



**Canal &  
River Trust**

Making life better by water

NorthShropshireReinforcement@  
planninginspectorate.gov.uk

Your Ref EN020021

Our Ref IPP - 36

Tuesday 4<sup>th</sup> June 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 four**

Statement of Common Ground (SoCG)

The applicant provided the Trust a revised draft Statement of Common Ground (SoCG) on Friday 24<sup>th</sup> May, following the Trusts edits/comments on 10<sup>th</sup> May. The Trust have subsequently provided the applicant comments on the third draft SoCG on 3<sup>rd</sup> June. We are currently seeking to agree a final version of the SoCG.

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

Update on Other matters

The Trust met with the applicant on 16<sup>th</sup> May to discuss the outstanding matters raised by the Trust within our Deadline 3 submission. These relate to the Trusts response to the ExA Question to the Trust on the LVIA conclusions and mitigation planting; undergrounding of the line; construction impacts; the CEMP; additional planting and land agreement. A meeting note is attached for the ExA information.

Following this meeting the Trust received correspondence from the applicant dated 24<sup>th</sup> May in respect of the land agreement. This stated that discussions in respect of the land agreement would not continue until the actions from the 16<sup>th</sup> May meeting had been completed. These actions, however, relate to matters which are entirely separate to any potential land agreement. We therefore do not consider it appropriate for the applicant to stall discussions on the land agreement. The Trust object to the use of compulsory acquisition powers in relation to the Trust's interests and would have expected, at this stage in the Examination, to have made further progress in relation to a separate land agreement.

As set out in the Trust's Deadline 3 submission, the applicant has also failed to progress the protective provisions and, in particular, has not responded to a revised draft sent to the applicant on 15 February, despite regular chasing emails/calls. The approach of the applicant in respect of the land agreement and protective provisions is extremely concerning to the Trust and we would be grateful if the ExA could invite the applicant to progress these matters as soon as possible. As set out in the Trust's Deadline 3 submission, the Trust have provisional suggested the need to participate in the Compulsory Acquisition Hearing and Issue Specific Hearing in relation to the draft DCO. It is hoped that the Trust would not require legal representation at these upcoming hearings,

**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)

however the applicants unreasonable conduct in these matters means unnecessary and wasted costs will likely be incurred defending our position on these matters. We have put the applicant on notice of this.

Draft Construction Environment Management Plan (CEMP)

In our deadline 3 letter the Trust advised that we would be providing detailed comments on the draft Construction Environment Management Plan (CEMP) to the applicant. However, during the meeting with the applicant on 16<sup>th</sup> May, a number of our concerns with the draft CEMP were provided verbally to the applicant. The applicant advised that the draft CEMP would be updated for deadline 4. As such the Trust will review that draft before providing full comments. It is hoped that a number of our concerns will be addressed in the updated draft CEMP.

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>

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**Canal and River Trust  
Navigation Road, Northwich**

**Record of Actions**

**DATE: 16<sup>th</sup> May 2019**

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1 DISTRIBUTION: Attendance, Apologies and File

2 **1. ATTENDANCE**

<b>NAME</b>	<b>INITIALS</b>	<b>ORGANISATION</b>
Steven Edwards	SE	SP Manweb
Tim Bettany-Simmons	TBS	Canal and River Trust (the Trust)
Philippa Walker	PW	the Trust
Karen Lees	KL	Gillespies

**Apologies/Circulation:**

Jacquie Critchley Gillespies / Ian Wall SP  
Manweb

<b>1</b>	<b>Agenda</b>	<b>TO BE ACTIONED BY</b>	<b>ANTICIPATED COMPLETION DATE</b>
<b>1.1</b>	<p>Introductions.</p> <p>SE proposed agenda items based on matters raised by the Trust to date and as summarised in the Trust's recent Deadline 3 Submission (Comments on responses to the ExA's Written Questions) dated 14<sup>th</sup> May which covered the following:</p> <ul style="list-style-type: none"> <li>• Deadline 2 Submission – SP Manweb's Responses to Written Representations</li> </ul>	<b>SE</b>	<b>17<sup>th</sup> May</b>

