



Planning Inspectorate
Arolygiaeth Gynllunio

Event Transcript

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FULL TRANSCRIPT (with timecode)

00:00:06:22 - 00:00:38:00

Good afternoon everybody. The time is now. 1455. And this first issue specific hearing is restarting. Uh, please, could a member of the case team confirm that I can be heard clearly and that the live streaming and recording have restarted? Thank you very much. Um, right, we've got two. Um, we've completed item five. Um, uh, j oh, no we haven't. Um. Oh, excuse me. That's not a good start. Five G we just completed that in the previous session.

00:00:38:10 - 00:01:14:10

Um, before we move on to five H. Um, I'd just like to reiterate, we're going to take five I and five J in writing. So there are two items left for us to complete this afternoon. Um, before we wrap up by going through the actions, um, I'd just like to make a statement or two before we go into that. Um, because parties may be and I haven't had any representation on this. We haven't. But parties may be wondering why we're considering certain topics at this issue. Specific hearing and not others. Um, so that's no reflection of the importance that we're giving to other issues.

00:01:14:12 - 00:01:55:06

Um, and I mentioned a couple of those so non-breeding birds, uh, skylark or other ecological matters, uh, water environment, flood risk, um, landscape and visual impacts, including views from the nearby memorial. Um, Greenbelt. Greenbelt matters. There are a series of others. Um, we've chosen not to address those at this hearing. Um, a number of those will be the subject of first written questions. Um, we are very mindful of needing to, um, uh, become clear on the respective positions on those and there will be a need to move things forward, I feel sure.

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Um, as is normal with this type of examination. Um, it may be that on occasion we don't ask very many questions on certain topics, um, because we feel that respective parties have already set up their positions very clearly. So we may we may question to gain greater understanding. We may question because there is a gap in information. Um, we may not ask very much because we think we have everything in front of us. So so please don't take the fact that we haven't considered some things today as any indication of what we're concerned about and what we're what we'll be addressing in our report and in our recommendation, um, is that it may be in the written questions, it may be in a later hearing.

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Um, it may be that we feel we have enough from the various parties. So I just wanted to make that general statement to start with. So we'll now hand over to Mr. Rowlands, um, who will take us through item five H. Thank you. So this item is looking at ground conditions at the non-breeding bird mitigation area. So what would be helpful if the applicant could provide a short summary of the work activities and the order in which they would be done? Taking into account the existing conditions.

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So I hand over to the applicant, please.

00:03:27:20 - 00:03:42:16

Thank you sir. Mr. Watson applicant. Would it help? I know that's a direct question, but we just wondered if it would help to set a bit of context as to how we've got to where we are in terms of understanding the ground conditions, or are you kind of comfortable with that? And your focus really is just the the steps.

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I have got further questions regarding some particular elements of the ground conditions, but if you want to maybe give a brief overview that that could be helpful.

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Because I think it's understanding the where we've got to. And this helps you understand the kind of the order of activities. Um, so I was going to bring back in, um, Mr. Campbell. You might be supplemented by Mr. Russell.

00:04:07:16 - 00:04:51:18

Mr. Fox, governor Campbell, on behalf of the applicant. Um, in terms of the, um, the non-breeding bird area, um, the details of the proposals are an application document 35, basically to form the non-breeding bird mitigation area, require a simple terms with engineering a number of depressions. We're opening up close to the the natural water table, which seasonally moves to generate wetland habitats, which will comprise areas of of of water and areas of of of muddy soil effectively which generate the habitat necessary for the, for the, uh, the birds.

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Um, the, the results of the investigations that I briefly touched on, on the last point have been used to inform the initial assessment of what is and isn't possible, um, and have been used to, uh, do some preliminary water balance modeling to demonstrate that the wetland can be constructed. When it is constructed, it will be constructed as per a detailed design, which will still have to be prepared, which will in itself be subject to investigation, engineering, specification, um, supervision, etc.,

00:05:30:28 - 00:06:06:07

etc.. So that's what is created is what is designed so it will work. Two earthworks options are discussed in Application document 35. Um with the selected method of construction will be confirmed in the lamp and the associated non-breeding bird mitigation strategy. Both strategies involve treatment of and using pygmy weed contaminated ponds. To the north of the non-breeding bird mitigation area involved cotton fill earthworks to form a number of areas of lower ground level in the central part of the area, forming a series of scrapes.

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Further up from the scrapes, there'll be areas of wet grassland and islands for safe roosting of wetland birds. There is also a drainage infrastructure allowed for in the um concept designs. Fairly basic. Basically a cut of trench which which has a sluice that you can you can raise and lower the the the water table of the area, subject to the conditions to ensure that the, the, the wetland is achieved.

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Um Document Application document 98 sets out the principles. Um, it's a it's a note remediation technical concept notes for sale three that sets out principles and the work requirements associated with the creation of the non-breeding bird mitigation area, and it also includes potential requirements for stabilization of soils. The materials that will be excavated are the dredging. They have been investigated from a contamination point of view.

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There is some

00:07:11:02 - 00:07:47:20

contamination in the soils, but nothing to exceed the solid limits. They have picked up some leach ability within the materials, as you would expect from this type of material. So because of this, there's a chance. Subject once again to the the detailed investigation and risk assessments that there will be need to allow some treatment stabilization of these soils as part of the construction works. And this this is basically to enable these potentially mobile contaminants to be bound into the soil.

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It's a bit less mobile. Um, also, these types of stabilisation works are also beneficial from a geotechnical point of view, which I'll touch on later and may well be required in areas to technically.

00:08:04:15 - 00:08:05:00

Um,

00:08:06:22 - 00:08:38:16

see. So I think it was touched on the ground investigations carried out um, in Application document 97, based on the results of the contamination assessments and following consultation with the Environment Agency. The applicant concludes that the construction operations to form the Non-breeding Bird Mitigation Mitigation Area could be undertaken using either a deposit for recovery permits, environmental permits from the Environment Agency or by using the definition of waste Code of practice.

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Um, nothing that detailed for both of these. There would be a need for the detailed ground investigation and risk assessment as part of the the application process for the remedial works.

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The low strength of materials. We've obviously talked about materials and it's documented in the environmental statement, the low strength of the materials to be moved and constructed and engineered. It can be geometrically challenging from an earthmoving perspective. Um, because of this, we've based the applicant to sort the advice of experienced civil engineering contractor who was responsible for the uh adjacent windfarm development, including the the the engineering of the scrapes and cell three.

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So they have first hand knowledge of the materials in that area. Um, the understanding construction risks, um, and are able to and have advise on acceptable earthworks required to construct the the non-breeding bird mitigation area Effectively.

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Now, an obvious thing with these types of deposits is basically to minimize the construction difficulties from repetitive articulated dump trucks. They would be using specialist equipment comprising probably multiple tracks, conveyor belts. So you would be excavating at a number of points. You would have tracked conveyor belts, which would be moving your soils to where you want to deposit them, thereby reducing your repetitive movements of dump trucks. There would be a need for lower ground pressure, uh, dozers and probably, um, similar trucks, uh, dumpers as well to minimize the, the, the issues from the, the efficiencies of earthworks and this type of material.

00:10:34:03 - 00:10:48:07

In terms of details or a slightly more detailed breakdown of the sorts of work activities of this type of earthworks. Do you want? Would it be beneficial to go into that and in more detail from a earthworks point of view?

00:10:49:05 - 00:11:24:13

Um probably not. What I'm really looking at is the sequencing of the work activities, so that I get clarity of what particular tasks you would do first, whilst you do take account of the existing ground conditions. So that's what I'm trying and grappling with what? That's what I'm trying to understand. So I appreciate that you've given me an overview and I'm grateful for that. Um, because that's also invaluable because there's a lot of data there in the relevant documentation.

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So I thank you for that. But yeah, if you could maybe consider how the work activities would be done.

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I mean, I can I can go through that now. Um, pre-construction, there'll be the more normal aspects of these types of contracts. Um, the risk assessment method statements, the health and safety aspects, um, perhaps provisions DCO construction phase plan, environmental management plan specific for this. This phase of works will then be a leading period for specialists plans. Basically they would be finalized in the New Zealand pigmy treatment provisions permitting disposal route for any treated water.

00:12:05:11 - 00:12:35:23

Sounds like the pre-construction phase of works during construction would also be mobilizing plants and equipment. They'll be establishing temporary site compound parking, offices, welfare, etc. stores and fields. There'll be survey control, fencing, provisions, vegetation clearance and then the offsite removal. They would then be the ponds ready to be pumped from removing the water and any water treatment. And the New Zealand pygmy weed can turn into soils removal.

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Water management. The ponds prior to filling subject to the final

00:12:43:08 - 00:13:18:12

design taken. Um. There will be installation of temporary access tracks and protected crossings. The excavation of soils would then commence. The actual methodology and sequence really cannot be decided now, because it will come down to contractor choice and data program, whether it's one or 2 or 3 areas of excavation. Um, it will probably be loosely a central area of excavation. And then from there you'd be depositing soils in the, in the selected deposit areas.

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But the sequence would depend on the contractors method of works and how they want to carry out the works effectively within the parameters they're given, probably generally working west to east. Um, in terms of stabilizing stabilization of soils, once again, we've touched on the stabilization from other potential stabilization from a contamination point of view. There may well be a need to do some stabilization from a geotechnical point of view to make the earthworks more efficient and actually generate the design.

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It would then probably be a need to construct the Cut-Off trench, remove protected crossings. It's still installing the drainage that was required in the sluice gates, and basically then remove fencing, strip at compounds and access track and then team up from site. So it's a fairly well-ordered sequence of earthworks. Um, that's not a detailed set of activities, but it's the sort of headline, headline activities, if you like, for this type of project.

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And that's also following, um, guidance from the, uh, contractor who's worked on these types of soils before. So they've got firsthand experience of how challenging the soils can be. Okay.

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Um. Thank you. That's really helpful. Um, the follow on questions that I have might necessitate having to refer to some of those sequencing as some of those elements might take longer. Uh, or is it likely to fall somewhere else within, say, the indicative schedule that was shown yesterday? But before we go into that, um, sorry, do you want to ask a question first.

00:15:15:07 - 00:15:16:29

Try and ask that question. Okay.

00:15:17:01 - 00:16:02:13

So, um, what I'd like to do is to work through some aspects here, and then if you need to take it away, that's fine as well. So if I can clarify first the number of storage ponds. So if I was looking at the latest outline landscape and ecology management plan. That's reference PD 2-0232. Drawings show two different things. So, um, the one on page 88, uh, which is figure A 1.2 illustrative environmental masterplan shows one storage and on on a slight raised embankment.

00:16:02:16 - 00:16:28:29

But if I look at, uh, figure three and that's within the proposed non-breeding bird mitigation strategy overview, and that's page 123 that shows two ponds storage area. So I'm just trying to understand what is the scope, uh, regarding that element of work. Andrew Russell for the applicant. Um.

