



Meeting note

Project name	North Shropshire Reinforcement
File reference	EN020021
Status	Final
Author	The Planning Inspectorate
Date	6 August 2018
Meeting with	SP Manweb
Venue	Temple Quay House, Bristol
Meeting objectives	Project update and review of draft documents
Circulation	All attendees

Summary of key points discussed and advice given

Introduction

SP Manweb (the Applicant) and the Planning Inspectorate (the Inspectorate) case team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under s51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

Project update

The Applicant advised that their statutory consultation closed on the 2 February 2018. The feedback from this resulted in some changes and the Applicant carried out further consultation in April 2018. The Applicant advised that they are now carrying out a plot by plot review to ensure they are seeking the appropriate rights for each plot. The Applicant advised that Shropshire Council is supportive of the scheme and enquired how best to capture this in the application. The Inspectorate advised that the Consultation Report should show evidence of any engagement. Once the application is submitted the Inspectorate will seek the views of the host and neighbouring authorities on the adequacy of the Applicant's consultation. The Inspectorate is required to have regard to any responses received. The Council will also be invited to submit a Local Impact Report (LIR). The Applicant advised that the Council had enquired about example LIRs. The Inspectorate advised that there were some good example documents on their [website](#). The Inspectorate also advised the Applicant to start working on a Statement of Common Ground (SoCG) with the Council.

The Inspectorate provided comments on the Applicant's draft documents. These are attached at Appendix A.

The Applicant enquired whether they need to include documents they used in their consultation in their application or whether links to their website will suffice. The Inspectorate advised that if the Applicant is relying on the documents as evidence of their consultation then they should include them with the application; however it may be that narrative that the documents were available for consultation will suffice.

The Applicant advised that they are sending a revised Habitats Regulations Assessment (HRA) report to consultees following the recent European Union Court of Justice judgement (People over Wind & Sweetman V Coillte Teoranta). They intend to agree their approach with Natural England (NE) and include that in the SoCG between the Applicant and NE. The Inspectorate advised the Applicant to be clear on their definition of mitigation and whether they consider that any is needed in respect of reducing/avoiding potential impacts on European sites, and accordingly prepare the appropriate HRA report. The Inspectorate recommended that the Applicant agree the definition with relevant consultees, such as NE.

The Applicant enquired how they should address Protective Provisions with parties that will not engage. The Inspectorate advised the Applicant to submit draft provisions with the application and then, if the application is accepted, the Examining Authority (ExA) can examine them.

The Applicant advised that they are not proposing to 'remove' any hedgerows as they will be lifted and replaced the same day. The Inspectorate advised the Applicant to seek their own legal advice as to whether or not this method could be classed as removal.

The Applicant advised that they intend to submit their application at the end of October 2018. The Inspectorate advised that one hard copy of the application would suffice but, if the application is accepted, further hard copies may be requested. The Inspectorate advised that it is helpful if signatures are not included in any application documents as these will need to be redacted before publication. The Applicant confirmed that they would submit a shapefile at least two weeks prior to the submission of the application.

The Inspectorate advised the Applicant that it is useful to provide a Guide to the Application (an [example](#) is on the Inspectorate's website). This helps all parties navigate the documentation throughout any Examination and assists the Secretary of State with certification of documents.

The Applicant enquired about venues for the Preliminary Meeting (PM) and hearings, if the application is accepted. The Inspectorate advised that a larger venue would be required for the PM. The Inspectorate would look at the location of Interested Parties along the route of the proposed development to help decide where to hold Open Floor Hearings.

The Applicant enquired whether a hearing would be held after the PM. The Inspectorate advised that this would be for the ExA to decide, if the application is accepted.

The Inspectorate advised that letters will be sent to the host and neighbouring authorities no later than two weeks before expected submission of the application and that they will be asked to comment on the adequacy of the Applicant's consultation. The Inspectorate asked the Applicant to provide their contacts for each relevant local authority.