	<ul style="list-style-type: none"> <li>• Visual assessment of the Montgomery Canal, including Mitigation Planting</li> <li>• Construction matters / Construction Environmental Management Plan</li> <li>• Undergrounding</li> <li>• Additional Planting</li> <li>• Land Rights</li> <li>• AOB</li> </ul> <p><u>ACTION: SE will circulate copy of Meeting Note to the Trust</u></p>		
<b>2</b>	<b>Deadline 2 Submission – SP Manweb’s Responses to Written Representations</b>		
2.1	<p>SE referred to SP Manweb’s Deadline 2 submission which responds to the Trust’s previous comments (made at Deadline 1) regarding:</p> <ul style="list-style-type: none"> <li>- Undergrounding across the canal</li> <li>- Proposed landscape and visual mitigation</li> </ul> <p>SE suggested the Trust reread SPM’s Deadline 2 response as this explains SPM’s position on two of the key matters (visual assessment and undergrounding) raised by the Trust.</p>		
2.2	TBS also referred to the Trust’s Deadline 2 submission and their letter to SPM of 24 <sup>th</sup> April seeking additional information on the construction impacts and costs of undergrounding.		
<b>3</b>	<b>Visual Assessment</b>		
3.1	<p>Noting the Trust’s Deadline 3 submission (14th May) and recent exchanges of emails regarding the Viewpoint 8 which informs the visual assessment of the canal crossing section, SE outlined SPM’s visual assessment explaining that it considered the approach and conclusions present robust evidence of the impact of the proposed overhead line across the Montgomery Canal i.e. minor effect.</p> <p>TBS noted the Trust’s concern re the lack of a viewpoint underneath the line.</p>	<b>TBS</b>	<b>22 May 2019</b>

	<p>KL noted that the Trust and Shropshire Council had previously been consulted re viewpoints, fed into the viewpoint locations and agreed to the selected viewpoints, and that in addition, the assessment does not solely rely on viewpoints.</p> <p>Noting no further evidence had been provided by the Trust to counter SPM's view, SE asked TBS to reconsider the Trust's position on the assessment providing appropriate and sufficient information.</p> <p><u>ACTION: TBS to review Trust's view on SPM's assessment and confirm if it is accepted or if not, why not</u></p>		
3.2	<p>With reference to SPM's visual assessment, and to SPM's response submitted at Deadline 2 to the Trust's written representations (see para 2.19), SE explained that the SPM response first refers to there being mitigation embedded in the design of the proposed overhead line crossing and in respect of additional mitigation states:</p> <p>'SP Manweb has not identified a need to provide additional mitigation to reduce visual effects through planting on this scheme 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.'</p> <p>SE referred to para 2.20 of the SPM response that states that reinstatement planting is proposed.</p> <p><u>ACTION: TBS to review Trust's view on SPM's mitigation approach and confirm if it is accepted or if not, why not</u></p>	<p><b>TBS</b></p> <p><b>SE</b></p>	<p><b>22 May 2019</b></p> <p><b>22 May 2019</b></p>
3.3	<p>SE explained that (as in para 2.21 of the SPM response) that additional planting is proposed as part of providing net gain and this had been agreed with Shropshire Council and the Environment Agency. SE suggested that the Trust and SPM could jointly work</p>	<p><b>SE</b></p>	<p><b>22 May 2019</b></p>

