



**Canal &
River Trust**

Making life better by water

NorthShropshireReinforcement@
planninginspectorate.gov.uk

Your Ref EN020021

Our Ref IPP - 36

Wednesday 18th September 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 nine

Further to the Examining Inspector's correspondence dated 30 August 2019, we confirm that the Canal & River Trust's ("the Trust's") position has not changed from that set out in our deadline eight response. In relation to the final draft Development Consent Order ("DCO"), the Trust would make the following comments: -

- 1) The protective provisions are not agreed for the reasons set out in our deadline eight response.
- 2) It is noted that protective provisions have been agreed in the draft DCO for the protection of Network Rail (Schedule 6, part 3, paragraph 16(1)) and for the protection of National Grid (Schedule 6, part 5, paragraph 55(1)) which prohibit the use of compulsory acquisition powers in the DCO. The Trust have suggested very similar wording is included in relation to the Trust's land, but the Applicant has refused to accede to this request. The Applicant's approach is inconsistent in this regard. If the Applicant's concern is the reference to "used reasonable endeavours" we would agree to delete this and for the wording at paragraph 35(17) of Schedule 6, part 3 to read as follows: -

(17) 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) without the Trust's consent.

This wording is consistent with the wording agreed with Network Rail at paragraph 16(1) of part 3 of Schedule 6 and therefore should be acceptable to the Applicant.

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

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner

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

Canal & River Trust

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