented. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc.

The proposed line and associated 100m corridor crosses a long straight rural section of the canal and this is well-used by birds including large birds such as swans. Appropriate physical measures such as flight deflectors must be used to ensure that harm to birds as a result of colliding with the overhead lines is minimised.

The Trust would be happy to discuss any of the above with the applicants in more detail to ensure that all aspects are considered in the preparation of the ES. We also recommend that the applicant contact our Estates Team on 0113 2816839 to discuss licences / agreements that will be required for any canal crossing (above or below ground) Furthermore the Trust will require any works to comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" and the applicant is advised to contact the Works Engineering Team on 07403 499264 in order to ensure that any necessary consents are obtained.

If you have any queries please contact me, my details are below.

Yours sincerely

Anne Denby MRTPI
Area Planner (West Midlands)
Anne.Denby@canalrivertrust.org.uk
01926 622752

Canal & River Trust, Fradley Junction, Alrewas, Burton-Upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 **E** planning@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Major Applications and Plans
The Planning Inspectorate
3D Eagle
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: SV/2016/108949/02-L01
Your ref: EN020021
Date: 05 April 2017

F.A.O: Alison L Down

Dear Madam

**FORMAL SCOPING REQUEST IN RELATION TO PROPOSED POWER LINE
(NORTH SHROPSHIRE LINEAR PROJECT) ON LAND ACROSS NORTH
SHROPSHIRE**

I refer to your email of the 9 March 2017 in relation to the above scoping consultation. Having reviewed the Scoping Report (SP Energy Networks, dated March 2017) I would offer the following comments for your consideration in relation to matters within our remit. Please note that we have previously engaged directly with the applicant (Mr. S Edwards) and that these comments are, in part, a formal re-iteration of those provided to Mr. Edwards in 2016.

Environment Agency ‘Shropshire Groundwater Scheme’: We note that Chapter 11 of the submitted Scoping report seeks to address matters relating to Flood Risk and Water Resources, including consideration of fluvial, surface and ground waters. Specific to the latter, elements of the proposed works fall within close proximity to our ‘Shropshire Groundwater Scheme (SGS)’. Our future proposed Phase 7 would comprise up to six groundwater pumping stations, interlinked by underground pipelines. It should be noted that both the construction and maintenance of these wells will require large cranes with 50m boom arms on-site and their operation could be impacted by any potential power line. We would expect, as part any consideration for power cable routes, confirmation that a safe working distance is maintain around each proposed pumping station to allow operation of the cranes and ensure no impact upon the construction and maintenance of this Phase of the SGS.

Paragraph 11.6.8 of the Scoping Report confirms consideration of the SGS and that maintenance of a safe working distance around the identified construction areas will be incorporated into the assessment. As confirmed on Figure 11.3 the SGS (pipeline) and the reinforcement project interact at one location on the proposed route.

Environment Agency
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Water Quality and Water Resources: In addition to the abovementioned SGS there are a number of Source Protection Zones (SPZ) that fall within the Draft Route Corridor, along with smaller licensed groundwater abstraction supplies. Given the rural setting, reliance on private wells and boreholes for drinking water supply to individual residential buildings and business is common in this area.

In consideration of the above we would expect any forthcoming application to be accompanied by a 'water features survey' which should provide the precise location of any well or borehole source. These features should be identified and provision made to provide protection against potential contamination arising from the construction phase to the underlying groundwater environment. Whilst the Scoping Report has sought to Scope Out Water Resources (Table 19.1) confirmation of the need for such a survey is provided in paragraph 11.5.21.

Note: Best available data on regulated abstractions can be obtained from our Customer and Engagement team (SHWGenquiries@environment-agency.gov.uk). The Public Protection team at Shropshire Council will hold other records (where available) and individual properties/landowners should be approached to inform a robust evidence base (water features survey).

Flood Risk: The potential route options will involve the crossing of two main rivers (River Perry and River Roden and unnamed Tributary to the Roden), which fall under the jurisdiction of the Environment Agency. Additionally, there are number of small, ordinary watercourses, which cross, or run in close proximity to, the various route options. Some of these watercourses have been modelled as part of our Flood Map but others due to their scale and nature (catchments less than 3km²) are un-modelled and have no flood zone designation associated with them. Some assessment of these watercourses will be necessary, as part of a Flood Risk Assessment (FRA), looking at both construction and operational phases.

