

SP MANWEB



Reinforcement to the North Shropshire Electricity Distribution Network

Deadline 2 Submission

Application Reference: EN020021

**SP Manweb's Responses to the Written
Representations**

Reinforcement to the North Shropshire Electricity Distribution Network

Response to Written Representations

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PINS Reference EN020021

QA Box

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1. INTRODUCTION

- 1.1. This document provides a response to the Written Representations submitted to PINS at Deadline 1 (29th March 2019).

2. CANAL AND RIVERS TRUST (REP1-008)

Subject Matter: 1 Undergrounding the proposed line in the vicinity of the Montgomery Canal

<p>To minimise the visual and operational impacts of new electricity lines that cross the canal network, the Trust considers that it is always necessary to review whether it would be appropriate for the electricity lines to be undergrounded within the vicinity of the canal. However, we do appreciate that in some cases, it is not appropriate for lines to be placed under the canal and therefore we do entertain the merits of a case for over-grounding. In this case, we have been clear with the applicants from the outset that as they propose the line to be overhead where it crosses the Montgomery Canal, they will need to demonstrate why this is necessary and proportionate and why it is not possible to underground the lines in this location. If this can be demonstrated, then appropriate mitigation will need to be provided for within the DCO. This may be a single or cumulative set of issues and is a matter for the applicant to address and demonstrate to the satisfaction of the Trust and the ExA. This is consistent with the requirements in section 2.8.4 of NPS EN-5 where applicants are required to address these measures.</p>
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<p>Unfortunately to date, the applicant has not provided sufficient information to allow the Trust to assess whether the undergrounding of the lines in this location would be appropriate. In addition, the applicant has not confirmed the package of mitigation which could be provided in order to address any negative impacts of the overhead lines.</p>
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<p>The submission documents now include some information to address the matter of the undergrounding of the proposed line. Undergrounding is dealt with at paras 2.3.7 - 2.3.15 in the ES chapter 2 - alternatives and design evolution (document ref 6.2). This takes a very generic approach to the line as a whole and suggests that undergrounding would only be considered where there are particularly sensitive impacts or locations to be considered and does not consider that any of these exist along the proposed line. The Trust does not agree with this assessment and considers that the canal and its setting meet the criteria of a sensitive location. An appropriate</p>
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Subject Matter: 1 Undergrounding the proposed line in the vicinity of the Montgomery Canal

assessment should therefore be undertaken by the applicant at its earliest opportunity to address this.

SP Manweb Response

- 2.1. At Appendix 1 to the Planning Statement [APP-086], SP Manweb set out in its analysis of EN-5 and, in particular, national policy on undergrounding electric lines. It explained its understanding of policy and analysed potential undergrounding at locations where a significant adverse effect had been identified in the ES. In addition, against SP Manweb's understanding of policy but in response to CRT's concerns, SP Manweb took the further step of considering undergrounding where the scheme crosses the Montgomery Canal.
- 2.2. This analysis is set out at [APP-086, App.1 (6.1.12 - 6.1.14) and Table A7]. That assessment concluded: *"Undergrounding would result in localised reduction in visual effects (which are already not significant). On balance it is considered that, although there would be a localised visual benefit when compared to the 132kV overhead line there is no basis to refuse the overhead line in favour of undergrounding here as the benefits of undergrounding (a modest improvement in landscape and visual effects in a non-designated area) will not clearly outweigh the extra economic impacts and the technical preference for an overhead line."*
- 2.3. This was drawn to CRT's attention in SP Manweb's Response to Relevant Representations [REP1-002, (11.2 - 11.4)]. Despite this CRT has not responded or referred to this assessment. Indeed, it does not appear that CRT has read the assessment.