North Shropshire Reinforcement Project: Comments on the draft documents

These queries relate solely to matters raised by the drafting of the documents, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

CONSULTATION REPORT	
Section/para no	Comment
5.2.7	Refers to using the Regulation 9 list in developing the list of statutory consultees. An applicant should not rely on the Planning Inspectorate’s list of consultees at Scoping and should satisfy themselves that they have identified the correct bodies. Justification should be provided in the Consultation Report for any bodies that have not been consulted.
Appendix 3.1	Includes a list of s44 consultees. Under GDPR these may have to be redacted on publication even though the same details are contained in the Book of Reference (BoR).
Table 7.1 and 7.2.4	Could not find evidence in Appendix 3.5 that the s48 notice was published in the Shropshire Star on 23 November 2017 or The Guardian on 23 November 2017.
7.2.5	Could not find any evidence that the s48 notice was sent to EIA consultation bodies.
General advice	One of the Acceptance checks is to compare the list of s42 PA 2008 consultees against the BoR. If there are any discrepancies between the two documents these should be explained in the Consultation Report.
General advice	Ensure that all tables within the Consultation Report that summarise the responses received at consultation, indicate whether the comments led to a change or not, and contain an explanation of how the Applicant has had regard to the response are completed and demonstrates compliance with s49 of the PA 2008.
General advice	Ensure that all Appendices referenced in the Consultation Report are included in the final version.

ENVIRONMENTAL STATEMENT CHAPTERS 1-4

Section/para no	Comment
1.8.1	The NTS should summarise the matters set out in Schedule 4 of the EIA Regulations, not only the findings of the ES.
Table 1.1	<p>It was not agreed in the SoS's Scoping Opinion that construction impacts on water resources could be scoped out, subject to subsequent agreement with relevant consultees. It is noted that the ES will contain a Hydrology chapter and assumed that this matter will be addressed therein.</p> <p>Where it has subsequently been agreed with relevant consultees that matters may be scoped out from the ES this should be fully explained and justified in the ES, and cross-reference made to relevant supporting information.</p>
Figures 1.1 and 1.2	The resolution of these plans is not clear enough to allow the reader to understand the key and distinguish the features included.
3.3.2	A reference is made to average widths of the route corridor. The minimum and maximum parameters should be clearly defined in the ES and consistent with those in the DCO.
Diagram 3.1	Figures on pages 5 and 17 are both titled Diagram 3.1 (and referred to as such in the text). It is assumed the Trident pole designs should be 3.2 (and that subsequent figures will need renumbering). The resolution of the Order Limits figure is unclear.
3.3.11	Reference is made to micro-siting to allow each pole to move laterally along the over-head line route and in a radius of 5m from its position. It should be stated in the ES if the 'Rochdale Envelope' approach has been applied (to allow for design flexibility), and demonstrated in the technical chapters that the assessments have considered an appropriate worst case.
3.7.1 and 3.8.1	Cross-references to relevant information contained in documents outwith the ES should explicitly identify the location.
3.7.11	The calculations of the number of respective intermediate and angle structures are incorrect and do not reflect the numbers in the table in paragraph 3.7.12.
Section 4.7	The inclusion of definitions of significance categories and what is considered to constitute a significant effect is welcomed. No criteria have been provided in respect of sensitivity or magnitude. If there are no overarching criteria each technical chapter should include such information.
Appendix 4.1	As advised in the Scoping Opinion it is recommended that the title of this document does not refer to statutory nuisance, which has a different meaning, and is not appropriate terminology in relation to EIA.