In accordance with the National Planning Policy Framework (NPPF), the development (which is taken as 'essential infrastructure') should be located outside of the 1% plus climate change fluvial floodplain. However, whilst we would recommend that development is kept outside the 1% plus climate change floodplain by siting within Flood Zone 1, if the proposed development is essential and necessary in the floodplain, we would not normally object or raise significant concerns relating to impact on flood storage, or flows, given the type of application/likely impact. Attention should also be given to the potential impact that the mobile temporary works may have on the flow routes within the 1% plus climate change floodplain. It is important that flow routes are not adversely impacted from tower foundations and/or crossings. These issues should be assessed as part of any forthcoming FRA.

Note: Any works within 8 metres of the top of the bank of the River Perry or River Roden require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010. This would have formerly been called a Flood Defence Consent.

Note: Flooding information, including flood level data, where available, can be obtained from our Customer and Engagement team.

With regard to surface water matters we would expect surface water run-off from tower foundations and any hardstanding areas to be assessed, to the 1% plus climate change standard ensuring surface water is not increased to third parties, utilising Sustainable drainage techniques. We would also expect the FRA to cover residual risk should any

drainage features fail. We would recommend that you seek the comments of the Lead Local Flood Authority (Shropshire Council) who will comment on the detailed surface water design.

Water Framework Directive (WFD): As stated above the preferred routes appear to cross above the Rivers Perry and Roden. It is essential that the proposed development (construction and maintenance) is managed in such a way that continues to protect the adjacent watercourses and ditches in order to avoid deterioration of the water quality and habitat in these water bodies, with opportunities to improve the watercourse implemented where viable. The submitted Scoping Report confirms that all poles will be located at least 8m from the banks of all watercourses.

I trust the above confirms our position at this time. We will be happy to engage in further discussion with the applicant moving forward with the project. However, should further discussion be required, outside of formal consultation, this will be chargeable in line with our cost recovery service.

Yours faithfully

Mr. Graeme Irwin

Senior Planning Advisor

Direct dial: 02030 251624

Direct e-mail: graeme.irwin@environment-agency.gov.uk

CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: EN020021
Our ref: 4.2.1.5863

HSE email: NSIP.applications@hse.gov.uk

FAO Alison L Down
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Ms Down,

05 April 2017

**PROPOSED NORTH SHROPSHIRE ELECTRICITY DISTRIBUTION NETWORK (the project)
PROPOSAL BY SP ENERGY NETWORKS (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 9th March 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

Despite passing over and in sections running parallel with Major Accident Hazard Pipeline(s) the project in its current form does not meet HSE Land Use Planning criteria that would lead HSE to 'Advise Against' the proposed project.

However, if prior to the granting of a development consent order for this proposed development, Hazardous Substances Consent is granted for a Major Hazard Installation or there is notification of a Major Accident Hazard Pipeline within or in the vicinity of the development, the HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority for the proposed development.

Explosives sites

HSE has no comment to make in this regard, as there are no licensed explosive sites in the vicinity.

Electrical Safety

No comment from a planning perspective.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,

A solid black rectangular box used to redact the signature of Dave Adams.

Dave Adams
CEMHD4 Policy

Our ref: SHARE/ 48889803
Your ref: 170309_EN020021-000011

Alison Down
The Planning Inspectorate
Via Email:
NorthShropshireReinforcement@pins.gsi.gov.uk

Patrick Thomas
Asset Manager
Operations Directorate

The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

Direct Line: 0300 470 3407

30 March 2017

Dear Alison,

PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED) – REGULATIONS 8 AND 9

APPLICATION BY SP ENERGY NETWORKS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE REINFORCEMENT TO NORTH SHROPSHIRE ELECTRICITY DISTRIBUTION NETWORK

SCOPING CONSULTATION

Thank you for forwarding me details of the above referenced consultation. Highways England is responsible for the operation and maintenance of the strategic road network in England. The network includes all major motorways and trunk roads. The strategic road network in the vicinity of the application site is the A5 trunk road.

An EIA Scoping Report has been prepared by SP Energy Networks and was forwarded to Highways England by the Planning Inspectorate on 9 March 2017. This gives details of the proposed North Shropshire Reinforcement Project between Oswestry and Wem.

It is noted that the proposed DCO will only be required for the above-ground sections of the power line, as underground sections are covered by permitted development rights. Currently underground sections of line are proposed alongside the A5 near Oswestry, with the above-ground section of line beginning approximately 300m to the east of the A5.

