



Planning Inspectorate
Arolygiaeth Gynllunio

Event Transcript

Project:	Frodsham Solar Farm
Event:	Issue Specific Hearing 1 - Part 4
Date:	2 December 2025

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FULL TRANSCRIPT (with timecode)

00:00:07:08 - 00:00:40:18

Good morning. It is now 9:30 and it's time for this issue specific hearing to resume. Can I check with Mr. Cook that the live streaming and recording of this event has commenced, and that I can be heard clearly. Thank you, Mr. Cook. Can I ask that everyone sets all devices and phones to silent, please? For those of you in the room, I understand that no fire alarm test is planned for today.

00:00:40:26 - 00:01:11:09

Should an alarm sound and please leave using a fire exit and congregates outside in the carpark. This issue specific hearing is being resumed as and is in relation to the application made by Frodsham Solar Limited, who will refer to as the applicant for an order granting development consents for Frodsham Solar. My name is Jason Rollins.

00:01:11:12 - 00:01:42:18

I am an examiner inspector and I have been appointed by the Secretary of State to be the lead member of the panel to examine this application. I am now going to ask my fellow panel member to introduce himself. Good morning everybody. My name is Stuart Cowperthwaite. I'm also an examining inspector. Together we constitute the examining authority for this application, and we will be reporting to the Secretary of State's.

00:01:42:20 - 00:02:17:03

The recommendation as to whether the development consent order should be made. The case manager for this project is Mr. Robert Cook, and he has been supported here today by Mr. Cameron Alford. Mr. Temple is providing support remotely. Please contact a member of the case team if you need help at today's event. This is a blended event comprising an in-person meeting as well as being held on Microsoft Teams platform.

00:02:17:11 - 00:02:54:22

It is being both livestreamed and recorded for those people observing or participating through teams. Could I ask that you stay muted in order to minimize background noise? If you do wish to speak, please use the hands up function in teams. Please be patient as we may not get to you immediately for anybody watching on the live stream. Can I also advise that when we adjourn proceedings for breaks, you will need to refresh your browser page to watch the resumed hearing.

00:02:55:16 - 00:03:34:15

As this event is recorded and will be published on Frodsham Solar Section of the National Infrastructure Planning website, it is important that you do not add information to the public record that you wish to be kept private or that is confidential. For example, your address. Can I check if there is anyone here from the press? No, and I have not been made aware that any individual or group wishes to use social media report, film or record during today's hearings.

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I want to check that this is still the case.

00:03:39:13 - 00:04:14:20

In the interest of expediency, I am not going to ask for people to reintroduce themselves this morning. However, when you want to speak, please introduce yourself, stating your name and who you represent. The hearing today will follow the detailed agenda published on the National Infrastructure Planning website on Monday, the 24th of November. It would be helpful if you have a copy of this in front of you before we resume with agenda item four J.

00:04:15:05 - 00:04:22:07

I'll hand over to my colleague, Mr. Cowperthwaite, for him to go through yesterday's action.

00:04:27:14 - 00:04:59:24

Thank you, Mr. Rollins. Um, I'm going to go through the actions now as we've recorded them. Um, we have a lot to cover today. So I'm not proposing to take any discussion on the items that I read out. If there are different interpretations, then please raise those in your submissions at deadline one as you feel appropriate. Um, we're also not going to publish these actions in writing, as sometimes happens.

00:05:00:06 - 00:05:33:29

Um, if you want to refer to the detail of the actions, then you should be able to access this recording easily because it will be at the start of a particular recording block that's published. Um, I'm seeing all of that in the confidence that everyone's kept good notes, um, as well. So, um, we had good discussion yesterday. I think there was good clarity on, um, what's been requested going forwards. So, um, we will also go through the actions at the end of the day in the, in the same way, um, do that verbally.

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And again, that should be easy to find because it will be at the end of the recordings if anyone needs to refer to that. Um, so, um, I will try and go through this relatively quickly. Um, it should always clear already, I think. But um, let me start to do that. So first of all, um, agenda. The first action was under agenda item three, a um, and this was in relation to um, mitigation measures relied on in the environmental statement being secured in the various management outline management plans, um, that are being submitted to the examination.

00:06:12:15 - 00:06:42:22

Uh, the applicant had indicated that, um, it had carried out an audit, um, and was confident that um mitigation measures had been secured apart from a small number. Um which included in relation to bats, um, fish planting, ground conditions and various typologies. Um the applicant undertook to submit updates to the relevant management, management and mitigation plans as necessary.

00:06:43:04 - 00:07:22:24

Um, to update with those items of mitigation and to submit Meant clean and tracked versions of those management and mitigation plans. And the next one was under item three B in relation to the submission of outline management plans and strategies. Um, the applicant. Um, uh, action is to update the appendices of the Outline Construction Environmental Management Plan to clarify the scope of other management plans, outline management plans that it doesn't intend to submit at this stage.

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Um, and again, those would be provided in clean and track change versions.

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Um, then we're moving on to, um, the section of the agenda where we discussed, uh, the draft development consent order. Um, in relation to article 18 five, um, the applicant, uh, took an action to provide justification of why Emergency powers were required, um, and to assure that it would ensure that these were consistent with, um, protected provisions. Um, and I think there was an action also to have a clear definition of what was meant by emergency and consider whether such a definition needed to be added to the DCO.

00:08:10:05 - 00:08:19:10

Um, there were some actions in relation to permitted preliminary works. Um, firstly, in relation to intrusive archaeological surveys. Um

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and ensuring that um, any intrusive surveys would be in line with the archaeological mitigation strategy and whether it was needed to make that clear within the DCO.

00:08:34:27 - 00:09:13:03

Um, again, on permitted preliminary works, remedial work in respect of any contamination or other adverse conditions. Um. And action to check requirements. 21, in relation to remedial works, and to review the potential impacts of permitted preliminary works, and ensure that proper controls and assessment of impacts had been carried out in relation to again permitted preliminary works site clearance and that quite broad definition of including vegetation removal, etc.,

00:09:13:05 - 00:09:28:03

etc.. Um a the applicant to consider updating the explanatory memorandum to set out um that some um permitted preliminary um

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works would require mitigation. So just to just to clarify where mitigation would be required, there was a suggestion in the expansion memorandum that there wouldn't be any need for mitigation. So to clarify at that point, um, Then further on site clearance. Whether site clearance needs to be defined further. Um, there was a suggestion from the expert whether this should list what should be excluded from site clearance, and an invitation to the applicant to consider whether the controls for site clearance um activities during the permitted preliminary works were sufficiently controlled.

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Um then moving to the interpret the definition of commence within the DCO. Um we highlighted that the current definition differs from the majority of

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of recent development consent orders for solar projects, which refer to section 155 of the Planning Act 2008. Um, and the applicant was going to consider whether that should be updated for consistency.

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Then there are some items in relation to the applicant's construction, phasing and resource schedule. Um, at zero 51 um, the applicant was invited to update and identify the permitted preliminary works in that schedule. Um, similarly, um, to whether it be helpful to set out, um, the schedule of the uh works in relation to the non-breeding bird mitigation and the skylark, uh, mitigation areas.

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Um, and to consider if the timing of the non-breeding bird mitigation area needs to be secured in the DCO, um, including with reference to the pipeline through it. Um, other issues that seem to make the timing of those works, um, important to pin Pinned down.

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Moving then to article ten, which includes authorization of alteration, etc. of streets within and beyond the order limits. Um.

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There were discussions about whether this should be done without the agreement of the street authority. Um, the council was invited to consider its position in terms of whether it should be any requirements to consult with and for its consent to set out sufficiently. Um, similarly for National Highways. Um, recognising that it potentially deals with streets both within and beyond the order limits.

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Article 22 um, uh has provisions in relation to altering the layout of any street outs outside the order limits again. Um, the applicant was invited to consider precedent for works being authorised outside the order limits. Um, there was also a discussion about a general about the general use of the term materially new or materially different, um, which appears at various points in the order draft order. Um, and whether there might be a way of clarifying that, um, beneficial, materially new or materially different should be permitted.

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Uh, on the same article, the applicant was invited to consider the need to restore any temporary alteration to streets. Um, and whether that should be included in the draft order. Um, article 12 one specifically, um, there was a suggestion from us as to whether that should be limited to um, temporarily altered, divert, prohibit the use or restrict the use of any street or public right of way included in schedule five and shown on street, public rights of way, vehicle usage and access plans.

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Um, and whether that um, uh, change to that provision would give greater clarity. Um.

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The council were invited to consider consultation with the street authority, and their approval is explicitly required. Um, in the DCO, um, the applicant, uh, was invited to consider linkage to article 15. Um.

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Five and 15. Thank you.

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Thank you. Requirement 15.

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Leave it at that. Article 13 um, relates to the permanent stopping of the creation of new public rights of way and authorizing vehicle use of public rights of way. Um, there was a discussion in relation to the bridges crossing the M56. Um, uh, quite a lengthy discussion involving both the applicant and National highways, um, in relation to changes of use, increases in loading and potentially on those bridges.

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And both parties were invited to update their positions on this at deadline one.

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Article 14 access to works. Um, the applicant was invited to consider whether uh requirement six should apply and whether that was clear in the DCO.