Subject Matter: 1 Undergrounding the proposed line in the vicinity of the Montgomery Canal

The Montgomery Canal is a heritage asset and its operation and visual amenity should be given significant weight in the determination process. (In this case, the operation and visual amenity of the canal should include the provision of the waterway and its maintenance, its structural integrity, navigational safety, cultural and historic appreciation and opportunity for water-related pursuits such as boating, angling and towpath users.) Therefore, we consider that the proposed crossing of the canal should

Subject Matter: 1 Undergrounding the proposed line in the vicinity of the Montgomery Canal

include a consideration of these impacts and whether there are sufficient to justify its undergrounding, with an assessment of whether this would be feasible or not. Such information still appears to be absent from the submission documents

SP Manweb Response

- 2.4. ES Chapter 8 'Historic Environment' (**DCO Document 6.8** (APP-060)) included consideration of the heritage features associated with the Canal within the Study Area. Para 8.5.1 states that:
- 'Thirty-four non-designated assets have been assigned medium significance by virtue that they have the potential to address regional research priorities. These include: Montgomery Canal (HER 00927)',*
- 2.5. Paragraph 8.5.2 goes on:
- 'Of the 981 non-designated assets which are of low significance 41 are prehistoric, 18 are Roman, three are early medieval, 96 are medieval, 63 are post-medieval, 574 are early modern, 26 are modern and 160 are of undetermined date'.*
- 2.6. A number of the non designated assets of low significance and listed structures are canal related (see Table A8.3.1 'Heritage Assets' in Appendix 8.3 to the ES "Heritage Asset Tables' (**DCO Document 6.8.3** (APP-083)). These include, for example:
- Perry Aqueduct (HER 03464);
 - Unofficial Shropshire Union Canal branch (HER 08358);
 - Canal wharf and passenger terminus (HER 08463);
 - Canal Milepost (HER 30967);
 - Canal Milepost HER 30968; and
 - Canal Milepost HER 30971.
- 2.7. No significant effects on the cultural and historic environment associated with the Canal were identified in Chapter 8 'Historic Environment' of the ES **DCO Document 6.8** (APP-060)).

- 2.8. Shropshire Council have acknowledged in their Local Impact Report (REP1-010) that:
- 'The effect of the Proposed Development on the settings of both designated and non-designated heritage assets has also been considered in line with local and national policy requirements and the Historic England's guidance on the subject (GPA 3: the Settings of Heritage Assets)' (para 5.3).*
- 2.9. The LIR goes on:
- 'In overall terms we are therefore in full agreement with the findings of Chapter 8 of the Environmental Statement and the content of the associated Appendices, and therefore wish to raise no objections to the Proposed Development. In particular, we concur with the Statements assessment of the significance and effects upon the designated and non-designated heritage assets concerned. As a consequence we are particularly pleased to agree with the overall conclusion in Chapter 8 that during the construction and operational phases the Proposed Development will have no significant effects on the historic environment. We also agree that no further mitigation measures are necessary, other than those already outlined in the Construction Environmental Management Plan' (para 5.5).*
- 2.10. The 'Socio Economic Baseline and Assessment' presented in the ES (**DCO Document 6.10.2** (APP-072)) identified the Canal (including the Perry Aqueduct) as a recreational location. No significant effects were identified during either construction or operation.
- 2.11. SP Manweb can confirm that the operation of Proposed Development will not affect the canal in terms of its maintenance, structural integrity, navigational safety, and opportunity for water-related pursuits (for boating and towpath users) will be unaffected.
- 2.12. Due to safety considerations fishing will not be possible along a short section of the canal bank. The updated CEMP (V3) (**DCO Document 6.3.2** (APP-036)) submitted at Deadline 2, includes measures to advise anglers of this restriction. The CEMP is secured by Requirement 9 to the DCO.
- 2.13. SP Manweb therefore does not consider that the heritage and socio economic effects are sufficient to justify undergrounding of the connection in this location.

Subject Matter:**2 Proposed landscape and visual mitigation**

Without prejudice to the point raised above, if the line is to be overhead where it crosses the Montgomery Canal, we ask that the mitigation of its impacts be included in the DCO application in order that there is a commitment for the mitigation to be delivered as part of the proposals. This mitigation should include the likely visual impact of the poles on the canal users and mitigation measures to reduce this significantly. This is likely to be best achieved through appropriate size, species and location of planting to provide screening and replace any planting lost during construction.

