

SP MANWEB

**Reinforcement to the North Shropshire
Electricity Distribution Network**

**Statement of Common Ground
Between SP Manweb PLC and Canal and River
Trust**

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PINS Reference EN020021

QA Box

Author		SP Manweb	
Planning Inspectorate Application Reference			
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1 STATEMENT OF COMMON GROUND

1.1 PURPOSE OF DOCUMENT

- 1.1.1 This document is submitted to the Secretary of State through the Planning Inspectorate (as responsible agency) in relation to the application by SP Manweb Plc ("**SP Manweb**") for an Order granting development consent for the Reinforcement to the North Shropshire Electricity Distribution Network (the 'DCO'). The DCO would grant powers to construct, operate and maintain a new 22.5 kilometre, 132,000 volt (132kV), connection between the existing Oswestry Substation and Wem Substation within the administrative boundary of Shropshire County.
- 1.1.2 This statement of common ground (SoCG) has been prepared in respect of the Proposed Development. Guidance about the purpose and possible content of SoCGs is given in paragraphs 58-65 of the Department for Communities and Local Government's 'Planning Act 2008: Guidance for the examination of applications for development consent' (March 2015). Paragraph 58, confirms the basic function of SoCGs:
- 'A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.'*
- 1.1.3 SoCGs are a useful and established means of ensuring that the evidence at the examination focuses on the material differences between the main parties, and so aims to help facilitate a more efficient examination process.

1.2 PARTIES TO THE SOCG

- 1.2.1 This SoCG has been prepared in respect of the Proposed Development, by SP Manweb, as the applicant, and the Canal and River Trust.

- 1.2.2 To supply and distribute electricity within an area an operator is required to hold an Electricity Distribution Licence. SP Manweb, as the holder of a Distribution Licence for the Cheshire, Merseyside, Shropshire, North and Mid Wales areas and, as the Distribution Network Operator (or DNO) for these areas, must comply with various statutory and licence duties and obligations.
- 1.2.3 The Trust is a charity responsible for 2000 miles of waterways which contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. The Trust is also a statutory undertaker for the purposes of S127 Planning Act 2008 and a statutory party for the purposes of S.88(3)(c). In addition, the Trust are also a landowner of interests affected by the proposed development.
- 1.2.4 The Canal and River Trust is responsible for the ownership and maintenance of canals and rivers which contribute to the health and well being of local communities and economies, creating attractive places to live, work and enjoy.
- 1.2.5 This SoCG has been prepared in the context of the crossing of the Montgomery Canal by the Proposed Development (by overhead conductors) to the south of Rednal.
- 1.2.6 Section 1.4 provides an overview of consultation to date between SP Manweb and the Canal and River Trust.
- 1.2.7 Section 1.5 provides a summary of the relevant documents that relate to the information considered in this SOCG.
- 1.2.8 Section 2 provides a summary of areas that have been agreed and areas that have not been agreed.
- 1.2.9 Section 3 provides a record of areas still under discussion.
- 1.2.10 This SOCG has been structured to reflect matters and topics of interest to the Canal and River Trust in relation to the Proposed Development. The Canal and River Trust is a party to this SOCG as a Statutory and Interested Party for the purposes of the Application.

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1.2.11 This SOCG relates to the following topics:

- Content of the Environmental Statement (ES)
 - Ecology and Biodiversity
 - Landscape and Visual
 - Historic Environment
 - Flood Risk and Water Quality
 - Socio-economics and Tourism
- Content of the draft Construction Environmental Management Plan
- Content of the Construction Report
- Content of the draft Development Consent Order
- Planning Statement

1.2.12 This SOCG sets out the matters agreed between the Parties and those that are still outstanding.

1.2.13 Throughout this SOCG:

1.2.14 The “Parties” for the purposes of this SOCG means SP Manweb and the Canal and River Trust.

1.2.15 Where a sentence begins “It is agreed”, this signifies a matter that has been specifically stated as agreed by SP Manweb and the Canal and River Trust.

1.2.16 Where a sentence begins “It is not agreed”, this signifies a matter that has been specifically stated as not agreed by SP Manweb and the Canal and River Trust.

1.2.17 Where a sentence begins “It is under discussion”, this signifies a matter is not yet agreed however is still under discussion by SP Manweb and the Canal and River Trust.