00:16:29:23 - 00:17:06:29

This is actually the result of some of the dialogue that we've been having with Natural England and specifically relating to, um, ensuring that the features of the Triple Sir are maintained within the boundary of the triple C. Um, so the the illustration in the um, the indicative environmental masterplan drawing referring to that was um, produced the point of the application. We just located it. Ultimately it is what it says indicative it was showing um potential pond reservoir in the central area.

00:17:07:24 - 00:17:38:03

The discussions with Natural England, um, their preferences that we locate and the ponds. So they sit within the boundary of the triple C, now the boundary of the triple S, I can't take you to a figure out. It kind of sits halfway across that area. So, um, that's why the figure then has altered in that non-breeding bird mitigation Asian strategy. Um, there is a point of consistency if we choose to, to to reflect that across the drawings.

00:17:38:05 - 00:17:54:01

But ultimately we've got the ability through the flexibility and the consent to position that pond anywhere. So we're going to see that as a a detailed point, which can be worked out later. But it illustrates for the purposes of Natural England. That's why we changed that figure.

00:17:54:03 - 00:18:01:03

Okay. That helps. Yeah. That's helpful. It gives me a better understanding. Okay. Um,

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right. And so what I would like to, um, delve into and it's briefly. So not too much technical, more I'd say a lay person's point of view. Um, so when you're looking to do work at that area, how would you deal with elevated concentration of blood? And that's specific because of, say, the potential for contaminated waste. What would be the mitigation options available for you there?

00:18:38:20 - 00:19:10:27

Gavin Campbell, on behalf of the applicant. In terms of the contamination, the the limits of contamination, the the levels are such. We are confident that the stabilization by by a solidification um type um process would lock in these contaminants and basically remove or reduce the risk of groundwater pollution to a level that was acceptable.

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Um, so I think it would be the treatment as outlined in the.

00:19:20:15 - 00:19:36:24

Remediation note. Um, I referred to earlier, um, that would be a locking in of the contaminants. Okay. Once again, all subject to the risk assessment process that were supposed to be approved by the Environment Agency as per the quantum land guidance.

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Thank you for making that clear. The reason I was asking as well, was a mitigation option could be to go all out and dispose. And then obviously, if you undertook that particular activity, I was then going

to ask, has that been considered under the. Yes. But from what I'm hearing, that's not an option on the table. And therefore it's not something that's within the. Yes. Is that correct?

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Andrew Russell.

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For.

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The applicant. Um, correct. You've got the right conclusion there. Um, purpose of including it's appendix ten dash two, um, to the environmental statement was very much to, um, address this question. If it came up in essence, is that there is a, um, an easily deliverable, commonly used method to treat, um, this sort of situation, if it's necessary. I think it's probably worth saying that we've we've put that in there, as Gavin said. Um, it will. Oh, sorry, Mr.

00:20:37:13 - 00:20:59:15

Campbell said. Um, it will be a result of detailed testing to see whether we even need to do that. There is, uh, groundwater already in flux at that particular point. So it may be that it's agreed with the agency that there is actually no greater risk, but that'll be part of the consenting process. But we've demonstrated that we won't need to take, um, multiple vehicles off site. Okay.

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Um, will that be similar then to, say, the synthetic chemicals used in industry can be toxic? Um, you're not looking to excavate that and then dispose a licence. Hazardous waste. So I'm thinking more of, say, the PCBs, which are the the polychlorinated biphenyls. LS.

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Andrew Russell for the applicant. I was just checking there because I, um, recall that I read that a little bit earlier. So, um, the testing for the for those, they weren't, um, above the, uh, generic assessment criteria. Um, I'm afraid I can't tell you about the legibility of that particular chemical. It's the my specialist area. Um, but I think the concept is that if it's locked in, then, um, then that has been managed. And like I said, it's not above those generic assessment criteria. And I think part of the whole concept of Dow cop, um, which is where we're moving those materials within the site, you start looking at that risk assessment process.

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What what what risk is, um, going to be presented by you moving and managing those materials versus the, um, maybe the sustainability benefits of moving materials offsite. So it's all part of that process. Okay.

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Um.

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I'm an engineering sort of technical point of view. Um, yes. Not disturbing the soil as such. So not mobilizing contamination by disturbing soil. But I'm wondering, in relation to excavations, whether there might be dewatering and that there might be a mobilization of contaminants through increased groundwater movements from dewatering, if that makes sense.

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David Campbell from the applicant. It's something that would need to be considered as part of the design. As far as I'm aware, there is no active groundwater dewatering proposed for these types of earthworks. Um, but it would need to be considered as part of the detailed design process.

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I think it might be useful just to have clarification of that on the basis of what existing groundwater knowledge of existing groundwater levels looking at depths of excavation. And so if perhaps if the applicant could just expand on that a little bit, it seems a potential area of risk in relation to mobilizing contamination and having to deal with those things. Thank you.

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And I move on to hydrocarbons and soils. Um,

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what would be the applicant's approach to those? So, you know, oils increase to bind the soil. Um, are they mid to heavy

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when disturbed? Um, and what's the risk of groundwater contamination? Um, the potential toxicity to plants and animals. So hydrocarbons in soils. What will be the applicant's approach to that?

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Andrew Russell for the applicant. Um, there was through the investigations there was some olfactory evidence of hydrocarbon. Um, but there was no staining identified, no free phase. And, um, we may need to come back with some more detailed answers. But my certainly my recollection is that, um,

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including from the information that came out from the wind farm investigation, was that this was, um, almost an integral part of the fact that these were dredging deposits. So it wasn't that you had any particularly concentrated, um, areas of hydrocarbon pollution that wasn't identified at a significant level. So, um, I think we're seeing this almost. It's not a closed system because clearly you can have movement as just described about groundwater.

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Um, but you're trying to manage those materials and effectively you're moving those materials around in an environment that is composed of dredging deposits. It's pretty generic in terms of its form.

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When you come across such contaminants. What would you be looking to do? Would you be looking to physically remove them from a soil?

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Um, Andrew Russell for the applicant. I think that comes down very much to the, um, details of the ground investigation. I think the information that we've got at the moment is suggesting that you don't have contaminations at levels where, um, it is going to present a risk to human health or the environment as a result of the works that we're proposing. So it comes down to end users. Um, source pathway receptor and making sure that you're applying the right solution to the risk that's presented to the environment.

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And at the moment, we don't anticipate the need for any particular removal, off site or remediation, with the exception of that that was noted about the non-breeding mitigation area.

00:26:35:19 - 00:26:56:20

So for the hydrocarbons and soils, you don't think currently that there's any mitigation measures required and that can involve, say, soil washing or um, uh, bioremediation where you break down the hydrocarbons? Nothing like that is envisaged.

00:26:57:19 - 00:27:07:07

Andrew Russell for the applicant. No, that's not, not envisaged. And I think that would be more typical if you were finding, um, staining or free phase hydrocarbons. Okay.

00:27:07:09 - 00:27:36:09

Okay. Um, can I go to Leach? Uh, containment from dredging Writing materials. So I think it's yeah, all identified in the application documents that there are such elements there. Um, if you could just maybe again, just give me a quick overview of how you're going to do it. So you mentioned that you're going to look to stabilize. Is it the soil.

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Yeah. For the applicant the the the method proposed is is likely to be some form of stabilization. Whether it's cement stabilization. It's one of these types of measures to lock in the, the leech able uh concentration. The these materials basically these compounds. Um, and that is the one that we think is, um, the most relevance most likely. Um, but the actual one will be confirmed following the options appraisal process of what needs or does not need to be done from the way of treatment, but as as it stands, based on the data we've got, it say the stabilization most likely is one of locking in via cement stabilization or something similar to that.

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And also, as I said earlier, it's got benefits in it and they will be areas where we want to do that with geotechnical perspective as well. So we could be getting best value from one method of stabilization for the project.

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Okay. And then ground gases from the organic dredging silts and clays. So what will be our approach to that.

00:29:02:00 - 00:29:37:22

Andrew Russell from the applicant. Um, we mentioned uh, earlier today how we needed to actually revise the construction environmental management plan. Um, for to confirm that ground gas monitoring will be undertaken. If we are going to construct the sealed buildings that would essentially be connected to the ground. Um, it may well be that, for example, the, the base, um, compound, that all of those structures are raised above the ground and therefore don't have ground gas issues.

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That's why we're giving that slight flexibility. But yes, we've considered it and it's included as a control area.

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Do the design parameters account for that in terms of the dimensions, the heights of those buildings?

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Andrew Russell, the applicant? Yes they do. Okay.

00:29:59:16 - 00:30:27:12

Um, first Vestas, um, the, uh, remediation technical concept notes Note for cell three, which is app Dash zero 98. Identified asbestos fibers in seven of the 12 samples. Um, can the applicant advise of any soils encountered? Could have asbestos containing material.

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Andrew Russell for the applicant. Um, again, we we suspect that this has the presence of asbestos, which was found in some of the samples. Um, it's again, by virtue of the fact that you've got dredge deposits coming from the Manchester Ship Canal. I probably need to say no more. Um, but the, um, asbestos was identified. Um, it was less than the limit of detection. And so therefore, um, no specific or complex method of mitigations needed for the protection of those these workers in relation to asbestos.

00:31:08:25 - 00:31:19:25

Okay. And I'm just following up on this for, um. Asbestos containing material in the soil. You're not looking for a

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processing compound, nor the effect of this compound in. Yes. Is considered because you don't think you need it. Is that correct?

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Andrew Russell for the applicant. Yes. That's correct. And I was just trying to, um, get myself to the correct part of the environmental statement document. So in chapter ten, paragraph 10.6 .46, um, that includes um, the quantification there about the um fibres that, that were sampled and they were below that limited detection, which is less than 0.001%.

00:32:08:28 - 00:32:22:29

Can I ask the applicant if you've identified a disposal facility and whether that facility has got the capacity to receive waste and hazardous waste?

00:32:27:21 - 00:33:01:03

Drew Russell for the applicant, I may, um, just dip into the, um, section 51 response that we gave to you. I think we addressed waste in that response. And I think we looked at the availability of, um, the particular landfill resource. Um, there is also a, um, hazardous waste incinerator, um, in Ellesmere Port. So not too far away. Um, at the moment, we're not anticipating the need for any great volumes of disposal.

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Um, but I'll have a look at those documents and see see if that helps.

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And yeah, presumably the volumes that you anticipate is helps inform the traffic and transport elements of the. Yes. Yeah.

00:33:19:11 - 00:33:31:13

Andrew Russell for the applicant. Um, yes. I think we essentially allowed a nominal HGV movement in respect to that because we weren't expecting any large scale export. Okay.

