

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

Issue Specific Hearing on the Applicant's
Draft Development Consent Order
(dDCO)

10.00am Thursday, 11 July 2019

Waterloo Suite Hawkstone Park Shrewsbury SY4 5UY

Agenda

1. Welcome, introductions, purpose and arrangements for this Issue Specific Hearing.
2. Brief explanation by the Applicant of the status of the dDCO (version 4) and updated Draft Construction Environmental Management Plan (version 4A) submitted at Deadline 5.
3. Position statement concerning agreed Protective Provisions in Schedule 6 of the dDCO.
4. Discussion of the Examining Authority's comments below.
5. Action Points arising from this Issue Specific Hearing.
6. Submission of revised dDCO and Explanatory Memorandum
7. Next steps for the remaining stages of the examination.
8. Any other business.

COMMENTS BY THE EXAMINING AUTHORITY on the DRAFT DEVELOPMENT CONSENT ORDER

Contents

Schedule 6 Part 3 – NETWORK RAIL rather than RAILWAY INTERESTS?

Part 4 – Delete NETWORK

Article 2 (1)

“authorised development” means the development.... Refer to the NSIP as the development.

“the environmental statement” means the documents of that description set out at Schedule 9 – the documents are not set out in the schedule but are simply referred to.

“the Order limits” means the limits shown on the land plans and works plans; why does this refer to both sets of plans rather than just the land plans as in the definition of “Order land”?

“plans of important hedgerows affected” – refer also to Schedule 9.

“relevant highway authority” – not “and/or” in a statutory instrument.

“statutory undertaker” – is the inclusion of a public communications provider appropriate and how does this relate to articles 8(4)(a), 18(4), 29 and 30?

Article 3

(2) – is the reference to paragraph (1) correct? Should it be article 4?

Article 5

(2) – delete “an electric line above ground and any underground electric cable and all elements of” as in paragraph (1) previously.

(3) – delete “above ground electric line and the underground electric cable and any other elements of the” - as above.

Article 9

(5) – the A5(T) needs defining in article 2 (1).

Article 10

(1) – insert “column (3) of” between “in” and “that”.

Article 11

(4) – could this be worded as article 9 (3), i.e. “The powers conferred by paragraph (1) must not be exercised without the consent of the street authority which may attach reasonable conditions to any consent”.

Article 16

(1)(d) – “place on and”.

(2) – delete “or removed from”.

(5) – should a time limit be inserted here? What is the trigger?

Article 18

What is the relationship with article 29 (2)?

Article 21

(4) – what is the relationship to article 18?

(5) (a) (ii), (iii) and (iv) – what does “it” refer to – the land in (i)?

Article 22

(9) – this refers to the exclusion of subsoil only, whilst article 23 (3) refers to subsoil and airspace and article 24 (5) refers to subsoil or airspace. Why is there a difference between these?

Article 26

(12) – the disapplication of the Neighbourhood Planning Act 2017 relating to article 27 should be stated in article 27 itself.

Article 28

(1) – insert “subject” after “previously”.

(1) (a) and (b) – shouldn’t a statement as to whichever is the earliest be inserted, as in article 21 (1)?

(2) – is the reference to “discharge” appropriate as paragraph (1) refers only to suspension?

(3) – the last word should be plural plans.

Article 29

Is every body covered by Schedule 6 a statutory undertaker as defined in article 2 (1)?

Article 30

(3) – should refer to the 2003 Act as this is defined in article 2 (1).

Article 31

(1) (a) – substitute “operation” for “use”?

(6) – Hedgerows Regulations

Article 34

(2) – it is understood s65 of the Control of Pollution Act 1974 has been repealed.

Article 36

(1) (c) – full stop at end.

Article 37

(4) – is the word “and” after “Highways England” necessary (assuming this applies only to the A5(T)); if not, should the word “or” be inserted instead of and, and what are the circumstances in addition to the A5(T)?

Schedule 1

Work No. 1 – delete “and” at the end of the sentence, with full stop after “cable”.

Work No. 2 (i) – insert “and” between “footpaths” and “bridleways”.

(o) – delete “and” at the end of the sentence with full stop.

Work No. 3 (i) – as Work No.2 (i).