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The applicant was also invited to review and include in the explanatory memorandum the reasons for access and being required under the article. Under article 14. Article 19 authority to survey and investigate the land. Um again, this included um land out potentially included land outside the authorised development. Um, so the applicant was invited to set out the president and legal case for powers outside the order limits.

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Um, and further article 19 one see, um, uh, suggested the potential for um archaeological investigations on land outside the old limits, such as the digging of trenches, which would be invasive works. Applicant was invited to consider those works outside the limit order limits and whether that was appropriate. Um, unnecessary. Um.

00:16:52:21 - 00:17:34:05

Article 20. So we're into part five of the DCO now. Powers of acquisition. Article 23. Um, uh, we drew attention to, uh, some recent Department of Transport decisions. 8585 Windy Harbor to skip pool and a 30 Tiverton to Caroline Cross and Manston Airport. Um, that limit the power to create undefined new rights by amending the temporary possession article. Um. And the applicant was invited to consider um whether, uh, a similar approach was appropriate or if not to provide examples of precedent for other approaches.

00:17:35:07 - 00:17:35:28

Um.

00:17:45:21 - 00:18:14:01

Then article 36 consent to transfer the benefit of the order. Um, um, the applicant, um, was invited to review whether Secretary of State consent should be required for any transfer of the benefit, um, and

possibly to refine that in some cases, um where consent from the council um and Natural England, for example, may be appropriate.

00:18:19:12 - 00:18:48:21

To schedule one the authorised development um some discussions around clarification for various works. So work two um A possible review of some of the formatting, uh, for consistency. Um, and then works three A and three B. Um, some drafting inconsistencies in relation to bunds. Uh, the applicant was invited to consider those.

00:18:51:21 - 00:19:25:03

Uh, moving to work. Six um, which relates to green infrastructure. Um, the applicant was invited to consider whether, uh, relevant green infrastructure works, um, had all been included. Um, under that work, six uh, work, six being six c um applicant who had to consider adding um, the maintenance of skylark habitats and non-breeding bird mitigation areas, uh alongside works to create.

00:19:31:27 - 00:19:48:02

Item. Oh, sorry. Construction hours. There was some discussion about, um, whether there should be a requirement in relation to construction hours or the applicant's approach of, um, uh, dealing with that elsewhere. Um.

00:19:50:27 - 00:20:11:12

The council, uh, was invited to set out its thoughts about working hours. Um, the control of activities outside working hours. Um, and the case for those being secured in the, uh, development consent order itself rather than in, for example, the construction environmental management plan.

00:20:17:05 - 00:20:50:08

Um, the applicant was invited to, um, clarify whether the construction hours for the permitted preliminary works would be the same as for the works themselves and to ensure that security appropriately. Um, then we move to schedule 12 procedure for the discharge of requirements. Um, paragraph 12 to 2, um gives consent by grant, which isn't featured in um advice.

00:20:50:10 - 00:21:02:00

Note 15. Um, which the applicant was invited to consider and, um, uh, help with any president, uh, if possible. Um.

00:21:06:02 - 00:21:39:08

Paragraph 12 two three. Uh, would it enable the relevant planning authority to approve any application that is likely to give rise to any material, new or materially different effects compared to those in the environment? Statement. Um, which is very broad. Um, the applicant was invited to consider that and provide justification for that. Um, and then, um, perhaps we've covered this already. Um, but I'll say it again just in case, um, to consider.

00:21:39:13 - 00:21:53:24

Um, whether there's an approach to allowing the beneficial. In fact, we have considered that already, whether it's, um, there's an approach to allowing beneficial materially new or materially different, um, environmental effects.

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We don't need two answers to that one. Um.

00:22:01:01 - 00:22:35:20

Then again, within, um, that same schedule, um, uh, lots of discussion about the various periods. Um, for, um, requests for information, appeals, determination, response to other parties. Um, I think it was recognized that there were some inconsistencies. At least the council had some concerns. So an invitation to the applicant and council to, um, hopefully work together to reach agreement on those and for both parties to report, please, at deadline one.

00:22:38:22 - 00:22:52:04

Um, the council referred to the potential for a planning performance agreement. Um, and as I say, we were, uh, welcoming an update to the examination on progress in that regard.

00:22:54:21 - 00:23:27:12

Uh, finally, um, an action, um, for the applicant to, uh, provide progress updates on schedule 13 to 27, um, which are for the protective provisions. Um, all responses requested for deadline one, please. Um, as I said before, um, let's not go through any comments in those. Now. Please raise any different interpretations in your responses as necessary. There may be the odd inaccuracy, in which case I apologize.

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Um, please do listen to the recording if you want to go through what I've just gone through rather quickly, um, at your leisure.

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So that's as I said before, we'll go through the actions for today's session at the end of today in a similar way.

00:23:50:08 - 00:23:55:24

So that takes us back to the agenda. Thank you for bearing with that. Um,

00:23:57:11 - 00:24:02:04

and, uh, I'll hand back to Mr. Roland for item four, J.

00:24:04:09 - 00:24:19:09

Thank you. Um, can I ask for a brief statement from the host? Local authority on any principle, matters of disagreement it has with the applicant on its draft development consent order.

00:24:21:11 - 00:24:55:05

Michelle Sparke for Cheshire West and Chester Council. Um, very briefly, um, I just wanted to make a statement that the council is making good progress with the applicant generally and in frequent dialogue and discussions with them. However, the principal areas of disagreement relate to the items specifically on agenda five of the today's issue specific hearing in relation to major replacement

during the operational phase, decommissioning landscape impact and cumulative impact of the high net hydrogen pipeline and CO2 spur.

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Um, there are main issues, sir.

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Okay.

00:25:00:02 - 00:25:04:24

Thank you very much. Um, you know, if the applicant wants to respond.

00:25:05:22 - 00:25:38:19

Uh, spokesman for the applicant. Um, no, sir. I think obviously we will go through those items on the agenda today. Um, there was reference there to the Elvia impacts. I think that can be summarized as the view from the Frodsham Memorial, where I think that we're in a position of professional judgment, disagreement really, which is not on the agenda today. Obviously we'll come through in questions, um, on the DCA specifically itself and the agenda item. Um, again, I think it's the points on the agenda today and what we discussed yesterday.

00:25:38:23 - 00:25:56:16

Um, our discussion and again, we would echo, um, obviously give thanks to the council for working constructively with us over the application period and pre dissemination period, because we as I said yesterday, the responses that we did give at procedure deadline B were informed by discussions that we had had with um, the council team.

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Thank you. Uh, the examining authority's pleased to hear that you're having constructive dialogue. And we encourage you to continue with those dialogues as the examination progresses. I'll now move on to the next agenda item for 4K. So this is where the examining authority will seek a brief statement from the applicant on any principle. Matters of disagreement it has with other parties on the draft Development consent order.

00:26:32:17 - 00:27:05:17

And Mr. Fox. Thank you sir. Um, so we've just touched on there, um, where we are with the local authority. Um, you would have heard the discussion yesterday with the National highways, um, and also discretion yesterday in respect of the application position with the Environment Agency. Um, otherwise, I wouldn't say that there was any matters of substantive disagreement. We didn't go through the protective provisions yesterday. Um, but I would say very high level summary that, um, most of them are either there or 95% there.

00:27:05:22 - 00:27:38:24

Um, there are, um, I would say, very extensive discussions happening with the wind farm. Um, operators can match and given their assets are above ground and next to us, and there will be a side agreement with them, um, to deal with kind of various aspects there. Um, again, that that discussion has been going on for quite a while. Um, various iterations of that agreement have already passed

between us. We're not starting right now. Um, so that's but that, again, is just in the terms of the piece, not, I don't think, any of the substance of the rest of the ECA.

00:27:39:09 - 00:27:52:27

Okay. Um, regarding the protective provisions and thank you for that for that update. Can I just check how many of them to date have you had formally sign off?

00:27:53:29 - 00:27:56:13

Um, just a minute. Sorry.

00:28:01:07 - 00:28:32:07

So it will only take two minutes if I do a very, very brief summary. Just because it's easier to do that just to explain where we are. No, we didn't do it yesterday. It won't take very long. Um, so, um, on cadence. Um, since discussions continued. Um, there's literally just one point around that, the insurance security provisions that we're discussing with them. Um, National gas transmission. Um, we, um, put forward proposed changes to those particular deadline be, um, to reflect agreement between the parties.

00:28:32:09 - 00:29:05:09

They've picked up a couple of points that we meant to put in that we didn't by accident. So they will go in, um, at deadline one, which would enable them to withdraw their objection. Um, and wind, as I said, extensive discussions. Um, sb um uh, SP um, we're waiting commentary from them on the protective provisions. Once we put in a based on high net, if there are any comments, we think they will be able to dealt with quite quickly. Shell SR British pipelines agencies. We've not had any comments from them on on the PRS.

00:29:05:14 - 00:29:37:22

Um, and yet we the national grid electricity transmission, we have had Um, commentary that we had got at the back end of last week, which I've come back on. Um, again, there's nothing major there, literally 2 or 3 drafting points which should be able to be resolved. Environment agency. No comments yet. Um, we heard the discussion yesterday. The Drainage and Highways Authority protective provisions. Um, we've been promised some comments from the council on that. Um, understand? Nothing of substance, just a few, um, drafting points.