We have reviewed the EIA Scoping Report and consider that our input is principally required in relation to the Traffic and Transport chapter. We understand that the impacts during the construction phase will be limited, however it is proposed to use an existing access point off the A5 at the western end of Section 1. Having considered the low number of trips and temporary nature of the works, **we are content for Traffic and Transport to be scoped out of the EIA**, as recommended by the Scoping Report.

Further to the current consultation, we would request that SP Energy Networks and their contractors programme underground and above-ground works in the vicinity of the A5 to have the least impact on the safe and effective operation of the strategic road network.

The principle impact, in relation to the DCO elements of the works, will be vehicles accessing the construction sites using the strategic road network. We would expect further dialogue with SP Energy Networks and their contractors in due course in order to determine traffic management arrangements during the construction phases.

In regards to the current consultation, we have no further comment and are therefore content for the process to continue without further comment from Highways England at this stage.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely



Patrick Thomas
OD Midlands
Email: PatrickThomas@highwaysengland.co.uk

Cc:



Historic England

WEST MIDLANDS OFFICE

Ms Alison L Down
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Dial: 0121 625 6820

Our ref: PL00074054

16 March 2017

Dear Ms Down

Ref: 170309_EN020021-000011 - Application by SP Energy Networks for an Order granting Development Consent for the Reinforcement to North Shropshire Electricity Distribution Network.

Thank you for your letter of 9 March "017 consulting us about the above EIA Scoping Report.

This development could, potentially, have an impact upon a number of designated heritage assets¹ and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

We would strongly recommend that you involve the Conservation Officer of Shropshire Council and the archaeological staff in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



Historic England

WEST MIDLANDS OFFICE

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely,

[Redacted signature]

Bill Klemperer
Principal Inspector of Ancient Monuments
bill.klemperer@HistoricEngland.org.uk



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Telephone 0121 625 6870
HistoricEngland.org.uk



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Sent electronically to:

NorthShropshireReinforcement@pins.gsi.gov.uk

Nick Dexter
DCO Liaison Officer
Land & Business Support

Nicholas.dexter@nationalgrid.com

Tel: +44 (0)7917 791925

www.nationalgrid.com

5th April 2017

Dear Sir/Madam,

Ref: EN020021 - Reinforcement to North Shropshire Electricity Distribution Network - EIA Scoping Notification and Consultation

This is a joint response on behalf of National Grid Electricity Transmission Plc (NGET) and National Grid Gas Plc (NGG). I refer to your letter dated 9th March 2017 in relation to the Reinforcement to North Shropshire Electricity Distribution Network - EIA Scoping Notification and Consultation. Having reviewed the Scoping Report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary

Electricity Transmission

National Grid Electricity Transmission has a high voltage electricity overhead transmission line within or in close proximity to the proposed order limits. The overhead line forms an essential part of the electricity transmission network in England and Wales. The overhead line reference is:

- ZZK – 400kV Overhead Electricity Line, Ironbridge to Legacy.

Gas Transmission

National Grid Gas does not have any infrastructure within close proximity to the proposed order limits.

Electricity Infrastructure:

- National Grid's Overhead Line is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid

recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) available at:

http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applIII-part2

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive’s (<http://www.hse.gov.uk/>) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires

consultation with National Grid prior to any such changes in both level and construction being implemented.

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of the apparatus and to remove the requirement for objection. All consultations should be sent to the following: box.landandacquisitions@nationalgrid.com

In order to respond at the earliest opportunity National Grid will require the following:

