Submission ID: S41BD5F92

Dear Sir/Madam
Please see attached our response letter regarding questions asked of us at the Issue Specific Hearing 1.

The Planning Inspectorate
Temple Quay House
Bristol
BS1 6PN

Our ref: XA/2025/100498/01-L01
Your ref: EN010153

Date: 22 December 2025

To whom it may concern

ENVIRONMENT AGENCY RESPONSE TO INFORMATION REQUESTED BY EXA DURING ISSUE SPECIFIC HEARING 1.

FRODSHAM SOLAR PROJECT, FRODSHAM MARSHES

This letter constitutes the Environment Agency's response to questions and information requested by the examining authority during Issue Specific Hearing 1 (02 to 03 December 2025).

Please see below our response to the information requested by the examining authority (ExA).

Agenda item 4i
We were asked to consider whether we'd be open to negotiations on protected provision wording in the draft Development Consent Order.

At this current time, we do not believe it's appropriate for the Environment Agency to engage in drafting protected provisions on this topic.

Due to the associated environmental risk, the need for greater scrutiny and direct enforcement, we do not agree to disapply these activities under Section 150 of the Planning Act 2008.

We believe that it would be more beneficial for the Applicant to engage with the Flood Risk Activity Permit (FRAP) process as soon as possible.

Agenda item 5c
We were asked to provide our view on whether electrical cabling left in-situ is considered waste, and if it is a licensable activity.

Under the hazardous Waste (England and Wales) Regulations 2005 electrical cable (Non-WEEE) is classed as hazardous waste with the LoW code *17 04 10* cables containing oil, coal tar and other hazardous substances.* Please view Waste classification technical guidance - GOV.UK for more information.

An environmental permit is not required for leaving the cables in-situ following decommissioning.

The developer is responsible for assessing if the cable can be left in situ, in consultation with the local planning authority.

Please see further guidance: Check if your material is waste - GOV.UK

Agenda item 5h
The examining authority (ExA) asked for our thoughts on whether we think ground conditions had been sufficiently characterised, and that there are no residual significant effects.

We have noted the summary presented in ISH 1 and referred to in the Examination Library, specifically documents:

- 6.2 Environmental Statement: Volume 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment Part 1 of 2 [APP-096];
- 6.2 Environmental Statement: Volume 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment Part 2 of 2 [APP-097];
- 6.2 Environmental Statement: Volume 2 Appendix 10-2: Remediation Technical Concept Note – Cell 3 [APP-098].

The intrusive investigation, and assessments of ground conditions completed to date, have established that some contamination exists that will require treatment to break the source-pathway-receptor linkages. However, the Applicant has acknowledged that additional assessments are required post DCO consent.

The remedial technical note stresses that additional assessments are likely to be required, including a detailed ground investigation, risk assessment and production of a remediation strategy, to confirm the appropriate remedial methodology.

Soil stabilisation has been proposed as a method of remediation. If this is taken forward, following the additional assessments discussed above, we would expect the remediation options appraisal to demonstrate lines of evidence that this remedial technique will be suitable for treating all the identified contaminants.

The approach adopted by the Applicant, that is, conducting a site investigation and then following it up with additional assessments where necessary, is a typical approach to dealing with land contamination. The approach presented in our Land Contamination Risk Management (LCRM) guidance recommends this iterative process.

A remediation strategy will be produced, and we expect this to detail whether an Environmental Permit is required for the chosen remediation technique, and whether the CL:AIRE Definition of Waste Code of Practice (DoWCoP) route is appropriate. We held discussions with the Applicant, and will continue to engage with them about this post-DCO consent.

The remediation strategy, ground investigation, risk assessment and verification are secured under requirement 17 of the draft 3.1 Development Consent Order (Clean) - Revision 2 - Accepted at the discretion of the Examining Authority [AS-013].

We are therefore satisfied that ground conditions have been sufficiently characterised, to be able to determine that remediation is likely to be required to remove any significant effects. This area requires additional work, as acknowledged by the Applicant, but this is a typical process for managing risks from land contamination.

We note that dewatering was also discussed during the issue-specific-hearing, and the Applicant was asked to consider risks to groundwater from any dewatering activities. We note that Table 5.5 of the Outline CEMP (PD2-016) refers to the management of groundwater during excavations. We suggest that this is updated to include measures for managing this groundwater if it is found to be contaminated.

We also note that a Foundation Works Risk Assessment (FWRA) will be included in the Construction Environment Management Plan (CEMP). This will serve to manage any risk of piled foundations, or other foundation works, creating new pathways for the migration of contaminants into the underlying aquifer.

Yours faithfully

[redacted]
Planning Specialist

Direct e-mail NITeam@environment-agency.gov.uk