



National Infrastructure Planning  
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Your Ref EN010153

Our Ref [REDACTED]

Monday 22<sup>nd</sup> December 2025

[frodshamsolarfarm@planninginspectorate.gov.uk](mailto:frodshamsolarfarm@planninginspectorate.gov.uk)

Dear Sirs

**Proposal: Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline Project ("the Application")**

**Canal & River Trust (the Trust) Submission for Deadline One (Interested Party Reference: [REDACTED])**

Please find outlined below an update on the Trust's latest position in relation to the examination of Frodsham Solar, with headings in line with Deadline 1 to identify the various elements. In addition please find attached Written Representations of the Canal & River Trust, including summaries (Appendix A).

#### **Trust's Role as an Interested Party**

The Trust responded on 28<sup>th</sup> August 2025 to register and comment as an Interested Party for the Examination relating to the Frodsham Solar Farm and made Relevant Representations. The Order Limits include an access track (Access Track) to the south of the Weaver Navigation. Our Written Representations elaborate in more detail on the issues we raised regarding retention of access along the respective Access Track and environmental mitigation.

#### **Comments on relevant representations and any additional submissions**

The assessment of potential cumulative impacts in relation to the Runcorn Spur Pipeline and the Hydrogen Pipeline Projects has been raised in Relevant Representations submitted with regard to Frodsham Solar Farm concerning the phasing of the construction of different Projects and ensuring that cumulative impact for all scenarios has been assessed and mitigated, including transport.

The route of the Runcorn Spur pipeline proposes to cross the Weaver Navigation at Marsh Lock and as such the construction works necessitate use of the Access Track. The Trust provided comments in response to the Runcorn Spur planning application and raised the potential impact of the use of construction traffic on the Access Track at that stage.

The Trust acknowledge that the Transport Assessment submitted for Frodsham Solar Farm scoped out detailed consideration of the Access Track on the basis of its minimal use and similarly that the Transport Assessment of the Runcorn Spur Pipeline does not consider the Access Track in detail.

Given the consideration given to cumulative impact in the Examination process, in relation to HyNet Carbon Dioxide (Runcorn Spur) and Hydrogen pipelines, resulting in measures such as collaborative working between Applicants and respective measures in the OCEMP, the Trust would question as to whether the potential impacts of use of the Access Track (including on the stability of the adjacent embankment of the Weaver Navigation), cumulatively, as a result of these Projects should also be taken into consideration.

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## Book of Reference, Statement of Reasons and Land Plans

The Trust was identified as landowner of Plot 5-22 within the Order Limits. At Procedural Deadline B, Plot 5-22 was removed from the Book of Reference by the Applicant, which has been reflected in the Land Plans.

The Applicant continues to identify a number of land parcels that may affect the rights of the Trust (5-17, 5-19, 5-20, 5-21 and 5-23). As outlined in our previous Written Representations, it remains critical that the Trust's ability to access the vehicular Access Track to the south of the Weaver Navigation is not compromised or interfered with during the any phase of the Project. Access along the track is required at all times by the Trust in order to reach the Marsh Lock (more detail is provided below).

### Schedule of progress regarding any outstanding matters, objections, and agreements in relation to land rights

The provision of a grid connection to an existing SPEN substation, located to the north of the River Weaver, necessitates works to the existing substation site, which can only be accessed via the Access Track to the south of the Weaver Navigation.

The Trust as a statutory undertaker is seeking to ensure that the access to Marsh Lock and its infrastructure is maintained at all times (24 hours a day, 7 days a week) along this Access Track for the Trust to carry out its operational requirements regarding canal and lock infrastructure, water control and emergency management with any vessels in the area. It is critical that the Trust's use of the Access Track is not affected or compromised during any phase of the Proposed Development.

The Trust has liaised with the Applicant in the interests of protecting its infrastructure and securing access to carry out the above functions and has sought for Article 12 of the dDCO to be amended as outlined below, to secure this protection through the DCO process.

The Trust's request is shown in red below.

Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way

12.—(1) **Subject to paragraph (4)**, the undertaker, may for the purposes of the authorised development temporarily alter, divert, prohibit the use of or restrict the use of, any street or public right of way and may for any reasonable time—

(a) divert the traffic or a class of traffic from the street or public right of way; and

(b) subject to paragraph (3), prevent all persons from passing along the street or public right of way.

(2) Without prejudice to the scope of paragraph (1), the undertaker may use any street or public right of way where the use has been prohibited or restricted under the powers conferred by this article and within the Order limits as a temporary working site.

(3) The undertaker must provide reasonable access for non-motorised users (including pedestrians) and vehicles going to or from premises abutting a street or public right of way affected by the temporary alteration, diversion, prohibition or, restriction, of a street or public right of way under this article if there would otherwise be no such access.

**(4) The undertaker must ensure vehicular access to Marsh Lock is available to the Canal & River Trust at all times.**

(5) Without prejudice to the generality of paragraph (1), the undertaker may—

(a) temporarily close the streets or public rights of way specified in column (2) in the table in Part 1 (streets and public rights of way subject to temporary closure) of Schedule 5 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to the extent specified in column (3) of that table;

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(b) temporarily alter, divert, prohibit the use of or restrict the use of the streets or public rights of way specified in column (2) of the table in Part 2 (temporary alteration, prohibition, diversion or restriction of use of streets and public rights of way) of Schedule 5 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to the extent specified in column (3) of that table; and

(c) authorise the temporary use of motor vehicles on the public rights of way specified in column (2) of the table in Part 3 (temporary use of motor vehicles on public rights of way) of Schedule 5 (temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way) to the extent specified in column (3) of that table.