HABITATS REGULATIONS ASSESSMENT	
Section/para no	Comment
-	A number of references are made throughout the report to pollution and prevention measures and measures that would be contained in a Construction Environmental Management Plan (CEMP), notwithstanding that it is stated that these measures have not been taken into account in reaching the conclusion of no likely significant effects in any European site. It is noted that the draft HRA report (HRAR) is to be updated to reflect the People Over Wind (POW) European Court of Justice judgement and that relevant bodies will be re-consulted, which is welcomed.
Contents page and 4.1.3 – 4.1.4	The Contents page indicates that Appendix 2 contains only the Ramsar Information Sheets (RISs). It should be amended to reflect that it also includes the Natura 2000 Standard Data Form for the West Midlands Mosses SAC.
2.2.10	It is stated that the maximum wood pole height would not exceed 18m, although it is stated in the ES that it is 'not expected' to exceed 18m, which is less certain. The parameters are not yet identified in the DCO. The assessment should be based on the worst case scenario and the parameters applied should be consistent between documents.
Table 3.1, page 15	Reference is made to the Midlands Meres and Mosses Ramsar sites and Special Area of Conservation (SAC). It is assumed that this should refer to the West Midlands Mosses SAC.
Table 3.1, pages 15 – 21	It is noted that the correspondence from Natural England (NE) indicates that they consider that direct effects are unlikely and that indirect effects during construction could be managed and avoided through the implementation of standard pollution and prevention measures and adherence to measures contained in a CEMP, and that they considered that a Stage 1 screening assessment would be appropriate. It is noted that the Applicant will be re-consulting NE as a result of the POW judgement (as referenced in the first point above). Relevant correspondence on this matter should be included in the final version of the HRA report.
Table 3.1, page 21	For clarity it is recommended that, according to the advice contained in Planning Inspectorate Advice Note Ten: Habitats Regulations Assessment (AN10), the report is entitled either a 'No Significant Effects Report' (NSER) or a 'Habitats Regulations Assessment Report', according to the stage that the assessment has reached.
3.3.1, Section 5.3	Cross-references to relevant information that is contained in documents outwith the report should be explicit and clearly identify the relevant sections/paragraphs.
4.1.3	It is noted that the West Midlands Mosses SAC is identified but that it is stated that it was included because it overlaps with the Midlands Meres and Mosses SAC, and has not been assessed in detail on the basis that it does not support mobile qualifying species (according to the zones of influence (ZOIs)) set out in para 3.3.3. Information on

	<p>the SAC is subsequently provided in the report although a screening matrix has not been included in Appendix 1. In the interests of clarity, if it is considered that the SAC does not need to be included in the assessment it is unnecessary to provide the additional information. However, if the information is retained in the report a screening matrix should be provided.</p>
4.1.3	<p>For ease of the reader, it is suggested that the distance from the application site to the nearest point of the European sites identified is provided here.</p>
4.1.7 – 4.1.8	<p>There is no requirement to include information on Sites of Special Scientific Interest (SSSIs) in the HRA report.</p>
Figure 1	<ul style="list-style-type: none"> • The resolution is not of sufficient quality to easily read the text and understand the plan either in hard copy or electronically. • The European sites should be identified by name. • It is not possible to distinguish the revised preferred overhead line route and the proposed 25m corridor, as identified in the key. The plan should identify the European sites relative to the application site boundary. • The key is quite indistinguishable but appears to identify a 6km study area, although para 3.3.3 refers to a 5km ZOI. • It is unclear what the purple lines at the top and bottom of the plan are intended to identify. • It is not necessary to include the SSSIs.
Section 5.3	<p>Works and working areas are described as of limited or relatively short extent and duration, temporary, or small. Where known, dimensions and time periods should either be identified in the report or explicit cross-reference made to where the information can be found in other documents.</p>
5.6	<p>The study area used for the assessment of in-combination effects and justification for its extent should be included in the HRA report. The developments that have been considered in the in-combination assessment (together with their distance from the application site boundary) should clearly be identified, rather than those considered in the cumulative assessment reported in the ES. It is recommended that any table of developments included in the report is titled accordingly, to reflect that it relates to an in-combination assessment. It is recommended that the list of developments to be considered is agreed with relevant consultees.</p>
Appendix 1	<ul style="list-style-type: none"> • If the West Midlands Mosses SAC is to be considered in the assessment a screening matrix should be included in the report (see 4.1.3 above). • If the assessment is taken forward to the appropriate assessment stage for any European sites integrity matrices

