



**Canal &
River Trust**

Making life better by water

NorthShropshireReinforcement@
planninginspectorate.gov.uk

Your Ref EN020021

Our Ref IPP - 36

Wednesday 31st July 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 seven

The Canal & River Trust's ("the Trust") position remains the same as set out in our response to deadline six. It is noted that the applicants have included in the draft DCO revised protective provisions but these protective provisions are not agreed with the Trust. The outstanding points in respect of the protective provisions are as set out in our deadline 6 response and we also attached to this the version of the protective provisions which would be acceptable to the Trust.

We note that representations dated 25 July 2019 have been made to the ExA on behalf of Network Rail setting out a number of concerns regarding the applicant's engagement, particularly in relation to compulsory acquisition concerns. The Trust has similarly raised concerns with the applicant throughout the Examination (and in advance of it) regarding the use of compulsory acquisition powers in relation to the Trust's interests and the unnecessary risk that this creates in relation to enjoyment and safe operation of the Montgomery Canal. The Trust has attempted to engage with the applicant to agree a wayleave that could document the rights which the applicant requires together any additional protections required by the Trust but these discussions have not been sufficiently progressed by the applicant. This adds further weight to the amendment which the Trust requires to the protective provisions which seeks to include the following wording:-

"the undertaker must not exercise powers conferred by article 18 (compulsory acquisition of rights) or article 23 (acquisition of subsoil or air space only) or article 26 (temporary use of land for carrying out the authorised development) or article 27 (temporary use of land for maintaining the authorised development) or article 29 (statutory undertakers) in respect of the waterway unless the undertaker has used reasonable endeavours to agree the acquisition of the necessary rights/interests from the Trust by private treaty".

We note the effect of s.127(5) and (6) of the Planning Act 2008 and we consider that the above wording would provide a reasonable level of protection to safeguard the Trust's interests and allow it to perform its statutory duties.

Canal & River Trust

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

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

Yours sincerely,

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Area Planner

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

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