



**Canal &  
River Trust**

Making life better by water

NorthShropshireReinforcement@  
planninginspectorate.gov.uk

Your Ref EN020021

Our Ref IPP - 36

Tuesday 14th May 2019

Dear Mr Hudson,

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

**Canal & River Trust Response submission for deadline three**

#### **Notification of wish to speak at a Compulsory Acquisition Hearing**

It has consistently been the Trust's position that compulsory acquisition powers are not necessary in relation to the Trust's interests. This is acknowledged in paragraph 2.31 of the applicant's deadline 2 response to written representations. The Trust would welcome further discussions with the applicant in relation to this issue but feel that it is important to reserve its position to speak at the compulsory acquisition hearing on 11 July. We therefore confirm that it is currently the Trust's intention to be represented at this hearing.

#### **Notification of wish to speak at an Open Floor Hearing**

The Trust have outstanding queries with the applicant in relation to the LVIA, dated 7<sup>th</sup> May, and have requested a further viewpoint and assessment to be provided from underneath the lines where it crosses the canal. The Trust's current position in relation to these issues are well documented in previous documentation and therefore it is not currently the intention for the Trust to attend the Open Floor Hearing to discuss these issues. This is however subject to our review of the applicant's further information on the undergrounding of the line and associated construction impacts, received 9<sup>th</sup> May 2019. It is also hoped that matters relating to planting/habitat creation; fishery warning signage; bird diverters and compliance with our Code of Practice can be adequately resolved so that the Trust would not be required to speak at an Open Floor Hearing.

#### **Notification of wish to speak at the Issue Specific Hearing 2 (draft DCO)**

The Trust have concerns regarding the draft Development Consent Order submitted by the applicant for deadline 2 as set out below. The Trust would welcome further discussions with the applicant in relation to these issues but consider it necessary, at this stage, to notify the Examining Authority of its intention to attend and speak at the Issue Specific Hearing 2.

#### **Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire, DE13 7DN

T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](http://canalrivertrust.org.uk/contact-us) W [canalrivertrust.org.uk](http://canalrivertrust.org.uk)

## Comments on applicants revised draft DCO

The Trust is concerned that the applicant has failed to incorporate the Trust as a consultee in relation to the Construction and Environmental Management Plan (CEMP) in Requirement 9 of the draft DCO notwithstanding representations made to the applicant in respect of this. There are a number of mitigation measures which the applicant claims are secured through the CEMP which the Trust has an interest in ensuring are delivered (e.g. bird diverters, signage and planting in the vicinity of the canal). The Trust therefore needs to ensure that it is consulted in relation to the final CEMP. There are currently no provisions within the draft DCO which provide for this.

In addition, the Trust are concerned with the recent amendment to the draft DCO which deletes the requirement for the final CEMP to be substantially in the form of the draft CEMP. This does not provide the certainty that the Trust require that the measures identified above will be delivered. The content of the CEMP, in the Trust's view, is not secured by the wording currently contained in the draft DCO.

The Trust is also concerned about the lack of progress made in relation to the draft protective provisions. The Trust sent amendments to the applicant on 15 February and has regularly chased the applicant's solicitor since this date, without receiving a substantive response. We note that the draft DCO issued for deadline 2 does not contain the version of the protective provisions sent to the applicant and therefore we have no assurances that appropriate protections will be contained within the final DCO to safeguard the Trust's interests as a statutory undertaker.

## Update on Statement of Common Ground (SoCG)

A second draft of the SoCG was received from the applicant by the Trust on 16 April 2019. Having received further clarification on matters within the SoCG from the applicant in an email dated 24<sup>th</sup> April 2019 and letter dated 9<sup>th</sup> May 2019, the Trust have subsequently provided the applicant comments on the second draft SoCG on 10<sup>th</sup> May 2019. We have attached the latest track changed draft of the SoCG for the ExA information.

The ExA will be kept up to date on progress with the SoCG as each relevant deadline is reached.

## Comments on responses to the ExA's Written Questions

We have no specific comments to make in relation to these at this stage.