	<p>should be provided, as advised in AN10.</p> <ul style="list-style-type: none"> • It is not necessary to include noteworthy flora and fauna (according to the RISs) in the matrices. If these are to be included, for consistency they should be accurately reflected in all of the matrices. • The cross-references provided in the evidence notes are not sufficiently explicit. They should include the specific document, the paragraph number and the page reference, as advised in AN10.
<p>Appendix 1, page 58</p>	<p>Midland Mere and Mosses Phase 2 Ramsar site – for consistency and completeness it is recommended that the endangered species listed under Criterion 2 within the RIS are listed in the matrix.</p>

DEVELOPMENT CONSENT ORDER	
Section/para no	Comment
	There should be no unpopulated gaps.
	Applicant should ensure all legislative references in the DCO are to extant provisions.
	Applicant should ensure all Schedules refer to the correct articles (at the top right of each Schedule).
	Preamble on page 3 – reference to special category land refers to “rights imposed” – see instead e.g. wording in M20 J10a made DCO. Also, as e.g. in that DCO, refer to the article number in which the special category land is defined.
Article 2(1)	Environmental Statement: Applicant should keep this definition under review throughout examination, if accepted.
Article 2(1)	Order land: Is the Applicant saying anything is required to facilitate or incidental to the development?
Article 2(1)	Undertaker: Is “article” missing before “8”?
Article 2(1)	Various plans: Should plan/ drawing numbers be inserted rather than application “document reference numbers”?
Article 3(2)	Why does this wording (in conjunction with Article 3(3)) create possible doubt as to whether numbered areas on works plans are all within the Order limits? Are any of them outside those limits and, if so, why?
Article 5	Why have ‘above ground electric line’ and ‘underground electric cable’ not been defined in Article 2(1) by reference to works numbers in Schedule 1?
Article 15	The Applicant is reminded of the provisions of s146 PA 2008.
Article 16	The Applicant may wish to consider adding a provision obliging removal of apparatus following completion of surveys/investigations.
Article 18	The Applicant should check that this article (and any other relevant provisions in the DCO, including Article 22, Article 24 and Schedule 4) are appropriate following legislative changes enacted by the Housing and Planning Act 2016. The Applicant may also wish to consider other DCOs made recently by the Secretary of State for Transport (e.g. M20 J10a and Silvertown Tunnel) as well as ones made recently by the Secretary of State for Business, Energy and Industrial Strategy in this regard.

Article 18(6)	On what legal basis does the Applicant consider it possible for an appropriate Crown authority to give such consent (bearing in mind s135 PA2008)?
Article 19	The Applicant may wish to consider whether section 203 of the Housing and Planning Act 2016 may be applicable.
Article 21(2)	Is it the Applicant's intention that its own rights etc. will be extinguished, as currently drafted?
Articles 26 and 27	The Applicant may wish to consider drafting provisions equivalent to the temporary possession provisions enacted by the Neighbourhood Planning Act 2017 (but not yet brought into force) – or, alternatively, would they wish to attempt to expressly disapply them, so far as the 2017 Act may allow (and provide their justification for doing so)?
Article 28(1)	What is the trigger event for discharge? The article does not specify one (e.g. the exercise of a particular Order power?).
Article 28(2)	Would this actually be 'discharge', as opposed to 'suspension'? On what legal basis does the Applicant consider that possible?
Article 28(3)	Definition of "the special category land": Should it specify relevant plot numbers?
Article 29	Is this necessary? What does it add to Articles 18 and 21?
Article 30	'public utility undertaker' and 'public communications provider': Article 29 would only allow removal of such a body's apparatus if that body itself falls within the Article 2(1) definition of 'statutory undertaker'.
Article 31(1)	Does the punctuation require amendment?
Article 36	Is this needed if no Crown land/Crown interests have been identified? Is the use of the word 'take' appropriate?
Article 40(1)	Where is 'traffic authority' defined for the purposes of <u>this</u> article?
Requirement 1	Working hours: does "bank...holiday" require definition?
Requirement 1	"Outline hedgerow management plan and "outline traffic management plan": where are these referred to in substantive Requirements?
Requirement 3(1)	Should drawing numbers, rather than application document reference numbers, be inserted in the table?
Requirement 5	How much of Requirement 6 is a 'maintenance regime'? Greater precision may be needed here.
Schedule 6: Protective	The Applicant should ensure all companies referred to are accurately defined by reference to their full names and company registration