00:33:33:06 - 00:34:03:22

Um, in your remediation technical concept notes for cell three. Um, it's mentioned that a sum of 140,000m³ of soils would be re-engineered. Um, so I ask, um, when you're undertaking that activity of breaking ground, how would you deal with any unexploded ordnance.

00:34:05:24 - 00:34:37:19

From Kabul. On behalf of the applicant. Firstly the. Before the works are commenced. The. There would be a further risk assessment process carried out um by the principal contractor. That would inform methodologies as required. What would happen? There would be a procedure in place on the events that something was encountered whilst you were excavating and came across a, a, an ordnance basically.

00:34:37:29 - 00:35:03:15

Um, there would be prior to any works, there would be briefings from site staff, so they knew what to look out for. They knew the risks. They knew the process to deal with it. Should they encounter something? Um, so it all depends what the encounter there would be informed there'd be process to deal with it if they find something. Um, and That's basically what was happening to the process methodology in place.

00:35:03:17 - 00:35:32:27

And so if I can add to that my thoughts on that. So we do commit to a UX management plan in the Kemp paragraph oh 127. Um, and, you know, with awareness briefings, um, intuitive kind of say this

word magnetic magnet magnetometer. That's not how you say it, but you know what I mean. Um, surveys of, uh, power locations. Um, so, yes, we've got processes in place for, for USA. Okay.

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So I understand from, um, the application documents, there's something in the region of 600 incendiary bombs were dropped on Fort um marshes and at the site area as a precautionary medium risk from unexploded ordnance. So the significance of effect is based upon incorporating the mitigation applied and which you just kindly highlighted.

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It's the UXO management plan. So what I'm trying to understand is what has the applicant assumed regarding unexploded ordnance to demonstrate that it's a, uh, small and negligible to minor, so it's not significant risk. So, for example, how many devices, uh, does the applicant expect to, uh, need to clear from the site?

00:36:41:02 - 00:37:19:08

Um, Andrew Russell for the applicant, um, especially without sounding obtuse in my response. Um, I think that to try and estimate that isn't something that's particularly common practice. So you've got these, these these UXO reports actually provided. I think the methodology and the risk assessment methodology is very well established. Um, and the I suppose it's worth highlighting that the Frodsham windfarm had to um, also include UXO management methods, which were which were effectively implemented.

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So, um, yeah, the experience that I've had where we've had where we've had to engage with UXO,

00:37:27:16 - 00:37:45:00

you could be in a very high risk area where the records could indicate that there is a high density or high likelihood of there being bombs. You can't say how many unexploded bombs that you're going to come across. Um, just by very nature of the fact of bombs dropping and exploding.

00:37:46:18 - 00:38:20:25

If I'm looking at the magnitude of impact, um, it states that the magnitude of impact would be small. Um, so that to me implies obviously the 600 UX chose, uh, um, a relatively small number is expected to clear because otherwise, um, you could be indicating that a lot would need to be cleared. And then the resulting level of effect, um, is negligible to minor.

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So

00:38:23:11 - 00:38:27:12

if I just follow this a little bit further. Um,

00:38:29:12 - 00:38:57:06

and, uh, one way of assessing this in the s could be along the lines of saying, well, we anticipate a low number, so maybe less than ten. And then how do we mitigate the resulting level of effect. So in that vicinity, um, it's already highlighted the sensitivity C of the HRA with the

00:38:58:29 - 00:39:27:02

nesting birds, so the way you could reduce the level of effect could be using a low total charge or scoping the works when there would be no birds nesting. So that's why I'm trying to understand how have you been able to justify the magnitude of impact and the resulting level of effect to be so insignificant?

00:39:29:17 - 00:40:06:19

Let's talk about that. I know that was supposed to come in as well, but I think part of this is about what does magnitude mean in the context of the assessment in which this has been undertaken. It's not the magnitude of the impact to your receptors and the example that you just gave there. I think it's the that UX assessment is done in the context of the ground conditions assessment, and it's the magnitude of the impact. Taking into account the embedded mitigation, which is the management plan takes you to that point of view. And I think the fact that the management plan would get signed off and the protocols that would flow from it gets approved.

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I don't see there's not a scenario where that would would that would happen. If we do the the word, I can't say the survey and that identifies that there is something there then

00:40:19:20 - 00:40:56:10

to deal with. It would obviously involve quite a lot of steps that the management plan would set out. It's not like we would say, okay, there's a bomb there. We're just going to do whatever we want just from health and safety and nothing else. Um, so I don't know if it might be that we perhaps look at the camp saying a bit more about what the management plan would do in terms of setting out a process for if a bomb is found. But I think in terms of the conclusions of the assessment, I think that the point is that with the standard good practice measures that you put in a management plan, you would get to a, you know, a not significant impact to ground conditions because you'd be able to deal with it in the normal way.

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The challenge that we have, and we discussed it earlier today is in the context of some management plans, um, are really, um, underpinned by the parent's management plans, which you mentioned. And where we are asking are is it possible for supplementary outline management plans? So the UXO is, is one that I can understand fully why it's not yet in the examination, but possibly if that has some sort of context or um, some, some elements of, um, how we would address this particular problem.

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Or as you've just mentioned, you could put it within the body of the, um, parents. uh, management plan. I leave that to you. But, yeah.

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There.

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Was one.

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Thing.

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That when I see that that the ex needs.

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Can I just broaden the discussion on UXO slightly? Um, so, uh, yes, there

00:42:06:26 - 00:42:29:18

there appears to be the potential of a large number of UXO, albeit there can be no clarity on exactly how much would be encountered in practice. But, um, Mr. Roland has highlighted up to 600, um, known to have fallen in the general area, so that that's an unusually large number for a development of the sort. Um,

00:42:31:05 - 00:43:18:07

the potential impacts of UXO, um, would be in relation to the ground issues that Mr. Roland has been taking us through. But they, as the applicant has just said, there are health and safety impacts of those, including for users of the public rights of way. For example, there might be in the vicinity, um, uh, there uh, would be noise implications. Um, I've just had a quick search through the noise assessment. I've searched UXO. I've not found anything. Um, and it may well have been considered, um, but, um, what I'm I'm opening the discussion slightly into is having a degree of comfort that, uh, UXO have been considered where relevant in the assessment.

00:43:18:24 - 00:43:46:17

Um, and, um, the effect on birds just seem to be a particular one. If there were controlled explosions, for example, and that those those have all been considered. Um, I'm wondering on one hand about whether we're having enough about the potential impacts. I'm also wondering whether this would be one of those cases where an outlying UXO, uh, plan might be helpful at this stage.

00:43:46:19 - 00:44:23:11

So I think what we will take away is that we will look to see kind of like we were discussing yesterday. If the Kemp can say a bit more about what the management plan would say. So not a full on separate document, but, you know, maybe a row in a table which says it would cover these things. Um, I have to say, I think we we haven't been blunt. We haven't assessed the impacts of exploding an unexploded bomb on the birds. Um, because I think in, in our heads, we were thinking you would deal with this in the, the standard way through management measures and taking account also of what it is that we're building.

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It's not like we're we're going as far deep as a bomb is probably going to be. Um, I think that the, the Kemp would say, um, you know, we can say that when in developing the management plan, we've got

to make sure that in the worst case scenario that we did have to, um, you couldn't just diffuse it, but you had to explode an unexploded bomb, um, take account of things like seasonal restrictions. Um, and done at a certain time to avoid impacts to birds so that you wouldn't get to the point of significant effect. So I think that that's where we would get to I think.

00:44:55:17 - 00:45:02:02

So I was just trying to ensure that there were measures to make sure those losses don't, um, happen.

00:45:02:04 - 00:45:18:02

So so again, there's that distinction of appropriate mitigation being in place, but also us understanding what the potential and residual impacts are. So we need to have a good understanding of potential residual impacts so that we can plug things into the planning balance as necessary.

00:45:20:00 - 00:45:34:01

Andrea Russell for the applicant. Um, yeah. We'll take that away, as we said. Um, I think one thing, um, which is worth recognizing is that, um, the dredging deposits across the site that have been laid, um,

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many of those will have occurred after the, um, the risk would have happened, and we're not going to be excavating down to those depths. So I think there's a there's a whole series of factors at play here. Um, and also identifying those, um, likely effects that would occur.

00:45:50:27 - 00:45:51:12

Okay.

00:45:52:11 - 00:46:24:04

Um, I'll move on to, um, paragraph 3.1.3 of appendix B, uh, the outline non-breeding bird mitigation strategy that's embedded within the uh o lamp, which is PD two uh, dash o 23, um, that notes that the preferred of option one includes drainage of the ponds. Uh, treatments of the base and sides of the ponds with herbicide.

00:46:24:06 - 00:46:51:22

So what I'm trying to understand here, and we might be crossing over a little bit to, uh, ecology. Um, but I think it's useful just to try and understand this particular point. So can the applicant confirm how long it would take to completely eradicate the non-native New Zealand pygmy weed from these ponds. And what impact could that have on the construction schedule?

00:46:54:20 - 00:47:27:06

Andrew Russell for the applicant. Um, so we have spoken with, um, some specialist, uh, um, invasive species, um, contractors, and we've talked to them about the methodologies that would be used. Um, and there are a number of different ways that you can treat New Zealand Pygmy Weed. But the way that we've presented it at present, um, within the the document is that you would be draining down, um, the, the water that would go through a series of meshes.

00:47:27:09 - 00:47:59:18

Um, sandbag filters etc.. Um, and so the, the lowering of that, that water level is relatively quick depends on the, the volume of your pumps and you then treat the the material, that would be left at the end of that pumping process within those ponds with with a herbicide that's such as classified. That's a relatively quick acting, um, herbicide. And then you scrape that material down and you would bury it.

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So the I whilst I can't give you a precise day's one week, um, number, um, our understanding from speaking to the contractors and they understood the program we were trying to meet with that sits quite comfortably in those in that first stage where we're mobilizing, starting the works on the excavations before we then need to move those, the materials into those ponds.

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So what I'm hearing. Um, because these can be really tiny fragments that

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in terms of the yes, you're not looking or wanting multiple Policy, since you think you can deal with it in in any way.

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Andrew Ross with the applicant. Yes. That's our that's our expectation.

00:48:45:19 - 00:49:01:02

Okay. Um, I'll, I'll. Yeah, I'll park this for now. But when we come to the end of the session, I will ask, um, the host local authority for any comments on that as well, because I want to make sure each party is aligned.

00:49:01:26 - 00:49:39:01

I'm sorry. I'm sorry I said I'd add to this, um, because I don't want to assume, but I think given how you've started this series of questions and the nature of that question just then, I think you're getting to the point of, are you sure you can do all these things within the seasonal restrictions that you've given yourself? And I think now particularly that we have said, um, as per usual deadline, be that we essentially can't build any other aspect of the scheme until the MVM is created. If for whatever reason, for example, that the discussion we just had means that we can't finish creating the movement in the seasonal restrictions that we have.