Whilst the documentation details what planting/landscaping will be removed in order to facilitate the line there are no details or proposals of what would be planted in order to provide short and long-term screening and mitigation. This should also address any detriment to habitat or biodiversity as well as the necessary reduction of the impacts of the overhead line and poles.

From the information provided, it is difficult to tell what is proposed and whether it would be sufficient to mitigate for all the impacts of the proposed line and support structures for users of the Montgomery Canal. There also appears to be no mechanism requiring its implementation and maintenance, which is a point of concern to the Trust. We therefore request that full information on the detailed proposals be provided, including their deliver mechanism and how this will be ensured with any degree of certainty. It is suggested that these works should be identified in the submission documents, and then included in the requirements section of the DCO so that it is clear what the works entail and that they are required to be implemented. This would also comply with the requirement in the NPPF for the provision of biodiversity net gains.

It is acknowledged that the support pole option selected is that which has the least visual and landscape impact as set out in section 3.3 of the Planning Statement (document reference 7.1) and this is welcomed. This forms part of the mitigation of the proposal that the Trust seeks if the line is to go overhead.

The Trust will continue its pragmatic approach and liaise with the applicant on the potential provision of appropriate mitigation, should the line be installed overhead, and we hope that the matter will be concluded to the satisfaction of the ExA and the Trust.

SP Manweb Response

- 2.14. As referred to in Section 4.6 of Chapter 4 'Approach and General Methodology' of the ES (**DCO Document 6.4** (APP-037)), the main strategy for minimising any adverse effects has been avoidance through careful planning, design and routeing.
- 2.15. In terms of design, effects have been avoided / reduced by the choice of the Trident design. This design was proposed following SP Manweb's consideration of the technical requirements for the 132kV reinforcement and the local geography of the area. There is no requirement in this project design for earthing or any fibre optic telecommunications wires i.e. a fourth wire. In addition the geography of the area is relatively low level, flat and less exposed to extreme weather which allows for more single poles (approximately 75% are single poles) and greater span lengths in the design. Using the Trident design also results in there being single angle and section poles included in the Proposed Development which also helps to further mitigate visual effects.
- 2.16. The Trident design also offers greater flexibility in routeing to avoid / reduce adverse effects.
- 2.17. In addition to routeing, SP Manweb has incorporated measures to avoid the need to remove hedgerows through the use of existing farm access tracks and the careful siting of poles. Should hedgerow removal be unavoidable then the measures set out in the Hedgerow Management Plan will ensure successful reinstatement.
- 2.18. Reinstatement planting to retain the integrity of affected hedgerows, which are important features in the landscape, will further help to screen the Proposed Development thereby avoiding landscape and visual amenity effects. SP Manweb considers the mitigation measures included are reasonable in this case.
- 2.19. Additional information is also provided in SP Manweb's responses to the Examining Authority's First Written Questions (9.02). Mitigation is embedded in the design and routeing of the Proposed Development. SP Manweb has not identified a need to provide additional mitigation to reduce visual effects through planting on this scheme mitigation given the level and number of effects identified (although reinstatement planting is included). In particular SP Manweb is not proposing mitigation planting at the Canal as the visual effects would not be significant.

- 2.20. SP Manweb acknowledges that the existing vegetation may be reduced in height at the crossing location there is provision for reinstatement planting within the Order Limits.
- 2.21. Further, SP Manweb has identified opportunities for biodiversity gain in collaboration with Shropshire Wildlife Trust as identified in the 'Habitat Improvement Scheme'. The measures contained in the Scheme include habitat creation and improvement works designed to benefit wildlife and specifically targeting threatened invertebrate species, otters and water vole.
- 2.22. SP Manweb would welcome discussions with the Trust on sites for planting / habitat improvements within the Trust's ownership, within or close to the DCO project boundary, or with landowners nearby, that the Trust is already working with and who might be receptive to planting by voluntary agreement.
- 2.23. SP Manweb is continuing to develop the Habitat Improvement Strategy based on the comments received during the course of the Examination.

