

SP MANWEB



Reinforcement to the North Shropshire Electricity Distribution Network

SP Manweb's Responses to S51 Advice and Comments on the S55 Checklist

Application Reference: EN020021

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Distribution Network**

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PINS Reference EN020021

QA Box

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CONTENTS

1. Introduction.....1

2. Response to Section 51 1

3. Response to Section 55 Checklist..... 8

1. INTRODUCTION

- 1.1. This document sets out the Applicant's response to the Examining Authority's procedural decision (contained in Annex E, paragraph 8, to the Rule 6 Letter) to require response to those matters set out in the letter of 10 December 2018 from the Planning Inspectorate, being advice from under s51 of the Planning Act 2008.

2. RESPONSE TO SECTION 51 ADVICE

- 2.1. This section provides a response to the letter from PINS dated 10th December. *Planning Act 2008 – Section 51*

Application by SP Manweb for an Order Granting Development Consent for the Reinforcement to the North Shropshire Electricity Distribution Network

Advice following issue of decision to accept the application for Examination

Section 42(1)(a) persons

Examining Authority's Comment

As detailed in the published Checklist (Box 6), there is a number of potentially relevant bodies which, on the basis of the information provided by the Applicant, do not appear to have been consulted at the Pre-application stage. These are:

- SP Distribution Plc
- Harlaxton Gas Networks Limited
- Murphy Gas Networks Limited
- Eclipse Power Networks Limited
- Energy Assets Networks Limited
- Energy Assets Power Networks Limited
- Fulcrum Electricity Assets Limited
- Leep Electricity Networks Limited
- Murphy Power Distribution Limited
- Vattenfall Networks Limited
- Utility Distribution Networks Limited
- Powysland IDB

Unless there is a good reason in each case why the Applicant considers that these bodies are not relevant to the Proposed Development, the Applicant is advised to include these bodies in the notification process for the accepted application under section 56 PA2008. This should highlight the opportunities to become involved in the examination of the application. In particular

Examining Authority's Comment

notification should explain the process by which they may make Relevant Representations during the advertised period.

SP Manweb Response

- 2.2. SP Manweb accepts the Planning Inspectorate's recommendation (with the exceptions below).
- 2.3. The following bodies have been added to and included in the mailing list, and have been sent notices of acceptance of the application under s56 of the Planning Act 2008:
- Harlaxton Gas Networks Limited
 - Murphy Gas Networks Limited
 - Murphy Power Distribution Limited
 - Energy Assets Networks Limited
 - Energy Assets Power Networks Limited
 - Fulcrum Electricity Assets Limited
 - Leep Electricity Networks Limited
 - Vattenfall Networks Limited
- 2.4. Of the bodies listed above, Harlaxton Gas Networks Limited responded to SP Manweb confirming it had no assets relating to the Proposed Development. No other responses were received from these bodies.
- 2.5. Powysland IDB – In 2015 the functions of the IDBs in Wales were passed to NRW, the responsibility for Powys IDB now sits with Natural Resources Wales (NRW).
- 2.6. In addition, as the natural catchment joins the River Severn downstream of the Welsh border, there would be no impacts within the area covered by the Powysland IDB or the area now defined as the Internal Drainage Districts (IDD) by NRW. The only potential water connection is the Montgomery Canal. As the Proposed Development would oversail the canal with no physical contact there is therefore no pathway from the Proposed Development to the IDD area, and no consultation with NRW with respect to the EIA was necessary. Notwithstanding this SP Manweb has issued a notice to 'Powys IDB' via the nearest NRW office (Welshpool).

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- 2.7. Utility Distribution Networks Limited – searches through Companies House show that Utility Distribution Networks Limited was renamed Energy Assets Networks Limited in January 2018. Energy Assets Networks Limited appears in the list provided by PINS and as set out above has been sent a notice of acceptance under s56 of the Planning Act 2008.
- 2.8. Eclipse Power Networks Limited – searches through Companies House showed Eclipse Power Networks Limited was formerly registered as G2 Energy IDNO Limited. G2 Energy IDNO Ltd was included in SP Manweb’s statutory consultation and Eclipse Power Networks Limited has been included in the s56 notice mailing list.
- 2.9. SP Distribution Plc – SP Manweb can confirm that SP Distribution is not relevant to the Proposed Development. SP Manweb manages and operates the electricity network at 132kV and below in Cheshire, Merseyside, North Wales and Shropshire. SP Distribution only operates in central and southern Scotland, and at below 132kV.
- 2.10. SP Manweb has not amended any previously submitted DCO application documentation as a result of the above activity.

