

Application by Frodsham Solar Ltd for an order granting development consent for the Frodsham Solar Project

Agenda for issue specific hearing 1 (ISH1)

Hearing	Date and Time	Location
Issue specific hearing 1	<p>Tuesday 2 December and Wednesday 3 December 2025</p> <p>Hearing starts at 1:00pm on Tuesday and 9:30am on Wednesday</p> <p>Registration and seating available at venue 30 minutes before start, and virtual registration process 15 minutes before start.</p>	<p>Forest Hills Hotel Frodsham Bellemonte Road, Overton Hill, Frodsham, Cheshire. WA6 6HH</p> <p>and using Microsoft Teams</p> <p>Full instructions on how to attend using Microsoft Teams will be provided to those that have completed the event participation form.</p>

Agenda

1.	<p>WELCOME, INTRODUCTIONS, ARRANGEMENTS FOR THE HEARING</p> <p>The Examining Authority (ExA) will lead introductions and the public livestream and recording will start.</p>
2.	<p>PURPOSE OF THE ISSUE SPECIFIC HEARING</p> <p>The ExA will introduce the hearing, including that:</p> <ul style="list-style-type: none"> the purpose of the hearing is to give the ExA an opportunity to examine specific issues relating to the application and to invite parties to make oral representations about those issues; the hearing is subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation; and the ExA will invite parties to speak and will ask questions as it considers necessary and all comments, questions and answers are to be directed to the ExA and not directly to any other party
3.	GENERAL MATTERS
a)	Securing the mitigation relied on in the assessment

	<p>All mitigation measures relied on in the environmental statement (ES) should be clearly and unambiguously secured via the draft development consent order (dDCO) [AS-013].</p> <p>i) Please could the applicant carry out a thorough audit and advise whether each item of mitigation identified and relied on in the ES, including (but not limited to) in ES Chapters 2-13 [APP-035], [APP-036], [APP-037], [APP-038], [APP-039], [APP-040], [APP-041], [APP-042], [APP-043], [APP-044], [APP-045], [APP-046] and relevant ES Appendices [APP-054], [APP-055], [APP-056], [APP-060], [APP-062], [APP-134], the Planning Statement [APP-128] and the Statutory Nuisance Statement [APP-126] is provided in one of more of the:</p> <ul style="list-style-type: none"> • dDCO [AS-013]; • Outline Construction Environmental Management Plan (oCEMP) [APP-136] • Outline Construction Traffic Management Plan (oCTMP) [APP-135] • Outline Landscape and Ecology Management Plan (oLEMP) [APP-144] • Outline Operational Environmental Management Plan (oOEMP) [APP-137] • Outline Decommissioning Environmental Management Plan (oDEMP) [APP-138] • Outline Battery Safety Management Plan (oBSMP) [APP-139] • Outline Skills, Supply Chain and Employment Plan (oSSCEP) [APP-142] • Outline Public Rights of Way Management Plan (oPRoWMP) [APP-140] • Outline Soil Management Plan (oSMP) [APP-141] • Outline Written Scheme of Archaeological Investigation (oWSI) [AS-029] <p>ii) Is the mitigation in the dDCO and/ or outline management plans:</p> <ul style="list-style-type: none"> • provided to at least the same level of detail as set out in the ES • sufficiently defined so that they would be likely to result in the residual effects identified in the ES • including all relevant provisions for further survey requirements, monitoring and maintenance <p>iii) With reference to paragraph 4.1.18 of the Overarching National Policy Statement for Energy (NPS EN-1), does the applicant consider that all secured mitigation is relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly</p>
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	and reasonably related in scale and kind to the proposed development, and reasonable in all other respects?
b)	<p>Submission of outline management plans and strategies</p> <p>Please could the applicant submit into the examination the following outline documents mentioned in the application documents:</p> <ul style="list-style-type: none"> • sensitive lighting strategy • invasive non-native species management plan • ground conditions investigations and assessments strategy • environmental incident management and pollution prevention plan • flood warning & evacuation plan • construction groundwater and surface water management plan • unexpected contamination protocol • unexploded ordnance management plan • construction noise management plan • fish rescue plan • construction dust management plan • construction waste management plan
4.	<p>THE DRAFT DEVELOPMENT CONSENT ORDER (including the scope of the proposed development)</p> <p>The ExA will ask questions in respect of Articles, Schedules and Requirements of the dDCO, seeking responses where appropriate from the applicant and interested parties (IPs). The questions will explore consistency of approach with other made Orders, whether there is adequate clarity and precision, and that they are justified and needed. The ExA would wish to ask questions on the following which may link to other items:</p>
a)	<p>Part 1 – Preliminary</p> <p>Interpretation - Order limits, permitted preliminary works, commence, maintain</p>
b)	<p>Part 3 – Streets</p> <p>Article 10. Power to alter layout, etc. of streets</p> <p>Article 12. Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way</p> <p>Article 13. Permanent stopping up of, and creation of new public right of way and authorising vehicular use of public rights of way</p> <p>Article 14. Access to Work</p>
c)	<p>Part 4 – Supplementary Powers</p> <p>Article 19. Authority to survey and investigate the land</p>