(6) Paragraph (4)(c), and any authorisation given by the undertaker under it constitutes lawful authority for the purposes of section 34 (prohibition on driving mechanically propelled vehicles elsewhere than on roads) of the Road Traffic Act 1988.

(7) The undertaker must not temporarily close, alter, divert, prohibit the use of or restrict the use of any street or public right of way or authorise the temporary use of motor vehicles on public rights of way pursuant to paragraphs (1) or (4) in part of the authorised development, without first having the public rights of way management plan for that part of the authorised development approved under requirement 14 and requirement 15.

(8) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(9) In this article expressions used in this article and in the 1984 Act have the same meaning.

The Applicant has agreed the principle that the Trust would be able to access Marsh Lock at all times (24/7 as required by our operational needs) and agreed to amending Article 12 to account for the need to maintain the Trust's access to Marsh Lock and its infrastructure along the Access Track.

This amendment has not yet been formally recognised in dDCO, and the Trust is grateful for the Applicant's co-operation in this matter and looks forward to this commitment being reflected in the revised dDCO to be submitted at Deadline 1. The amendment of the dDCO in this way is considered an appropriate means to address the matter, removing the need for protective provisions. In the event of the dDCO not being amended, the Trust would require alternative protection to be secured.

The Trust wish to reserve the right to make further representations as part of the examination process and will continue to engage with the Applicant as needed and will keep the Examining Authority updated with regard to this matter.

The Trust has sought clarification on how works to facilitate the grid connection to the Frodsham SPEN substation to the north of the River Weaver requiring use of the Access Track during construction, would not exceed the level of vehicle use outlined in the Transport Assessment and further that any construction machinery and plant for these works can be accommodated in the type and number of vehicles outlined. The Applicant has confirmed in writing to the Trust that the Transport Assessment accounts for vehicle movements associated with the grid connection and reconfirms the information outlined in the Transport Assessment. The Trust is seeking reassurance however that the proposed works can be accommodated within the forecasted vehicle type and number to clarify that the grid connection works would not result in greater vehicle and construction use of the Access Track and Sutton Weaver Bridge. The Trust would seek to review any proposed increase in use of the Access Track and Sutton Swing bridge, for any phase of the Proposed Development, including the impact of traffic on this construction route, including the bridge and the stability of the embankment of the Weaver Navigation.

The Construction Traffic Management Plan (para 4.1.4) states that 'the access to the SPEN Frodsham Substation will be via the A56 Chester Road, where a dedicated private access road leads to the substation complex. All construction traffic will be directed east along the A56, where onwards connections to the strategic highway network, including Junction 12 of the M56, can be made.' It is understood that the minimal use envisaged resulted in assessment of the Access Track being scoped out and that the Transport Assessment focuses on the main access to the solar array. However, given the potential for construction traffic generation to impact the Sutton

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Weaver Bridge and the Access Track, the Trust would seek for the potential traffic generation in connection with the grid connection works to be clarified.

The revised Outline Construction Traffic Management Plan (oCTMP) refers to the management of Abnormal Indivisible Loads (AIL) and the Trust would welcome that the outline CTMP is updated to refer to the requirement when an AIL crosses the Sutton Weaver Bridge, and any further detailed CTMP(s), where applicable, to ensure any necessary consents are obtained.

The oCTMP sets out the overall approach to how the movement of construction traffic, will be safely managed and controlled by the Applicant, and the Trust continue to seek clarification of the measures in place, where applicable, for the construction route serving the works to the grid connection as outlined above.

The Trust welcome that the above issues are recognised in the 1<sup>st</sup> Written Questions, and look forward to further clarification during the Examination process. Should the assessed impacts be revised and/or the assessed cumulative impacts indicate potential impacts on the bridges and/or the embankment, the Trust would seek further protections for its assets.

#### **The draft Development Consent Order and Explanatory Memorandum**

The Trust look forward to formal changes being reflected in Article 12 as outlined above.

#### **Applicant's side agreements tracking list and any draft s106 agreement**

The dialogue between the Trust and the Applicant has focused on amending the dDCO to address our concerns regarding the Trust's retention of access along the Access track. In the event that an amendment to Article 12 is not forthcoming during the Examination process, the Trust would seek to alternative provisions to protect access and capacity to carry out its operations.,

#### **Schedule of progress regarding Protective Provisions and Statutory Undertakers**

The Trust is no longer seeking Protective Provisions on the basis of its concerns being addressed through an amendment to the dDCO. Our substantive response is that without satisfactory agreement regarding securing the Trust's access through amendments to the dDCO, the Trust will continue to seek alternative provision to protect its interests through the Examination process.

#### **Confirmation of wish to speak at the Compulsory Acquisition Hearing**

In the event that Article 12 is not amended as outlined above or otherwise in agreement with the Trust, the Trust would wish to speak at a hearing, the most relevant-looking hearing being the Compulsory Acquisition Hearing in relation to the potential impact on its use of the Access track,

The Trust is seeking to discuss and reach agreement on these matters with the Applicant, prior to the hearing dates. Should agreement be made, the Trust would likely be able to withdraw our intention to speak at the Hearing.

Please do not hesitate to contact me with any queries you may have in relation to the above matters.

Yours sincerely,

[REDACTED]  
Area Planner

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

Appendix A – Written Representations of the Canal & River Trust, including summaries

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