Land Plans

Examining Authority’s Comment
<p>The plots coloured yellow on the Land Plans are described in the legend as “<i>Order Land – temporary rights (construction only) to be compulsorily acquired, and temporary use of the land, and in relation to which it is proposed to suspend or extinguish easements, servitudes and other private rights</i>”. It is not clear from this whether it is temporary possession or compulsory acquisition of permanent rights to be used temporarily which is intended by the Applicant in relation to specific plots.</p> <p>Some discrepancies were found between the colour of some plots on the Land Plans and the description of rights the Applicant is seeking over that land in the Book of Reference. The Applicant is advised to carry out a full review of the Land Plans and the Book of Reference and ensure that all land interests are clearly informed about the precise nature of rights the Applicant is seeking over their land.</p>

SP Manweb Response

- 2.11. The reference to Plot 376 in Schedule 5 of the DCO is an error. Schedule 5 of the DCO will be amended to remove reference to this Plot.

- 2.12. Subject to the minor correction referred to in paragraph 5 below, Plots 9, 10, 11, 16, 39, 45, 142, 186, 258 and 375 are shown coloured yellow on the Land Plans. For the purposes of this note, these plots are now referred to as “the Yellow Plots”.
- 2.13. SP Manweb only require rights over the Yellow Plots in order to facilitate the construction of the Proposed Development. No permanent rights are required over the Yellow Plots.
- 2.14. On further consideration, SP Manweb has decided that Article 26 (Temporary use of land for carrying out the authorised development) of the DCO provides sufficient rights over the Yellow Plots to allow SP Manweb to construct the Proposed Development. Accordingly, the Book of Reference and the Statement of Reasons will be amended to remove reference to Class 6 rights for the Yellow Plots. The key for the Yellow Plots on the Land Plans will also be amended so that it only refers to temporary possession pursuant to Article 26.
- 2.15. Plot 16 on Sheet 2 of the Land Plans was coloured blue in error. Sheet 2 of the Land Plans will be amended so that Plot 16 is shown coloured yellow, rather than blue.
- 2.16. Sheet 1 of the Land Plans shows Plots 9 and 11 correctly coloured yellow. However, the Book of Reference should not have referred to Class 5 rights in respect of these two Plots. The Book of Reference and the Statement of Reasons will be amended to remove reference to Class 5 rights for these two Plots.

Works Plans

Subject Matter	Examining Authority’s Comment
Works Plans	It is noted in the Checklist that the lateral limits of deviation for the poles are not shown on the Works Plans. The Applicant is advised to provide a clear explanation of the relationship between article 4(1)(a), Requirements 3 and 4 of the draft DCO, and the Works Plans, and show the limits of deviation for Work No.3 on revised Works Plans.

SP Manweb Response

- 2.17. The pole locations marked on the submitted Works Plans are shown in a way that they can be easily seen and do not represent a scaled representation of the poles themselves. Generally, the poles shown, relative to the scale of the plan, would be approximately 3m in diameter, whereas actual poles would be around 0.3m. These would show as a smaller dot on the plan and would be difficult to read.
- 2.18. In order to illustrate the LoD to scale (as referred to in Requirement 4) on the Works Plans it would require a small dot surrounded by a circle (5m diameter to scale) for each pole location. SP Manweb consider that this would make the Plan difficult to read.
- 2.19. The pole notation has therefore not been amended on the Works Plans. To address the point SP Manweb have however amended the wording of the notes on the Works Plans to read as follows:

‘Poles (indicated by number) are not shown too scale. Numbered poles may move up to 5 metres in any direction from their indicative location (as measured from the centre point of the circle as shown), but may not be sited within 1 metre from the outside of any hedgerow. This is referred to as the ‘Limit of Deviation’ as set out in Requirement 4 to the draft DCO.’
- 2.20. An updated version of the Works Plans has been submitted as a separate document.
- 2.21. Notwithstanding the above, in response to the advice SPM has produced and submitted a separate set of plans ‘Limits of Devation’ which show the Order Limits and the Limits of Deviation (to scale).

River Basin Management Plan

Subject Matter	Examining Authority’s Comment
River Basin Management Plan	It is noted in the Checklist that a plan identifying water bodies in a river basin management plan has not been submitted. The Applicant is asked to provide this, along with clarification on whether the rivers Roden and Perry are the only relevant features in the Severn River Basin District Management Plan which could potentially be affected by the Proposed Development.