Provisions	numbers.
Schedule 9: Documents to be certified	Particularly for drawings/plans, should drawing numbers be used rather than simply application document reference numbers?
Explanatory Note	When inserting a place to inspect documents, if it is a third party's address, the Applicant should confirm (on submission of its application) that that party has agreed to this.

EXPLANATORY MEMORANDUM

Section/para no	Comment
	There should be no unpopulated gaps.
	The Applicant should ensure that all cross references and references to legislation are accurate (and to extant legislation).
Section 2 and 4.8.2(g)	Identify what is NSIP and what is associated development?
3.2	The first sentence refers to 'by agreement' but the DCO itself only refers to compulsion. The Applicant should be clear as to whether they are referring to the Act or to the DCO. Also, it may be prudent to refer to 'land ownership' rather than simply 'land' in final sentence.
4.5.11	This concentrates largely on suspension. It could be made more explicit that permanent extinguishment is also a possibility.
4.5.12	This refers only to suspension, but the relevant DCO provision refers only to extinguishment, so the description is inaccurate.
4.5.28	See comment above (under DCO heading) for Article 29.
4.6.1	Is "any tree or shrub" accurate? What about 'within or encroaching upon the order limits' as in the relevant draft DCO provision?
4.7.2	The Applicant may wish to expand on the effect of this in practical terms.
4.7.9	See comments above (under DCO heading) for Article 36.
4.8.3(b)	Explain/express the time limit here.
4.8.5	The Applicant may wish to explain whether or not modifications relating to the Housing and Planning Act 2016 follow a particular precedent.
4.8.6	This explanation is slightly misleading, as it only identifies some of the land temporary possession of which may be taken under Article 26 (not all of it).
4.8.7	Explain whether or not Schedule 6 Protective Provisions have been agreed with those who benefit from them.

BOOK OF REFERENCE

Section/para no	Comment
Introduction and Rights Classes – Page 1, 1 st column	Is this compulsory acquisition of existing rights, or creation of new rights, or imposition of new restrictions? Also, "Above Ground 132Kv Line" needs to be defined by reference to a DCO work number.
2 nd column, first row	This is very wide wording. Should there be distinction between new rights and restrictions, and with each numbered paragraph then stating which it is (e.g. "a right to....")? Also, in some lettered paragraphs it says "...these Class 1 Rights..." – which ones exactly?
Classes 2 to 7	Equivalent comments to those above for Class 1.
Part 1, plot 1 (page 9) – second column	Should "Class 7a in" be "Class 7a) right over"? – and equivalent comment for all other plots throughout the Book of Reference where a particular right sub-class is mentioned (but with 'right' being replaced by 'restriction' where appropriate).
Part 2	Why is it split into multiple sub-parts?
Part 2	Why are claims under s152(3) PA 2008 not covered? (see s57(6)(c) PA 2008)?
Part 3	All persons listed in Part 3 should also be listed in Part 1.
Part 5	The heading 'special land' seems arbitrary. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regs), Regulation 7(1)(e) does not use that term and it could be interpreted as not covering everything required by that Regulation.