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That is our risk. It doesn't change the conclusions of the s, because what it does is move the rest of the construction movement and sorry, impacts a year into the future. But those construction impacts are still same just a year later, because for whatever reason, we then need to wait until the next seasonal restriction. So I just want to make that an important point of principle is that if any of these things cause delays to put them, they are committed to not doing anything else until he's on the MB may not. That doesn't change the yes at all.

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And I guess that then raises the question as to whether, um, delays to the program, um, there are any material effects that might come from delays to the program, for example, in relation to other projects, um, in relation to assumptions about traffic impacts, for example. So, um.

00:50:30:28 - 00:51:18:04

Yeah, that was not the applicant. So I mean, I think, um, we can take away the point about traffic. I take that because of the weather the peak years ago, but I think I think that would be the without. I'm wishing to have the conversation on the next agenda item now. Um, but I think we would argue that that is, um, in terms of the other impact with other species, other projects, particularly in relation to ecology, that that is a kind of a philosophical question anyway, because our programme might move, their programme might move, and it's the question of how have we assessed if they're happening at the same time or if they're happening before or after and all those kind of questions, I think I think again, foreshadowing at the point we will make is that every project is subject to program pressures.

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Um, and it's the case of, have we assessed for the worst case? And we'll get to that. Um, but we will take away that point about the traffic peak here and just, you know, in a scenario where you get moved back a year, what would happen? Um, I don't think it would make too much of a difference, but, them. We can confirm that, but I just wanted to make a general principle point, because I feel like I could see where you were, where you were going.

00:51:38:03 - 00:52:12:15

Yeah. I've got one other aspect, and then I'll move on. Uh, for from this particular thread. So, um, neutral grassland is a key feature of the non-breeding bird mitigation area. And then the Ucas, uh, data testing sheets in annex three of the Frozen solar ground investigation report, which is included in the latest poll. EMP um, shows a p a range from 7.1 to 8.2.

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So the question is, um, on the applicant's advice, how they would lower the pH to a more favorable level for neutral grassland, how we do deal with that.

00:52:29:07 - 00:53:03:00

And Andrew Russell for the applicant. And that may well be something that we have to refer to our ecologist in a little more detail. Um, my initial reaction and um, issues from the council may add to this. It's not the it's not the type of grassland that is the important feature in the non-breeding bird mitigation area. It's the fact that it is a wet grassland. Um, that the birds are interested in um, and the, the substrate having some food resource for them.

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So that may be a moot point, albeit I understand why you're asking it. Um, and we'll come back on that.

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And again, that could potentially have an impact, um, on your schedule. Uh, because if you're looking to lower it, obviously on the site between, say, six and seven pH, things like this can take several years

to address. So I'm just, um, highlighting it now. And to, um, if it does have an impact on the schedule, because that then mean it has a different impact on the cumulative effects.

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Andrew Russell for the applicant, um, I suppose I just reiterate the point I made. I don't believe the type of grassland, whether it be neutral acid or calcareous, um, would have any substantial difference to the outcome that we're trying to achieve from the MVVM. Okay.

00:54:03:13 - 00:54:42:01

Thank you. Um, can I now move and look at the conclusion of the. Yes. Um, that the significance of residual effects of ground conditions were not significant in EIA terms. So can the applicant summarize wider migratory pathways for contaminants within soils and purchased groundwater and soil does to impact the soil and ecology on site within surface water and terra terrestrial habitats would not be significant in EIA terms.

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Andrew Russell for the applicant. I'm afraid I can't answer that off to my head. I think I need to look at that a bit more detail. Okay.

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Um, you might want to consider, um, if you're looking to mitigate that. Um, are you looking to utilize coagulant or floc humans and then have you just the, the GI have taken to the ground investigation to start taking into account the soil sedimentation test or the soil of what's called the soil texture by jar method?

00:55:21:06 - 00:55:37:09

Um, I suppose applicant if can be so cheeky, but would it be possible for that to be added to the list of written questions? So because I was quite, there was quite a lot in that. Um, and I think to give us the full response and make sure we're hitting the points, it'd be good to have that in writing, if possible, please. Sure.

00:55:40:06 - 00:55:53:23

So, um, can the applicant summarize his current position on whether chemical remediation of cell three that is known, uh, bird breeding mitigation area is required?

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Andrew Russell for the applicant. Um, I think what we have done is we set out clearly that through the results, we've identified the presence of some contamination, albeit that that is limited. And the in characterizing that, we've identified that the pathways that could exist as a result of us undertaking those works in Cell three wouldn't result in a difference of impact to, um, water resources or to other receptors.

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Um, but there is a need to undertake more detailed risk assessments, which is the common practice when it comes to contaminated land and development, when there is more detailed investigation information available. What we've done to try and make sure that we can demonstrate that the

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the development is achievable is we've set out a methodology of treatment should that be needed, which is the stabilisation. And we very much did that. Not to say we have to do stabilisation. It was to say that we will be able to deliver the outcome that we need. Um, and hence we then got the requirements for site investigation, Detailed assessment. Remediation verification, which is set out in quite some detail, not only within the management plans, but I think is also quite clearly secured and possibly a requirement one

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of schedule two. Okay.

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It's clear. Um, and then I'll go on to, uh, appendix ten one, stage one of the geo environmental assessment. And that notes that detail exo, toxic, toxic or logical modeling was not warranted. And what the applicant did instead was tested the water quality for invertebrate invertebrate abundance to assess the risks. Um, so can I just ask the applicants to summarize why they believe that the, uh, eco toxic or logical modeling was unwarranted?

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I think we'll take that away. That's quite a specialist question.

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A follow on question for that would be what is the toxicity thresholds for ecological receptors. What have you assessed in the years. Um and would such a model, would that help inform the EA.

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And service path. Applicant. Sorry if I can ask again if that could be put in writing in the written questions because it's quite detailed, especially with the question.

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Sorry, sir. I'm.

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Sorry, sir. I might be able to add some colour to that. Andrew Russell for the applicant. Um, section 8.8, um, of that appendix just, um, described how the the approach was taken for the Frodsham wind farm, and it was essentially a lead from that, which we decided it was a an appropriate thing for us to follow through. And some rationale is, is set out in there about the, um, the contamination burden on, on wading bird wading birds and why it was considered to be low and unlikely to cause acute toxicity.

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Um, so there is some additional information in there and we can expand on that.

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Thank you.

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Um,

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well, I would like now to do is ask respective parties. Um, I'd like to start with the Environment Agency. Um, um, if they have any comments to make on what they've heard, whether their contents or the ground conditions have been adequately characterized, and that you are content with the applicant's assessment that there would be no residual significance of effects as a consequence of the proposed works.

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So it is possible for the Environment Agency to respond to those.

01:00:44:02 - 01:01:11:06

Morgan Harriman, on behalf of the Environment Agency. I'm afraid our groundwater contaminated land specialist wasn't able to be part of this item on the agenda due to a family emergency. I have taken some some pretty intense notes that I will forward to her following this meeting. And now we can get back to you in writing for deadline one.

01:01:12:10 - 01:01:15:09

Okay. Thank you. That's acceptable. Thank you very much.

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And then can I ask the host local authority for any comments in particular? Do you think the ground conditions have been adequately characterized? And the second element. Are you content with the applicant's assessment that there would be no residual significance effects?

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Um.

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So, um, probably have to come back to your deadline. One, because a contaminated land specialist.

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Would to double check that.

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That's fine. Um, I just want to check if any other party has got any comments to make on this particular topic before I hand over to the applicant for the final say on the matter.

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Not seeing any hands. So if I can hand over to Mr. Fox.

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And then no further comments apart from just to overall say so that we were obviously very conscious of all of these issues really in the development of our program and that, you know, hopefully you've

seen that we've take a lot of assessment and consideration of these issues because we understand the complexities that are here. Thank you.

01:02:46:18 - 01:03:20:19

Okay. Thank you. So that concludes um, item five H of the agenda. Um, no doubt there are going to be some detailed questions on that on some of the related matters as well. Um, let's move on to the um, so we're taking written submissions on, um, the, um, national character areas, which would be five. I and residential amenity assessment five J um.

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That takes us to item five K um, so um, let me again introduce this. Um, it's actually quite a lengthy item, but it might be relatively easy to, um, agree the way forward. Um, so this is in relation to other developments, the high net hydrogen pipeline, the Runcorn carbon dioxide spur pipeline, both of which would, uh, cross the proposed site.

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Um, again, I'll try to summarize, uh, some of the, um, submissions that we've received so far. Um, and what's set out in the application documents. So the applicant has said that it's in dialogue with the developers of the two pipelines, um, and that the proposed development was being designed to take account of those. Um is set out that, um, specifically for the high net hydrogen pipeline that would run along the southern boundary of the site as an underground pipeline with no aboveground installations within the site.

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Um, the applicant said it was possible that the pipeline could be constructed at the same time as the proposed development, in which case there would be no cumulative construction phase effects, um, and expanded that once constructed, it would have no environmental effects, which would interact with the proposed development in relation to the Runcorn carbon dioxide pipeline. The applicant noted that this would cross the northern boundary of the site, crossing cells one, two and three of the former Manchester Ship Canal dredging deposit grounds. It said that timing of the construction works and programming with the proposed development were considered key to avoiding likely significant environmental effects.

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Is that a fair summary? Just a very general introduction.

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Yes. As a general summary. Yes.

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Thank you. Um, I should have carried on further before asking that question. The applicant undertook that, um, it would coordinate construction programs and environmental mitigation, where practicable, with the high net hydrogen pipeline, and that for the carbon dioxide pipeline, construction of the proposed development and sales one, two and five would not occur simultaneously with construction of the pipeline within South three. And should both projects be undertaken, construction in cells one, two, five, these would be phased to avoid any potentially significant cumulative effects.

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Is that a fair high level summary?

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It talks about that. Yes. I mean we've got more to say, but yes.

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Thank you. Um, I'm going to turn to submissions from the parties who I don't believe are present today. Um, so Cadent Gas Limited, um, Has clarified in its written representation that's promoting the high net hydrogen pipeline project, and expect to submit an application for development consent soon. So this would be another national, nationally significant infrastructure project. Um, it said that it would be seeking rights to construct and maintain the pipeline and was seeking flexibility for construction of the pipeline within the draft order limits.

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It it it proposed protective provisions, provisions which it provided with its relevant representation in relation to the interaction of its pipeline with the proposed development, um, for the other pipeline. Liverpool Bay CCS limited said its primary concern was the timing of the construction of the proposed development, and how this would impact the viability of its pipeline. It welcomed the applicants comments to collaborate and engage in the drafting of a statement of common ground, and requested that the applicant provide a plan showing the pipeline overlaid on the proposed developments.