d)	<p>Part 5 – Powers of Acquisition</p> <p>Article 23. Compulsory acquisition of rights</p> <p>Article 26. Acquisition of subsoil only</p> <p>Article 30. Temporary use of land for constructing the authorised development</p> <p>Article 31. Temporary use of land for maintaining the authorised development</p>
e)	<p>Part 6 – Miscellaneous and General</p> <p>Article 36. Consent to transfer the benefit of the Order</p> <p>Article 39. Felling or lopping of trees and removal of hedgerows</p>
f)	<p>Schedule 1 – Authorised Development</p> <p>Work no 1</p> <p>Work no 2</p> <p>Work no 3</p> <p>Work no 4</p> <p>Work no 6</p> <p>Work no 7</p> <p>Work no 8</p>
g)	<p>Schedule 2 - Requirements</p> <p>Applicant's position on the omission of construction hours as a Requirement</p>
h)	<p>Schedule 12 – Procedure for the discharge of requirements</p>
i)	<p>Schedule 13- 27 Protective Provisions</p> <p>The applicant's progress update on the protective provisions including an opportunity for those affected parties to respond.</p>
j)	<p>The ExA will seek a brief statement from Cheshire West and Chester Council on any principle matters of disagreement it has with the applicant on its dDCO.</p>
k)	<p>The ExA will seek a brief statement from the applicant on any principle matters of disagreement it has with other parties on the dDCO.</p>
5.	<p>OTHER PLANNING TOPICS</p>
a)	<p>Major replacements during the operational phase</p> <p>The oOEMP [APP-137] states that the final OEMP submitted for approval would not include details of specific measures to be put in place for large scale replacement activities. It further states that for replacement activities</p>

which involve more than 50% of the solar panels for the project, notification would be submitted to Cheshire West and Chester Council (CWCC) with details of the management measures and be consistent with the principles of the approved management plans, but also commensurate to the scale of activity proposed.

The s51 advice to the applicant following acceptance [PD-003] suggested that the ES be updated to set out the solar panel replacement considered in the assessment and to provide an impact assessment to allow the identification of matters to be considered in the planning balance. The applicant was also advised to update the draft DCO [AS-013] and oOEMP [APP-137] to secure the extent of panel replacement and mitigation measures relied on by the updated ES.

The applicant [AS-001] said that:

- the oOEMP [APP-137] included environmental management measures that were sufficient to ensure that the effects of a large-scale replacement would not exceed the effects predicted in the ES
- the assessment of the construction phase provided a worst-case assessment in respect to construction and large-scale replacement activities and that was reflected in the assessments carried out across the different topics of the ES
- where relevant, any specific effects from large scale replacement campaigns were referenced in the ES and that in virtually all instances the effects during a major replacement campaign would be likely to be of a lower magnitude than during construction, particularly as there would be no below ground works to facilitate the replacement works
- major replacement would likely be 15 to 20 years from commissioning of the development and mitigation should account for alterations to the baseline environment or regulatory context at that time
- a sensible and proportionate approach was for notification to be submitted to CWCC where a replacement campaign involved more than 50% of the solar panels
- it was not necessary to update the draft DCO [AS-013] or oOEMP [APP-137] to deal with the concerns set out in the s51 advice [PD-003]

CWCC [RR-037] suggested that replacement activities are clarified in the draft DCO [AS-013] and that the similarities of replacement activities to construction activities suggests that the controls covered in the oCEMP [APP-136] and oCTMP [APP-135] ought to apply during replacement activities.