1.2.18 Reference in this SOCG to DCO means the draft DCO as submitted (**DCO Document 3.1**, November 2018).

Commented [TB1]: Date needs to be updated

1.3 THE PROPOSED DEVELOPMENT

- 1.3.1 The Proposed Development comprises a new 22.5 km 132kV electrical circuit between the existing SP Manweb Substations at Oswestry and Wem in North Shropshire, together with associated temporary construction works. The circuit would be a combination of underground cables and overhead line. Works are also required at the existing Oswestry and Wem Substations to accommodate the new circuit.
- 1.3.2 The Proposed Development as set out in the DCO application in Section 1.2 of the Construction Report DCO includes the following elements:
- Works within the boundary of the existing SP Manweb Substation at Oswestry including underground cable and the installation of electrical switchgear and associated equipment;
 - Approx. 1.2km of 132kV underground cable between Oswestry Substation and a 132kV terminal structure at Long Wood (SJ 31132 29877);
 - Approx. 21.3km of 132kV of overhead line supported by Trident wood poles from the terminal structure at Long Wood (SJ 31132 29877) to the existing SP Manweb Substation at Wem; and
 - Works within the existing SP Manweb Substation at Wem including the installation of a new 132kV to 33kV transformer.
- 1.3.3 The Proposed Development as set out in the DCO application in Section 1.2 of the Construction Report DCO also includes work to facilitate the new electrical circuit including:
- Undergrounding six short sections of existing SP Manweb lower voltage overhead lines in order to ensure safe electrical clearance for the new overhead line; and
 - Temporary works required for the construction of the new overhead line including seven temporary laydown areas, welfare unit, security cabin, access tracks, vegetation clearance and reinstatement planting.

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1.4 CONSULTATION

1.4.1 A summary of the correspondence that has taken place between SP Manweb and the Canal and River Trust in relation to the Proposed Development since the close of statutory consultation is outlined in the table below:

Ref	Date	Form of contact or type of correspondence	Summary of that contact and key outcomes and points of discussion
1	02/02/18	CRT Email	Enclosed an example of Protective Provisions that were negotiated for another DCO
2	18/06/18	CRT Email	Enclosed plan of Trust ownership
3	19/08/18	SPM Email	Confirming Pole 38 is outside Trust ownership
4	17/09/18	SPM Email	Enclosed copies of extracts from draft Consultation Report referring to SPMs response to Trust comments
5	25/09/18	CRT Email	Enclosed letter from Trust solicitors Ward Hadaway raising concerns with SPMs approach.
6	02/11/18	SPM Email	SPM response from solicitors Squires Patton Boggs to Trust letter with enclosures: <ul style="list-style-type: none"> - Viewpoints/photomontage - Works plan extract showing canal crossing
7	25/2/19	CRT email	Trust's solicitors enclosed proposed amendments to draft protective provisions and draft DCO
8	26/03/19	SPM Email	SPM response including x-section plan showing height of overhead line over the canal and towpath, references in CEMP to bird diverters and installation of fishing signs and agreement in principle to landscape

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			planting/environmental improvement along the canal
8	29/03/19	CRT Email	Comments on SOCG V1
9	16/04/19	SPM Email	SPM response including CRT changes and reference to matters discussed following the previous draft SOCG
10	24.04.2019	CRT Letter	Additional information request to SPM on construction impacts of undergrounding line under canal and landscape and visual impacts associated with this.
11	07.05.2019	CRT Letter	Comments to PINS on LVIA. Request to SPM for further viewpoint from under lines where crosses canal
12	09.05.2019	SPM Email	SPM response to CRT additional information request of 24.04.2019. Requested discussion with the Trust on planting
13	10.05.2019	CRT Email	Comments on SOCG V2

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1.4.2 It is agreed that this is an accurate record of the correspondence between SP Manweb and the Canal and River Trust in relation to the matters recorded in Sections 1.6 – 1.8 since February 2018.

1.4.3 There is ongoing discussion between the parties.

1.5 DOCUMENTS CONSIDERED WITHIN THIS SOCG

1.5.1 The following documents have been considered with this SOCG:

- Environmental Statement (**DCO Document 6.1 to 6.28**)
- Draft Development Consent Order (**DCO Document 3.1**);
- Environmental Statement, Appendix 3.2 Construction Environmental Management Plan (**DCO Document 6.3.2**);
- Construction Report (**DCO Document 7.2**); and
- Planning Statement (**DCO Document 7.1**)¹.