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Work plans to facilitate future discussions regarding interaction between the two schemes.

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That developer considered it necessary that the pipeline works in cells one, two and three would be completed before the proposed development works commenced in that area. It suggested that these considerations have not been addressed by the applicant, and therefore objected to the proposed development on that basis. It said that construction schedules are subject to change in the way that the applicant has set out. Suggested that measures such as an agreed DCO requirement could ensure the successful development of both projects, and said that it had communicated its desired points of agreement with the within proposed protective provisions.

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That developer said there were inconsistencies in how the pipeline was described in the applicant's documents.

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The council suggested that the potential that the high net hydrogen pipeline and Runcorn carbon dioxide pipeline projects could be permitted and not aligned with the proposed development,

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and the potential for non-alignment should be considered as worst case scenarios. For example, it suggested that the assessment should consider scenarios where the Runcorn carbon dioxide pipeline was constructed either before or after the construction of the proposed development in that area. The council questioned whether the proposed controls of programming in the in the application documents were appropriate and sufficiently robust. It considered that it was not clear whether there were sufficient controls to avoid significant adverse cumulative effects.

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As a general introduction to that reflect the Council's position. Thank you. I'm seeing notes. Thank you. Um.

01:08:53:28 - 01:09:32:22

Alongside those concerns and again related to cumulative impacts with those developments, um, National Grid Electricity Transmission plc, in its relevant representation, was a raised concerns about the cumulative impact of a proposed development with the two pipelines, and would like to understand how the applicant would work with the promoters of the other schemes to minimise disruption to the access road to National Grid Electricity Transmission PLC's substation at Frodsham, and ensure the protection of the associated overhead and underground apparatus, including cables.

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Um, so there are a number of concerns, um, from um, the other developers in relation to coordination of the proposed development with their schemes. Um, there seems to be the potential for some conflict in the sequencing of the activities that, um, and particularly with another nationally significant infrastructure project, that we're anxious to understand. Um, we are very much aware that, um, the timescales for consenting for construction.

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Um, are very much prone to change. And it's, it's, um, not practical to be very firm about a number of those matters. Um, but we are anxious to understand, um, the level of coordination that's been carried out. Um, to understand how the mitigation measures, um, and protective provisions, um, deal with the coordinated with those projects, with the uncertainties going forwards. Um, and whether in fact, um, in relation to those of the developments that are sensible, Rochdale Envelope recognises all of the uncertainties and that can give us confidence that the impacts in relation to this development of being considered adequately.

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Um, so, um, there's a suggestion here. So, so we would like to keep um, track at regular intervals during the examination of the level of coordination that's been carried out with those of the, um, developments, those two pipelines. Um, so, uh, an approach suggested here is, um, for, uh, statements of common ground with each, each of the two pipeline promoters.

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So I'm on item three here. Um, I, I see, um, so a statement of common ground that sets out, um, a number of coordination points. Um, and that gives us some evidence that those are the promoters are aligned with the applicant's assumptions and expectations. So, um, um, there's quite a lot of bullet

points that I've suggested that might be in such a statement of common ground. Um, that is a carefully considered list.

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Um, and, uh, it does learn from, um, cases where, uh, it's been necessary to get comfort on the coordination of nationally significant infrastructure projects in a similar area where there might be a degree of overlap, so that there has been some experience that's been brought to bear in pulling that list together. Um, I'm not going to go through a step by step by step, but, um, um.

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I think that's probably enough from an introductory point of view. Um, we're looking at protective provisions. We're looking at statements of common ground, principally, I believe. Um, so against that overall introduction and some suggestions from us, and there may be better ways of doing these things again. Um, would the applicant, uh, care to respond, please?

01:13:00:00 - 01:13:43:08

Um. Miss Fox Mouth applicant and myself, Mr. Russell, were kind of tag team this item. Um, I just wanted to start off by making a few a couple of updates and just to set out some kind of key legal principles that I think are relevant here. So, so, so first of all, just in relation to net, because I think that's quite a specific point. Um, that we have protected and has protected provisions in our DCA. I said earlier today we've had a couple of queries from them, but not on this point. Ultimately, those protective provisions by on works that would affect access to their assets as well as work to their assets themselves, and they will seek those protective provisions on the face of the, um, high net DCA.

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And I'm sure they will be acquiring that from any. So. So I think the provisions will give them the controls they need for that. Um, the cadence. Uh, um. And the high net. Hydrogen pipeline. Um, if you were not aware already, they announced last week that they are putting that project on pause. Um, uh, due to the uncertainties with the, um, I think their statement said the hydrogen transport business model. Um, that they'll be keeping their surveys up to date in 2026.

01:14:12:24 - 01:14:14:26

Um, sorry, which of the pipelines is on pause?

01:14:14:28 - 01:15:06:00

So the hydrogen high net pipeline. Um, and so, um, they, um, and I wanted to, um, I mentioned this yesterday. Um, but we've been having lots of discussions with Cadent. You would have seen that the protective provision in inverted commas that they asked for in relation to their pipeline. Um, we haven't put in as a protective provision, but we've essentially put what's in it into the outline camp that was submitted a procedural deadline. B. Um, and so it's just a two line, two sentence, um, thing, which we agreed between us, which was that, um, that Cadent agreed it could read out, which is the cadence developing its proposals for the high net pipeline and the applicant cadence are in discussions as to how to manage the interaction, particularly in relation to the interaction of the installation of the pipeline and the environmental mitigation for the approach of solar.

01:15:07:04 - 01:15:26:23

The Kempe recognizes, recognizes and secures that cooperation, and Cadent is content with the provisions within it, including the proposed working group, which I'll come back to in a moment, sir. On the basis of this, cadence considers that an SSG is not needed between the parties, as the only remaining point relates to the protective provisions for respective existing assets. So that's

01:15:28:11 - 01:15:52:03

the position of cadence. And more generally, sir, I think the point I really want to make and Mr. Russell will add, will add to this, is that we feel that through the Kempe, we have put in as many controls as it's possible for this consent to do. It puts the duties on us as the applicant to take account the very vary seasonal restrictions to take account of

01:15:53:23 - 01:16:29:27

achieving certain outcomes, and to work with the other parties to do that. But that is as far as this consent, this can this consent can go because we are the applicant and we are committed to doing all of these things. And that ultimately how the perception of the camps are paragraphs 4.55 to 4.61 work is that whatever comes out, those working groups will then be reflected in the camp that we submit for approval. So ultimately, we can't start until the council is happy that a camp is developed which takes account of all the commitments that are in the camp and takes account of those other developments.

01:16:29:29 - 01:17:06:24

But so to the extent that, um, in terms of the other parties into the other consents that control them, so we are beholden to the fact that we now say in our camp that our camp has to reflect the discussions at that working group. And so in terms of being happy that the effects that we ultimately conclude on in the ES and the HRA in terms of cumulative and combination effects have reached. That's what that control is. But it is incumbent on the other consents. And I note in particular because the anti Runcorn pipeline is a TCP a it's before the, the the council.

01:17:07:07 - 01:17:46:08

It is the council would be able to impose a similar control on their consent. But we cannot force the council to do that. And we cannot force Eni to um participate in the group. The only way that can be done is through a condition being put on their consent to do that. What we have committed to is what we can do. And we think, think sur that we have said quite a lot and what we're prepared to do on that. Um, and I would just end so in terms of the legal principle point, which is that, um, to the extent that the um, Cadent and Runcorn pipelines come after our Uh, scheme.

01:17:46:20 - 01:18:42:16

Um, that that is, um, after the NBM is established. Um, that is creating essentially a new baseline for those projects. It's not a cumulative impact of our project and theirs because we would be there. What they would be assessing for them is a future baseline of, at that point in time when they're seeking to construct the pipeline. The baseline there will be the MVM. So if they are going to bring forward a application and a development which seeks to essentially dig a pipeline under, um, the BMA, then they need to account for that and that needs to be accounted for in their management plans in terms of well, that would mean probably that they would have to, um, do an underground tunnel, um, before they even get onto the meet the land side of where our scheme is, because we can't we can't tell the mitigation measures, even if even if you tried to argue that this was a cumulative effect.

01:18:42:18 - 01:19:20:15

The mitigation for that is telling any of the promoter Liverpool bases yes. Limited to build their scheme in a certain way. This consent can't control that development. That can only be done through that consent which should also be assessing this consideration, which it currently does not. Um, before your last question. So I think it would be useful if Mr. Russell can just add to what I've said to talk through how from an assessment point of view, we've considered the, um, um, the those developments coming before us, and that's when it's happening at the same time as us and how that's informed the mitigation measures that are in the controls, because that's important.

01:19:20:17 - 01:19:27:08

So in terms of how it would work practically, um, but I just wanted to set out those key legal principles. First of all.

01:19:27:11 - 01:19:59:29

Yeah, I'd like to respond to those before we go into, um, the Kemp measures. Um, I'll need to reflect on this a little bit more, I think. But, um, the nature of cumulative impact assessment is that it takes account of known other known developments. Um, and I don't think there's an absolute requirement that those developments will have had to have started before the works of the proposed development. So the cumulative assessment.

01:20:00:05 - 01:20:35:25

Um, I'm not sure I agree with the legal point the applicant has made. And as I say, we need to reflect on this. It would be very helpful to see the arguments, um, to back up the applicant's point of view. But, um, I'm not aware that a cumulative impact assessment, um, requires the other developments to have started. Um, if there are no other known developments, then, um, I think the all the guidance, um, uh, leads to those having to be considered from a cumulative impacts point of view.

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So can I just clarify that point if that's okay? Sorry. So, um, I think the point I'm trying to make there is at the point in time where. So, for example, the Runcorn pipeline is coming forward. It's no longer a cumulative effect because our scheme exists. It's not like we're constructing and then they're coming in and constructing at the same time. So there's a cumulative. And what we're talking about specifically here is the development going through the MBM and non-breeding bird mitigation area is the key concern. But at that point in time, that non-breeding bird mitigation area I accept is operating.

01:21:10:25 - 01:21:29:17

But it's not in itself a development per se because it it's the Mbembe when operating doesn't have effects. It exists. And then that project comes along and wants to put a pipeline through it. So it's not it's not accumulating with us because at that point in time, we're not causing effects in that area. Um.

01:21:32:06 - 01:21:47:12

Okay, let's let's, um, look forward to receiving the writing on the applicant's arguments. I think it's it's something I would probably need to take advice on as well, to be fair. So I don't push that much further at this stage. Um.

01:21:52:28 - 01:22:32:12

I think it equally there is the potential that the other developments would, um, precede the proposed development. There's that potential, um, that appears to me to be, um, something that we might reasonably expect to be considered in the assessment. Um, and, um, on that basis that the potential for the other projects to be ahead of the proposed development, um. Uh, were anxious to understand, um, that the applicant has used the correct information on those of the developments in its assessment of impacts.