The ExA considers that clarification is required in relation to potential impacts and mitigation for major replacement activity during the operational phase. Please could the applicant provide the following and please could CWCC comment:

- i) Clarify the level of major replacement activity considered in the ES and justify why it represents a reasonable worst-case scenario?

	<p>ii) Advise how major replacement activity was considered in ES Chapters 6 [APP-039] and 11 [APP-044]?</p> <p>iii) Clarify whether the anticipated replacement of 20% of DC cables [APP-035] or any other major replacement activities could potentially require below ground works?</p> <p>iv) Provide a reasonable worst case scenario assessment of impacts during major replacement activities, including any below ground works, covering similar relevant issues and to a similar level of detail to that provided for construction activities for each chapter of the ES, including (but not limited to) in relation to habitats and species, soil quality, contaminated land, archaeology, the water environment, traffic, noise, public rights of way, and waste. This should address magnitude of effect (both significant and not significant), mitigation measures, residual effects (both significant and not significant) and reasoning for how the mitigation measures would result in the residual effects.</p> <p>v) If a detailed assessment of impacts is not provided, would the impacts assessed for the construction phase in combination with those assessed for the operational phase represent a reasonable worst case for the ExA to consider in the planning balance for each Chapter of the ES?</p> <p>vi) Ensure that mitigation measures for major replacement activities are secured in the draft DCO [AS-013] and oOEMP [APP-137], covering similar relevant issues and to a similar level of detail to that provided for construction activities, including in the oCEMP [APP-136] and oCTMP [APP-135]?</p> <p>vii) Justify the 50% replacement of solar panels trigger for notification of panel replacement and mitigation measures to be provided to CWCC? Should the trigger be at a lower level, for example just above that anticipated for routine maintenance and damage of repaired components?</p> <p>viii) Ensure that the draft DCO [AS-013] provides a definition of major replacement activities, provides the powers for these to be undertaken during the operational phase, and identifies how they would be controlled? Should this include a requirement for no major replacement activities or mitigation measures to be carried out before they are approved by CWCC and for implementation to be carried out in accordance with the approved major replacement activities and mitigation measures? Should it be required that CWCC could only give approval if it considers that major replacement activities would be unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ES?</p> <p>ix) Advise whether, to ensure consistency with the ES, the level of major replacement activity assessed in the ES should be secured as an upper limit in the draft DCO [AS-013]?</p>
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	<p>x) In light of the above, provide updates to each relevant Chapter of the ES, to the draft DCO [AS-013] and to the oOEMP [APP-137].</p>
b)	<p>Access track impacts, removal and reinstatement</p> <p>The applicant [APP-035] set out that permanent access tracks for the operational phase were illustrated in ES Figure 2-2 [APP-106]. It stated that the tracks would be constructed of permeable compacted aggregate, have a width of up to 6.5m and a depth of up to 0.75m, and that passing places would be constructed where single lengths of road exceed 350m.</p> <p>i) Please could the applicant clarify the full extent, width and specified form of construction for each section of access track that would be required for routine maintenance during the operational phase, for major replacement campaigns during the operational phase, for the decommissioning phase, and for after the decommissioning phase?</p> <p>ii) Please could the applicant set out the mitigation measures proposed to minimise the adverse impacts of the access tracks during each phase by setting out the benefits and disbenefits of the access tracks being removed when they are not required, including (but not limited to) in relation to habitats and species, soil quality, water environment, traffic, public rights of way and waste impacts?</p> <p>iii) Please could the applicant identify the proposals to reinstate the land where any access tracks that would be removed.</p> <p>iv) Please could the applicant advise how relevant measures are secured?</p> <p>v) Please could CWCC comment?</p>
c)	<p>Underground cable removal</p> <p>The applicant [APP-035] said that underground cables may either be removed from site and recycled or left in situ and that this would be determined at the time of decommissioning.</p> <p>i) Please could the applicant set out whether the design of the underground cables would mitigate potential impacts at the time of decommissioning? If they are to be removed how would the design mitigate impacts, including to soil quality, ecology, and the water environment. If they are to remain in place would there be any implications in relation to buried waste or limitations on the future use of the site?</p> <p>ii) Are there similar issues in relation to other underground installations, including piling and drainage?</p> <p>iii) Does the Environment Agency or CWCC have any concerns, including in relation to the potential for underground cables, piling, and drainage to be left in place after decommissioning?</p>
d)	<p>Decommissioning end state</p> <p>The applicant stated that the purpose of the oDEMP [APP-138] was to set out how environmental mitigation and monitoring would be delivered during</p>