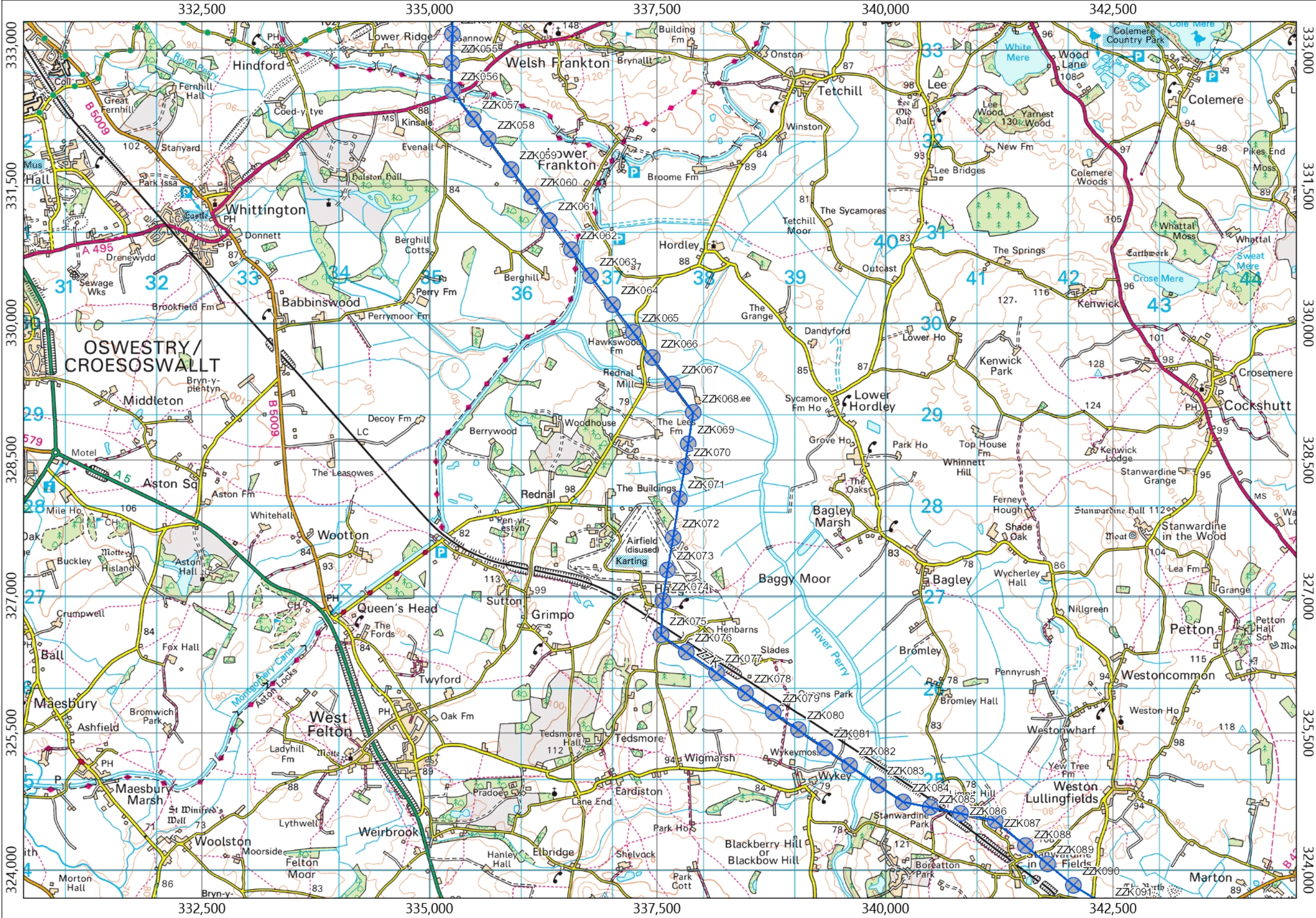
- Shape Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours Faithfully



Nick Dexter.



Legend:

- Substations Commissioned
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commis
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable

Notes:



Date: 05 April 2017
Our ref: 210699
Your ref: 170309_EN020021-000011



NorthShropshireReinforcement@pins.gsi.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms. Down

**Nationally Significant Infrastructure Project (NSIP)
EN020021 Environmental Impact Assessment Scoping notification and consultation
(Regulation 15 (3) (i) of the EIA Regulations 2011):** Application by SP Energy Networks for an Order granting Development Consent for the Reinforcement to North Shropshire Electricity Distribution Network - 132kv Wood Pole Overhead Line from Oswestry to Wem

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 09 March 2017 which we received on 09 March 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Rebecca Underdown on 0208 2256403. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site will be within the vicinity the following designated nature conservation sites:

- Midlands Meres and Mosses Ramsar Phase 2
- Montgomery Canal, Aston Locks SSSI
- Ruewood Pastures SSSI
- Brownheath Moss SSSI
- Sweatmere and Crosemere SSSI

- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

In this case the proposal is not directly connected with, or necessary to, the management of a European site. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'. We welcome the intention stated in the Scoping Report to provide suitable information to allow a Habitats Regulations Assessment to be undertaken.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for

example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local

wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure

strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

http://neintranettechnical/content/technical/docs/docs_12/Non-Minerals_EIA_Scoping_-_Land_Quality_and_Soil_Resource_Protection_v1.2.docx

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;

- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Ancient Woodland – addition to the S41 NERC Act paragraph

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

Notice to all developers and developers' consultant ecologists with regard to Nationally Significant Infrastructure Projects (NSIPs) involving European Protected Species (EPS) and applications to the Planning Inspectorate.