01:22:32:25 - 01:23:02:26

Um, the information on those of the developments will be developing, no doubt over time, and will become increasingly available potentially during this examination period. Um, so one of the reasons for a statement of common ground was, was to establish that, um, uh, the assumptions that were before us from the applicant on the of the development is the latest and up to date information and that those are the parties agree that that is the latest up to date information.

01:23:02:28 - 01:23:12:00

So that that was one of the key points that was driving statements for common ground. Um, so it's not just the development. It's first the potential for the other development to be first as well.

01:23:13:03 - 01:23:44:26

So I think I just want to I want to make the point that we fully accept that the the before them coming before us and happening at the same time of us is definitely something that we have considered and we should have been considering and we think that we have. And I was going to invite Mister Russell to explain how we feel that we've done that based on the fact that they're the most up to date information for the, Um Runcorn pipeline is their planning application. So that is now before the council. Um, and that sets out for their construction programme assumptions.

01:23:44:28 - 01:24:05:02

Um, and crucially, all of their mitigation measures, um, which um, we've put um, is in the response to, um, local authorities random representation, which was submitted to deadline, which I appreciate. You might not have got to yet. Um, so if it would help, I think Mr. Russell can just explain where we're at on those two scenarios.

01:24:05:26 - 01:24:07:08

Oh, please. Yes. Thank you.

01:24:09:05 - 01:24:10:21

Mr. Russell, for the applicant.

01:24:13:12 - 01:24:14:00

Um,

01:24:15:17 - 01:24:49:01

as Mr. Fox has explained, um, a lot of what I'm about to describe, in fact, all of what I'm about to describe is contained within that relevant representation. Um, and so I will I'll try and keep this, um, as a summary. But within that, uh, representation, we have actually set out some of the key timings

that are associated with the the Runcorn pipeline. I'm going to focus on the Runcorn pipeline. So if I'm referring to pipeline that's that's what I'm talking about. So they um they suggest that.

01:24:49:03 - 01:25:09:10

Well, they don't suggest that they state that they are expecting construction to commence in 2027, and they expect the pipeline to go through sales one, two and three between April 27th and October 27th. They estimate a progress of trenched installation around 75m a day.

01:25:11:09 - 01:25:30:24

They've got an I would I describe a comprehensive outline environmental management plan within their set of documents. And that contains a number of important elements which will influence how you conclude on significant cumulative effects.

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So, um, in particular, they, uh, committed to making sure that high disturbance activities within functionally linked land will be completed outside the months of November to March, inclusive. Um, and they talk about those seasonally restricted works, including their works within cells 1 to 4 of the dredging grounds.

01:25:58:02 - 01:26:36:21

So taking into account, um, their program, their mitigation and our mitigation, um, is how we arrive at our conclusions in terms of impacts within our, um, response to the council's um, representation. We've outlined the three scenarios that we've just discussed. Scenario one being the pipeline constructed before the non-breeding bird mitigation area is created. Scenario two the pipeline happening at the same time as us developing the non-breeding bird mitigation area.

01:26:36:23 - 01:27:28:18

And scenario three then coming after the creation of the non-breeding bird mitigation area. So in scenario one, where the non-breeding bird, the pipeline is created before the non-breeding bird mitigation area is established. As I said, those works would be undertaken outside the Corps main wintering bird survey bird season. And I think an important, um, consideration of their project is that the pipeline will be located along that northern boundary of shell three, so it wouldn't be interacting with the scrapes which are currently present within SEL three, which, um, our position is that's almost the, the, um, one of the sole elements of importance within that area.

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Yeah. So they would have exited cell three. Um, by the time the or non-breeding bird season starts again. Um, the as we discussed yesterday, uh, our view is that the level of vegetation. Um, is, is of a limited value to the birds. Um, and so the very fact that they have exited that site and this is in, in essence, what we agreed with Natural England on our project, once their machinery and construction works are completed and they've left cell three, it then becomes functional for the birds that would use it over that wintering period.

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So in essence immediately got back to a baseline position

01:28:12:06 - 01:28:39:09

during that period when they're constructing, um, and noting that there are also shoulder seasons, migratory periods where birds can come in that sits slightly outside, um, that core non-breeding bird season. The entirety of the, um, the ship canal cells and the eastern half of our, um, our site. Would be available for those birds to use.

01:28:44:03 - 01:29:18:13

They complete their construction work. We come along after, whether that be immediately the the following year or in subsequent years. And in essence, the baseline has been reset to the to the position that we are presented within our assessments. And so all of the various mitigation that we outline that we consider is necessary for our project. Just kicks in at that point. So the reality is that there are very limited cumulative effects in that scenario.

01:29:19:01 - 01:29:59:27

I think the one potential cumulative effect that we would recognize is the fact that in a scenario where they construct their pipeline in one year, and we come along the next year and construct the non-breeding bird mitigation area in the solar farm, you have got a slightly more extended period of disruption. But the very fact that those birds that were perhaps displaced from that area during the construction of the pipeline had the rest of the cells to utilize and other habitats and in the context of functionally linked land across the estuary, um, we'd suggest that that that impact isn't, um, particularly of concern.

01:30:00:12 - 01:30:04:11

Has that been set out in the documentation for the justification of that?

01:30:04:13 - 01:30:22:29

I don't have the reference. I know that we've discussed that with, um, and when they're updating their habitat regulations assessments, I would take the action of checking that that is documented. Um, and if not, then that would be updated. But we have had that discussion.

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Okay. So that's that's scenario one. Scenario two where we are constructing at the same time.

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Both projects um, have obviously stipulated constraints in terms of when they would undertake works in cell three, both of those being outside of the core non-breeding bird mitigation sorry non-breeding bird season.

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And so that's the that's the that's the primary um method of avoiding the, the impact on the spa within our camp. Um, so 4.1.58 um, we set out how works would not be undertaken in cells one, two and five at the same time as the works are being undertaken in the non-breeding bird mitigation area, and we've taken our commitment further now in the latest version of the Kempe, to also not construct works in the eastern half of our site.

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So the principle again remains that the construction works within cell three, which would disturb birds, um, in those shoulder seasons. Um, in that period, those birds will still have the remaining areas of the site to utilise, but both projects are avoiding that core wintering bird period.

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Then when we have created the non-breeding bird mitigation area and at the same time the pipeline has been laid through that section, um, of the ship canal cells.

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We are undertaking ourselves that, um, where we're. Where we're constructing in cells one and two,

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we would make sure that we implement appropriate spatial distances to prevent disturbance from noise or movement. And there's a number of um, um, controls that have been set out within the construction environmental management plan that's specifying that. And we would look to, um, what and this is where the joint working group comes in. This is where we would work with, um, the applicant of the pipeline to make sure that those works were coordinated to ensure that we weren't impacting the use of the non breeding bird mitigation area.

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So that's where we come on to the joint working group. Um, Mr. Fox has already outlined the principles of that. We're committed to, um, conducting that joint working group and working with that developer to make sure that we implement the correct measures within our construction environmental management plan, which I think importantly, um, includes programming. So we're going to have to demonstrate what we're programming and what we're undertaking, where, when and what methods we're using.

01:33:43:19 - 01:34:21:14

Um, I've been talking primarily about the carbon dioxide pipeline. We do also mention in the outline construction environmental management plan that were the high net hydrogen pipeline to be happening at the same time. They would also be invited to that group. Um, I think one of the reasons we that I'm not focusing on that with too much detail is that pipeline sits about two kilometers away from the estuary. The distances that are involved, um, would mean that there is a lot less interaction between projects, but we note that there is the potential for that.

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Okay, so I think that's it on scenario two.

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So just just add to that. So just to reinforce what I said earlier. So I'm trying to take you out of your introduction to this piece. So in, in the measures that we have put into the Kemp and taking our Kemp and taking account of what Liverpool based systems have already put into theirs, we feel that we've gone as far as we can in terms of setting out the kind of key principles of the various seasonal restrictions that would apply that next step of the the exact detail of if things are happening exactly the same time would be dependent on the construction methodology and the exact programme for both projects at that same time.

01:35:06:09 - 01:35:44:21

And I don't think we can go any further at this point, above and beyond the kind of key commitments that we've already made. And it's that working group. Um, and the point I made about the camp not being able to be approved until the authorities are happy that we take an account of what's discussed at that working group. Um, and that's as far as we can go in terms of controlling us. Um, and I think that, um, obviously you've asked about the SSG and we are having discussions with them. We have a meeting next week with Liverpool pay on the SSG to try and see if that SSG can ultimately record whether they agree or not to the working group and the commitments.

01:35:44:23 - 01:36:02:25

But essentially, sir, we've done what we can. We're controlled by the fact that the program has the program to deal with. This issue has to be agreed by the LPA, but it's for the LPA in giving its approval to that project to make sure that essentially, it's a reciprocal

01:36:04:19 - 01:36:05:12

position.

01:36:06:27 - 01:36:57:08

Okay. Thank you. Um, just while this is fresh in my mind and the descriptions of the scenarios are helpful. It is raising some questions in my mind about potential delays, impact on construction programs, some of the other things that we talked about earlier for the different scenarios, for example, but I'm sure get to that in due course. I think part of it. So just two comments on the applicant's approach, really. Um, uh, one is to note that, um, in Lincolnshire, a large number of solar farm developments in very close proximity to each other in Lincolnshire, um, uh, competing land interests in relation to connection to the grid, um, uh, various other potential conflicts between adjacent national infrastructure projects.

01:36:57:10 - 01:37:29:04

And those are essentially adjacent rather than using the same piece of land. Um, I think it might be useful for the applicant just to review the approach taken on some of those projects in terms of the level of coordination, um, that was made visible to the examining authority, invisible to the statement. The Secretary of State. Um, not totally different from some of the things that I'm suggesting here. So, um, I just raised that as a series of, um, things to think about.

01:37:29:11 - 01:38:05:02

Um, I would also suggest, um, that perhaps the applicant would want to give consideration to the longer term implications of the approach that it takes now. Um, in terms of consenting. So, um, um, whether it's in relation to a national, the national Nationally Significant infrastructure project where the Secretary of state has two projects in front of the secretary of state. Um, and, um, both of which will have national priority, um, and the ease with which consent might be gained.

01:38:05:16 - 01:38:45:09

Um, the information that would be useful for the Secretary of State to have in front of them. Um, if there is more information on coordination and on on relevant aspects being agreed between the two developments, that is in front of the Secretary of State at that point. Um, the implications of that for

for enabling consent without a lot of additional work that the Secretary of State might require. So I just raised that as a series of considerations. Similarly, with a TCP, um, uh, application before the council, um, how it would, how would assist the council in, um,

01:38:47:03 - 01:39:05:12

how it is contributing, uh, on this project and determining the other case, um, to have that level of coordination. But I raised the nationally significant infrastructure project, in particular because of the Secretary of state, um, um, involvement in both. So, um,

01:39:07:13 - 01:39:17:27

just just simple statements from me in terms of approaches taken elsewhere, in terms of thinking of the benefit of coordination now for consents in the in the future.