	<p>decommissioning. Recognising the potentially long-term duration of the of operational phase before decommissioning would be undertaken, it noted that various final measures during decommissioning would accord with relevant legislation, regulation, standards, and best practice in place at the time of decommissioning.</p> <p>CWCC [RR-037] considered that the oDEMP should provide more detail of the end-state of the site after decommissioning.</p> <p>The ExA is considering:</p> <ul style="list-style-type: none"> • How to deal with uncertainties arising before decommissioning, including changes in legislation, regulation, standards, and best practice, the condition of the site, climate change impacts, etc.. • Whether it is necessary to have a description of the end state of the site that is currently anticipated following decommissioning for it get enough understanding of the potential impacts of the proposed development. • The extent to which decisions during detailed design, construction, operation, and maintenance would have a bearing on decommissioning, whether sufficient measures are secured for those phases in relation to decommissioning, and whether they would benefit from a description of the end-state. • Whether it would be appropriate to seek to avoid major surprises from changing circumstances through regular reviews of the anticipated end state and oDEMP [APP-138] up to the start of decommissioning. <p>i) Please could the applicant, CWCC, Environment Agency and Natural England comment on the above matters?</p> <p>ii) Following discussion with CWCC, Environment Agency and Natural England, please could the applicant suggest how they might be addressed and update the dDCO [AS-013], and relevant management plans including (but not limited to) the oLEMP [APP-144], oCEMP [APP-136], oOEMP [APP-137], oDEMP [APP-138] and oSMP [APP-141] accordingly?</p>
e)	<p>Decommissioning timing</p> <p>Requirement 20 of the dDCO [AS-013] includes that decommissioning works must commence no later than 40 years following the date of the final commissioning of the solar photovoltaic generating station. The oDEMP [APP-138] included that decommissioning would be expected to take between 12 and 24 months and would be undertaken in phases.</p> <p>CWCC [RR-037] requested that appropriate provision is made for both decommissioning and restoration not just after the 40-year life span of the DCO, but in the event that a relevant part of the proposed development stops generating energy (or storing energy in the case of the BESS) or is otherwise redundant/ unused for a period of 24 months. It said that it expected that the decommissioning stage be completed within two years of the trigger for decommissioning to commence following energy generation ceasing, or within two years after the 40-year expiry date, whichever was sooner.</p>

	<p>The ExA is considering whether the dDCO provisions are appropriate to avoid unnecessary delay in a return to current uses, and whether it is necessary to limit the duration of any periods when adverse impacts in any area would not be offset by the benefits of electricity generation or storage in that area. It notes the related provisions in the Oaklands Farm Solar Park Order 2025:</p> <ul style="list-style-type: none"> • (4) The undertaker must provide notice to the local planning authority once any part of the authorised development stops generating electricity for more than 6 months. If, by expiry of the period of 12 continuous months beginning with the date of the notice, and unless otherwise agreed in writing by the undertaker and the relevant local planning authority, that part of the authorised development does not re-generate electricity, then within 3 months the undertaker must submit to the local planning authority for that part (or both local planning authorities where that part falls within the administrative areas of both South Derbyshire District Council and Derbyshire County Council) for approval a decommissioning environmental management plan and a decommissioning traffic management plan for that part. • (8) The plans must be implemented as approved, and decommissioning of that part of the authorised development to which a plan relates must be completed within 2 years of such approval, or such other time period as is agreed in writing between the undertaker and the local planning authority. <p>i) Please could CWCC advise whether provisions similar to those on Oaklands Farm Solar Park would address its concerns?</p> <p>ii) Please could the applicant comment and, following discussion with CWCC, update the dDCO [AS-013] accordingly?</p>
f)	<p>Decommissioning funding</p> <p>The applicant [APP-019] explained that costs during the decommissioning phase would be covered by revenue generated by the proposed development, through its operations.</p> <p>CWCC [RR-037] said that the original undertaker will often transfer a development once operational to another undertaker or undertakers and considered that there should be a robust mechanism for ensuring the funding for decommissioning is available in relation to potential future undertakers. It would welcome clarification on the funding needed to carry out decommissioning and how this would be secured from revenue generated by the proposed development. CWCC preferred that a decommissioning fund would be in place to avoid the need to resort to enforcement of decommissioning.</p> <p>The ExA notes the lack of precedent for securing a decommissioning fund in solar project DCOs. However, and including in the light of CWCC's concerns, it still considers it appropriate to explore this matter for the proposed development. The ExA is considering the potential for uncertainty about the commercial and financial considerations that the undertaker, which may not be the applicant, might have at the time</p>