00:29:38:01 - 00:30:11:09

Um, they're based on high net. So we think that we should be able to get there very quickly on that. Um, United Utilities agreed, apart from one paragraph that they've said they wasn't in the form they sent to us, which was waiting to hear back from them. Um, whether they're happy for that, added one that's in our desire to be in there. Um, it's not a major point, and we don't get getting there on that, and we will chase them for that. National highways, you had the discussion yesterday. Um, and Canal and River trust and conscious that in their relevant representation, they reference the possibility of a need for protective provisions.

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We've had discussions with them, and we think we're at a point where that's not going to be needed and we're just going to make a commitment in probably article 12 around making sure that their

access to their lock is maintained. Um, so compared to, um, some other projects, I would say we're in a, we're in a pretty good state. Um, and, and I know that they often the reason that examinations number on um and then you have there are gaps and you have to wait and you need recommendations and gets difficult.

00:30:41:22 - 00:30:46:18

I am very confident that we won't have be in that position with this project.

00:30:47:00 - 00:31:01:16

Can I just very briefly and then I'll hand over to my colleague. So by deadline one, how many do you think you will have had formal sign off? I think we've got this in the region of 15. So by deadline one.

00:31:01:18 - 00:31:26:23

So probably um, not by deadline one, but by deadline two. Because at the point because our deadline when we will submit the updated DTA, which will then enable national gas transmission and hopefully the local authority if we get the comments time. Um, to be agreed. Um, for the others. So some of them haven't, haven't engaged at all. Um, so I think until they do.

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Okay.

00:31:28:22 - 00:31:30:02

Yeah. Um, and then.

00:31:30:08 - 00:31:56:20

Putting aside the ones that obviously haven't had any, uh, engagement. So of the ones that, you know, I'm just trying to, you know, kind of have like a yardstick, say by deadline to we'll have 10 or 5. I just want to see how much of an issue this could turn into. I hear what you're saying about your confidence, but if I can maybe just slide over to that 90.

00:31:56:22 - 00:32:05:10

I would hope that the discussions would have got to the point that with Cadent, National Gas Transmission Council and Njit,

00:32:06:29 - 00:32:41:22

That one two cancel is two. So 345 of them would be. Would be agreed. Okay. That is pending to those other parties are saying that as well. And they're not here. Um, three of them. The oil ones show us a PPA. We've not heard anything. So I think until we do, that's another three. Um, so, yeah, I think the ones where there are the there will be scope for it to rumble on a bit longer is National Highways and Fortune wind and the Environment Agency.

00:32:41:24 - 00:32:56:14

Those are the three where I think we want to keep pressuring us to have the discussion to the others. Um, to the extent that they're not agreed by deadline to. That's not because there's some big debate. It's just because it takes a while for people to get instructed, etc., etc..

00:32:56:21 - 00:33:13:04

Thank you. I'll do this, I call it. It's, uh, it's very encouraging to hear the progress. Um, um, I share the comments actually about compared to other, um, uh, CEOs. Um, that is encouraging. Um,

00:33:14:23 - 00:33:48:07

I have previously taken the view on previous recommendations that, um, if there are substantive matters in protective provisions that haven't been agreed or in side agreements that we're aware of, that haven't been finalized and agreed. Um, uh, I have previously taken a view that the recommendation is subject to those matters being finalised to the Secretary of State's satisfaction. So, um, which would obviously take activities beyond the examination.

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And, um, so, um, that's just I'm not saying we'll take that approach here rather depends on what comes out specifically, but, um, it's just highlighting the benefit of resolving these issues as soon as possible, which I'm sure the applicant is intending to do so.

00:34:04:11 - 00:34:05:15

Thank you sir. Absolutely.

00:34:05:29 - 00:34:13:16

Um, virtually. I think we have a hand up, Mr. Grant. Uh, good morning, sir.

00:34:13:21 - 00:34:14:24

Yes. It was just a very.

00:34:14:26 - 00:34:52:16

Brief point on the protective, um, provisions. Um, Mr. Fox indicated that you heard the discussion yesterday, and obviously you did, and it's been recounted this morning. But just as a marker, the concerns National highways have about the protective provisions are not just about the bridges. Um, we make a point in our relevant rap RRO three one and paragraph 3.2, what we're trying to to achieve. I think obviously there's been some movement and change to the PPE since we did that. And I think what's probably going to be easiest is if we put in what we were hoping for, for the PPE is so that you at least have an indication of where the battle lines are, and then obviously there'll be discussion and negotiation going forward.

00:34:52:18 - 00:34:59:15

But I just wanted to avoid the implication that it's bridges and bridges only. Those aren't the only two things that are affected by the points.

00:35:01:06 - 00:35:32:12

Um, thank you for that. Um, if there are, um, protective provisions that aren't agreed by the close of the examination, then we would invite parties that haven't reached agreement with the applicant to submit their alternative wording or alternative version. Um, uh, on National Highways, for any other party that's involved in protective provisions so that we can take a view, if appropriate, on what might be included in our recommended order.

00:35:32:14 - 00:35:34:02

So thank you. Thank you.

00:35:39:24 - 00:36:17:18

Without that, I think, um, we would welcome that. If that's the case, given that we our proposal generally is to remove all powers from being able to be, uh, utilized on national highways land, which it'd be. And on this strategic road network, it would be useful to understand from them by email or in submissions about. Why else? What else do peeps need to be controlling? Um, given the what with the proposals that we're trying to bring forward in terms of not essentially not being able to do anything on their network? Um, but obviously we will continue to discuss that, but I think it would be useful to understand that position.

00:36:18:24 - 00:36:28:07

Thank you. Helpful for those discussions, discussions to continue. Uh. Thank you. Yeah. Okay. Um.

00:36:30:20 - 00:37:03:19

Yeah. Um, just to follow up, um, what my colleague mentioned about, uh, protected provision. So currently at deadline five. Um, we've got an item there, the protected provision that our parties propose to be included in the development consent order that have not been agreed with the applicant. So just highlighting that that's in and the deadline five. Okay. Um, let me just check if any of the comments.

00:37:03:25 - 00:37:36:09

Nope. So, um, that concludes this particular agenda item, and I'll now hand over to my colleague. Thank you. So we're moving on to agenda item five for the planning topics. Um, we'll start with item A before we start with that. Um, it may well be that we ask for some of these items, one or more of these items to be covered in writing. Um, there is a lot of detail in the agenda which should enable that.

00:37:36:11 - 00:37:54:24

I'm going to try and concentrate on those items where more discussion would be helpful. Um, it may be that we can cover the more dependent rather on how much progress we make. We don't want to go beyond 530 again. Um, that makes a long day for everybody already. Um, any comments or thoughts on that? As a principal.

00:37:54:26 - 00:38:26:08

Um, Mr. Smith. Applicant? No, sir. I think, just to help with that. We were hoping. Um, I know you want to. You want to choose this topic and you want to ask the questions, but I think I think we were hoping that through an initial answer, we would be able to give an answer that kind of ticks off a lot of the issues that are imbued across all of the the ten Roman numeral questions, and not saying we would answer all of them in one, one massive answer. I just think, um, it would help if, um, appreciate you. You wouldn't want to introduce this topic, but I think Mr.

00:38:26:10 - 00:38:41:09

Russell was going to kind of try and give an overview response first, which I think would help to then consider which detail questions you meant by the one from that. So I think that that was our proposed approach, sir, but I appreciate you want to introduce kind of the thrust of your concerns first.

00:38:41:13 - 00:38:42:26

Yeah. It's um.

00:38:44:27 - 00:39:06:04

There are a lot of questions against some of the items, and there's an overlap between various items. So, um, uh, quite flexible to how the applicant wants to group those together as necessary. um, we will be going through, um, each of the items I've listed to see whether they've been addressed. And I think in your, um, uh.

00:39:08:16 - 00:39:25:24

Confirmation in writing following the hearing, which I presume will be provided, um, uh, that you do also address the numbered points within the questions, as well as providing a general just so that we can cross-reference more easily, if that makes sense.

00:39:25:28 - 00:39:27:03

Yes. Absolutely, sir.

00:39:27:05 - 00:39:31:17

Yeah. Thank you. Um, any comments from the Council on the general approach?

00:39:32:00 - 00:39:48:27

That's for Cheshire West and Chester Council. Um, agree with that approach, sir. Um, one point I did want to just double check. We have the peat experts, um, available on teams, not the not on teams at the moment. Um, do you anticipate needing a discussion on that, sir, or.

00:39:49:08 - 00:40:12:08

That is one that I'm hoping. Well, I'm intending to discuss, so. So the ones that just to clarify, the ones that I'm considering, if time doesn't allow not discussing and taking writing and would be five be the access track impact removal and reinstatement. Um then um item.

00:40:14:21 - 00:40:19:22

Going on a little bit. Um five I national character areas.

00:40:23:15 - 00:40:33:27

Uh J um residential visual amenity assessment. So those are the three that I'm considering not discussing today.