01:39:18:09 - 01:39:51:03

I said, Mr. Smith, that if I can just make three quick points. So the first thing in relation to the Secretary of State and the MSPs, um, I think with the delay to Cadent, which is not being submitted, likely for at least another year, um, it would probably be deciding this project before is even an examination um, on Lincolnshire. So having worked on some of those projects and colleagues and Masons who've done the same, um, I do take that point, although I do think there are some differences in terms of we don't, for example, have a shared pipeline corridor, which was a big issue there.

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Um, and that on other projects, um, this approach of having a working group was one of the ways of doing it, because I think what we've, we've been trying to get across is, uh, Liverpool Bay have made their commitments, we've made our commitments. We will have an CCG to try and say how we think they dovetail with each other, but ultimately the key detail comes at that detailed construction stage and the way that the the reassurance that the Secretary of State for us and the local authority for them needs to be is that both parties have to attend that working group and have to put forward a camp which says how they've taken account of each other.

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That is how you secure that. Um, I would I would also make the point, sir, that, um, for for the planning application for, for the Liverpool Bay pipeline, um, obviously the council with its EIA hat on, but also its HRA competent authority hat on. We need to be satisfied that that project has considered all scenarios. And at the moment that project doesn't assess a scenario where it comes after us. And so for a robust consent for that project to be able to be given, that needs to be considered and they need to be identifying mitigation measures.

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And I just want to make that point because I think just in terms of this, where does the assessment sit? Is it based on or is it cumulative? The key point from our perspective is that even if we did it, even if we called it a cumulative assessment, the answer would be well, to avoid like significant effects or adverse effects on integrity, that project has to do x, y, z. And we can't secure that. So it doesn't doesn't take you anywhere because it's the controls for them to have.

01:41:27:20 - 01:42:02:22

I think it's thank you. I think we're surfacing some interesting issues. It is very late in the day to be surfacing challenging issues. I think I think the, um, it's going to be there's a lot of detail here that we'll need to consider in writing. There is advice that we'll probably need to take on it. Um, um, by all means continue to look at the to describe the third scenario. I think, um, the key here is going to be to have the applicant's responses in writing. Um, and for us to reflect on those in the round, um, um.

01:42:04:12 - 01:42:26:15

We absolutely will. You know, we'll set out and expand what I've said today. I would I would say that, um, it is in our, um, response to the authorities, as in what Mr. Russell has said and some of what I have said. So if that helps in terms of finalizing the questions, I appreciate you may have done that already, but, um, that at least gives you a starting point of where we're what we've said here.

01:42:27:16 - 01:42:50:24

The response isn't what? Um, uh, probably I was probably expecting, but I could see there might be an alternative way forward through it. But, um, we'll need to very carefully consider some of the things that we've been through. Um, very far too early to reach any sort of conclusion at the moment. Um, by all means, continue on the third scenario. Um, yeah.

01:42:51:06 - 01:43:26:18

Mr. Russell, for the applicant, I'm not sure if there's a need for, given what we've discussed. Um, it's highlighting the points that, in effect, if they come after us, the the the the control is unneeded if we need to. And if you think about the guidance that is set by Binns in terms of committee of assessment or you, you've you've got to make your decision on what you assess with the availability of information in front of you. Um, we could simply take on face value that the, um, the applicant has said it will construct before us.

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A logical conclusion of that is that the council will put a condition requiring them to construct before us. If we construct before them, they can't build that project. So I don't want to have some far fetched scenarios in a cumulative assessment. Um, and, and I think that's why there is, um, some logic in, in some of the points that Mr. Fox has been making.

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Yeah. We, you know, we will come back to, um, considering whether the cumulative impact assessment is, uh, Adequate. Appropriate. Correctly mitigated those things. So, you know, as you would expect, we will come back to that. We will come back to weather. Um, up to date information has been taken on is on board for those are the cases. Um, um, and, um, you know, we've got some evidence that it is up to date. So, so there'll be some there'll be some normal things that we will require to assess.

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Um, um, there are some, um, more complex things outside that that we can hopefully navigate away through. But, um.

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So just from a practical point of view, can I suggest that what we would do is do this as a separate, um, note, technical note, whatever you want to call it on this specific issue. I think that would be rather than burying it in the summary of submissions, because I think you'll probably have comments and it will be easier to flow it through.

01:44:55:01 - 01:44:59:03

That would be very helpful to bring it into, um, document. Thank you. um.

01:45:02:19 - 01:45:13:06

Turn to the council. Whether there's anything to add. At the moment, obviously, there'll be an opportunity to respond to the note and to consider these things later. But anything at the moment.

01:45:14:02 - 01:45:47:07

Laura Hughes for Cheshire West and Chester Council. Yeah. Um, just to say, uh, thank you to the applicant for setting out the scenarios, as we discussed in one of our meetings, that's really quite useful to have those set out. Um, I would I would suggest that they would need to be in the cumulative impact, um, assessment within the environmental statement. And because they are, in our opinion, so crucial to avoiding and assessing those cumulative impacts for the for the both of the projects. Um, just a smaller point in that, um, some points were made about seasonality.

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Just to point out that the Mersey Estuary, Ramsar and Special Protection Area designations include um, spring and autumn passage seasons as well as qualifying. And it's not just the wintering birds that are important. It's not just that cool wintering period. It's that that whole nine months, basically. Um, so that is why we are concerned, um, in terms of timings on those species, and we are concerned with the way that it suggests that it's, it's controlled because we we don't think there is enough control there at the moment to coordinate these projects.

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Yeah. And thank you. And, and and just what's on my mind for that note again to, um, deal with HRA related matters as well.

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I suppose about that. I mean, I think we're, we're.

01:46:34:12 - 01:47:00:07

Yes, I think, I mean, I think we'd, if anything, not in the hierarchy of needs. And I think we're probably most concerned about that because we appreciate you are too. Um, yeah. I think, um, just irresponsible said there I think the concern about controls, I would just emphasize that the council has a lot of power in this instance to make sure that there are controls. It's not just on us. It needs to be on Liverpool Bay as well. Yeah.

01:47:00:16 - 01:47:11:16

Thank you. We have a hand up. Um, I do apologize, I apologize, I'm not sure who it is. Oh, it's, um, National highway, sir. National highways. Hello. Thank you, sir.

01:47:11:18 - 01:47:47:17

Nick Grant from National highways. Um, just a couple of short points, I think. Some of which you've already. It sounds like you're already across from the questions that that we've heard. Um, the first is that obviously we're looking at cumulative impacts from the point of view of road and traffic impacts, rather than some of the other things that have been spoken about today. Um, there are a number of projects that we think should at least be thought about beyond high net and Runcorn, which have been considered, will provide a list afterwards. It may be that they can be considered and discounted because then, um, you know, sufficiently early in the process that it's a Runcorn type situation.

01:47:47:23 - 01:48:18:04

Um, but these are ones that we certainly think should be potentially at least considered now and then if, are involved in any sort of working group at the other end post decision. Um, the uh, second point to make is on the working group that's been discussed again, taking, of course, um, the points on board that Mr. Fox has made about a consent on this binds the applicant, but can't force anyone else to get involved.

01:48:18:10 - 01:48:51:01

Um, in section seven of the Oct MP at 135, the applicant at paragraph 7.1. 5 or 7 .1.4, provides a list of potential contributors to the working group in 7.1.5 says that list not exhaustive. Other representative. Other developments would be invited as deemed necessary by the LAA for highway purposes. We'd also like to be considered a as necessary or have an input into who else is necessary.

01:48:51:13 - 01:48:53:00

Um, please.

01:48:54:19 - 01:49:01:13

Can they respond to that? Sorry. Let me just. Let me just stop you briefly. Could the applicant applicant respond on that specific point?

01:49:01:15 - 01:49:30:01

Mr. Foxman, the applicant? Yes. We can update up the TMP to do that. Although I would add, of course, they are consult on the tmp itself. I think I'd also make the point so that just to be clear, that there is a the TMP provides for a construction traffic focused working group, which is separate from the Kemp Working Group, which is about managing essentially on site impacts. But taking that point, but yes, we can look at the TMP and adding in is necessary.

01:49:30:03 - 01:49:33:01

Thank you. Uh, sorry. Back to National highways.

01:49:33:03 - 01:50:10:07

I'm grateful. That's extremely helpful and extremely helpful. Clarification. Um, the third point, a point that I think you've already made in some of the questions, is some of these projects may come forward. The information, um, about the more in the public domain may change over the course of the examination or pre decision in National highways, effectively expressing the same view that you've already expressed, which is that the information should be updated as what's in the public domain

becomes updated. Um, the final point. So just to round off, you might have picked up something in our relevant rep where we say we're doing a bit of work on cumulative impact assessments ourselves.

01:50:10:14 - 01:50:22:01

Um, just to say once that that's not done yet, once it is, we will review it. And if we think it will be helpful, we'll submit it as soon as we can. It was just that progress update on that, sir.

01:50:22:03 - 01:50:54:28

Thank you. Thank you. And I did note that in the relevant representation. And I'm sure you're going to expect this, but could I press you on when you anticipate that will be available? So, uh, if I'm very mindful here of, um, introducing other, uh, cumulative projects, um, late in the day. Um. Um, so. Um, and, you know, any work that might follow on from that because it could be potentially quite far reaching.

01:50:55:00 - 01:51:01:14

So, um, very valuable to get that as early as possible. Is it? Are you able to give an indication on that, please? Uh.

01:51:01:23 - 01:51:26:14

Sir, I, I'm not able to give you an indication today. I've asked it with some, I think some external consultancy. It's with it's with someone who hasn't been able to give us an update on when they will get it done for us. We have impressed upon them or impressed on the team the importance of getting it done swiftly, because we obviously don't want to be introducing anything like that late in this examination process. So the the warning and the need for expedition is has been taken on board and we will reemphasize it.

01:51:26:23 - 01:51:27:08

Thank you.

01:51:27:14 - 01:51:29:16

I cannot give you a deadline right now. I'm afraid.

01:51:29:26 - 01:51:37:08

Okay. Could you. Could I ask you if it's possible to give us a deadline? Deadline one so that it can be planned for?

01:51:37:21 - 01:51:39:02

Certainly. So. Of course.

01:51:39:11 - 01:51:39:29

Thank you.

01:51:41:26 - 01:51:42:27

I can just add, sir.

01:51:43:11 - 01:51:46:23

Um. Sorry. Bear with me. Just just a moment, please.

01:52:20:11 - 01:52:21:22

Yes. Applicant, please.