This guidance has been prepared to help developers and developers' consultant ecologists understand the process for engaging with Natural England about Nationally Significant Infrastructure Projects (NSIPs) and issues relating to European Protected Species (EPS). Please note that this guidance will be kept under review and may from time to time be amended. We will keep our customers updated on any changes via the EPS Newsletter and our Latest News pages found on [Natural England's Wildlife Management and Licensing web pages](#).

*Whilst this guidance note is primarily aimed at developments where EPS are affected (i.e. those species listed under the Conservation of Habitats and Species Regulations 2010), the procedure as set out below also applies to NSIPs involving protected species **not covered by European legislation** (e.g. badgers, water voles, native white-clawed crayfish, Romans snails etc.).*

Please also note that any reference to the '3 licensing tests' below is not applicable to those species.

References to 'you' below should be taken to refer to 'developer and/or developer's consultant ecologist' as appropriate.

Introduction

For NSIPs which involve EPS, Natural England's Regulation team will provide you with early advice and opinion on your protected species proposals in relation to **all 3 licensing tests without a planning consent needing to be in place**. This is undertaken so that the Planning Inspectorate (PINs), who are responsible for examining planning applications for NSIPs, can have confidence that Natural England, as the relevant licensing authority, has considered the issues relating to protected species and can then make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or refuse the Development Consent Order (DCO).

In order to do this, Natural England needs to conduct an assessment, based on a **full draft mitigation licence application, in advance of** the formal submission to PINs. The steps
WML-G36 (05/13) NSIP and EPS mitigation licensing

to be followed when submitting the appropriate information, in respect of an NSIP project which has the potential to affect EPS, are set out below and in the Flow Chart on page 7.

Key message for NSIP developers and their ecological consultants:

Natural England strongly advises that developers engage at the earliest possible opportunity with Natural England's Regulation function should protected species licences be required.

We recommend that a draft licence application is submitted at the pre-application stage, in accordance with the process as outlined below, to assist the examination process. You should be aware that if you choose to submit your DCO application to PINs without having resolved matters relating to licensing first then there is a significant risk that these issues may prevent your application proceeding past the application or examination stage. Please note that, in cases where a licence is required and the licensing team has not been appropriately consulted, in accordance with the process outlined below, Natural England cannot be held responsible for any delays experienced with regards to the progress of your DCO application or if the application is unsuccessful as a result of outstanding licensing issues.

Step 1 Is a licence required? Informal engagement with Natural England

You should **consult Natural England's [published guidance for the relevant species](#)** and **decide whether a mitigation licence is required. If you decide that a mitigation licence is required you should start to develop the mitigation scheme** which again should follow Natural England's published guidance for the relevant species. Although optional, to avoid any unforeseen problems arising further along in the process, you are encouraged to engage **as early as possible with** Natural England. If you do not have a nominated case officer at Natural England for your project then please use the following contacts:

- eric.steer@naturalengland.org.uk, 0300 060 0660: Eric Steer, from Natural England's Land Use team, is the Nationally Significant Infrastructure Project coordinator.
- For licensing issues: eps.mitigation@naturalengland.org.uk, marked 'NSIP - FAO Kathryn Murray and Oliver Lowe'. Kathryn is the EPS Senior Specialist for licensing and Oliver is a Group Coordinator for EPS mitigation licensing within Natural England's Regulation team; they coordinate, advise and oversee NSIP licensing issues and are the main contacts in 'Licensing' for this area of work.

In terms of informal advice about licensing issues, arrangements will be put in place for a general discussion as soon as possible and advice given regarding what further outline information is needed to facilitate this informal pre-application discussion further. Natural England's Regulation team aims to provide this **general advice** on licensing requirements over the telephone within 5 working days. If, however, the request seeks **detailed advice** on specific questions relating to the protected species, Natural England's Regulation team will require a **written note** from you on the proposed scheme to enable a full consideration of the request. Ideally your request will be in the relevant species Method Statement format. Providing this will help ensure that, when the request is made, it is clear to Natural England staff what the issues are. This will enable us to consider and advise upon it more quickly. Should *written* advice be required, Natural England's Regulation team aims to provide a response within 15 to 20 working days. However, please note that this may not be possible for cases which are particularly complex, when the team is experiencing high workloads or where a site visit is considered necessary in order for advice to be given. In these situations, Natural England's Regulation team will contact you to discuss when it will be possible for them to provide a view on the case.

