

Our ref: SHARE/48883116
Your ref: EN020021

The Planning Inspectorate
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Via Email:
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14 May 2019

Dear Sirs,

North Shropshire Electricity Reinforcement DCO – Written Representation Deadline No 3

We have met with applicant's technical team post the Deadline 2 submissions to seek an agreed position on the matters outstanding from our perspective.

As we have recorded in previous written representations and subsequent oral submissions to the Examination our concerns at the time of that meeting related to the matters identified below:

1. The temporary works access on the A5 trunk road.
2. The principle of "deemed approval".

The applicant has helpfully provided clarity on the access issue and a suggested way forward in terms of deemed approval.

A5 trunk road access

As we previously noted the use of the proposed temporary A5 trunk road access has been agreed in principle.

We have reviewed the applicant's submitted proposal and confirm that no physical works are planned at the A5 trunk road access.

As drafted the DCO potentially allows rights of access from the A5 trunk road without the consent of Highways England. We have therefore proposed amendments to Articles 26 and 27 to address this.

A signage strategy prepared by the applicant has been reviewed and comment made under separate cover. As indicated in this response a small number of details need further clarification; we await at the time of writing confirmation of these points from the applicant. Subject to this clarity being provided, we can confirm that the signage strategy is an appropriate mitigation approach.

We consider that the question of the A5 access can be resolved by provision of suitable wording in the DCO to ensure the signage strategy is implemented in accordance with the relevant standards (e.g. the Design Manual for Roads and Bridges, Traffic Signs Regulations and General Directions). This should also be supported by the submission of a Construction Traffic Management Plan which will need to be agreed with Highways England.

Cable Crossing of the A5

We have noted that the applicant has proposed a “requirement” in order to seek to manage the design and delivery of the Cable Crossing of the A5.

The proposed “requirement” covers approval of the “*construction method for the installation of the underground cable*” and “*the authorised works must be carried out in accordance with the approved details under this requirement.*” We find the principle of this approach to be satisfactory, subject to the application of the Protective Provisions. In this regard, we recall that the Examining Authority suggested during the DCO issue specific hearing a blanket Article to give force to all the Protective Provisions; we are content that this is appropriate.

We have previously recorded that the Protective Provisions will *inter alia* need to record that the appropriate levels of insurance, bonds and sureties are in place prior to work commencing. Our experience is that the actual values should be stated in order to avoid uncertainty. We intend to advise the applicant further on this point.

Deemed Consent

Notwithstanding the above commentary that the principle of using “requirements” is an appropriate approach to ensuring that the Cable Crossing is designed and installed to our satisfaction, we remain fundamentally opposed to the concept of deemed consent within the DCO. We have previously indicated to the ExA our position on why deemed consent is inappropriate and negates our statutory safety management requirements. We have proposed a number of amendments to the draft DCO in this regard which, if agreed, would address Highways England’s concerns.

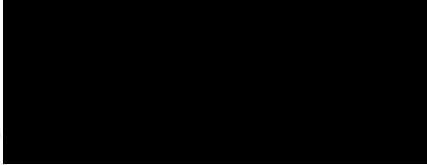
Statement of Common Ground

We previously noted the Examining Authority’s request for a Statement of Common Ground (SoCG) between us and the applicant and are keen to reach agreement with you on this document.

We are content that the commentary on the matters above form the basis for a further draft statement of common ground produced by the applicant.

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

Yours sincerely



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