2 MATTERS AGREED AND MATTERS NOT AGREED

For the avoidance of doubt, the matters agreed set out below are agreed subject to the position of the Canal & River Trust as set out in the matters not agreed sections of this statement.

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2.1 Content of the Environmental Statement

2.1.1 Matters agreed:

Approach and methodology

Ref	Matters agreed
	SP Manweb and the Canal and River Trust AGREE the following in respect of SP Manweb’s approach and methodology: <ul style="list-style-type: none"> a) approach to the assessment methodology <u>as set out in ES, Chapter 4, paragraph 4.4 (see ES Chapter 4, paragraph 4.4 (DCO Document 6.4)</u>;

Commented [TB2]: Chapter 4 is a long chapter – we do not agree to all of the contents e.g para 4.6.5 of Chapter 4 states “SPManweb do not consider any mitigation measures to be necessary”.

¹

	<p>b) data collection, baseline data, statistical modelling as set out in section 4.5 of the ES (see section 4.5 of the ES (DCO document 6.4))</p> <p>and</p> <p>c) no outstanding issues that need to be addressed at any issue specific hearing.</p>

Commented [TB3]: We do not agree to this as it may prejudice our position at a later date.

2.1.2 Matters not agreed

- a. SP Manweb have raised in a number of discussions with the Canal and River Trust the proposal to provide mitigation for the Canal and its immediate setting together with off-site mitigation. The Canal and River Trust are seeking clarity from SP Manweb of the proposals and how the mitigation will be secured

Ecology and Biodiversity

2.1.3 Matters agreed

Ref	Matters agreed
	<p>SP Manweb and the Canal and River Trust AGREE the following in respect of ecology and biodiversity:</p> <ul style="list-style-type: none"> a) approach to the assessment methodology and significance criteria for ecology and biodiversity impacts as set out in paragraph 4.4 and 4.5 of Chapter 4 ES (see ES Chapter 4, paragraph 4.4 and 4.5 (DCO Document 6.4) and Chapter 7 Appendix 7.2 (DCO Document 6.7)); b) data collection, baseline data, statistical modelling (see section 7.5 of the ES (DCO document 6.7)) c) identification and sensitivity of relevant features and conclusion on assessment of significance (alone and

	<p>cumulatively) (see sections 7.6 (DCO document 6.7) and 7.7(DCO document 6.7) of the ES);</p> <p>d) deliverable mitigation (see section 7.8 of the ES (DCO document 6.7)); and</p> <p>e)d) no outstanding issues that need to be addressed at any issue specific hearing.</p>

Commented [TB4]: We do not agree to this as it may prejudice our position at a later date

2.1.4 Matters not agreed

~~b. None to report~~ Mitigation to be agreed and the delivery mechanism for this, especially if on third party land

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Landscape and Visual

2.1.5 Matters agreed

Ref	Matters agreed
	<p>SP Manweb and the Canal and River Trust AGREE the following in respect of landscape and visual impacts:</p> <ul style="list-style-type: none"> a) approach to the assessment methodology and significance criteria for landscape and visual impacts <u>as set out in paragraph 4.4 and 4.5 of Chapter 4 ES (see ES Chapter 4, paragraph 4.4 and 4.5= (DCO Document 6.4) and Chapter 6 paragraph 6.3 (DCO Document 6.6))</u>; b) data collection, baseline data, statistical modelling (see section 6.5 of the ES (DCO document 6.6)) c) identification and sensitivity of relevant features and conclusion on assessment of significance (alone and cumulatively) <u>as set out in paragraph (see sections 6.6 (DCO document 6.6) and 6.7(DCO document 6.6) of the ES)</u>; d) <u>deliverable mitigation (see section 6.8 of the ES (DCO document 6.6)); and</u> e)d) <u>no outstanding issues that need to be addressed at any issue specific hearing.</u>

Commented [TB5]: para 6.6.6 mentions effects of tree removal not considered significant – we still need clarity on what is being removed on canal corridor before we can agree.

Commented [TB6]: para 6.8.2 again states “do not consider any further mitigation measures or new planting” – we do not agree with this, especially given lack of clarity over what is being removed.

Commented [TB7]: We do not agree to this as it may prejudice our position at a later date.

