

Dear Sirs

Proposal: EN010153 - Application by Frodsham Solar Ltd for Frodsham Solar Farm

Canal & River Trust (the Trust) Submission for Examining Authority's first questions (Interested Party Reference: FEAD57C19).

Please find outlined below an update on the Trust's latest position in relation to the examination of Frodsham Solar, in response to the Examining Authority's first questions (ExQ1).

#### Q3.2.7 - Foundation and excavation works

The Trust raised the concern of the potential for mobilisation of contaminants and silt-laden runoff, given the continuity between the River Weaver and the Weaver Navigation, and that a particular risk of contaminant mobilisation is associated with ground disturbance during foundation works. The Trust sought reassurance that ongoing investigation and mitigation would apply to the Frodsham SPEN Grid Connection works in association with Work No. 4A as defined in the dDCO (REP1-005) and in Chapter 2 of the Environmental Statement (APP-035). These works are referred to as the 'SPEN Grid Connection' in the outline Construction Environment Management Plan (OCEMP) (REP1-020), hereafter called Frodsham SPEN Grid Connection.

The Trust is satisfied with the proposed mitigation and environmental measures to be secured in the Requirements outlined in Schedule 2 of the dDCO (REP1-005) and as required to be provided in later detailed Construction Environment Management Plans (CEMP(s) for each package of works, in substantial accordance with the OCEMP (REP1-020) as outlined below.

Requirement 12 of the dDCO (REP1-005) secures a CEMP to be prepared for each phase of the authorised development, and Requirement 11 secures a Surface Water Drainage Strategy and a Construction Groundwater and Surface Water Management Plan (CGWSWMP). The OCEMP secures the requirement for the Applicant to produce a Foundation Works Risk Assessment (FWRA), and a Piling Risk Assessment (PRA) in the interests of safeguarding water quality and preventing contaminant remobilisation when foundation works are needed.

The mitigation practices and environmental management outlined in the OCEMP (REP1-020), in Requirements of Schedule 2 of the dDCO (REP1-005) and in Chapter 10 in the Environment Statement (Ground Conditions) (APP-043), along with matters to be addressed in any FWRA, PRA and CSWGWMP, are considered appropriate at this stage. Potential pollution and mobilisation of contaminants would be addressed through preparation of the above documents and the Trust request to be consulted on any FWRA(s), PRA(s), CGWSWMP(s) and any final CEMP(s) relevant to Work Package 4a - Frodsham SPEN Grid Connection. If the ExA considers it appropriate to secure that the Trust is consulted on the development of these specific documents, requirements 11 and 12 could be amended to include wording along the lines of: "...such approval to be in consultation with the Environment Agency and, in respect of the [construction ground water and surface water management plan][construction environmental management plan] which relates to Work No. 4A only, the Canal & River Trust."

On the basis that Requirement 12 of the dDCO secures the preparation of a CEMP for each phase of the authorised development, which would include the construction of Works Package 4A 'Frodsham SPEN Grid Connection', the Trust is satisfied that the Frodsham SPEN Grid Connection would be mitigated by the above.

#### Q9.6.6 – Use of Access Track to serve Frodsham SPEN Grid Connection - Works 4A

The Trust raised concerns regarding potential impact on the Frodsham SPEN Access Track, including the adjacent bank of the Weaver Navigation, as a result of the type and number of construction vehicles required for Works Package 4A (Frodsham SPEN Grid connection) having to use the Access Track to Frodsham SPEN substation during the works.

The Trust welcome written confirmation from the Applicant that the forecast number of vehicle movements are adequate to accommodate the Frodsham SPEN Grid Connection works and that the Applicant does not anticipate the predicted number of vehicles movements on the Frodsham SPEN Substation Access Track to exceed the level of vehicle use outlined in the Transport Assessment (APP-134). It is welcomed that the outline Construction Traffic Management Plan (oCTMP) (REP1-018) confirms the anticipated vehicle numbers in Section 4.2 for reference. Based on the confirmation that the forecast figures can accommodate the construction traffic for Works 4A, no concern is raised by the Trust in connection with use of the Access Track and traffic route over Sutton Swing bridge subject to figures not increasing.

The Trust welcome that the OCTMP (REP1-018) refers to a commitment to 'liaise with the Canal and River Trust pre and during construction to confirm vehicle numbers and any traffic measurement requirements on the access road to SPEN Frodsham Substation, ensuring that access is able to be made to Marsh Lock at all times, which will allow for the Trust to feedback on and influence these measures.

It is acknowledged that any subsequent finalised CTMP for any phase must be in substantial accordance with the oCTMP (REP1-018), and the Applicant has outlined the respective CTMP would apply to the Frodsham Substation Access Track. We consider an explicit reference in the OCTMP that the mitigation measures and management of construction traffic outlined in the OCTMP would be relevant to Works Package 4A, where applicable, including any subsequent CTMP for Works Package 4A (connection to Frodsham SPEN substation), would provide greater clarity to the undertaker and its contractors, which would in turn provide help ensure protection of the narrow access track during the works.

In line with confirmation that the construction use of Frodsham SPEN Access Track would not exceed that assessed in the Transport Assessment, the Trust note that Schedule 1, describing the authorised works themselves, Part 2, Article 6 in the dDCO with reference to maintaining the authorised development, and Schedule 2 Article 5 relating to approval of any amendment to the Approved scheme, do not authorise the carrying out of any works which are likely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement. Eg, any works resulting in a material increase in construction traffic numbers using in the access track for Works Package 4A including the Sutton Swing bridge is not authorised.

The revised oCTMP (REP1-018) refers to the management of Abnormal Indivisible Loads (AIL) and the Trust would seek that the outline CTMP is updated to refer to the requirement to accord with the AIL procedure for Sutton Weaver Bridge, for clarification for further detailed CTMP(s) for each phase, where applicable, and to ensure any necessary consents are obtained.

The OCEMP outlines, at page 71, 'The appointed contractor will undertake such monitoring as is necessary. Further details to be confirmed in the DEMP.' The Trust requests this is amended to 'Requirement for monitoring and further details

to be confirmed in the CEMP and CTMP.'

The Trust's concerns regarding the Access Track are satisfied by the confirmation of the transport figures not increasing, the requirement to prepare a CEMP and CTMP for each phase, including Work Package 4A Frodsham SPEN grid connection and the OCTMP being revised to reflect that traffic management applies to Works Package 4A.

Q10.0.4 – Comment on Powers requested by the Applicant

The Applicant has agreed that the Trust would be able to access Marsh Lock at all times (24/7 as required by our operational needs) and the revised dDCO accurately reflects the Trust's request to amend Part 3 Article 12 to account for the need to maintain the Trust's access to Marsh Lock and its infrastructure.

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.

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

Yours sincerely,

Rebecca Wyllie MRTPI

Area Planner

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