Please note that, at this stage in the process, **no formal** assessment of the Method Statement will take place. Depending on the level of risk or opportunities presented through the mitigation, a teleconference or face to face meeting may be appropriate to discuss matters in detail.

Step 2 – Draft licence application submitted to Natural England

In order for Natural England to provide a formal opinion on the acceptability of the proposed licence application and mitigation, as soon as you are **confident** that the proposals are **sufficiently advanced** and that the mitigation proposals take account of the **final design** you should:

- Prepare a full draft licence application including :
 - An application form,
 - Method Statement and maps together with a proposed timetable (which should be Specific, Measurable, Achievable, Realistic and Time-limited (“SMART”), and
 - Reasoned Statement¹.

¹ This document is used by our EPS Advisers to assess whether the Purpose and No Satisfactory Alternative tests have been met. It requires you to set out your views and provide evidence to demonstrate that the proposed activity meets one of the prescribed purposes. In addition, evidence is required to demonstrate that there is no satisfactory alternative to undertaking the activity as proposed in the licence application.

- Email it to eps.mitigation@naturalengland.org.uk, marked 'NSIP - FAO Kathryn Murray and Oliver Lowe'.

When preparing the application form documents for submission, the **guidance on naming files and using folder structures** as set out in the 'Key message' in section 16 of the 'How to get a licence' document should be followed (a link to this document is provided at end of this guidance note).

When submitting draft application documents by paper or electronically, the guidance within the application form and the 'How to get a licence' document (section 16) should be followed (e.g. documents over 5MB in size should be submitted to Natural England on CD rather than by email). A link to Natural England's file **compression guidance** is provided below. Applicants are advised to reduce the size of their application pack when submitting by email as far as possible.

Please note that, in terms of the Purpose and No Satisfactory Alternative tests set out under Part 5 of the Conservation of Habitats and Species Regulations 2010 ("Habitats Regulations"), it will not be possible for Natural England to consider that these tests have been **fully** met, in respect of any NSIP, until the Secretary of State has granted the DCO. However, a full assessment of your Reasoned Statement and supporting evidence will be undertaken in advance of the DCO being granted, so as to determine whether the appropriate level of detail has otherwise been provided (please see Flow Chart at the end of this document).

Please ensure that the necessary documentary evidence, which supports the statements made within the Reasoned Statement in respect of the Purpose and No Satisfactory Alternative Tests, has been included. For projects of this scale, even though the required consents will not yet have been obtained, Natural England still expects there to be a sufficient amount of supporting evidence available (e.g. reports, studies etc.) which demonstrate the need for the development and other alternatives which have been considered and subsequently discounted as being less satisfactory. Please note that we will be unable to issue the 'letter of comfort' until the appropriate level of information has been provided in respect of the Reasoned Statement.

Step 3 – Letter of comfort or ‘further information request’ issued from Natural England

Within 30 working days, Natural England will either issue ‘a letter of comfort’ stating that it is satisfied, in so far as it can make a judgement, that the proposals presented comply with the regulations or a letter outlining why we believe the proposals do not meet licensing requirements and what further information is required. If further information is required, this may, on occasion, result in the need for a further re-assessment of the revised draft licence application. It should be noted that time taken by you to provide any amended/enhanced /new information does not count towards the 30 day target. Correspondence on the licensing tests will be copied to PINs.

The ‘**letter of comfort**’ will detail our assessment against the three statutory licensing tests under Part 5 of the Habitats Regulations. You can use this letter to support your application to the PINs; it will also be sent by Natural England to PINs. The letter will make clear that, on the basis of the species information and proposals presented, Natural England is satisfied that the licensing tests can be met when a formal application is submitted (on the basis that the information/evidence provided within the application remains the same), subject to the DCO being granted by the Secretary of State. The letter will also draw attention to the fact that ecological conditions on the site may change over time. It is your (the developer’s) responsibility to maintain sufficiently up to date survey information which is then made available to Natural England (along with any resulting amendments to the draft licence application) and PINs so that there is no delay in issuing the licence once the Secretary of State has granted the DCO.

