



Hearing Transcript

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| Project: | Frodsham Solar Farm |
| Hearing: | Transcript of issue specific hearing 2 (ISH2) - Part GÁ |
| Date: | 24 February 2026 |

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The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

FULL TRANSCRIPT (with timecode)

00:00:05:00 - 00:00:22:14

Okay. We'll come back to this issue specific hearing two for the Fortune Solar project. The time is now. Uh, 3:20. Um, could I confirm with the case team that I can be heard clearly, and that recording and live stream has commenced? Yes. Okay. Thank you.

00:00:24:09 - 00:00:57:18

So moving on now to non agenda item three C which is non-motorized users and public rights of way. So 3C1 structural surveys of the public rights of way over bridges proposed to be used by emergency vehicles and for visitor car park access. So we heard this morning during the compulsory acquisition hearing, um, that the applicant has had recent discussions with National Highways for the need for structural surveys and of the bridges over the M56.

00:00:58:03 - 00:01:10:22

So for the benefit of anyone not present this morning, um, could the applicant summarize the position, um, and take the opportunity to expand on anything that was said this morning? Please.

00:01:11:04 - 00:01:47:28

Sir. Miss. Madam. I'm sorry, Mr. Fox. I'm half the applicant. Um, so yes, we've had we've had, um, some discussions with National Highways in respect of their various concerns. Um, in terms of the bridges. Um, so the, um, the point is the National Highways point is they consider that there should be, um, structural surveys to support any, uh, change of use. Um, and, um, that has included from Weaver Lane where we had originally proposed changing that bridge, um, from a footpath to a bridge away.

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Um, and where we've now accepted that we would change it only to a cycle, um, track. Um, and for, um, Brooks Furlong, which is currently a restricted byway that is crossed by vehicles currently. Um. But national. His position is if we were to enable that to access a car park, which we'll come back to. Um, then that would involve a change of use. Um, and then the second point, which discussed quite a couple of times already today, um, around emergency vehicles.

00:02:21:01 - 00:02:58:21

Now, in respect of the, um, changes for the rights of way provision, um, we um, although we disagree that it's a change of use that would actually have an effect on a bridge. We've, as I said earlier and appreciated that that is National Highways position, um, and that we have therefore agreed that we would amend DCO to say that before we could utilise the powers to change the status of the bridges or to use them to, um, if a car park was to be provided, Um, that, um, we would need to get structural surveys done.

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Um, and then, um, you know, if they.

00:03:05:08 - 00:03:36:18

Okay. So sorry. Yeah. If they can, um, that identifies that works need to be done. Um, then the applicant would take a view. I'll come back to in a minute about what that means for the car park. Um, on the point about, um, the emergency vehicles. Um, we, um, have in the brakes today. And in light of some of the discussion, um, been doing some further digging. Um, and did, um, want to note that under, um, section 34

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four. So section 34 is the prohibition of driving mechanically propelled vehicles on footpath bridleways or restricted byways. And that if you do that that's an offence. Um, and you notice that in the um DCO we've sought to say that essentially for our construction vehicles around the, um, solar array development area, that that is not an offence under that section. Um, and what we, um, had neglected to note, um, prior to today is that under section 34.4 of that act, um, a person should not be convicted of an offence under that section.

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Under this section, i.e. driving a vehicle on a restricted byway with respect to a vehicle, if he proves to the satisfaction of the court that it was driven in contravention of that section for the purpose of saving life or extinguishing fire or meeting any other like emergency. So actually, um, and this is partly on our on us as well. The wording that we currently have in the detail is not actually needed for emergency vehicles, because section 34 three already provides a defence to the events of driving a vehicle on a restricted byway.

00:04:49:29 - 00:05:27:11

So the starting point is that emergency vehicles are lawfully allowed to use those bridges. From a local point of view. I appreciate the National Highways position, what they said earlier in terms of the discussion we had about the batteries, but I just wanted to explain the the lawfulness position. Um, so, um, so that that being said that those are discussions that need to, um, need to, um, continue, as I mentioned earlier. The the next point is around, um, if the surveys identify that works are necessary, what controls are in the protective provisions? Um, if that's the case.