00:40:34:22 - 00:40:43:22

That's fine sir. We do. Um, we do have, um, the landscape architect here if needed. Okay. Um, from the council, but that's fine. That's perfect. Thank you.

00:40:43:24 - 00:40:55:19

I would be slightly surprised if we can get to those points. So if you if it were more convenient for someone to be doing something else then. Happy for you to make that judgment.

00:40:55:22 - 00:40:58:06

Um, we'll have that discussion. So on the break. Thank you.

00:40:58:08 - 00:41:07:29

Yeah, there will still be an opportunity to respond in writing. And if there are points that the council wishes to raise under those headings, then, um, that would encourage me to cover them.

00:41:08:24 - 00:41:29:24

Thanks for that. If it helps, I mean, we'll get to it. But on the point of decommissioning timing, I would just say we'll get to it. But I feel like that discussion won't go on very long because essentially, we're going to give you what you're asking for in some way, not quite in the way you've asked for, but yes, um, it will. That discussion won't need to be extended. Expensive. Absolutely.

00:41:30:06 - 00:41:35:01

Thank you. Let's cover that when we get to it. Thank you very much. Um, right.

00:41:35:03 - 00:41:38:27

Um, I think there's a hand up. Oh, right. It might be a legacy, but.

00:41:38:29 - 00:41:41:24

Thank you for letting me know whose hand is up. Please.

00:41:46:15 - 00:41:54:24

A hand, a hand has gone up and down. It's, uh. And can I compliment the person on their ability to use that function? Thank you.

00:41:56:17 - 00:42:21:18

Um, right. Um. Other planning topics. Major replacements during the operational phase. Um, so let me introduce and, um, forgive me, I'm going to read through the task text that's in the detailed agenda. Actually, could we have the detailed agenda on the screen? Um, sorry we hadn't rehearsed this, so it may take a moment or two. And could a colleague bring up the detailed agenda, please?

00:42:31:19 - 00:42:33:10

As I say, I didn't, um.

00:42:34:29 - 00:42:38:19

That's great. Thank you. Could we, uh, zoom in a bit more, please?

00:42:43:07 - 00:42:48:12

And again, please. All right. Great. And then scroll down, please.

00:42:50:29 - 00:42:52:20

We're going down to five a.

00:42:56:12 - 00:43:01:05

Right. And if you if you could try and follow me as I read through it, please. That would be helpful.

00:43:02:23 - 00:43:39:05

Okay. So the Outline Operational Environmental Management Plan states that the final uh OMP is it's uh, referred to submitted for approval would not include details of specific measures to be put in place for large scale replacement activities. And it further states that for replacement activities, which involve more than 50% of the solar panels, notification will be submitted to the council with details of the management measures, which will be consistent with the principles of the approved management plans and commensurate to the scale of the activity proposed.

00:43:40:05 - 00:44:20:05

Um section 51 advice was provided to the applicant following acceptance. Um uh, which I wrote actually, and suggested that the environmental statement would 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 and um outline uh Operational Environmental Management Plan to secure the extent of panel replacement and mitigation measures relied on by the updated, um, environmental statement.

00:44:21:09 - 00:44:26:01

Um, the applicant's response is a bullet pointed there. Um.

00:44:29:13 - 00:45:18:14

Let me quickly read through the beginning. So the applicant said that the Outline Operational Environment Management plan included environmental management measures that were sufficient to ensure the effects of a large scale replacement would not exceed the effects predicted in the environmental statement. It said that the assessment of the construction phase provided the worst case assessment in respect to construction, large scale replacement activities, and that was reflected in the assessments carried out across the different topics of the year. It said that where relevant and specific effects from large scale replacement campaigns were referenced in the Is, and in virtually all instances, the effects during a major replacement campaign were likely to be of a lower magnitude than during construction, particularly as there will be no below groundworks to facilitate the replacement works.

00:45:19:13 - 00:45:51:28

It said that 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. The applicant also said that sensible and proportionate approach was for notification to be submitted to the council, where replacement campaign involved more than 50% of the solar panels, and it felt that it was not necessary to update the draft order or Operational Environmental Management Plan to deal with the concern set out in the section 51 advice.

00:45:52:09 - 00:46:03:03

Before we move on to the discussion and before I address matters raised by the council, does that reasonably reflect the applicant's position?

00:46:05:12 - 00:46:10:02

I have hopefully interpreted the applicants.

00:46:10:12 - 00:46:19:06

Mr. Smith, the applicant, say so, yes. But I feel like in the summary that Mr. Russell will provide it will add to it essentially. But, but but yes. Um, I.

00:46:19:08 - 00:46:23:08

Think that's a correct starting point for the discussion today.

00:46:24:04 - 00:46:24:19

Yes.

00:46:25:01 - 00:46:48:18

Thank you. Um, the council then suggested that replacement activities be clarified in the draft development consent order and that, um, the similarities of replacement activities to construction activities suggest that the controls covered in the outline. Construction. Environmental management plan and outline

00:46:50:04 - 00:47:04:08

construction. Transport management plan ought to apply during placement activities. Does that fairly represent what the council has said for the. Thank you. Um, so, um,

00:47:06:03 - 00:47:40:25

from our point of view, um, we need to understand what the potential impacts on one hand, what the potential impacts would be, um, of any major replacement activity. Um, whether or not those are significant. Um, we may take a different view about the applicant of what is significant. Um, we may decide to group some, um, impacts together in a way that would make them significant.

00:47:40:27 - 00:48:16:22

In short. We may we want to be clear and have a good understanding of what the potential impacts during any major replacement activity should be, would be. We need to be clear about that for the purposes of the planning balance. Um, we also need to be clear, um, about the specifics of the mitigation for any major replacement activity. Um, to simply pass those into the future, um, for discussion at a later date without setting out sufficient detail on them at this stage.

00:48:17:15 - 00:48:50:27

Um, we don't believe is consistent with what we are required to do in terms of securing mitigation for the proposed development. Um, we need to be in the loop. Um, when there are potentially impacts of the scale that could, um, that could happen at that stage. So we're looking at. We're looking for more visibility of the potential impacts. We're looking for more visibility of the mitigation. We're looking for all of those matters to be properly controlled.

00:48:51:13 - 00:49:23:17

Um, and that may or may not involve um, uh, setting a limit on what major replacement activity would be carried out rather than what a relatively loose and very flexible wording that's adopted at the moment. Um, reference to more than 50%, etc.. And so that that's, that's our thrust and, and we will be determined to see that through and to ensure that those concerns are addressed.

00:49:24:00 - 00:50:00:21

Um, it would be very helpful for any matters to be agreed. Um, but if they're not agreed, then, um, in the final, um, stages, then we will be proposing Wording to deal with those matters within the DCO. Um, much better if agreement can be reached beforehand. Um, so, um, however, I am saying that against a background that the applicant very helpfully raised yesterday of, um, its willingness to, um, engage with those issues in a way that perhaps hasn't always been done.

00:50:00:23 - 00:50:05:04

So, so that is very much recognised and appreciated. Um.

00:50:07:07 - 00:50:37:08

We are no experts on, um, the lifetime of solar panels. We're no experts on how that technology is developing. Um, but to a layperson, it seems, um, we need to consider that, um, it may well be that the development reaches a point in a number of years where the technology has moved on, such there it would be in not only the applicant's commercial interests, but actually in the interests of the government and the grid.

00:50:37:14 - 00:51:09:19

For all the panels to be replaced with much more efficient panels. Um, and so, um, it would be useful if the applicant could help to educate us on that point. Um, um, as I say, the benefits could be not just to the applicant, but but more widely. Um, at the back of my mind. I'm wondering, actually, whether in 20 years time, uh, there might be complete replacement of the panels, complete replacement of the storage.

00:51:10:08 - 00:51:48:02

Um. Um, and as I say, that could be to the benefit of a wide, wide range of parties. Um, if that is likely, then bring out those benefits. Show those benefits. Show the potential for increased electricity generation over the lifetime. Um, uh, be very explicit about the impacts of those activities. Um, get it all out onto the table. Um, I don't always like to talk about prison, but I think there could be some very useful precedent set here that, um, would be of value elsewhere.

00:51:48:21 - 00:52:21:23

Um, but we need to do what's right for the project. So that's that's my high level overview of where we are and where we wish to get to. Um, there are detailed questions there. Um, one to quite a lot. Um, 1 to 10. Um, I'm just I'm not going to read through all of those. Um, well, actually, I will quickly address them. So we need to understand that the environmental statement and the assessment represents a reasonable worst case scenario.

00:52:21:25 - 00:52:25:25

And I'm not quite sure that we've got there yet. Um.

00:52:29:03 - 00:52:59:22

A minor point is the consideration, chapter six and 11. I can see that it's less critical for those chapters, but it would be good to have some assurance that it was considered for those chapters. Um, there is there was reference to um below ground works not being required, but it seems that there might be some below ground works. So there are some consistency points around, um, the anticipated replacement of cables, for example.

00:53:00:19 - 00:53:40:25

Um, the matter I've just alluded to in terms of, uh, setting out worst case scenario assessment of impacts, it could impact in many areas that would be of concern to us, not least of which are habitats and species. Um, but some of the other matters that are, uh, identified under for so wanting to see a proper worst case scenario assessment. Um, if that assessment is not provided, we would be in an interesting position, quite a difficult position, I think, in terms of what we put into the planning balance.