Step 4 – Submission of the NSIP application to PINs for a Development Consent Order

After you have submitted the DCO application to PINs, along with the ‘letter of comfort’ and associated mitigation proposals you should keep Natural England’s Regulation team informed of progress to ensure that we remain aware of the likely timeframes so that we know when to expect the official application and can undertake a timely final mitigation licence decision. It is possible that the timetable of activities (which forms a legally enforceable part of the European Protected Species licence – see regulation 53(8)(c)(ii) of the Habitats Regulations) will require a final update if there has been any slippage in the agreed timings (see Step 5).

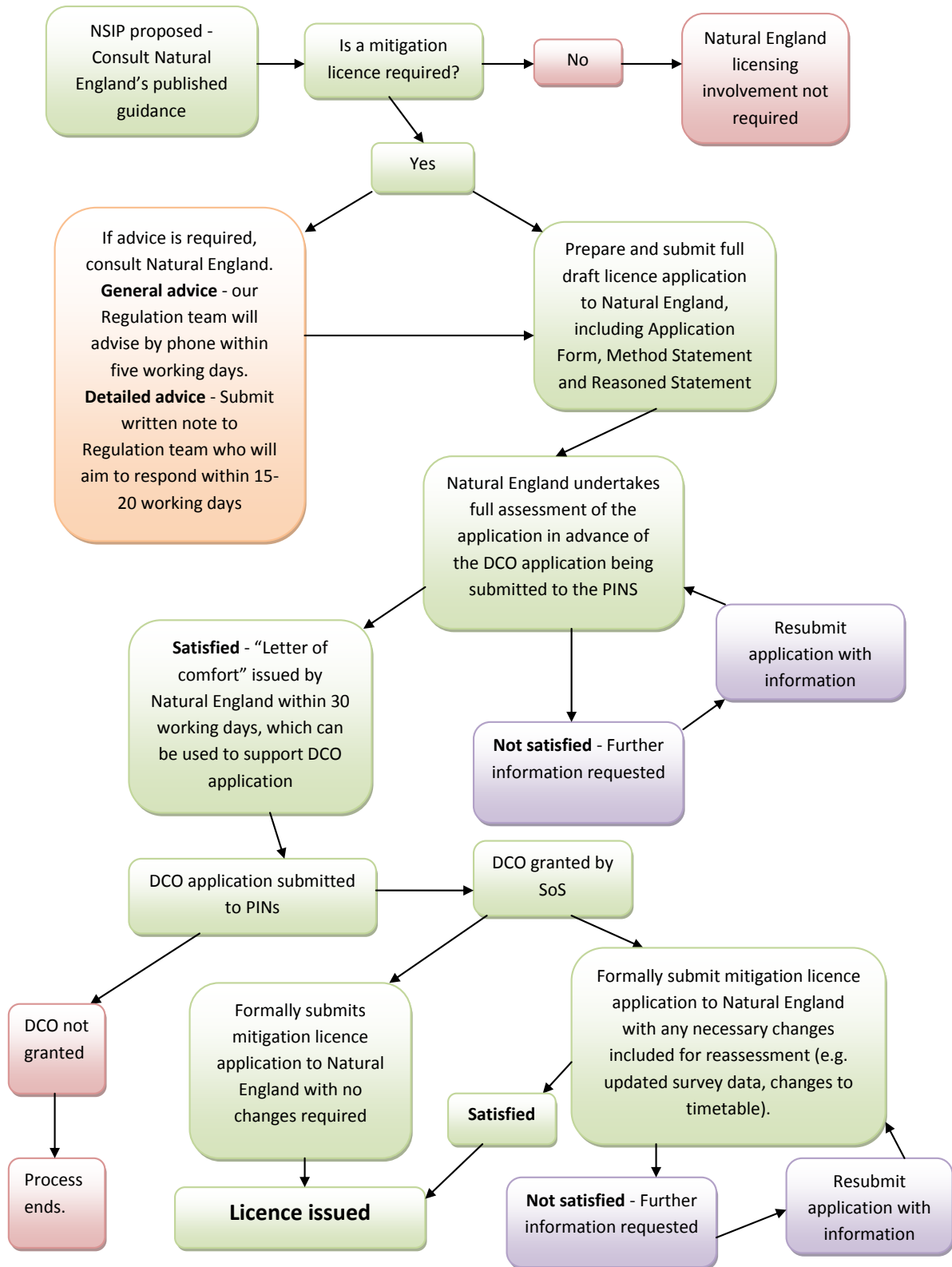
Step 5 - Natural England issuing a mitigation licence following the Development Consent Order being granted