	<p>decommissioning stage and whether this could have a bearing on whether decommissioning stage would be completed appropriately when the undertaker may have no further income from electricity generation or storage. It is considering the risks and consequences of relying on enforcement of decommissioning, the pros and cons of establishing a decommissioning fund during the operational stage, whether that would be precise, enforceable, necessary, relevant to the development, and whether it would cause the applicant significant difficulty. The ExA notes the decommissioning fund provisions included in the Oaklands Farm Solar Park DCO recommended to the Secretary of State:</p> <ul style="list-style-type: none"> • No phase of the authorised development may commence until a decommissioning fund or other form of financial guarantee that secures the cost of performance of all decommissioning obligations under Requirement XX of this Order has been submitted to and approved by the local planning authority. • The value of the decommissioning fund or other form of financial guarantee shall be agreed between the undertaker and the local planning authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning obligations referred to in Requirement XX of this Order. • The decommissioning fund or other form of financial guarantee shall be maintained in favour of the local planning authority until the date of completion of the works to be undertaken in accordance with Requirement XX of this Order. • The value of the decommissioning fund or other form of financial guarantee shall be reviewed by agreement between the undertaker and the local planning authority by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning obligations and best practice prevailing at the time of each review. <p>i) Please could CWCC advise whether provisions similar to those on Oaklands Farm Solar Park would address its concerns? Should those provisions also secure the timing of when the decommissioning fund/ financial guarantee should be available to the local planning authority?</p> <p>ii) Please could the applicant comment and, following discussion with CWCC, update the dDCO [AS-013] accordingly?</p>
g)	<p>Peat deposits</p> <p>The applicant [APP-044] said that the solar array development would have a maximum pile depth of 5m below ground level (bgl) and as such there would be no impact upon any potential buried peat deposits, which had been shown to be at depths greater than 5m bgl. Requirement 18 of the dDCO [AS-013] requires an archaeological mitigation strategy, including any required written scheme of archaeological investigation, to be</p>