00:53:41:07 - 00:53:43:13

Um, and we would be inclined to.

00:53:48:25 - 00:54:05:06

I would rather hope we are not put into that position, because it would be a difficult one for us to we're not responsible for carrying out the assessment. So I think we would end up, in that case, having to pass things to post recommendation. Um,

00:54:07:02 - 00:54:37:04

I've suggested in that question that we might look at a combination of what's currently in the operational phase and what's in the construction phase, but I don't think we should be considering doing that. We don't have all the information to make a reasonable assessment of what the worst case might be, based on what we've been given so far. So I feel that if we don't get that, we'll be looking to pass that to a post recommendation, um, series of actions. Um, making sure that the mitigation is secured appropriately.

00:54:37:14 - 00:55:11:24

Um, and that the outline operation and environmental management plan, taking the council's point, um, does appear to be missing quite a number of matters, relevant matters that are in the outline plans for the construction phase. Um, so there are some hopefully straightforward things to develop there. Um, item seven um, 50% replacement to trigger notification or panel replacement feels like an arbitrary figure.

00:55:12:11 - 00:55:49:23

Um, the impacts, um, up to that level, um, you know, 49% are replaced. Um, then that just feel like, um, having the potential for impact that should be mitigated it properly and that for which measures should be secured. Um, and um, there's a suggestion that that trigger for notification and mitigation to be provided to the council should be a lot lower than that and possibly much closer to, um, what would be anticipated for routine maintenance and damage to prepared components.

00:55:50:04 - 00:56:25:12

Um, so a much lower, um, trigger might be appropriate. Um, and then a consideration of what should go into the draft DCO. Um, in terms of, uh, you know, there isn't a proper definition of major replacement. Um, um, I think being much more explicit about, um, what those activities are, how they would be controlled, um, etcetera, etcetera, within the DCO. Um, it doesn't explicitly deal with major replacement activities at the moment.

00:56:25:28 - 00:57:05:13

Um, uh, item nine is related to that as well. Um, item ten is just requiring or requesting, uh, updates, uh, across the board to the ES, to the draft DCO, to the outline environmental management plan. So sorry, I've talked a lot there as introduction. Um, um, we'll invite the applicant next to, um, to give its response and then, um, perhaps, uh, you'd like to consider in the light of the things that I've just expressed, adding to it to your response in writing as well, in the written submission.

00:57:05:27 - 00:57:11:29

Um, and then I'll come to the council and then invite to the parties. So over to the applicant. First, please miss that.

00:57:12:09 - 00:57:37:17

Sir. Um, thank you for that introduction. Very, very helpful to kind of be clear on on where your concerns lie. Um, I'm going to bring in Mister Russell, as I said a few minutes ago, to kind of give a general overview, um, within which hopefully the vast majority of all of the points that you've just, um, set out, uh, will be dealt with. Um, Mr. Russell.

00:57:39:21 - 00:57:41:03

Mr. Russell, for the applicant.

00:57:41:05 - 00:58:23:20

Um, I think I'll start with saying I'm a little bit nervous by it being suggested as a summary. Um, and I think this will be a relatively lengthy, um, run through. Um, but I will look to deal with each of the individual points, so I just may run continually through them. Um, I think I'd also take the opportunity to say that I understand the principle of what's been set out here. We have to make sure that we assess, um, the correct impacts that could arise from this development and in the context in particular of an environmental statement, identify those likely significant environmental effects.

00:58:24:09 - 00:58:44:15

Um, and then ensure that the management plans are in place to put the controls there to reduce general effects and adverse effects from the development. So there is a slight distinction between, I think, the environmental statement and managing environmental effects across the project.

00:58:46:08 - 00:59:22:14

So, um, I think first of all, it's worth out worth setting out the context of our the Frodsham solar, the proposed development, um, compared to many other utility scale and CIP projects, um, because of its locational characteristics, um, not least to do with access. Realize that there are other matters and we'll come on to those. But I think when you look across other solar schemes, um, the concern relating to Replacement activities.

00:59:22:16 - 01:00:00:26

Major replacement activities. Um. I'd say has a focus on transport related effects. Not solely, but but I think that is a big motivating factor of why, um, these schemes have sort of moved in this direction and are looking at this concern, um, and on these other schemes, which I think is fair to characterize that they're generally more rural in nature than the site that we're looking at for Frodsham Solar. Um, access is often along lower standard roads. Not not wholly, but um will use lower standard roads, which often pass, um, residential properties or through residential areas.

01:00:02:06 - 01:00:46:26

And so I suppose that takes us first to um, traffic impacts. And I'm all of this preamble and description is in the context of trying to give reassurance that we are taking a reasonable worst case approach, um, to our position that the construction phase effects, um, allows you to come to a judgment in terms of the impacts of a major replacement campaign. So when we're looking at traffic levels, um, the, the movements associated with the, the, um, construction of the panels in the construction phase represent between 10 and 20% of the HGV movements that would come into the site.

01:00:47:12 - 01:01:46:26

And that will vary on the manufacturer of those panels. How are they going to transport them? Um, I think that if you were to use, um, the largest TVs and the most efficient packaging, that's where you come to the 10% figure. If you had smaller TVs, you might be further up towards the 20% figure. So where that leads you to in terms of a 50% replacement campaign would be Traffic levels in the region of 5 to 10% of those construction HGV movements that we've assessed for the purposes of construction and the conclusion of the transport assessment from a construction perspective, was that even at the full scale of construction, we weren't having any material impacts on the operation of the highway and there weren't highway safety concerns.

01:01:47:06 - 01:02:02:06

So when you reduce the level of traffic by 90%, um, I think it's a reasonable position that we're taking that, um, the effects wouldn't be greater than in the construction scenario.

01:02:05:13 - 01:02:38:15

Adding to that and hopefully giving a little bit more security on the position in traffic as well as other disciplines that we will come to. It's it's worth us noting and in relationship. Perhaps some of the questions on access tracks. We're not going to be creating any new access tracks for the purposes of a major replacement campaign. It's not anticipated that there would be a need for any foundations, any major earthworks, and the panel supports aren't proposed to be replaced.

01:02:40:08 - 01:02:43:11

The non-breeding bird mitigation area would be.

01:02:43:23 - 01:02:45:24

The panels are not proposed to be sorry.

01:02:45:26 - 01:03:16:27

The panel supports panel support. And just for a useful reference. So we're referring to the Outline Operational Environmental Management Plan PD two zero 19 and table 2-1 and lists out what we anticipate the operational lifespan of the various components. Being one of those being the mounting structures which we state 40 years, i.e. they're not going likely to be replaced. Um,

01:03:18:18 - 01:03:42:04

so in terms of those items that sort of are important to note. Um, panel supports won't be replaced. We don't envisage any need to replace any of the bridges or put in place new bridges. Um, and the vegetation across the site. When we are considering a replacement in years 15 to 20, um, will be fully established.

01:03:45:06 - 01:04:16:12

And then I think the final important factor, which weighs into how you consider impacts across a number of disciplines, is the time scale associated with replacement works. Um, that can vary, as you can imagine, depending on the, the manpower, um, that you put in place. But, um, we've looked at a scenario where you had maybe four replacement crews working. Um, which would comprise five individuals for each replacement crew.

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And in that scenario, we'd anticipate a 50% replacement campaign would take up to six months. So, um, again, a much shorter period than the construction phase.

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So.

01:04:38:19 - 01:05:10:10

From an in principle perspective on all those factors, um, that's where we have got to this position about the fact that we think that, you know, the, the the statement at paragraph 2.6.7 of chapter two of the environmental statement, AIP 035, um, is a reasonable characterization of how we've considered and assessed the effects of a major replacement campaign.

01:05:10:12 - 01:05:11:24

Thing now, um,

01:05:13:13 - 01:05:21:29

in response to a subsequent, um, sub question that you've got, we can look at individual disciplines. Um, but we'll come to that in a minute, maybe.

01:05:25:24 - 01:05:31:01

I think a final point I might add on on that is to do with the.

01:05:33:03 - 01:06:25:25

The construction of the outline operational management plan, at our reference to the fact that, um, we've included this provision, about 50% replacement will come to our justification of that in a minute. Um, and I want to make sure we're not mischaracterizing what we're saying in that section of the, of the plan. So is it applicant's position that the outline operational and environmental

management plan actually manages the impacts from all the various different topics Perspective, and we consider the way that it's written at the moment, in virtually every scenario we can think of would provide sufficient environmental controls to manage the level of impact to those that have been assessed, i.e.,

01:06:26:07 - 01:07:05:09

for them to be less than the construction phase effects it may be. And we're quite happy to have further dialogue with with the council or other consultees on specific points where they may think that we can enhance what we've written in some of those tables, but they've been written in the context of of us being able to control impacts on ecology, landscape, water quality, etc. the the purpose of introducing the the 50% threshold is really out of an abundance of caution and to an extent respect not only to the Council, but the community that

01:07:07:05 - 01:07:38:12

a six month period of works is something that we think is worth, um, warranting further discussion and alerting both the council and the community to the fact that those works will be undertaken. So it's an opportunity, a safeguard, to introduce more measures if it was needed. And I think that's particularly important when we bear in mind we're talking about 15 to 20 years ahead. We don't know what other developments will be in place.