Subject Matter**3: Overhead clearance of proposed line over canal**

The Trust raised concerns in its relevant representation in relation to the height of poles 37 and 38 and the resultant clearance over the canal. The Trust received information from the applicant in respect of this on 27 March. Given that this information has been provided very close to the deadline for submission of this representation, we have not had the opportunity to review this information. We therefore reserve our position in respect of this until we have reviewed this information.

SP Manweb Response

- 2.24. SP Manweb notes the response and will seek to provide further clarifications if requested by the Canal and Rivers Trust.

Subject Matter**4: Provision of localised fishing restriction**

Notwithstanding all of the above, if the line is to cross the canal overhead, it will lead to a requirement for a fishing restriction, as it is not safe for anglers to use rods and lines in proximity to an overhead cable. Normally this would not be acceptable as it precludes the Trust aim in relation to providing an environment where angling can occur, as mentioned above. Therefore, the Trust will be required to install (or seek a third party to install) relevant signage and other works to preclude fishing. This needs to include a deliver mechanism relative to the implementation of the overhead line works. In the event that it is considered that overhead lines would be appropriate in this location, we would suggest including a requirement in the DCO dealing with the provision of signage and other works. Whilst the applicant has recently confirmed that paragraph 1.16.9 of the draft CEMP states that signage to warn anglers of the proximity of the overhead lines will be provided, our preference would be for this to be included in a separate, specific requirement.

SP Manweb Response

- 2.25. SP Manweb has included the provision of signage to warn anglers of the presence of the overhead line within the CEMP. As the CEMP is secured by Requirement 9 to the DCO, SP Manweb do not consider that a further requirement is necessary.

Subject Matter**5: Mitigation and construction impacts on flight line**

Section 2.7 of the NPS for Electricity Networks Infrastructure (EN-5) refers to the need for the impacts of the proposed overhead line on birds in flight to be considered by the applicant in their submission. It has been established that bird diverters will be required to be installed if the overhead line goes ahead. Our preference would be for this to be included in a specific requirement of the DCO in order to ensure its identification and delivery).

SP Manweb Response

- 2.26. The Environmental Statement includes an assessment of the potential ecological effects of the Proposed Development (DCO Document 6.7 (APP-049).

- 2.27. Although no significant effects were identified on birds using the Canal as a flight line. SP Manweb has agreed to install bird diverters and included this within the updated CEMP (V3) (previously **DCO Document 6.1.4** (APP-036) submitted at Deadline 2. As the CEMP is secured by Requirement 9 to the DCO SP Manweb do not consider that a further requirement is necessary.

Subject Matter
6: CPO/omnibus agreement
<p>On the basis that none of the poles are proposed to be located on Trust land, the applicant will only require from the Trust appropriate rights for the overhead lines to be located over (or potentially under) the canal. Whilst normally there would be a separate commercial agreement to provide the necessary rights, it is likely in this case that the line would meet the requirements for adding the site to an existing omnibus agreement. This is because the Trust have an existing omnibus agreement with statutory providers such as the applicant and new apparatus can be registered using a standard, agreed format. The works to construct and install the lines must then comply with the Trust's Code of Practice. Compliance with the Trust's Code of Practice is currently being negotiated through the protective provisions.</p>
<p>It is noted that the DCO currently contains compulsory acquisition powers in relation to the airspace rights required from the Trust. The Trust has made clear to the applicant from the outset of the consultation in relation to the proposed DCO that compulsory acquisition powers would not be acceptable to the Trust.</p>
<p>Notwithstanding this, the applicant has progressed with including such powers and has failed to engage with the Trust to reach a private agreement. This is inconsistent with the approach advocated by the DCLG's Guidance "Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land" (September 2013) which states, at paragraph 25, that "as a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail". It is extremely disappointing that no attempts of engagement on this issue had been made by the applicant until w/c 25 March 2019, despite contact details being provided.</p>
<p>In addition, on the basis that there is an omnibus agreement which the electricity lines could be added to, it is not necessary or proportionate for compulsory purchase powers (in relation to the Trust's interests) to be included in the draft DCO. We would therefore be grateful if the applicant could review its position in respect of this.</p>