Work No. 4 A (i) – as Work No.2 (i).

(n) – as Work No.2 (o).

Work No. 4 B (i) – as Work No.2 (i).

(o) – as Work No.2 (o).

Schedule 2

R1 – “construction traffic management plan” - delete “with reference 6.3.2 and” and all words after “Secretary of State” as unnecessary.

- "Environment Agency" - does this need to be defined at all?

R3 (1) – insert "1" after article 4.

– Table 1 – the references in column (2) should be to works plans.

– Table 1 – the references to pole heights in column (3) should be above ground level.

– Table 1 – the pole types listed in column 4 need to be referred to the Diagram 3.2 Illustration of Pole Types contained in Annex C REP2-007, and this diagram should be a certified document in Table 10 of Schedule 9.

R5 – should this be more precise as to which other requirements and which certified documents are needed to be complied with?

R7 (2) – the first word in each of the sub paragraphs should be lowercase.

(2) (b) – insert "132kV overhead" between "the" and "line".

(2) (c) – "construction works" rather than "operations".

R8 (1) – is the "carrying out" referring to construction, maintenance or operation?

(3) – reword: "The remediation scheme must be carried out as approved".

(5) (b) – insert hyphen in subparagraph.

R9 – this does not seem to have been revised as indicated in the letter from the Applicant dated 27 June 2019 (REP5-001). This could be drafted as follows:

- (1) No authorised development is to commence until, following consultation with the relevant highway authority and the Environment Agency, a detailed construction environmental management plan, which is substantially in accordance with the construction environmental management plan certified under article 35 in Schedule 9, has been submitted to and approved by the relevant planning authority. The detailed construction environmental management plan must include measures to minimise impacts of construction works.
- (2) The authorised development must be carried out in accordance with the detailed construction environmental management plan.

R11 – why is a sub-paragraph number 1 needed?

– define "the existing A5(T) access" by reference to the appropriate Access and Rights of Way Plan.

– the underground cable referred to needs to relate to a specific Work No.

– penultimate line: insert "of them" between "approval" and "by".

– in the last sentence, “approved details” should read “details approved”.

Schedule 3

Dandy Ford – one word

installation of LV cable – not defined

Crossing with overhead conductors – not defined

insert “of” between “south-west” and “Brook Field Farm”

Schedule 4

Paragraph 5 (8) – delete Article next to Schedule 2.

Schedule 6

Part 1

1 (2) – the 2003 Act is already defined in article 2 (1).

8 – is a reference to the 1991 Act the New Roads and Street Works Act as defined in article 2 (1) or the Water Industry Act 1991?

Part 3

“Network Rail” rather than “Railway Interests”?

Part 4

31 (1) – reword: “Before commencing construction of any specified work including any temporary works, the undertaker must supply – – –”

(4) – insert hyphen in subparagraph.

Part 5

44 – what are the “entities or successor entities” to National Grid?

45 – as paragraph 8 above.

47 (1) – what are the “electricity tower foundations” in the context of this application?

(3) (a) – what are “pylon foundations” in the context of this application and are they different to “electricity tower foundations” in the above?

49 (4) – delete 49 after paragraph.

Part 6

57 (1) (a) (iii) – what are road space bookings?

(v) – insert full stop at the end of the sentence.

(c) – delete and at the end of the sentence and insert full stop.

60 (3) – delete numbers 6 and 60 after paragraph.

(4) – insert “of this Schedule” after “Part”.

Schedule 7

4 (13) – Revise the reference to Planning Practice Guidance which has already been updated.

Schedule 9

The reference should be to article 35.

Should plan/drawing numbers be inserted in the definitions rather than application document reference numbers?

Table 10 – delete “Draft” and “including – outline hedgerow management plan and outline construction traffic management plan” from “construction environmental management plan”.

- list the documents comprising the Environmental Statement.

- delete “Proposed Pole Schedule included as Appendix 3.1 to the Environmental Statement” and substitute “Diagram 3.2 Illustration of Pole Types contained in Annex C REP2-007”.

- check all documents required to be certified are included, for example Limits of Deviation Plans (AS-003) and Construction Access Location Plan (REP1-005).