	<p>together on the provision of additional planting on land within the Trust's ownership.</p> <p><u>ACTION SE to forward to TBS the link to the SPM environmental improvement strategy.</u></p>		
<b>4</b>	<b>Construction Matters / CEMP</b>		
4.1	<p>SE asked TBS to confirm whether SPM's letter of 9<sup>th</sup> May addresses the Trust's questions regarding construction impacts in the Trust's letter dated 24<sup>th</sup> April 2019.</p> <p><u>ACTION TBS to confirm SPM's construction letter is sufficient</u></p>	<b>TBS</b>	<b>22 May 2019</b>
4.2	<p>In response to the Trust's Deadline 3 submission on 14<sup>th</sup> May, SE agreed that SPM will alter the draft CEMP (para 1.17.9) to confirm that SPM will agree to the provision of:</p> <ul style="list-style-type: none"> <li>(i) signage related to restricted fishing activities and avoidance of risks to anglers; and</li> <li>(ii) installation of bird diverters</li> </ul> <p><u>ACTION: SE to insert revisions into version 4 of the draft CEMP.</u></p>	<b>SE</b>	<b>22 May 2019</b>
4.3	<p>In response to the Trust's Deadline 3 submission on 14<sup>th</sup> May, SE agreed that SP Manweb will include the Trust as a consultee on the final CEMP, as in Requirement 9, in those matters in the CEMP relevant to the Trust</p> <p><u>ACTION: SE to amend Requirement 9 to enable the Trust to be a consultee of the final CEMP</u></p>	<b>SE</b>	<b>22 May 2019</b>
4.4	<p>TBS requested that the reference to the updated Code of Practice be updated to '2019', rather than '2018' as stated in the draft CEMP Appendix B.</p> <p><u>ACTION: SE to amend draft CEMP to include the Trust's CoP 2019 version.</u></p>	<b>SE</b>	<b>22 May 2019</b>

<b>5</b>	<b>Undergrounding</b>		
5.1	<p>SE recapped the information presented in the Planning Statement Appendix 1 which describes SPM's approach to undergrounding and to the information set out in SPM's letter to the Trust dated 9<sup>th</sup> May.</p> <p>SE noted that the Trust had not offered a response on SPM's assessment in Appendix 1 re NPS EN-5.</p>		
5.2	<p>SE drew attention to the photomontage that was recently prepared and submitted in the Supporting Information to the ExA's FWQs. Annex D shows the terminal pole as seen from Viewpoint 8.</p> <p>SE noted that the introduction of larger terminal poles, as opposed to single poles, to accommodate the undergrounding negates some of the visual benefit of undergrounding. Overall, as referred to in Appendix 1 of the Planning Statement, SPM does not see there would be any change to the visual assessment at the canal crossing if the line is placed underground.</p> <p><u>ACTION: SE to provide a link to this photomontage.</u></p>	<b>SE</b>	<b>22 May 2019</b>
<b>6</b>	<b>Reinstatement/Additional Planting</b>		
6.1	<p>SE noted that SPM proposes reinstatement and additional planting and the TBS noted the Trust could provide suggestions of locations where additional planting could take place.</p> <p><u>ACTION: TBS to provide suggested locations for reinstatement and additional planting.</u></p>	<b>TBS</b>	<b>22 May 2019</b>
6.2	<p>SE noted that SPM's delivery partner on environmental improvement schemes is the local wildlife trust having worked with a number of trusts in the SPM region. Shropshire Wildlife Trust is the delivery partner for the proposed environmental improvements in the NSR project.</p>	<b>SE</b>	<b>22 May 2019</b>

	<u>ACTION: SE to contact habitat improvement partners (EA, SC, SWT and the Trust) to develop the strategy further.</u>		
<b>7</b>	<b>Land Rights</b>		
7.1	SE noted the Trust's recent correspondence between PW, the Trust's land representative, and SPM, noting this is a matter for SPM's Ian Wall to respond to PW direct.  <u>ACTION: IW to contact PW re land rights.</u>	<b>IW</b>	<b>22 May2019</b>
<b>8</b>	<b>AOB</b>		
8.1	Protective Provisions – SE noted that the Protective Provisions are not yet finalized and that SPM would prefer to agree matters above and progress these through the SOCG subject to the PPs being discussed and agreed separately as considered this is a clearer approach.	<b>SE</b>	<b>May 2019</b>
	Meeting closed 11.45am		