01:07:38:14 - 01:07:47:21

So from a traffic perspective, we could be talking about a very different scenario. Um, and that would, I think, apply to a number of other different disciplines.

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So it was intended to be helpful rather than a hindrance to the process.

01:07:56:00 - 01:08:28:26

Um, moving on to your second point. And if that's a case, um, rather than you repeating the question, um, it's quite a short one. Advise on how major replacement activities was considered in chapter six and 11. Now, the principal position here is that those chapters and all the chapters of the environmental statement have been written and assessed, cognizant of the statement that we've made in terms of the impact being less of a lesser magnitude than the construction phase.

01:08:29:26 - 01:09:01:26

We acknowledge that there isn't an explicit heading within those chapters. Maybe there's a lessons learned, um, for for future applications. But nonetheless, the environmental statement does what it needs to do in terms of identifying likely significant environmental effects. There are some references to the maintenance works, which I think are worth drawing attention to and which demonstrate that it's not that it was a matter that was forgotten in any way, shape or form.

01:09:02:22 - 01:09:42:15

Um, so for example, paragraph 6.8.96 of the Landscape and Visual Assessment, which is chapter six. Um, this describes the the impact of traffic using the access road, um, coming into the site from a maintenance perspective. So drawing the attention to the fact that movement of traffic will draw, um,

people's eyes towards the site will have a level of impact, but that is deemed in the context of the site itself and the level of impact that would that would arise to be relatively minimal.

01:09:45:15 - 01:10:04:08

From a an archaeological perspective. Um, 11 .8.4 of chapter 11, um, refers to the fact that we don't anticipate there to be below ground works required, and therefore there would not be impacts on buried archaeology.

01:10:06:24 - 01:10:42:24

The the. I think one of the most important factors when it comes to getting visual and heritage in terms of setting impacts, relates to the fact that these works will happen 15 to 20 years in the future. The landscaping, which is retained and then managed through the outline lamp, and the new landscaping that's provided through the lamp, um, sorry, the landscape and ecological management plan will have significantly, significantly of matured at that particular point.

01:10:42:26 - 01:10:54:23

And I think the judgments we've made in terms of operational impacts is that at year ten, um, that removes, um, what were determined to potentially be significant effects to non-significant levels.

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So again, when we think about the context of the nature of the impact that would arise in a major replacement campaign, i.e. doesn't include creation of new tracks. No major earthworks. Therefore, equipment involved in that replacement campaign is much smaller. The impacts associated to with landscape, visual and heritage are substantially less than in the construction phase. So again reaching the same conclusion that we've set out about it being a worst case assessment.

01:11:32:15 - 01:12:19:13

We then move on to quite a specific question about the replacement of 20% of DC cables for. So for the benefit of people who may not be solar geeks, and the DC cables are the low voltage cables that connect the solar panels to the inverter transformer stations that power conversion units. So, um, these are relatively small diameter cables. Um, and you get multiple strings of cables running along a single route connecting up the various strings of solar panels so they are attached to the back of the panels above ground.

01:12:20:00 - 01:12:51:22

And then they collect together at the end of rows where they feed in into a conduit which goes below ground. So in terms of the replacement figure that we've given, you'd anticipate, the vast majority of those are associated with the replacement of aboveground sections of those cables. And those are clearly more likely to be susceptible to damage, particularly during those replacement. The panel replacement works. Also, weather environmental conditions.

01:12:52:03 - 01:13:16:20

That doesn't mean to say that we then wouldn't necessarily have to replace some of the below ground. Below ground cables. And in that scenario, particularly in relation to these low voltage DC cables, they are fed into conduits. So it would be possible to re string those as a phrase without undertaking any below ground excavation.

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Taking it to an even further level in terms of providing the reassurance to the ECA on this. Were any small sections of cabling need to be excavated for any particular reason? These low voltage DC cables, as well as the medium voltage cables which we can we can touch on, would be located within areas of retained or created neutral or modified grassland. So you're talking about habitats here which are um, easily recreated within, um, within a season, those cables would not be routed beneath hedgerows, trees, reedbeds or other structurally diverse habitats.

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So you are instantly, um, removing the likelihood of impacts on more sensitive habitats. From a watercourse perspective, we've set out in the application that, um, cables would be rooted in conduits attached to the bridge structures. So it's not that we are cabling beneath watercourses, and therefore, if there is ever any need to replace cables that would avoid any impact on watercourse corridors.

01:14:42:15 - 01:15:12:27

In that question, you do also ask about, um, if there's any other major replacement activities that could require below ground works the position in terms of the reasonable likelihood of replacement activities would be no. So we wouldn't anticipate there be a need to replace foundations. For example, um, the earthworks which I've already mentioned, which could involve below ground works.

01:15:13:21 - 01:15:41:15

Um, the, the medium voltage cables, which I referred to a moment ago, which again, to give some context of the cables that would lead from the inverter transformer stations back to the solar substation. Um, those as is set out in table 2.1 of the Outline Operational Environmental Management Plan. Um, have a design life of 40 years, so you would not expect those to need replacement.

01:15:44:26 - 01:15:52:14

I don't know if in asking that question, sir, you had it in mind. Any other below ground infrastructure works.

01:15:53:14 - 01:16:05:02

Let's thank you. So let's if I can give an initial response to the comments made so far. Um, rather than try and do all at the end. Um, and I'll invite

01:16:06:26 - 01:16:11:14

come back to the council whether you want to comment at this stage or at the end. Um.

01:16:15:26 - 01:16:20:22

The clarification that's just been provided is very helpful. Um.

01:16:23:24 - 01:16:54:20

I think that, um, there's clarification provided there that isn't necessarily in what we've seen to date. Um, certainly with that level of clarity. Um, one of the frustrations from our point of view is that some of the chapters of the yes, basically say it will be no worse than construction. Um, so to improve that accuracy C would give some comfort and better understanding.

01:16:55:04 - 01:16:59:24

Um, within the different chapters of the ES. Um.

01:17:02:06 - 01:17:32:08

To put it very bluntly, it seems to have been addressed rather quickly. And although the conclusions may be the right one, um, for us to see the logic pathway isn't easy at the moment. So, um, if that is able to happen reflecting the clarifications that you've just provided, and I'm sorry, this would entail going into different chapters of the. Yes. Um, that would be very helpful, please. Sorry.

01:17:32:10 - 01:17:33:02

Would like to respond.

01:17:33:04 - 01:17:45:09

Yeah. Sorry, I don't interrupt you. Um, Prodigy's Andrew Russell for the applicant. Um, the next after that page turn. Yeah. Um, I was going to come on to

01:17:47:00 - 01:17:48:24

reflecting on that point, so maybe I'll.

01:17:48:26 - 01:17:56:28

Come on. Thank you. So let me continue for me, and then we'll be interweaving a little bit here, I'm sure. Absolutely. Um. So, um.

01:18:11:15 - 01:18:45:05

Specifically on landscape. Mention of a maintenance perspective. Um, that doesn't seem to really address has has major replacement really being considered? Um, yes. Maintenance has been considered. Major replacement does feel like a rather different thing. So I think just having clarification that is helpful. Um, um, the applicant just referred to 11 814, which assumes no below ground works and then set out actually there might be some below ground works.

01:18:45:07 - 01:19:15:09

So getting those Distances. I think it's very helpful. Um, I'm not wanting to create work for the sake of it. There's absolutely no desire to do that. Um, it's just giving us a very clear audit trail of, um, um, how those conclusions are reached and seeing sufficient on that within the statement and within the plans so that it all ties together. Um, that that is essentially the frustration at the moment.

01:19:15:14 - 01:19:45:28

Um, um, the, um, below ground activities. So thank you for setting out. Very helpful to have clarified within the ES or the mitigation plans that the DC cable routes wouldn't be below hedges, etc.. The things that have been set out to have those explicitly recorded would be very helpful and would address a number of concerns. So that would be, um, um, good. On the other, The

01:19:47:16 - 01:20:19:04

final question before the applicant just stopped on other below ground works. Um, we've talked about the panel replacements and the benefits of that. Um, the, the energy storage systems. Um, it would be

interesting to have an understanding of the potential for those to be added to. Um, we're seeing more and more across solar projects of the benefits of energy storage. Um, uh, it seems to be something that's commercially viable.

01:20:19:06 - 01:20:50:12

It's certainly something that's been encouraged through policy to to assist balance in the grid at various times. Um, so it'd be interesting to understand whether that might potentially increase in the future as a reasonable worst case. Um, I think my own inclination I start from a point of it does sound as if that might be something that would be attractive to the applicant at some point. Especially if there's space for it. And again, it would bring benefits to the grid.

01:20:50:14 - 01:21:08:23

So um, that is my main question about because if the beds was extended then there would be new foundations presumably. ET cetera, etc.. Um, so that, that that's an overall response at the moment. And then the specific question at the end.