SP Manweb Response

- 2.28. The Trust's Code of Practice has been included within the updated CEMP (V3) (previously **DCO Document 6.1.4** (APP-036) submitted at Deadline 2.
- 2.29. CRT has indicated that the proposals are likely to meet their requirements such that it will enable the grant of consent for the Proposed Development by means of the existing omnibus agreement.
- 2.30. SP Manweb considers that as the Proposed Development is only oversailing the Canal and no structures are proposed on land within the Trust's ownership a deed of easement is more appropriate.
- 2.31. SP Manweb notes that the Trust does not accept the compulsory acquisition powers contained within the DCO. SP Manweb is continuing to seeking to reach a voluntary agreement and will discuss with the Trust the approach to the compulsory acquisition powers. However, in the absence of agreement, SP Manweb will need compulsory purchase powers in order to be able to deliver the scheme.

Subject Matter
7: DCO / protective provisions
The Trust's solicitors have been liaising with the applicant's solicitors in relation to the draft DCO and protective provisions. Comments and proposed amendments in relation to these were provided to the applicant's solicitor on 15 February and we are yet to receive a response.

SP Manweb Response

- 2.32. SP Manweb is continuing to liaise with the Trust's solicitors in order to agree Protective Provisions.

3. NATIONAL GRID ELECTRICITY TRANSMISSION (REP1-009)

Subject Matter
<p>National Grid will require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p> <p>We note that a form of protective provisions for the benefit of National Grid have been included in the draft DCO submitted with the application by the Promoter. National Grid is liaising with the Promoter to agree a final form for these protective provisions for inclusion within the DCO along with any supplementary agreements which may be required. National Grid will keep the Examining Authority updated in relation to these discussions.</p> <p>The parties are also discussing a Statement of Common Ground with the Promoter to set out the matters which have been agreed between the parties and which can record any matters which are not agreed.</p>

- 3.1. SP Manweb is continuing to liaise with National Grid in order to agree Protective Provisions and a Statement of Common Ground.

4. WOODLAND TRUST (REP1-011)

Subject Matter
<p>Woodland Trust Concerns</p> <p>Due to the significant concentration of trees displaying veteran characteristics in the area, the potential veteran trees likely to be lost are providing key habitat for the often rare species that are associated with decaying wood habitat, aging bark and old root systems, such as saproxylic invertebrates and certain species of bats and birds. The larger the concentration of old trees in an area and the longer they have been present on site, the richer the variety of species you will find among them.</p> <p>Trees are susceptible to change caused by construction/development activity. As outlined in “Trees in relation to design, demolition and construction, BS 5837:2012”, the British Standard for ensuring development works in harmony with trees, construction work often exerts pressures on existing trees, as do changes in their immediate environment following</p>

Subject Matter
Woodland Trust Concerns
construction. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.
In addition, the Trust has previously raised concerns with regards to Long Wood, an area of woodland visible on the 1 st Edition OS maps. The Trust recommends that discussions with Natural England are undertaken before determination of this application, as ancient woodland is afforded protection in planning policy due to its recognition as an irreplaceable habitat whose loss cannot be compensated for.