2.1.6 Matters not agreed

e-b. None to report mitigation to be agreed and the delivery mechanism for this

Historic Environment

2.1.7 Matters agreed

Ref	Matters agreed
	<p>SP Manweb and the Canal and River Trust AGREE the following in respect of historic environment impacts:</p>

	<ul style="list-style-type: none"> a) approach to the assessment methodology and significance criteria for historic environment as set out in paragraph 4.4 and 4.5 of ES, Chapter 4(see ES Chapter 4 paragraph 4.4 and 4.5 (DCO Document 6.4) and Chapter 8 paragraph 8.3.16-8.3.19 (DCO Document 6.8)); b) data collection, baseline data, statistical modelling (see section 8.5 of the ES (DCO document 6.8)) c) identification and sensitivity of relevant features and conclusion on assessment of significance (alone and cumulatively) (see sections 8.6 (DCO document 6.8) and 8.7(DCO document 6.8) of the ES); d) deliverable mitigation (see section 8.8 of the ES (DCO document 6.8)); and e) no outstanding issues currently identified that need to be addressed at any issue specific hearing.
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Commented [TB8]: In terms of mitigating heritage impact – we agree no mitigation required.

2.1.8 Matters not agreed
~~e.c.~~ None to report

Flood Risk and Water Quality

2.1.9 Matters agreed

Ref	Matters agreed
	<p>SP Manweb and the Canal and River Trust AGREE the following in respect of flood risk and water quality:</p> <ul style="list-style-type: none"> a) approach to the assessment methodology and significance criteria for flood risk and water quality as set out in paragraph 4.4 and 4.5 ES, Chapter 4 (see ES Chapter 4 paragraph 4.4 and 4.5 (DCO Document 6.4) and Chapter 9 (DCO Document 6.9)); b) data collection, baseline data, statistical modelling (see section 9.5 of the ES (DCO document 6.9)) c) identification and sensitivity of relevant features and conclusion on assessment of significance (alone and cumulatively) (see sections 9.6 (DCO document 6.9) and 9.7(DCO document 6.9) of the ES); d) deliverable mitigation (see section 9.8 of the ES (DCO document 6.9)); and e) no outstanding issues currently identified that need to be addressed at any issue specific hearing.

Commented [TB9]: In terms of mitigating flood risk – we agree no mitigation required.

2.1.10 Matters not agreed
[e-d.](#) None to report

Socio-economic and Tourism

2.1.11 Matters agreed

Ref	Matters agreed
	<p>SP Manweb and the Canal and River Trust AGREE the following in respect of socio-economic and tourism:</p> <ul style="list-style-type: none"> a) approach to the assessment methodology and significance criteria for socio-economic and tourism as set out in paragraph 4.4 and 4.5 ES, Chapter 4 (see ES Chapter 4 paragraph 4.4

	<p>and 4.5 (DCO Document 6.4) and Chapter 10 <u>paragraph 10.3</u> (DCO Document 6.10));</p> <p>b) data collection, baseline data, statistical modelling (see section 10.5 of the ES (DCO document 6.10))</p> <p>c) identification and sensitivity of relevant features and conclusion on assessment of significance (alone and cumulatively) (see sections 10.6 (DCO document 6.10) and 10.7(DCO document 6.10) of the ES);</p> <p>d) deliverable mitigation (see section 10.8 of the ES (DCO document 6.10)); and</p> <p>e)d) <u>no outstanding issues that need to be addressed at any issue specific hearing.</u></p>
	<p>SP Manweb and the Canal and River Trust AGREE that the assessment of the effect of the <u>Proposed Development on the Public Right of Way</u> was appropriate and the conclusions in respect of the <u>level of significance of effect was acceptable.</u></p>

Commented [TB10]: We do not agree to this as it may prejudice our position at a later date.

Commented [TB11]: The ProW includes the towpath which is a promoted route. As set out in our Examiner Q response to the LVIA – we consider a further viewpoint/assessment should be provided from directly under the lines on the towpath. WE would want this before ageing to the conclusions.

2.1.12 Matters not agreed

~~None to report~~ The Trust have raised an outstanding query in relation to the impact on the users of the canal towpath directly under lines and have requested further assessment.

Table 2.1 – Matters agreed	
Ref	Matters agreed
1	SP Manweb and the Canal and River Trust AGREE the following in respect of assessments undertaken for the Environmental Statement: <ul style="list-style-type: none"> a) the baseline; b) approach to the assessment methodology; c) conclusion on assessment of significance (alone and cumulatively);

	<p>d) mitigation; and</p> <p>e) there are no impacts which are of more than local significance that need to be addressed at any issue specific hearing.</p>
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Commented [TB12]: As set out above cannot agree this at this stage

Commented [TB13]: We do not agree to this as it may prejudice our position at a later date.