	<p>approved by relevant planning authority, in consultation with Cheshire Archaeology Planning Advisory Service (CAPAS) and Historic England. The outline written scheme of archaeological investigation (oWSAI) [AS-029] states that a borehole survey would be undertaken in the southern, central and southeastern parts of the site to ascertain the depth of any buried peat and organic deposits and allow for an enhancement of the current levels of knowledge regarding the survival and composition of the peat deposits across the Helsby Marshes.</p> <p>Historic England [APP-044, RR-033] said that the main archaeological interest of the site lied in the deep accumulation of sediments, including peat with the potential to include important palaeo environmental material. It said that while most of the peats were believed to be more than 5 m bgl, and therefore below the level that would be impacted by the proposed development, it may survive at more shallow depths. It also suggested that peat could be within 3.5m bgl in some areas. It considered that the impacts of the proposed development had been properly assessed the ES [APP-044] and that those impacts would be appropriately mitigated by the proposed archaeological mitigation strategy.</p> <p>Cheshire Archaeology Planning Advisory Service [APP-044] said that at Ince marshes it was shown that peat lay within 1m bgl and it was not clear why peat had not been found at a similar level at the site. It raised concerns that drainage works could result in the exposure of shallow peat deposits.</p> <p>CWCC [RR-037] referred to a recorded depth of alluvial deposits and peat to over 10m bgl at Ince marshes. It said that investigations for the proposed development were undertaken to up 5m bgl and showed an absence of peat on the site. It said that the investigations may have been within a paleochannel of the Mersey or Weaver where peat never developed and that peat could lie at shallower depths in un-surveyed parts of the site. CWCC supported a proposal for a further programme of geoarchaeological investigation. It said that if deep intrusions such as drainage ditches prove necessary in areas where peat was detected close to the surface, a programme of archaeological observation and recording may also be required to inspect the open cuts. CWCC said that assessment of peat deposits required further discussion, including any implications for of the natural environment and climate change / peat management issues. It considered that the wording of the dDCO requirement and the approach outlined in the oWSAI were appropriate.</p> <p>The ExA is seeking to improve its understanding of the information available on the peat, the potential for disturbance of the peat; the potential and magnitude of archaeological harm, and whether any potential harm from the construction of foundations and groundworks would be mitigated sufficiently.</p> <p>i) Please could the applicant provide a drawing to show:</p> <ul style="list-style-type: none"> the location and top level of any peat identified in any investigations
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	<ul style="list-style-type: none"> the locations and levels to which peat has not been found in the investigations undertaken for the proposed development how those levels compare with the levels of the underside of piling, foundations, drainage and cable trenches, and other groundworks the indicative locations proposed for future ground investigations <p>ii) Please could the applicant comment on uncertainties in the level of the peat and on the reasonable worst-case potential for it to be disturbed by piling, foundations, drainage and cable trenches, or other groundworks.</p> <p>iii) Please could the applicant set out on the mitigation proposed for potential disturbance to the peat?</p> <p>iv) Please could the applicant update the ES [APP-044], dDCO [AS-013] and oWSAI [AS-029] accordingly?</p> <p>v) Please could Historic England and CWCC comment, including on the level of harm?</p>
h)	<p>Ground conditions at the non-breeding bird mitigation area</p> <p>i) The applicant to provide a short summary of the work activities and the order in which they would be done taking into account existing ground conditions.</p> <p>ii) Potential effects and the mitigation measures secured in the dDCO.</p>
i)	<p>National Character Areas (NCA) (in relation to the landscape)</p> <p>The applicant [APP-039] scoped effects on NCAs out of the assessment.</p> <p>The Planning Inspectorate's scoping opinion [APP-049] considered NCAs to be sensitive receptors within their own right and that the ES should identify, locate and assess impacts to NCAs where there is the potential for significant effects to occur.</p> <p>CWCC [APP-039] considered that the scoping out of effects on NCAs required further justification.</p> <p>The applicant [APP-039] responded that that the local character areas in CWCC's own character assessment were a more suitable scale to assess the effects of the proposed development, and that given the larger size and scale of the NCAs that effects upon these would inevitably be less than on the local character areas.</p> <p>i) Please could the applicant provide further justification for why it considers that effects on NCAs would be less than on local character areas? Is the applicant's approach supported by relevant guidance? Are the relative size and scale of the areas the only consideration?</p> <p>ii) Recognising that NCAs are sensitive receptors within their own right, please could the applicant set out, with clear justification and</p>

	<p>reasoning, the potential effects of the proposed development on NCAs?</p> <p>iii) Please could CWCC comment?</p>
j)	<p>Residential visual amenity assessment (RVAA)</p> <p>The applicant [APP-039] scoped RVAA out of the assessment.</p> <p>The Planning Inspectorate's scoping opinion [APP-049] referred to the indication in the Landscape Institute's best practice Technical Guidance Note 02/19 that the requirement for a RVAA was dependent on the outcome of a Landscape and Visual Impact Assessment. It said that the need for an RVAA should be justified based on the conclusions of the LVIA presented in the ES and agreed with relevant consultation bodies, where possible.</p> <p>CWCC [APP-039] considered that glint and glare effects could impact on residential amenity and that further justification was needed of scoping out, including further assessment of locations such as Viewpoint 3 in Ship Street, Frodsham.</p> <p>The applicant [APP-039], [APP-067] said that the key consideration in Landscape Institute's best practice Technical Guidance Note 02/19 was whether the effect would be of such a nature and/ or magnitude that it would potentially affect living conditions or residential amenity. It said that whilst there may be views of the proposed development from some properties, "<i>it is clear that visual change would not occur to such a degree that the living conditions of residents would be affected to the degree that any property would become an unattractive and unsatisfactory place (but not necessarily uninhabitable) place to live</i>". It [APP-067] said that 'moderate' glint and glare impacts predicted at three residential receptors along Ship Street in the vicinity of Viewpoint 3 would require mitigation to reduce potential glint and glare effects.</p> <p>The Glint and Glare Assessment [APP-056] states that:</p> <ul style="list-style-type: none"> • for 16 assessed dwellings, views would be limited by existing vegetation and/ or other dwellings such that effects are predicted to be experienced for less than three months per year and less than 60 minutes on any given day • for 15 assessed dwellings effects were predicted for less than 60 minutes on any given day but for more than three months per year, despite partial screening. <p>i) Please could the applicant comment, with reasoning, on the level of glint and glare (e.g. in terms of intensity and duration) that could reasonably be considered to make a property an unattractive and unsatisfactory place to live? Please could CWCC comment?</p> <p>ii) Please could the applicant clarify the level of glint and glare at residential receptors along Ship Street in the vicinity of Viewpoint 3? Are similar levels anticipated at any other residential receptors?</p> <p>iii) Is CWCC content with the applicant's residential amenity threshold of whether the visual change due to the proposed development</p>