01:21:09:00 - 01:21:46:15

Sorry, Mr. Fox. And after that, Mr. Russell will come back in to answer that latter point and some of the questions that you asked there for a presentational point of view, sir. And also he will go through the various topics, particularly ecology. Um, I just wanted to make the point so that I think that it would be from a presentational point of view, I think somewhat easier if we were to do, um, as an action from these hearings. Essentially a technical note which considers each of the topics clarifies. Um, I use that word deliberately, but clarifies how we consider we've considered this topic of this question from each topic.

01:21:46:29 - 01:22:15:15

Um, it's not going to be new assessment. It will be a clarification. I think that's an important point in the context of the year. Um, and then we can look to, if we need to, potentially adding that technical note to the definition of es in the, um, uh, documents to be certified schedule in the DCA. I think that would be easier. So rather than updating every single chapter, but it still gets the point that it's considered in the ES or the controls that relate to the ES and the in the DCA. I think I've been I.

01:22:15:17 - 01:22:38:20

Think I think practically that sounds like a reasonable way forward. Thank you. Um, um, against that background and the and I appreciate all the work that's been done to prepare the responses for today, but I wonder if, um, rather than go through every chapter at the moment. Um, we might just wait for the technical note to come out and allow parties to comment on that.

01:22:38:25 - 01:22:40:00

Um, yeah. So I think.

01:22:40:02 - 01:22:41:21

That feels acceptable to me at the moment.

01:22:41:23 - 01:22:51:01

I think I'd be quite keen that we got across the just the Elvia and the ecology point, just because they are open to the biggest issues. Yeah.

01:22:51:11 - 01:22:57:23

That's. Can I can I? Does the council want to say anything at the moment or would you like to contribute at the end.

01:22:58:17 - 01:23:35:02

At Laura Hughes for Cheshire West and Chester Council. Yes. If I could comment now just because keeping track of very useful statement from Mr. Russell, but just in the interest of discussion and so I don't lose track. Um, yeah. Just in terms of the major replacement worst case scenario, um, we consider that the, the, um, the impacts might be different to construction impacts because in construction impacts, um, until you get to the last few months of the development programme, there's other fields that are, for example, the non-breeding birds can use, um, which is we've been working on the phasing programme, as we saw yesterday with the, with the applicant, which is, which is welcomed.

01:23:35:11 - 01:24:05:15

Um, and so we think that because during operation the mitigation areas are defined and more small. Smaller than any kind of impacts near those areas will be of a higher magnitude than they will be during construction. Um, and also near the river boundary up in kind of the cell one, which is the wind farm mitigation cell reference number, um, as well. So by that river, river edge, they're on the eastern boundary of the solar farm.

01:24:05:17 - 01:24:42:09

Um, also, the fraudulent wind farm is due to decommission in 2042, which could clash with major replacement activities. So we'd like that to be included in worst case scenario in terms of cumulative impacts. Um, and also the the 50% was useful to know that that was would be over a six month period. But that means that that will that will occur in a non-breeding bear season. So either winter and spring or awesome, because the only kind of less sensitive season is the three months of the summer period.

01:24:42:11 - 01:25:24:06

So weather that could be used as a whether the 50% could be reduced and potentially is an upper limit. I think that's one of the questions a bit later on to 25% potentially, um, might be a consideration. And also some other controls could be maybe locational. So any major replacement activities within 70m of the non-breeding bird and skylight mitigation areas and the river edge could be controlled in more detail. Um, and then just, uh, what's the point, um, in terms of the replacement of any habitats, um, that might get impacted by below ground works, the grassland, um, the target condition of the grassland.

01:25:24:08 - 01:26:18:14

It takes ten years to get to, sorry, seven years to get to target condition. So that might affect the biodiversity net gain calculation. Um, if that's kind of removed and then put back. So it's, um. It's not a few years. It's. It's seven years it takes to get to target condition. It might, for example, take ten instead because it's been set back. If it's been dug up again, um, and then just a final point on notifying

the council, we would just like to know what that would entail. Um, and if we could input rather than just be notified and we can have a discussion at that point, um, if we have any comments on mitigation strategies, for example, that are needing to be to be done at that point of major replacement and then, sorry, just, um, lastly, um, yeah, we would we would also like potentially locational controls on major replacements as well as potentially frequency.

01:26:18:17 - 01:26:41:23

Because if you know, I doubt it will happen in terms of practicalities. But there could be a scenario where, you know, 49% of the panels are replaced in one month and then 49% in the next month, for example, as I say, in terms of practicalities, that may not happen, but, um, that could be could be an issue. So we'd be looking to just, um, have a bit more, um, as requested, a bit more detail about all of those things.

01:26:42:05 - 01:26:56:02

Thank you. That's very helpful indeed. Would the council be able to set out those matters in writing? And, um, actually, as a general request to comment on the points that are set out in the detailed agenda in writing as well.

01:26:56:08 - 01:26:59:26

Yes. Laura Hughes for the council. Yes. We'd be pleased to do that. Thank you.

01:26:59:28 - 01:27:03:20

Thank you. So just bear with me a moment, please. Um.

01:27:38:21 - 01:27:53:11

Thank you. We also have a hand up from National Highways. Um, sorry. The Environment agency. Sorry. It's, um, sometimes difficult to interpret on teams. Exactly who's got the hand up. So apologies. National highways, please.

01:27:57:01 - 01:28:01:00

Sorry. Environment agency, please. I made the same mistake twice. Sorry.

01:28:02:00 - 01:28:33:12

Goodbye. No problem sir. I understand it's tricky with the hybrid setup. Morgan Harrington, on behalf of the Environment Agency here, I'd like to note that we've been engaging with the project team regarding the outline battery safety management plan and the Outline construction Environment management plan. We've made excellent progress, and we've had our initial issues resolved in regard to replacement activities for the battery energy storage system and the major replacement activities.

01:28:33:24 - 01:29:24:16

We do have like further details we'd like to input regarding the process and safeguards related to their replacement during the operation phase, and a potential buyers that could take place as well. We intend to provide these comments as part of our deadline. One response. Um, we appreciate that these comments need to be reasonable, given the progress we've made already with the project team on the matter and the stage, the stage of the examination, we hope our comments can be input into the

outline battery Safety management plan in as much detail as possible, but we are aware that the flexibility that is needed from the project team to to it de-risk their development consent order.

01:29:24:21 - 01:29:29:11

Just flagging that there as we are talking about major replacements, that's all for me.

01:29:30:13 - 01:29:39:03

Thank you. And that's very helpful. I hadn't explicitly considered the safety aspects related to the battery storage replacement, so thank you for that. Um,

01:29:41:02 - 01:30:11:23

I'm not going to ask the applicant to necessarily respond to everything that the, um, has just been raised today. Um, if you want to reply to a couple of critical points, then that's helpful. That we're getting into a lot of detail, and I think in writing is often the best way of dealing with that. Um, and I would, if you wish to highlight other specific things now, then that's up to you. I'm not requiring it. I would I would highlight that as well as, um.

01:30:12:08 - 01:30:43:12

Um, just, just from an initial consideration from us, um, uh, landscape and archaeology. Yes. Um, I think we're particularly anxious to understand what would happen in relation to habitats and species in which the Council has touched on soil quality, contaminated land and the water environment. Traffic has been mentioned. Noise. Public rights of way.

01:30:43:17 - 01:31:15:01

Impacts on those waste as well. So, um, uh, that's our own interpretation of some of the things that we're most concerned about at the moment are the things may come out. Um, and those items are listed under item four. Uh, one v IV. Um, so, um, that's an encouragement to address those, uh, particularly as well as generally in the technical note that's been suggested, Mr.

01:31:15:03 - 01:31:15:18

Foster.

01:31:15:20 - 01:31:47:01

That yes, we will do that. And we had already planned to do that. I did want to make, um, again, just um, I think it's worth touching on ecology just briefly for Mr. Russell to do that. I just wanted to quick kind of almost process points. So firstly, um, the request area around that, the council being able to um, consider the notification. So the wording in the OMP is that that would be for their approval. So it's the you know, I'm sure we'll get that debate in a minute. The number or whatever the number is.

01:31:47:03 - 01:32:20:24

If we would notify you, say that's what we're going to be doing, then the the management measures would be with your approval. Um, so on your point, sir, about the battery, um, and the storage in the, in the, in the future, the I suppose what I would say so that the spatial extent of our batteries is limited by the limits of deviation and the works plan. So if we wanted to do more battery instead of panels, for example, that would require additional consent. So that would be controlled in that instance and

just from the safety point of battery. So if we were replacing it, um, it would need to be turned off in simple terms in order to do the replacement.

01:32:20:26 - 01:32:37:13

So there wouldn't be a risk of, of fire in that instance. Um, so I'm just going to cover those points. We will, as I said, cover all the kind of other topic and technical note, but just an apology because it's the main impact here. Um, sorry. The main constraint, I suppose for the site, it's worth just touching on that briefly.

01:32:37:15 - 01:32:54:16

It's on the, on the increasing the battery storage. Obviously it's up to the applicant what it wants to include in this content and what it wants to include elsewhere. So I recognize that, um, and yeah, it's for the applicant to consider whether it wants to have more under this order or not. Um, so.