Once the DCO has been granted, you should formally submit the mitigation licence application to Natural England (following the submission process outlined in Step 2 – marking it ‘For the attention of Kathryn Murray and Oliver Lowe’ and including the licensing reference number provided on the letter of comfort). Natural England will issue a licence, provided the proposals and the situation on site either:

- Remain the same and the work schedule is still SMART (Specific, Measurable, Achievable, Realistic and Time-limited), or
- Have been suitably adjusted to enable Natural England to confirm that the mitigation proposals remain adequate (e.g. timings in the work schedule may change), or
- Take account of any further survey requirements resulting from a significant delay between the issue of the ‘letter of comfort’ and the DCO assessment.

Please be aware that if changes are made to proposals or timings which do not enable us to meet the FCS test we will issue a letter outlining why the proposals are not acceptable and what further information is required. These issues would need addressed before a licence can be issued. This will also be sent to PINs to keep them informed of any advice given by Licensing to you (the developer).

Nationally Significant Infrastructure (NSIP) Licensing Guidance Process for NSIP developers



Summary points:

- You are advised to engage as early as possible with Natural England's Land Use team and subsequently, when necessary, with Natural England's Regulation team.
- When EPS mitigation licences will be required, we strongly encourage you to follow Natural England's published guidance for the relevant species when preparing draft Method Statements and Reasoned Statements either to facilitate early discussions or as part of your draft licence application package.
- If you intend to deviate from Natural England's standard mitigation guidelines, you must fully justify and explain this within the Method Statement itself.
- Please note that Natural England's Regulation team will provide clear advice when consulted and provide a detailed assessment response where it is considered that a draft application does not currently meet our requirements. However, it is your responsibility to design the mitigation proposals based on survey information, impacts and specialist knowledge of the species concerned. It is not Natural England's role to do this.

Useful guidance for preparing a draft application:

Please note that our guidance is regularly updated, leading to small changes in some documents. It is therefore advisable to always work from the latest versions available on Wildlife Management and Licensing Web-pages. The following links will help facilitate this.

- Important reading to understand the licensing process. It also details the submission process as outlined in the above steps: 'How to get a licence'.
http://www.naturalengland.org.uk/Images/wml-g12_tcm6-4116.pdf
- General Natural England Wildlife Management web-link:
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>
- Application forms
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/applicationforms.aspx> (Under each species columns, we provides links to other useful guidance available for putting together an application, including Handy Hints, Experience requirements, the various species mitigation guidelines, putting together a work schedule, guidance on master plan requirements, an example bat method statement, why we advise not to over mitigate, and much more).
- [Compression guidance](#) to help reduce the size of applications.



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Your Ref : 170309-EN020021-000011
Our Ref : CIRIS31024

FAO:- Alison L Down, EIA & Land Rights Advisor

5th April 2017

Dear Alison,

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed
Reinforcement to North Shropshire Electricity Distribution Network**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,

Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which

may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken. PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

negligible.” PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE’s predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m⁻¹ (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented.

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



Ms Alison L Down
EIA & Land Rights Advisor (on behalf of the Secretary of State)
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Our Ref: P/F Div/0011/17
Your Ref: 170309_EN020021-000011

13 March 2017

Dear Ms Down

Application by SP Energy Networks for an Order granting Development Consent for the Reinforcement to North Shropshire Electricity Distribution Network

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Response on behalf of the West Mercia Police and Crime Commissioner

Place Partnership Limited is instructed by the West Mercia Police and Crime Commissioner (WMPCC) to respond to the Secretary of State's invitation to comment on this matter.

Having reviewed the available information and consulted with our client, we can confirm that the WMPCC does not have any comments to make, nor has any information in their possession relevant to the preparation of the environmental statement so far as they are aware.

Notwithstanding the above, we confirm that the WMPCC is aware of their statutory duty under Regulation 9(3) and will accordingly comply with this if requested to do so by the Applicant.

We trust that this response is helpful, but please do not hesitate to contact us if you have any queries.

Yours sincerely

Andrew Morgan MRTPI
Strategic Planning Manager

Direct Dial: 07734 777330
Email: andrew.morgan@placepartnership.co.uk