	<p>would make a property an unattractive and unsatisfactory place to live? If not, why not?</p> <p>iv) Does CWCC consider that the applicant has provided sufficient information for it to be clear that the threshold would not be breached? What further information, if any, should be provided?</p> <p>v) Does CWCC have any other outstanding concerns about RVAA?</p>
k)	<p>HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline</p> <p>The applicant [APP-128] said that it was in dialogue with the developers of the proposed HyNet Hydrogen Pipeline and the proposed Runcorn Carbon Dioxide Spur Pipeline, and that the proposed development was being designed to take account of those projects. The applicant set out that:</p> <ul style="list-style-type: none"> HyNet Hydrogen Pipeline would run along the southern boundary of the site as an underground pipeline with no above ground installations within the site. It was possible that the pipeline could be constructed at the same time as the proposed development, in which case there would be cumulative construction phase effects. Once constructed it would have no environmental effects which would interact with the proposed development. Runcorn Carbon Dioxide Spur Pipeline would cross the northern boundary of the site, crossing Cell 1, 2 and 3 of the former Manchester Ship Canal Dredging Deposit Grounds. Timing of the construction works and programming with the proposed development were considered key to avoiding likely significant environmental effects. <p>The applicant [APP-046, APP-136] undertook that:</p> <ul style="list-style-type: none"> Hynet Hydrogen Pipeline: it would co-ordinate construction programmes and environmental mitigation where practicable. Runcorn Carbon Dioxide Spur Pipeline: construction of the proposed development in Cells 1, 2 and 5 would not occur simultaneously with construction of the pipeline within Cell 3 and should both projects be undertaking construction in Cells 1, 2, and 5, these would be phased to avoid any potentially significant cumulative effects. <p>Cadent Gas Limited (Cadent) [RR-020] said that it was promoting the Hynet Hydrogen Pipeline Project and expected to submit an application for development consent soon. It said that it would be seeking rights to construct and maintain the pipeline and was seeking flexibility for construction of the pipeline within the draft order limits. It proposed protective provisions [RR-020 appendix 2] in relation to the interaction of its pipeline with the proposed development.</p> <p>Liverpool Bay CCS Limited (LBCCS) [RR-011] said that its primary concern was the timing of the construction of the proposed development and how this would impact the viability of its pipeline. It welcomed the applicant's commitment to collaborate and engage in the drafting of a statement of common ground (SoCG) and requested that the applicant provide a plan showing the pipeline overlaid on the proposed development's Works Plans to facilitate future discussions regarding the</p>