SP Manweb Response

- 2.22. The Proposed Development is located in the north of the area covered by the Part 1: Severn River Basin District; River Basin Management Plan (updated December 2015). An extract showing Figure 1 from the River Basin Management Plan (RBMP) is provided below.
- 2.23. SP Manweb can clarify that the Rivers Roden and Perry are the only features mentioned in the RBMP which could potentially be affected by the Proposed Development.
- 2.24. Environmental Statement Figure 9.1: Mapped Flood Risk Sheets 1 – 2 (**DCO Document 6.14**) has been revised to indicate that it covers the area within the RBMP, and has been submitted as a separate document.
- 2.25. An assessment of effects on water bodies, is set out in Environmental Statement Chapter 9, Sections 9.6, 9.7 and 9.8 (**DCO Document 6.9**); and Environmental Statement Appendix 9.2 (**DCO Document 6.9.2**).
- 2.26. The RBMP was reviewed whilst undertaking the EIA however as the assessment identified no effects on these rivers the RBMP was not considered further and is not specifically referred to in the assessment. Consideration of the RBMP was not raised in consultation by the Environment Agency.

Figure 1: Map of the Severn river basin district



3. RESPONSE TO SECTION 55 CHECKLIST

- 3.1. This section provides a response to additional points, to those in the s51 Advice' on the s55 Application Checklist (Letter from PINS 10th December 2019).

Item 28 – Key Plans

Examining Authority's Comment
<p>The Plan of Important Hedgerows Affected (DCO Document 2.5), Nature Conservation Sites plan (DCO Document 2.6) and Historic Sites plan (DCO Document 2.7) do not include key plans, although there are boxes to the right or bottom of each sheet which show the location of the sheet in relation to the other sheets. It is also noted that where a key plan is provided the mapping layer has not been added.</p>

SP Manweb Response

- 3.2. As noted by PINS although a key plan is not included each individual plan, **DCO Documents 2.5 – 2.7** include a key / location plan showing how the individual plans are set out geographically. SP Manweb considers that this provides the same function as an individual key plan.
- 3.3. As noted by PINS, the location plans do not include the mapping layer for the Order Limits.
- 3.4. In response to this advice revised sets of plans, including key plans showing the Order Limits, have been submitted as separate documents.

Regulation 5(2)(l)(iii)

Examining Authority's Comment
<p>Environmental Statement Chapter 9 Section 9.2 (DCO Document 6.9) Watercourses including rivers are shown but not identified by name on Environmental Statement Figure 9.1: Mapped Flood Risk Sheets 1 – 2 (DCO Document 6.14).</p>

SP Manweb Response

- 3.5. Environmental Statement Figure 9.1: Mapped Flood Risk Sheets 1 – 2 (**DCO Document 6.14**) has been revised to indicate the Rivers Roden and Perry and the Montgomery Canal by name, and has been submitted as a separate document.

Regulation 5(2)(m)

Examining Authority's Comment
The Historic Sites plan (Doc 2.7) is at a scale smaller than 1:2500 and no justification appears to have been provided for this.

SP Manweb Response

- 3.6. SP Manweb agree that the scale of the Historic Sites Plan (**DCO Document 2.6**) (and the Sites of Nature Conservation Interest Plans (**DCO Document 2.7**)) are not at the scale specified in the APFP Regulations¹.
- 3.7. At the meeting on 6th August 2018 SP Manweb shared draft documents with PINS including drafts of these plans at the scale as submitted for the DCO application. In their Meeting Note PINS commented that:
- 'It is noted that these plans are not at the scale specified in the APFP Regulations however the Inspectorate will take a pragmatic approach towards this. We would advise you to justify this departure from the Regulations in the covering letter to your application. It would be helpful if any features that are identifiable by name are identified on the plans, e.g. by number matched to their name in the key/legend.'*
- 3.8. SP Manweb acknowledge that the covering letter to the application did not provide the justification for the departure to the APFP Regulations.
- 3.9. SP Manweb consider that the scale specified in the APFP Regulations is not always appropriate to linear projects as in order to show sites / features that could potentially be impacted by a project (in this instance at a distance of 5km from the Proposed Development) sites / features would not be identified on the same plan as a proposed development. A smaller scale has therefore been adopted in order to identify sites / features within the context of the location of the Proposed Development.
- 3.10. This is the approach SP Manweb adopted for the application for a Development Consent Order for the North Wales Wind Farms Connections Project (EN020014) which was subsequently granted by the Secretary of State.

¹ The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
<http://www.legislation.gov.uk/ukxi/2009/2264/contents/made>