## Comments on any further information at Deadline 2

### Draft Construction Environment Management Plan (CEMP)

The applicant has provided a draft Construction Environment Management Plan V3. The Trust have made an initial appraisal of this and will be providing detailed comments to the applicant shortly. A copy of which will be provided to the ExA.

However, at this stage, we wish to highlight the section most relevant to the Trust is paragraph 1.17.9 (previously 1.16.9). This paragraph sets out what the Trust have requested but provides no certainty that these items will be delivered. We would welcome a statement in the CEMP that these will actually be provided by SP Manweb.

### **Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire, DE13 7DN

**T** 0303 040 4040 **E** [canalrivertrust.org.uk/contact-us](http://canalrivertrust.org.uk/contact-us) **W** [canalrivertrust.org.uk](http://canalrivertrust.org.uk)

The Trust welcome the intended inclusion of warning signage for anglers and bird diverters. However, the CEMP contains no details on the mechanism for providing these; the timeframe or details of design, siting etc or how these will be agreed. All of these need to be specified. There is also no provision within the CEMP for the proposed planting/habitat enhancement or mechanism to provide this.

Reference to the Trusts Code of Practice at paragraph 1.17.10 and inclusion at Appendix B needs to be updated to the April 2019 versions of the Code of Practice Parts 1 and 2.

## Update on Other matters in response to the applicants Deadline 2 response to written representations

### 1. Undergrounding of the line in the vicinity of the Montgomery Canal

On 9<sup>th</sup> May the Trust received a response from the applicant to our letter dated 24<sup>th</sup> April 2019 in which we raised a number of queries on the construction impacts of undergrounding the line under the Montgomery canal and landscape and visual impacts associated with this. The Trust is reviewing this further information and will be responding accordingly.

### 2. Proposed landscape and visual mitigation

Despite the comments from the applicant in their response to Q9.0.8 of the ExA Frist Written Questions “*SP Manweb is pursuing additional planting proposals with the Canal and River Trust...*” there remains a lack of clarity within the documentation in relation to the proposed planting to be provided to compensate for the loss of landscaping to facilitate the lines and any habitat/biodiversity enhancements.

As set out above, there also remains a lack of clarity in terms of the delivery mechanism for this 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 and carried out in full.

The applicants offer to meet with the Trust in relation to this matter is noted and will be progressed shortly. 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.

### 3. Overhead clearance of proposed line over the 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 applicant provided details and a cross section showing the clearance on 27<sup>th</sup> March. Having now reviewed these details the Trust is satisfied that there would be sufficient clearance over the canal.

### 4. Provision of localised fishing restrictions

The Trust have previously raised the matter for the need for fishing restriction and warning signage to be provided if the lines cross overhead of the canal.

Within the applicants Deadline 2 response to written representations it is noted that para 2.25 states “*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*”.

## Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire, DE13 7DN

T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](http://canalrivertrust.org.uk/contact-us) W [canalrivertrust.org.uk](http://canalrivertrust.org.uk)

Notwithstanding our comments above in relation to the deletion of the requirement for the Construction Environment Management Plan to be substantially in accordance with the draft plan. There remains a concern as to the mechanism to secure this signage, the type, siting and timescale for delivering these.

The Trust have provided the applicant our approved standard for “Managing the Risks to Anglers from Overhead Power Lines” and would ask that the signage is provided in accordance with this standard. A copy of this document is attached for the ExA information.

*5. Mitigation and construction impacts of flight line*

It is noted that section 1.17.9 of the draft CEMP requires bird diverters to be provided. Paragraph 2.27 of the applicants Deadline 2 response to written representations notes that these would be secured via the CEMP and Requirement 9 of the DCO.

As set out above the proposed deletion of the requirement for the Construction Environment Management Plan to be substantially in accordance with the draft plan creates a concern on the mechanism to secure these bird diverters.

A mechanism for agreeing the details, type and siting of the bird diverters also need to be provided and timescale for delivering these.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

**Tim Bettany-Simmons MRTPI**  
Area Planner

tim.bettany-simmons@canalrivertrust.org.uk

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

**Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire, DE13 7DN  
T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](https://canalrivertrust.org.uk/contact-us) W [canalrivertrust.org.uk](https://canalrivertrust.org.uk)