01:52:23:09 - 01:52:50:11

Mr. Fox. I'm going to bring Mr. Russell in as well. But just to make the point there around, I think both yourself and Mr. Grant has asked us to essentially keep an eye out for more information on existing the existing list that we already have, which we will continue to do. So. And obviously, with the the Liverpool Bay pipeline, they have submitted their application. So what Mr. Russell went through is, is the latest information, but obviously we will keep an eye on that. Um, and as an additional point.

01:52:51:05 - 01:53:21:19

Um, Mr. Russell, for the applicant, um, all I was going to add in was that, um, we did work with National Highways in the pre-application stage to agree cumulative projects. There is quite an extensive list of cumulative projects within the transport assessment. So it's not just focusing on the environmental impact assessment. The transport assessment. Um, and we got to a position where it was demonstrating that we were a very small contributor. So hopefully that will give a bit of, uh, comfort.

01:53:21:27 - 01:53:54:17

Yeah. Um, it does sound to me though, from um, um, what National Highways have been saying is they are doing some quite detailed work of traffic modelling, etc. I imagine I'm don't put words in anybody's mouth. It does sound like potentially a piece of detailed work. Um, that could be of value to us. But take the point. Take the point that was made. Thank you. Um. Right. I'd like to try and draw this to a close. Are there any other comments in relation to cumulative? Nothing from the council.

01:53:55:02 - 01:54:25:19

Nothing from the applicant. I'm seeing at the moment. Any anybody online? Um, regarding this, this item. No. Right. Thank you. That was, um, some quite tricky things to deal with. Um, I suspect it'll take us an iteration or two to find a way forwards. Um, so, um, it's probably one of the more complex things we're going to be dealing with. So I think some urgency in helping to move this forward from deadline to deadline would be quite helpful.

01:54:26:11 - 01:55:04:21

Um, right. So that, uh, finalises that, um, item on the agenda. Um, and looking to my colleague. But I think now's the time to go through actions. Um, so let me go through, um, and I'll do this in the same way as this morning. Um, so, um, I'll characterize as best I can. I'm sure that, um, everybody has taken, uh, very good notes of their own actions. So if there are some differences, um, then please, um, uh, do take those, you know, express those as you make your written submission.

01:55:05:06 - 01:55:11:12

Um, so let me just find the right place. Um, bear with me a second.

01:55:13:02 - 01:55:13:22

Um.

01:55:18:15 - 01:55:20:04

Don't look at me previously.

01:55:24:15 - 01:55:26:27

Okay. Oops. Sorry.

01:55:28:13 - 01:56:09:12

So I'm going straight to, um, major replacements during the operational phase. So that was, um, agenda item, um, five a say so, actually. On the applicant provides a technical note. Um, to clarify, um, uh, the, uh, replacement activities, the point, the points that we discussed. And for that, rather than update each chapter of the ES, um, and uh, for that technical note to be certified, um, under the DCO, um, an action for the Environment Agency.

01:56:09:26 - 01:56:41:06

Um, uh, just to clarify its concerns in relation to, um, the replacement of the, um, the battery storage system. Um, and it's comments in relation to any replacement, um, safety related issues in relation to replacement of the battery storage system that the Environment Agency undertook to provide that. And actually going back to the applicant, as well as providing the technical note to clarify some of the impacts, etc..

01:56:41:08 - 01:57:03:18

Also, to update the Outline Operational Environmental Management plan and to address some of the major replacement issues. Um, then moving to 505B were taken in writing. So submissions and writing on that underground cable removal item five C um.

01:57:06:17 - 01:57:38:02

Um, the council undertook to um, set out a little bit more its concerns around detailed design approval, um matters in relation to the removal of the cables. Um, uh, the Environment Agency and action to comment on waste licensing, um, in relation to potential for cables and perhaps other, um, uh, below ground items to be left in place.

01:57:38:23 - 01:57:39:13

Um.

01:57:42:13 - 01:57:57:12

Um, and then the applicant to respond to, um, uh, the Environment Agency and council's. Um, submissions on those matters. Um, carrying on with that. Um. I'm on.

01:58:01:07 - 01:58:01:24

Time.

01:58:09:26 - 01:58:10:14

Away to the end.

01:58:12:20 - 01:58:20:05

I'm not going to take comments at the moment, but if by all means, if there are other things, please bring those out. Thank you. Um.

01:58:29:27 - 01:58:33:00

I'm trying to understand my notes just at the moment. At one point here.

01:58:35:16 - 01:58:41:14

Okay. So so there was a discussion about, um, um,

01:58:43:00 - 01:58:45:25

once decommission is completed, um.

01:58:48:14 - 01:59:26:09

Activities that then might be carried out by the owner. And, um, just thinking around whether there's anything within this development that we should be considering in terms of controls for those activities, um, or that they shouldn't be included for the proposed development. So, uh, comments from the applicant and the council on that matter. Um, a very specific point. Um, the applicant was going to expand, uh, 2.4.2 of the outline dump and uh, potential the parts, just to give a little bit more certainty and clarification over the end state.

01:59:27:10 - 01:59:28:01

Um.

01:59:30:20 - 01:59:50:03

Then, uh, an action for the applicant to update relevant management plans to highlight um, mitigation or measures that would be taken during the earlier stages, and that those measures would account for decommissioning.

01:59:52:18 - 01:59:53:08

Um.

01:59:57:00 - 02:00:17:28

I think for both of these, for both parties, just to respond to the written questions as appear in the detailed agenda, please take that as read for each item. Um, decommissioning timing. Um, the applicant said that it would, uh, update, um, the development consent order. Um.

02:00:23:25 - 02:00:27:26

And, you know, it'd be helpful if, um, um.

02:00:32:14 - 02:00:38:00

Okay to to to update the development content on that matter. Let me move

02:00:39:26 - 02:00:44:12

forward again. So decommissioning funding. Um.

02:00:46:23 - 02:00:51:11

Applicant was requested to consider um when funding.

02:00:53:23 - 02:01:00:12

No. Sorry. The council to to consider the timing of funding being made available to them.

02:01:06:21 - 02:01:37:04

Uh, the applicant to summarize key measures in place with landowners looking at the broader picture of, um, uh, securing that decommissioning would happen. Um, applicant and council both invited to comment on and and for the applicant on an a non prejudicial basis to comment on this the proposed wording of provisions in the DCO around decommissioning funding.

02:01:38:16 - 02:01:49:12

Um, and just a general invitation to the applicant to provide other information to support its position about um in relation to decommissioning funding and whether that needs to be secured.

02:01:50:29 - 02:01:55:05

Um. Peat deposits. Um.

02:01:56:22 - 02:02:26:22

Um, the applicant, uh, undertook to produce potentially two plans that set out, um, the matters that are raised in the question in relation both to one for the upper layer, one for the lower layer of peat. Um, and then, uh, the county archaeologist. Um, I'll just characterize in that way. Um, was invited to, um, both set out the concerns that the matters that were, were, um, set out verbally.

02:02:26:28 - 02:02:59:09

But also to summarize, if its concerns were more in relation to mitigating impacts and harm to archaeology, or more in relation to potential benefits of the proposed development in providing more information on the historic environment. Um five H. Um, so, um, I think all well, let's start with the first one.

02:02:59:11 - 02:03:30:20

So this is for the applicant. Um, so to consider the potential for contamination being mobilized by any movement of groundwater through any dewatering in relation to changes in ground level in the context of existing groundwater levels. Um, for the applicant to summarize the consideration given to facilities available for receiving waste, um, and hazardous waste in particular that, for example, would arise from from the ground.

02:03:31:00 - 02:04:12:15

Um, for, um, the applicant to consider, um, whether it can clarify, um, uh, UXO. So, um, unexploded ordnance, potential effects on um, uh, receptors such as birds, health and safety, public rights of way, noise, etc.. Um, and what those residential residual impacts might be after mitigation. Um, uh, the applicant to consider if delays in establishing the non-breeding bird mitigation area, um, and any consequences for moving the timing of the traffic flows, um, might be material.

02:04:13:07 - 02:04:50:12

Um, the applicant to clarify whether it was relying on a pH range of 7.1 to 8.2 for grassland, and if so, and how would that be achieved? And would that result in any impact for the timetable. Um, the applicant to summarize why the migratory pathways for contaminants within soils and put ground water and soil dusts to impact the triple C and ecology on site within surface water and terrestrial habitats? Whether that would be significant in terms.

02:04:51:03 - 02:05:22:23

Um, the applicant to explain why eco toxicological modeling was not warranted. Um, and for the Environment Agency and the council, um, to um, advise whether it considers that the land quality and contamination, um, impacts of being, well, whether land quality and contamination have been correctly characterized and whether they have any concerns about the applicant's assessment of no significant residual effects.

02:05:22:25 - 02:05:23:10

It.

02:05:28:09 - 02:05:42:12

And then in relation to the final point around um, the cumulative impacts, um, and these may be slightly out of order given my notes. Um, so, um.

02:05:48:16 - 02:06:18:29

So just a general point again, for, for, for the applicant and the council to respond to, um, all the matters raised in writing in the detailed agenda, um, for, um, the national for National Highways to provide a list of other potential developments and for the cumulative impact assessment and and for National highways to advise by deadline one of what the deadline would be for it to submit its own cumulative impact assessment to the examination.

02:06:19:22 - 02:06:20:10

Um.

02:06:22:15 - 02:06:57:10

I should have taken this earlier for the applicant to provide a technical note to bring together all of the cumulative impact and pipeline related matters that we discussed today into a single point, rather than which would be very helpful, rather than being spread across a number of documents. So to bring those into one place would be very helpful. Um, and as part of that note, to ensure that it addresses HRA related matters. Um, so I click through, I'm sure that your own notes were better in certain circumstances.

02:06:57:12 - 02:07:19:29

The applicant has indicated I've missed one. I'm not enormously surprised. Um, so, um, uh, hopefully that's clear. I think we've made some very, very good progress. Um, by all means, please refer back to the recordings as necessary. Um, as I can't imagine you want to hear my voice again, but, um, I'll now pass it over to Mr. Rollins. Thank you.

02:07:21:05 - 02:07:32:17

Thank you. Um, before I close, I haven't got any other business to raise, but I do want to check in the room if anybody has anything else to raise.

02:07:34:25 - 02:08:09:26

Nope. I'm not seeing any hands. And similarly, virtually nothing. No. So, um, I would like to thank you all for your contributions to this issue, specific hearing and the lively discussion and dialogue that we've had between parties. Um, the festive season is upon us. Um, so, um, yeah, I do wish you have a nice evening. And the time is now. 1703. And this issue specific, uh, hearing number one is now closed.

02:08:09:28 - 02:08:10:23

Thank you.

02:08:11:07 - 02:08:11:26

Thank you. Sir.