01:32:55:00 - 01:33:02:15

Yes, sir, but I think, I think that would, that would be a change to the DCA. So and I don't, I don't think at the moment we're okay. We're looking to do that potentially.

01:33:02:17 - 01:33:04:09

Yeah. Okay. Thank you.

01:33:06:08 - 01:33:09:08

Mr. Russell, for the applicant. Um.

01:33:11:10 - 01:33:40:26

We will. As has already been commented, we'll continue to engage with the council because I think, um, and as we as I suggested yesterday, I think some of the feedback that we've been having through the relevant representations and another consultation that we've had with the council has been useful in terms of refining the document. So many of the points, um, that have just been raised, I think we can we can, um, try and address those through more specific, um, components within the outline environmental management plan. Um.

01:33:43:20 - 01:33:47:22

In terms of ecology, um.

01:33:50:08 - 01:34:29:15

There are just looking here about what may be worth addressing right now as opposed to our, um, our submission. But in essence, um, there are already a number of controls that are within the outline operational environmental management plan that talk to some of those concerns that were raised. So we already have, um, a spatial limitation in terms of works that would be undertaken close to the non-breeding bird mitigation area within um, table 5-3, which is the table that relates to ecology, ornithology.

01:34:30:11 - 01:34:30:29

Um,

01:34:32:20 - 01:35:07:22

we I'm sure we may come on to timing of works, sensitive periods, etc.. Um, when we start discussing more technical matters on ecology, ornithology, um, the, the core non-breeding bird period, which we're looking to safeguard through our works would be from November through to March inclusive. And so, um, there is sufficient time outside that period for us to undertake works. Um, nonetheless, uh, and we will acknowledge this in our response.

01:35:07:26 - 01:35:30:19

There is the opportunity for us to make sure that we manage our works, to avoid the particularly sensitive periods relating to various different species. And we acknowledge that, again, within the table that's already within the operational Environmental Management plan. Um, so I think that, you know, a lot of this talks to the fact that.

01:35:33:01 - 01:36:07:03

The core principles of what need to be managed, I think, are set out within the outline operational management plan. I think we all recognize that those points may need to be refined. Well, we will need to be refined as part of a submission of a full detailed outline environmental operational management plan. And whilst we will give you a full position on our sorry statement on our position, I think we need to make sure we don't get dragged into trying to write a detailed management plan at this stage.

01:36:07:23 - 01:36:37:04

Um, is making sure that we've got those, um, various hooks within the existing documents to make sure that they are dealt with in detail at a later stage, and I'm very confident that we can achieve that position. Um, again, I suppose not to not to try and characterize what you're saying too much, but it's a bit like your teacher telling you you need to do a bit more working. You set out your working in the documents, and I accept that. I think that.

01:36:37:12 - 01:36:42:16

That's not an unfair. Yeah. That's okay. I've never been called a teacher before. I accept it. Yeah.

01:36:43:12 - 01:37:23:07

Um, so I don't I don't think I want to raise too much more in terms of ecology and ornithology. Um, I think the very fact that we've got offers that were that are going to be controlled through the landscaping ecological management plan will ensure that the impacts, um, are minimised. In terms of species, we also need to think about how these replacement campaigns work. Um, it's not that you're, um, have a a widespread impact occurring across the entire solar array development area.

01:37:23:09 - 01:37:53:18

You've got teams that are working in small areas and replacing it. So let's say in the context of breeding bird impacts, um, there will be significantly more breeding bird habitat than there is at present. Significantly more breeding bird habitat than um would occur at construction phase. And so temporary displacement for short periods of time.

01:37:53:24 - 01:38:24:17

Um is not something that that that the breeding birds are not used to. When you think about agricultural activities, intensive agricultural activities. So we've got to make sure that we are. And that's why I set out in detail about the timescales and the nature of works. We've got to make sure we're thinking about the, um, the context and magnitude of those operations. We will run through all of the topics we've I won't um, whilst I was willing to. Um, I'm now we're pressed with time.

01:38:24:24 - 01:38:49:19

Um, and I think we will be setting out, uh, fairly briefly in terms of why we think, um, that we've considered effectively scoped the, the need for, let's say, detailed, lengthy, possibly repetitive assessment. Um, why that isn't necessary in order to understand, um, the impacts that would arise.

01:38:51:24 - 01:38:52:14

Thank you.

01:38:52:16 - 01:38:55:27

I think that's sufficient on that point. Um,

01:38:57:27 - 01:39:03:07

just looking through then some of your remaining comments. Um,

01:39:05:07 - 01:39:19:10

you have a comment here about, um, impacts being assessed in combination. I'm sorry if I've Misunderstood. Maybe the, um, the thrust of the point that's been made, but, um.

01:39:19:28 - 01:39:35:26

I'm not proposing to go down that route. In any case. Item five. I think it's fine. I don't want to get in a position where we're trying to make our own judgment about effects. So I think I think we need to be guided by the applicant on that point.

01:39:36:07 - 01:39:51:20

All I was going to say was that we are talking about not combining effects. We're talking about construction level effects as being the the bar against which we are stating that impacts will be less. So we don't think it's an in combination point.

01:39:53:16 - 01:40:01:08

Can I request. So I'd like to draw a line under this item if unless there are any final comments.

01:40:01:10 - 01:40:34:04

Mr.. Thoughts about that, but I just wanted to touch on your last question about the DCA. Um, and that, in our view, said that given everything that Mr. Russell has said and we've, we've we've talked through that. We don't think that the DCA needs to be providing a definition of major replacement activities. I think we touched on this yesterday. Essentially, we want the power to be able to place every aspect that needs to be replaced across the entire scheme. And so the question is about do everything you have to basically do.

01:40:34:06 - 01:40:46:00

Do we feel there's sufficient controls to do that. And I don't think you need a definition in the DCA. I think that actually potentially confused things. I think what we are saying is we want the power to do it all. Have we got the controls?

01:40:46:02 - 01:41:16:15

I could see there could be a way forward with that. So look forward to seeing the technical note. Um, I think it would be helpful. Um, uh, please don't just look at the likely significant effects. Please help to give us an understanding of the effects. Um, I tried to make that point earlier that, um, we just may take a slightly different view for the planning balance. So we'd like to understand the effects in the in the round rather than just be told they're not significant.

01:41:16:21 - 01:41:49:00

So if that if that is that does that make sense. And if that could be included in the technical note just to give us I think you've already described much of it briefly here, but just just to add to that would be helpful. I think I would encourage, um, HRA matters to be, um, addressed within the note as well. Um, obviously we're concerned to see that those are, um, dealt with. Um, for any major replacement activity.

01:41:49:02 - 01:41:54:17

So so please do, um, address that explicitly. Um.

01:41:57:06 - 01:41:57:21

I.

01:42:00:18 - 01:42:25:02

Certainly agree with the suggestion that the technical note is a certified document. Um, because it'll be an important clarification of the of the ES, and the ES is being certified for various reasons, so that appears appropriate. Um, so I'm intending to close on this item there. Um, are there any other comments from the council first, please.

01:42:25:21 - 01:42:56:08

Laura Hughes for Cheshire West and Chester Council. Yes. Just one comment on someone trying to wrap up here. It's just that, um, it could be that I've got I've not got the most up to date document. If a new outline environmental operational environmental managed plan was management plan was updated at that point. Um, but I can't see major replacement mentioned in table 5.3 that Mr. Russell referred to previously. It only mentions periodic replacements. So again, it's just getting that consistency in those definitions. And so we know that the controls are are there for for whatnot. But that could be just sort of.

01:42:56:16 - 01:43:17:18

I think that's helpful. So I would I would extend my comments to I appreciate the desire not to update every chapter of the ES. So I appreciate the expediency of a technical note, um, however, I would, uh, invite the applicant to consider updating the outline environmental management plan.

01:43:19:19 - 01:43:43:27

Yes, we will look at that. I mean, I think I've taken the action essentially to have a further conversation with the council about what, what, if anything, needs to be added. Um, and to ensure that I think the general approach is to everything in the um also applies to rule replacement campaigns. That's, that's that is the starting point. Um, if that's not clear enough in the language in the um, then obviously we will look at that to make that clear. But that is absolutely the starting point.

01:43:44:11 - 01:43:58:22

Okay. Thank you. That was a very helpful airing of the issues. It was very helpful to understand the applicant's approach a little bit more. I think we have a very clear way forward obviously. Oh sorry. Do the Environment Agency have anything to finally say on this point?

01:44:01:05 - 01:44:03:21

I'm not seeing a yes, please.

01:44:04:00 - 01:44:07:29

I'm Morgan, I'm Hagman from the Environment Agency. No further points than this.

01:44:08:04 - 01:44:34:16

Yeah. Thank you. So, um, again, as the applicant produces a technical note and updates the environmental management plan, if parties could comment on that at the following deadline. So for deadline two, um, and hopefully we can, um, move this along quickly. Um, right. Uh, it's 1115. Um, I'm proposing that we take a short break. Um.

01:44:37:00 - 01:44:55:15

So, um, um, let's take a short break. Uh, adjourn for a short break. I suggest we take 15 minutes. So if we recommence at 1130, please, if you're watching the live stream, then be aware the live stream may stop, and you may need to refresh your browser page when we restart. Thank you.