SP Manweb Response

- 4.1. The route of the Proposed Development has been carefully designed to avoid mature woodland, and has also sought to avoid and protect scattered mature/veteran trees in the landscape (as well as hedgerows and younger trees) as far as practicable. This is reflected in the relatively low number of affected trees along its 20km length. The small number of affected mature/veteran trees, 5 in total, are located along roadsides and/or within hedges/treelines at the edge of agricultural fields.
- 4.2. The value of trees and other habitats for invertebrates, and the importance of maintaining connectivity and suitable habitat conditions for a diversity of species is recognised and SP Manweb has committed to a range of biodiversity improvement initiatives specifically focusing on key invertebrate species and habitat connectivity through a Habitat Improvement Scheme that will be delivered in collaboration with Shropshire Wildlife Trust.
- 4.3. The CEMP (**DCO Document 6.3.2 (APP-036)**), secured by Requirement 9 to the DCO, includes the following:
- Tree protection in and around construction working areas will be in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations. Construction activities in proximity to trees and woodlands will adhere to the National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (2007). This guidance sets out the principles for protecting trees (including shrubs and hedges) during utility works and ensuring that tree protection zones are maintained. (para 1.6.13)*

- 4.4. Precautions for areas outside tree protection zones are also set out (see para 1.6.14).
- 4.5. SP Manweb has contacted Natural England to ascertain whether the status of Long Wood has been amended since the assessment was undertaken. No response has yet been forthcoming and SP Manweb are not aware of this wood being designated as ‘ancient woodland’.

5. HIGHWAYS ENGLAND (REP1-012)

<p>Subject Matter</p> <p>A5 trunk road access</p>
<p>The use of the proposed temporary A5 trunk road access has been agreed in principle and a proposed signage and highway changes strategy which could form the basis for a suitable mitigation proposal has been tabled by the applicant for technical review.</p>
<p>In terms of the draft DCO, we remain concerned that the wording as drafted may open up the potential for third parties to establish a principle of general access to the land adjacent to the trunk road in contradiction to the policy established in DfT Circular 02/2013 ‘Strategic road network and the delivery of sustainable development’ which makes a presumption of no new accesses from the trunk road.</p>

SP Manweb Response

- 5.1. SP Manweb is continuing to work with Highways England to agree the Traffic Management Signage Strategy. Access AC2, A5 Technical Note, will outline SP Manweb’s approach to managing construction traffic entering and exiting the temporary access off the A5(T) without adverse impacts on the A5(T). The Technical Note will form the basis for further details to be provided and submitted in accordance with a new requirement within the draft DCO and will be appended to the TMP in the draft CEMP and in doing so having received comments from Highways England is amending the strategy.
- 5.2. SP Manweb has confirmed in its response to Highways England’s Relevant Representation (REP1-002) that no new permanent access will be created on the A5 and temporary works required to enable safe use of this access for purposes of construction activities will be removed once construction is completed.

Subject Matter**A5 trunk road access**

We note the comment from Counsel for the applicant that a revision to the powers of acquisition / access in respect of the land accessed from the A5 is under consideration which may remove the potential for future access.

As we are aware that the applicant is intending to table a revised draft DCO at Examination Deadline No 2 we propose to review the wording changes likely to be made by the applicant in respect of the access matter and make further representations at that point in the Examination. In addition, we shall convey the outcome of the technical review of the signage and highway changes strategy to the applicant for further consideration.

SP Manweb Response

- 5.3. SP Manweb has also confirmed in its response to Highways England's Relevant Representation (REP1-002) that no permanent rights of access will be created from the A5(T) to Plots 9, 10 and 11. Access is only required for construction purposes.
- 5.4. As noted above in 6.1, SPM has received comments from Highways England and is amending the Signage Strategy for further discussion and agreement with Highways England.

Subject Matter**Deemed approval – Article 37**

The premise for our observations on deemed approval are based on the requirements of the Infrastructure Act 2015. We note that deemed approval is recorded in Article 37 and the Protective Provisions in Schedule 6, Part 6 of the draft DCO.

SP Manweb Response

- 5.5. SP Manweb has confirmed in its response to Highways England’s relevant representation (REP1-002) that it accepts and will amend the draft DCO (relevant protective provisions relating to HE) from 28 days to a 56 day approval period (para 4.8). Furthermore, SP Manweb will include a new requirement (Requirement 11 A5(T) Traffic Management and Crossing) in Schedule 2 of the draft DCO which requires SP Manweb to consult with Highways England prior to agreeing with the LPA, details of the crossing of the A5(T) with the proposed 132kV underground cable. This approach will enable SP Manweb and Highways England to discuss and agree a construction method for crossing the A5(T), which will support the discharge of Article 37.