2.1.13 Matters not agreed

- a. None to report

2.2 Draft Construction Environmental Management Plan

Ref	Matters agreed
1	<p>SP Manweb and the Canal and River Trust AGREE the content of the Draft Construction Environmental Management Plan including:</p> <ul style="list-style-type: none"> a) Reference in para. 1.16.9 to agreeing to placing signage across the canal to warn anglers of proximity of overhead lines and bird diverters along overhead lines where it crosses the canal a)b) Reference in section 1.14 to the Hedgerow Management Plan and provision of reinstatement and newly planted hedgerows.

Commented [TB14]: Still need to work though the CEMP before we can agree. So not agreed at this stage

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2.2.1 Matters not agreed

- b. ~~None to report~~ The Trust is still considering the content of the draft CEMP following its submission and will put its case on the document to the applicants and the ExA as soon as possible. Some amendments to it have already been sought via the changes requested to be made to the draft DCO by the solicitors. The Trust have requested an amendment to Requirement 9 of the draft DCO to include the Trust as a party that must be consulted in respect of the Construction Environment Management Plan.

2.3 Content of the Construction Report

2.3.1 Matters agreed:

Ref	Matters agreed
1	
2	SP Manweb and the Canal and River Trust AGREE the proposed design of the overhead line across the canal and canal towpath exceeds the stated minimum clearance distances for this type of overhead line design, as shown on the x-section drawing in Annex A attached to this SOCG.

Commented [TB15]: There is no Annex A – this needs to be added so that we can agree.

2.3.2 Matters not agreed

- a. The design of the proposed development (including the issue of whether the lines are located above or below ground) and any required mitigation remains to be justified as per our representations of 29 March.

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2.4 Content of the draft Development Consent Order

2.4.1 Matters agreed:

Ref	Matters agreed

2.4.2 Matters not agreed

The Canal and River Trust do not agree to the inclusion of powers of compulsory acquisition in respect of the Canal and River Trust's land. The inclusion of these powers is neither necessary, fair nor proportionate.

The Canal and River Trust do not agree the protective provisions in Schedule 6 Part 4.

The Canal and River Trust have suggested an amendment to Requirement 9 of Schedule 2 of the draft DCO to include the Canal and River Trust as a consultee in relation to the Construction Environmental Management Plan. This amendment has not yet been reflected in the draft DCO.

e.b. _____

3 RECORD OF MATTERS STILL UNDER DISCUSSION

3.1.1 The table below provides a 'tracker' for each issue currently under discussion between SP Manweb and the Canal and River Trust:

Table 3.1 – Matters still under discussion			
Ref	Issue	SP Manweb response	Canal and River Trust response
DCO Document 7.1 Planning Statement	Appendix 1 Undergrounding	Providing additional information relating to SPMs assessment of undergrounding option across the canal	
DCO Document 3.1 draft DCO Schedule 6 Part 4	Protective Provisions	Currently considering NR proposed amendments	
	<u>Mitigation</u>		<u>The Canal and River Trust are awaiting further clarity from SP Manweb as to what mitigation is proposed and how this will be delivered.</u>
	<u>Omnibus Agreement</u>		<u>The Canal and River Trust have provided a contact for SP Manweb to liaise with to discuss whether the proposed lines could be included in an Omnibus Agreement. If not, the Trust would expect SP Manweb to make</u>

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			<p>attempts to negotiate the acquisition of the necessary rights by agreement. To date, no discussions have taken place in respect of this.</p>
<p>DCO document 3.1 draft DCO article 18</p>	<p>Compulsory acquisition of rights</p>		<p>The Trust do not consider that it is necessary, proportionate nor in the public interest for rights to be acquired from the Trust by compulsory acquisition and, as per the comments above, would expect SP Manweb to enter into negotiations to acquire the necessary rights by agreement.</p>

4 AGREEMENT ON THIS SOCG

This Statement of Common Ground has been jointly prepared and agreed by:

Name: Steven Edwards

Signature:

Position: Senior Environmental Planner

On behalf of: SP Manweb Plc

Date:

Name:

Signature:

Position:

On behalf of: Canal and River Trust

Date: