

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
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Your Ref EN0101153

Our Ref IPP - 201

Thursday 28 August 2025

RE: A new solar energy generating station with an associated Battery Energy Storage System (BESS) and associated infrastructure on land at Frodsham Marsh.

S56 Relevant Representation – Interested Party

The Canal & River Trust (“The Trust”) has previously provided comments to the Applicant at the Section 42 Consultation stage for the above project and now wishes to register and comment as an Interested party for the Examination relating to the above Application.

The Trust is a statutory undertaker for the purposes of s.127 Planning Act 2008 (“the 2008 Act”) and a statutory party for the purposes of s.88(3)(c) of the 2008 Act. The Trust has operational land, infrastructure and other interests affected by the works and powers proposed.

The Trust has a duty under the Trust Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage waterways and towpaths for public use and enjoyment. Additionally, the Trust has charitable objectives, including to preserve, protect, operate, and manage Inland Waterways for public benefit; for navigation; and for recreation or other leisure-time pursuits of the public in the interest of their health and social welfare.

The Canal & River Trust

The Trust is the charity which looks after and brings to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

Weaver Navigation

The Trust own the Weaver Navigation to the north of the site, and sections of the bank along the south of the Navigation. The Weaver Navigation runs parallel to the River Weaver at this point, and the Trust is neither owner nor navigation authority for the River Weaver at this point. An embankment and retaining wall separates the Weaver Navigation from the River Weaver to the north of the SPEN Frodsham substation.

The Order Limits include an access track to the south of the Weaver Navigation.

Development

The Applicant is seeking development consent for the construction, operation, maintenance, and decommissioning of a new solar energy generating station with an associated Battery Energy Storage System (BESS) and associated infrastructure on land at Frodsham Marsh.

The Project includes the provision of a grid connection between the main solar array site to an existing SPEN substation, located to the north of the River Weaver, which necessitates providing a cable connection across the River Weaver and installing equipment at the existing substation site.

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The existing SPEN substation can only be accessed via a vehicular access track to the south of the Weaver Navigation. These works comprise the provision of two construction compounds, foundation and trenching works to erect and support trident poles and trenching works to connect to the existing SPEN substation, along with associated construction traffic along this Access Track to facilitate these works.

Land rights and works with the potential to affect the Trust

The draft DCO contains powers to enable the acquisition of land, new rights over land and the imposition of restrictions that are required to construct, operate and maintain and decommission the Proposed Development.

The Applicant has identified a number of land parcels in connection with the works, which may affect the rights of the Trust. We are reviewing these carefully and would seek to negotiate with the Applicant for the rights they require. The Trust objects to the compulsory acquisition of its land and rights on the basis that it is willing to enter voluntary agreements with the Applicant. Powers of compulsory acquisition should only be granted as a last resort.

The Order Limits include the Access Track which serves the existing SPEN substation. The Trust responded to the Applicant's Section 42 consultation and confirmed that the Access Track is used by the Trust for access to Marsh Lock and that access is required at all times (24 hours a day, 7 days a week) and that the Trust's use of the Access Track should not be affected during any phase of the Proposed Development. The Trust requires access to Marsh Lock and its infrastructure along this Access Track at all times (24 hours a day, 7 days a week) for operational requirements, (regarding canal and lock infrastructure, water control and emergency management with any vessels in the area).

The Land parcels relating to the Access Track are Plots: 5-17, 5-19, 5-20, 5-21, 5-22 and 5-23 as shown in the Land Plans. For plots 5-19, 5-20, 5-21, 5-22, 5-23, the purpose the Applicant is seeking to acquire rights is for 'access use rights', and for plot 5-17 the purpose is for 'SPEN connection cable rights' and 'SPEN substation connection rights' in connection with delivering the works to the substation.

A construction compound is indicated adjacent to the north of Plot 5-17, and it is critical that no part of the works impede or obstruct movement or use of the Access Track at any time.

The Trust is owner of a section of the Access Track that runs along the south of the Weaver Navigation from the north of the SPEN substation (abutting the top of plot 5-17) to Marsh Lock, which interacts with Plot 5-17. The Trust requires use of the shared access track from the A56 to Marsh Lock (5-17, 5-19, 5-20, 5-21, 5-22 and 5-23) for operational use and maintenance of its infrastructure. Therefore, powers in the draft DCO have the potential to interfere with the Trust's use of the Access Track to Marsh Lock which provides access to our infrastructure for operational requirements that is required at all times (24 hours a day, 7 days a week).

Protective Provisions for the Trust

Where nationally significant infrastructure projects have the potential to interact with, or impact, the Trust's network, the Trust seeks to secure protective provisions within the DCO, to ensure any controls and mitigation needed would be secured satisfactorily by the DCO if granted.

The Trust would seek protective provisions in the DCO to protect its interests (of which the Trust can provide a first draft) and to negotiate an agreement for use of the Access Track to ensure that the Trust's operations are not impacted by the Proposed Development. The Trust is not aware of any direct correspondence from the Applicant with the Trust regarding the use of the Access Track, however, the Trust will continue to engage with the Applicant to seek to agree appropriate protections for the Trust through protective provisions and an agreement. Throughout the works the Trust would require vehicle and pedestrian access to Marsh Lock to be maintained at all times to ensure that the critical access to our infrastructure and operational requirements can be operated unimpeded.

Transport Assessment

The submitted Transport Assessment confirms that the Main Access Route to the solar array site would be from the south west, leading from Pool Lane and Grinsome Road, which would serve the proposed solar farm and ecological mitigation areas in construction, operational and decommissioning phases.

Sutton Swing bridge to the north east of the site (on the A56) is owned and managed by the Trust and it has dimensional restrictions which may affect any proposed construction traffic routes. It is welcomed that the Main Access and construction routes do not cross the Sutton Swing bridge as reflected in the Outline Construction Traffic Management Plan (oCTMP) to be secured by the DCO.

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The Draft DCO includes powers (Part 3, Art 16) to undertake traffic regulation measures and the restrictions of the Sutton Swing Bridge may be applicable. If a Trust owned bridge would be impacted, this matter could be addressed through mechanisms in draft protective provisions for the Trust.

The works proposed to the SPEN substation to the north of the River Weaver require use of the Access Track to the existing SPEN substation.

The submitted Transport Assessment (TA) states, regarding the construction of the grid connection to the existing SPEN Frodsham Substation, access to the SPEN Substation during construction of the grid connection would be from Junction 12 of the M56 via the A557 and A56 and then along the existing SPEN Substation Access Track. The submitted details outline that these highway links have been scoped out of the environmental assessment and not considered further within the detailed assessment due to the minimal level of traffic generation associated with the grid connection works.

Appendix B (page 176 of the Transport Assessment) outlines that the grid connection works are forecast to generate a total of 15 HGV deliveries which would be spread across an 8-month period, as well as 22 construction staff trips spread across the full 30-month construction programme. Appendix B of the TA shows the anticipated number of vehicles using the access over the construction period.

The SPEN substation connection works comprise two construction compounds, foundation and trenching works to erect and support trident poles, stringing of the cables to the supporting poles, trenchwork for cables and associated construction traffic along this Access Track to facilitate these works. In our Section 42 consultation response, the Trust concurred that the levels of traffic generation as shown in the Transport Assessment along the Access Track is minimal, and had no concerns, subject to those traffic construction figures in Appendix not increasing beyond those assessed. However, given the works proposed for the SPEN substation site, the Trust seek clarification that the works to the SPEN substation, in connection with grid connection, would not exceed the level of vehicle use outlined in the Transport Assessment and that the construction machinery and plant for these works can be accommodated in 15 HGV vehicles and 22 construction staff visits outlined.

The Trust would need to review any proposed increase in use of the Access Track and Sutton Swing bridge, for any phase of the Proposed Development. In such circumstances, as outlined in our Section 42 consultation response, consideration will need to be given to this infrastructure, including the impact of traffic on the route and the stability of the embankment of the Weaver Navigation.

The Transport Assessment refers to how the access is used currently by HGV traffic and is fit for purpose. The Access Track is subject to regular inspection by the Trust, which has noted movement as evidenced by longitudinal cracking in areas, and the means of supporting the roadway along the river sections, or condition below water level, is not known.

The Transport Assessment refers to the potential for the transportation of abnormal loads. The Trust would require details of any indivisible abnormal load vehicles needing to cross the Sutton Swing bridge in connection with the proposal. These would have to be notified to the Trust either via the Esdal website or by email to abnormal.loads@canalrivertrust.org.uk.

The Transport Assessment indicates that the River Weaver would require being temporarily closed for two weeks during the works for the SPEN Frodsham grid connection. There remains no indication that the proposed works require the closure of the Weaver Navigation in any phase of the Proposed Development as it falls outside the Order Limits.

The Outline Construction Traffic Management Plan refers to traffic management throughout the works, and the Trust would seek clarification that mitigation measures and management of construction traffic would also apply to the Access Track, where applicable.

Design and Visual Impact

The Trust welcome inclusion of viewpoints along the canal corridor within the LVIA, to act as proxies for boat users along the canal itself (Viewpoints 27-29), and that waterborne receptors have been included in the LVIA. The Trust concurs with the findings of the LVIA that intervening planting, topography and screening helps to reduce the impact on canal users and amenity of the corridor which is experienced at a lower level.

Chapter 6 of the Environmental Statement reflects that the new grid connection to the SPEN Frodsham Substation, via overhead cables, supported on wooden poles of 10-12m in height, would not have an unacceptable visual impact given the context, and does not necessitate further changes to the design approach of the Proposed Development, with which the Trust concurs.

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The Trust welcomes the mitigation outlined, during each phase, including the retention and protection of existing vegetation, minimising any adverse effects from construction lighting and the planting of additional trees and hedgerows in the interests of safeguarding the softer landscape character of and experience of the Weaver Navigation.

The retention and enhanced management of existing vegetation, new planting and the long-term maintenance as outlined in the outline Landscape and Ecology Management Plan (OLEMP) are welcomed. A fully detailed Landscape and Ecology Management Plan will be developed in accordance with the OLEMP and the Trust would seek for this to continue to reflect the maintenance and enhancement of the planting along the canal corridor, particularly around canal-side vegetation and visual amenity.

Potential Contamination

Given the continuity between the River Weaver and Weaver Navigation watercourses, the Trust welcome that the Applicant's responses in the S42 consultation tracker note the importance preventing the mobilisation of contaminants, in the interests of safeguarding against any contamination of the Weaver Navigation, including the foundation and excavation works proposed in connection with the SPEN connection.

Ground conditions

The mitigation practices outlined in the Environmental Statement (Chapter 10) and in the Outline Construction Environmental Management Plan (OCEMP) are considered appropriate to mitigate impacts on the Weaver Navigation, subject to being implemented as outlined.

<u>Issue Raised by the Trust</u>	<u>Mitigation Proposed</u>
Potential new pathways for contamination migration during construction, operation and decommissioning phases, including through hydraulic continuity.	Welcome mitigation measures proposed within Sections 10.8 and 10.9, and Tables 10-14 and 10-15 (Ch.10 of the ES) detailing mitigation measures for removing significant contaminant linkages.
Risk of contaminant mobilisation from ground disturbance during foundation works for the grid connection to the SPEN Frodsham station.	<p>Welcome mitigation measures for contaminant mobilisation, including during areas of piling and ground disturbance to be provided:</p> <ul style="list-style-type: none"> • At Detailed Design, • in the Foundation Works Risk Assessment (FWRA) • in the Piling Risk assessment (PRA) • as outlined in Ch. 10, • and in the OCEMP, OEMP and ODEMP. <p>The Trust would seek appropriate best practice and mitigation measures (to safeguard the River Weaver and Weaver Navigation) against potential contamination is outlined at detailed design stage, as outlined in the outline Environmental management Plans and Ch. 10 of the Environmental Statement.</p>
Risk of contaminant mobilisation from ground disturbance during foundation works for the grid connection to the SPEN Frodsham station.	<p>Welcome that the PRA will adopt techniques to minimise disturbance, remobilisation of contaminants, and reduce generation of soil arisings.</p> <p>Welcome that the FWRA will assess risks associated with piling and ground disturbance, including dust mitigation and prevention of silt-laden or contaminated runoff</p>
Potential for migration of contaminants/dust	<p>Welcome the implementation of dust suppression and provision of silt traps as outlined in the</p> <ul style="list-style-type: none"> • OCEMP

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	<ul style="list-style-type: none"> • Construction groundwater and surface Water Management Plan (GWSWMP) • Construction Dust Assessment <p>Welcomed that the Weaver Navigation falls in the construction dust assessment area.</p> <p>In connection with works for foundation and excavation works for the SPEN Grid Connection, mitigation outlined in Construction Dust Assessment Plan should apply to the Access Track to SPEN Frodsham Substation.</p>
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Surface Water and Drainage

The mitigation practices outlined in Chapter 9 for Surface Water and Drainage in the Environmental Statement and in the following table outlines a broad spectrum of controls aimed at protecting respective watercourses and are considered appropriate to mitigate potential impact on the Weaver Navigation, subject to being implemented as outlined.

Issue Raised by the Trust	Mitigation Proposed
Potential new pathways for contamination migration during construction, operation and decommissioning phases, including through hydraulic continuity.	<p>Welcome mitigation measures (Silt traps, dewatering practices to prevent siltation, contamination of waterbodies and mitigation for chemical / fuel spillages proposed within:</p> <ul style="list-style-type: none"> • Chapter 9 of the ES • OCEMP • Surface Water Management Plan • Construction GWSWMP <p>Welcome mitigation measures for reducing silty and contaminated runoff in the Construction GWSWMP.</p> <p>Welcome containment of firewater runoff from the Battery Energy Storage System (BESS) in the Drainage Strategy.</p>

Subject to the above protective measures for waterways being employed during all phases of the Proposed Development through the guiding documents, the Weaver Navigation would be protected from potential contamination.

It should be clarified that the above documents (PRA, FWRA and OCEMP) should safeguard against potential impact of the foundation and excavation works for the trident poles for the SPEN connection.

Tourism and Recreation

In the Trust's Section 42 consultation response, we advised that any development should not compromise the safe operation or navigation of the Weaver Navigation to facilitate leisure use of the navigation. The Trust welcome that users of the Weaver Navigation have been included in the Environmental Assessment, and mitigation measures are outlined to minimise any potential impact. We also welcome confirmation of no impact to the commercial mooring of the Danny Steamship.

The mitigation to minimise potential effects on nearby users, through good design principles and enhanced landscaping is welcomed and would seek to safeguard user experience along the Weaver Navigation corridor, as outlined in the Outline Landscape and Ecology Management Plan (oLEMP), Outline Public Rights of Way Management Plan (oPROWMP) and the Design Approach.

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Terrestrial Ecology

Given the connectivity to the Weaver Navigation from the River Weaver, and the migratory nature of species that will use both stretches of the watercourse, the Trust welcome how potential ecological impacts on the River Weaver have been fully considered. Subject to the mitigation and operational measures outlined in the Outline Landscape and Ecological Management Plan, Outline Operational Environmental Management Plan, Outline Decommissioning Environmental Management Plan and implementation of landscape proposals in the Illustrative Environmental Masterplan, the Trust has no concerns regarding the potential impact upon the ecological value of the Weaver Navigation.

The above comments are given without prejudice to other matters/comments that may be raised by the Trust at a later stage following a further full review of the application documents.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Area Planner

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