	<p>interaction between the two schemes. LBCCS considered it essential that the pipeline works in Cells 1, 2 and 3 would be completed before the proposed development works commenced in that area. It suggested that these considerations had not been addressed by the applicant and therefore objected to the proposed development. It said that construction schedules were subject to change, suggested that measures such as agreed DCO requirement could ensure the successful development of both projects, and had communicated its desired points of agreement within the proposed protective provisions. LBBC said that there were inconsistencies in how the pipeline was described in the applicant's documents.</p> <p>CWCC [RR-037] suggested that the potential that the HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline projects could be permitted and not aligned with the proposed development should be considered as worst-case scenarios. For example, it suggested that the assessment should consider scenarios where the Runcorn Carbon Dioxide Spur Pipeline was constructed either before or after the construction of the proposed development in that area. CWCC questioned whether the proposed controls over programming [APP-136] paragraph 13.4.5] were appropriate and sufficiently robust. It considered that it was not clear whether there were sufficient controls to avoid significant adverse cumulative effects.</p> <p>National Grid Electricity Transmission PLC (NGET) [RR-021] raised concerns about the cumulative impacts of the proposed development with HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline. It would like to understand how the applicant would work with the promoters of the other schemes to minimise disruption to the access road to NGET's Frodsham 400kV Substation and ensure the protection of the associated overhead and underground apparatus including cables.</p> <p>The ExA seeks to increase its understanding of the robustness of the cumulative impact assessment and mitigation in relation to the pipelines, and to understand whether concerns expressed by relevant parties are being addressed.</p> <ol style="list-style-type: none"> i) Please could the applicant advise on any updates to the proposed pipelines, including any discussions with the promoters and any information that has become available since the ES was prepared? ii) Please could the applicant advise on any consequences of the updates for the proposed development, cumulative impacts, and related mitigation, and submit any related updates accordingly? iii) Please could the applicant advise whether a SoCG would be prepared with each promoter and whether these would include sufficient information for the ExA to understand the extent to which the projects are coordinated, for example: <ul style="list-style-type: none"> • the approach taken by the parties to coordinate, including during the examination • an overview of the proposed development and the other projects, including scope and anticipated timings for consenting,
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	<p>detailed design, construction, operation and (if appropriate) decommissioning</p> <ul style="list-style-type: none"> • a plan showing the limits of the proposed development and the other projects, above and below ground installations, mitigation areas, and areas for construction, operation and maintenance activities and access • the firmness and level of detail of the information available on the other projects, any uncertainties, and whether the applicant considers the most up to date information available on those other projects during the examination • key undertakings made by the promoters of the other projects that the applicant is relying on • whether the cumulative impact assessment takes sufficient account of the impacts of the other projects, identifies and addresses any uncertainties, and reflects a reasonable worst case • whether mitigation measures for the proposed development are coordinated with the other projects, are adequately secured and are likely to result in the identified residual impacts, consistent with the ES • the DCO provisions required for the proposed development to be implemented satisfactorily in relation to the other projects, including any protective provisions required for the other projects • how the parties have worked with NGET to minimise disruption to the access road to NGET's Frodsham 400kV Substation and ensure the protection of the associated overhead and underground apparatus including cables • a summary of the matters coordinated, matters that have been agreed, any inconsistencies or outstanding matters, and the next steps to be taken to resolve them <p>iv) Please could the applicant provide a first draft of the SoCG at deadline 1 and update at each deadline?</p> <p>v) Please could Cadent and LBCCS work with the applicant on the SoCG set out above and to ensure that they are kept up to date during the examination?</p> <p>vi) Please could Cadent, LBCCS and NGET separately provide an overall update on progress and any outstanding concerns at each deadline up to the end of the examination?</p> <p>vii) Do Cadent, LBCCS or NGET have any other comments?</p>
6.	ANY OTHER MATTERS
7.	ACTIONS

Attendees

The ExA would find it helpful if the following parties could attend this hearing.

- Applicant
- Cheshire West and Chester Council
- Any statutory undertakers or other bodies - with an interest in the drafting of the dDCO and its provisions (such as protective provisions)
- The Environment Agency, National Gas Transmission plc, Natural England, National Highways, SP Energy Networks, Liverpool Bay CCS Limited, Cadent Gas Limited, National Grid Electricity Transmission PLC

However, this does not indicate that other parties will not be able to contribute. All interested parties (IP) are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExA may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the case team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

Registration process

Parties who have registered to speak (both in person and virtually) will receive a joining instruction email shortly before the hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the hearing to start on time at 1:00pm on Tuesday and 9:30am on Wednesday those attending virtually should join promptly at 15 minutes before the starting time of the hearing to ensure that all virtual attendees can complete the registration process in good time.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at

hearings. Questioning at the hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Documents to have at hand that can be useful:

Funding Statement [APP-019]
Chapter 7: Terrestrial Ecology [APP-040]
ES Chapter 10: Ground Conditions [APP-043]
Indicative Construction Phasing and Resource Schedule [APP-051]
Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096 and APP-097]
Remediation Technical Concept Note – Cell 3 [APP-098]
ES Volume 3 Chapter 2 Figures [APP-106]
Outline Construction Environmental Management Plan [APP-136]
Outline Landscape and Ecology Management Plan [APP-144]
Chapter 11 Figures [APP-123]
Access and Rights of Way Plans [AS-008]
Development Consent Order [AS-013]
Explanatory Memorandum [AS-015]
Outline Written Scheme of Investigation [AS-029]
And any other documents mentioned within the body of the detailed agenda.