- 5.6. SP Manweb is continuing to work with Highways England to amend and agree the Protective Provisions.

<p>Subject Matter</p> <p>Deemed Approval – Protective Provisions</p>
<p>Only Highways England as the licensed highway authority can determine the safety implications of any development proposition that introduces changes to its network. This duty is non- delegable to third parties as only Highways England under section 5(2) of the 2015 Act and its license has the locus to carry out this function. Our statutory duty to have regard to the safety of users of our highways is negated by the very principle of deemed consent.</p>
<p>The Protective Provisions have been drafted in such a way to mirror a standard Section 278 agreement and largely reflect the process that Highways England would expect a developer to follow should it wish to carry out work on the SRN. As the highway authority for the SRN and the body that will become responsible for those works on completion, it is considered absolutely vital that Highways England has a role to play in both the design of those works and how they are carried out. Highways England is a competent network operator with a tried and tested asset protection team in place to address these issues and therefore the appropriate body to ensure that these works are designed and carried out safely and correctly.</p>
<p>The Protective Provisions have in general been agreed on the basis that they ensure that no work is either accepted as an appropriate design, or constructed on site, if it would not be compliant with the Design Manual for Roads and Bridges. Deemed consent is not workable with this requirement. These provisions are written to ensure the safety of the travelling public is</p>

<p>Subject Matter</p> <p>Deemed Approval – Protective Provisions</p>
<p>paramount with only suitable work being taken forward and implemented for use. Should deemed consent apply in terms of design and specification work then the risk of unsuitable work being constructed on site and the likelihood of adverse safety incidents occurring increases. This is something that Highways England cannot tolerate as highway authority and network operator with statutory obligations to protect the safety of the SRN.</p>

SP Manweb Response

- 5.7. SP Manweb has not understood Highways England to have been previously concerned about the principle of deemed consent, as their relevant representation referred to extending the period for approval. SP Manweb does not accept that the deemed approval can be removed from the protective provisions entirely and that its suggested 56 day time limit is reasonable given the extent of the works proposed. SP Manweb is continuing to work with Highways England to amend and agree the Protective Provisions.

- 5.8. SP Manweb considers that the inclusion of a new requirement provides further comfort to Highways England for both parties to work together in agreeing relevant details.

<p>Subject Matter</p> <p>Deemed Approval – Protective Provisions</p>
<p>On review of the trunk road works we note that the works are minor in nature compared to the full ambit of the DCO. However, the applicant to date has not supplied sufficient design detail (e.g. sufficient to gain ‘approval in principle’) to confirm that the works would be of low risk to the trunk road asset and that the volume of design information would be such that we could discharge our statutory duties within the proposed 28 day period.</p>

SP Manweb Response

- 5.9. SP Manweb is not proposing any works to the existing access therefore no design information has been necessary to support its DCO application. However, recognising Highway England’s concerns of limited time to receive and agree details of works that affect the A5(T), SP Manweb is proposing a new requirement which will enable both parties to agree a construction method statement for these works..

- 5.10. SP Manweb confirmed in its response to the Relevant Representation from Highways England (REP1-002) p4.8 that a 56 day approval period is acceptable and the draft DCO will be amended accordingly. This allows Highways England to have an extended time to consider the details if necessary following earlier discussion with them regarding the A5(T) crossing.
- 5.11. SP Manweb is continuing to work with Highways England to amend and agree the Protective Provisions.

Subject Matter
Statement of Common Ground
We note the Examining Authority's request for a Statement of Common Ground (SoCG) between us. We have received a further draft SoCG from the applicant and have reviewed its content. We can confirm that the SoCG as drafted is acceptable to Highways England.

SP Manweb Response

- 5.12. SP Manweb is continuing to discuss the content of the SoCG as drafted with Highways England and is updating separately the Examining Authority of the latest position.