STATEMENT OF REASONS	
Section/para no	Comment
	Terms require definition throughout the Statement of Reasons – e.g. pages 1 and 2 – SP Manweb, the Act, DCO, Proposed Development, 1989 Act, etc.; page 21 'EIA'; page 47 'the Convention'; etc.
	Does the Applicant wish to consider explaining what is integral NSIP development and what's associated development?
1.7.2 and 7.1.3	Which are new rights and which are restrictions.
1.8.7 and 1.10 (and other relevant paragraphs saying the same thing)	What is the current status of negotiations with landowners?
1.8.8, 1 st line	Is the Applicant seeking compulsory acquisition of existing rights?
1.11.3	Should this also refer to plot 4?
1.11.4 and 11.2.4	This does not appear to be an entirely accurate reflection of the subsections of the PA 2008 quoted, nor does the current wording entirely make sense.
1.11.5 et seq and 11.3	Should statutory undertaker land be under heading 'special category land' as it is not under that category in APFP Regs for Book of Reference purposes. Will s127 'PA 2008' apply?
5.2.1	Does schedule 3 of the DCO do what this paragraph says it does?
7.3.2	Is this paragraph the appropriate place to refer to Article 19 of the DCO?
7.3.5	It would be helpful if there was greater clarity over which parts of this paragraph refer to temporary possession and which to permanent compulsory acquisition of new rights.
8.1.2	Is the Applicant satisfied that nothing is required to facilitate or is incidental to the development? Also identify which guidance is referred to (and this is relevant to subsequent paragraphs too).
9.2.1 and subsequent paragraphs	The Applicant is advised to be accurate as to which are articles of the Convention and which are articles of the First Protocol to the Convention.
9.4.5	The Applicant is advised to be clear that they are only acquiring rights etc, not land ownership.
10.2.5	Would the options be drafted in a way allowing the Applicant to be enforceable through the courts, without needing to exercise compulsory acquisition powers?
10.2.9	Should "could not" be "may not"?
10.2.10	What relevance does "Order Limits" have to the requested compulsory acquisition powers? Article 18 does not refer to Order Limits.
11.1.1	Should this refer to "Crown interest" rather than "Crown Land"?

PLANS	
Section/para no	Comment
Land Plans	<p>At Acceptance the Inspectorate checks the plots identified in the Book of Reference (BoR) against the Land Plans.</p> <p>It would be helpful if the Land Plan plot numbers contained in the BoR and Statement of Reasons are accompanied by the plan reference numbers so they can be easily identified.</p> <p>Land subject to compulsory acquisition should be clearly identified. This makes it easier for Affected Persons and members of the public to identify which plan relates to which plot and to be able to cross reference with information contained in the BoR, DCO and Statement of Reasons.</p>
Works and Land Plans	<p>The Inspectorate is aware that the plans have yet to be assigned drawing and plan reference numbers. Before submission please ensure referencing is complete and ensure that referencing between the Plans, the Draft DCO, BoR and Statement of Reasons are correct and there are no discrepancies.</p>
Historic Environment Sites Plan and Nature Conservation Sites Plan	<p>It is noted that these plans are not at the scale specified in the APFP Regulations however the Inspectorate will take a pragmatic approach towards this. We would advise you to justify this departure from the Regulations in the covering letter to your application.</p> <p>It would be helpful if any features that are identifiable by name are identified on the plans, e.g. by number matched to their name in the key/legend.</p>
Key plans	<p>Please ensure that plans that consist of three or more sheets also contain a Key Plan.</p> <p>Linear schemes in particular require a sequence of drawings to show the full extent of the proposals. Where sequenced drawings are provided a key plan and sequence notation should also be provided.</p>
PRoW	<p>These should be clearly marked so they can be cross referenced with the draft DCO.</p>
General Advice	<p>Please refer to advice contained in Advice Note 6 How to submit your application which provides advice on file referencing for each plan or document including, for example, the title, a unique plan or document reference and the appropriate APFP Regulation 5(2) paragraph number to which the plan relates.</p> <p>Any plans, drawings or sections should be consistent with the requirements set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.</p>