00:05:27:24 - 00:06:04:08

Um, one discussion point that we want to have with the council is to understand. Sorry, with National Highways, I should say, um, is to understand what surveys they currently have. And we understand on the DMB design manual grading bridges, um, that these bridges would, um, have at least needed a general survey within the last every two years. Um, and a more than detailed survey every six um, so it'd be useful appreciating again, that is just explaining the baseline position, but I think will help us all understand what any kind of condition survey in the future for any, um, third change of use.

00:06:04:11 - 00:06:39:26

Um, we need we know what the baseline is essentially. Um, so that discussion will continue. Um, and then finally, in respect of the car park, um, as I mentioned earlier, we had um, an CCG meeting with the council last week where we mentioned that these discussions were happening with that with National Highways, and that we were making the point that the provision of any car park, um, we will need to update the lamp to make the point that the bridge and of any car park, um, would be subject to us reaching a position with National Highways pursuant to their protective provisions.

00:06:40:11 - 00:07:09:28

Um, and, um, the position thereafter. If the surveys did demonstrate that no works were Required. Um, then I think, um, what we've discussed just today, in fact, was that, um, essentially the, um, lamp will be updated to say that we will provide a car park within two years of opening, subject to us demonstrating that our monitoring shows that actually there's not a need for it.

00:07:12:28 - 00:07:47:25

So that is in response to the council asking for a more certain commitment that we would provide it. But our position being that it only needs to be provided if there's actually shown to be a need for it, um, and that need would be if suddenly we did have a whole bunch of, um, cars coming to park to access the, the, the improved access provision that we're providing as part of the site, but noting that, um, you know, if people are going to be accessing these areas, they can do so already using those bridges, you know, by the fact that they already public rights of way.

00:07:48:03 - 00:07:55:09

So the car park is only in response to suddenly. Of people driving cars to the to the site.

00:07:55:12 - 00:08:00:27

Okay. Thank you for your summary. Um, could I just tend to Mr. Burley on one point, please?

00:08:00:29 - 00:08:20:21

Thank you. It was just, um, following on from our discussion this morning about protective provisions. And I just wanted to make absolutely certain that I understand what you've been saying there. Could you just clarify what type of vehicles could currently use this route as a restricted byway, please?

00:08:26:28 - 00:08:28:04

Yes, sir.

00:08:40:10 - 00:08:59:22

Mr. boxer, on behalf of the applicant. So under the Countryside and Rights of Way Act 2000. So restricted by ways. Rights of foot. Horseback riding a horse or vehicles other than mechanically propelled vehicles. Okay. Um, we do understand, as I've said earlier, that, um, it is actually used by other vehicles.

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There is someone to that point. So can you just give me the name of the the act? I didn't quite catch you.

00:09:04:18 - 00:09:12:03

Countryside in Rights of Way act. Countryside and Rights of Way Act 2000 1346 eight. Sorry. Section 48.

00:09:12:06 - 00:09:24:06

Section 48. So it's basically non-motorized vehicles right now. Okay. And you've made the point a number of times that other vehicles do use that.

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Yes. And for example, if you go back in time on Google Street View and pretty much every photo has a car parked on the bridge or next to it.

00:09:32:06 - 00:09:37:05

So would that be unlawful use of the at that route?

00:09:37:07 - 00:09:50:22

So I believe so. I mean but by way of example, um, the hover force, Um, business uh, has planning permission um, which includes access having to be across that bridge.

00:09:50:27 - 00:10:09:16

Okay. But, um, setting aside that because presumably. Well, I don't have any details of that at all and whether any, um, alteration was made to the status of the restricted byway and association with that permission. Do you have any details in that regard?

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Um, Mr. Smith. Applicant, sir? No, because that would have to involve a change to the status of the.

00:10:15:21 - 00:10:24:00

So it's still a restricted byway? Yes. And it would be unlawful for anything other than, well, for any motorized vehicles to use that.

00:10:24:06 - 00:10:26:23

Yes. Under the um, Road Traffic Act.

00:10:27:05 - 00:10:31:09

And then you mentioned section 34. I didn't catch the act on that item.

00:10:31:11 - 00:10:33:22

The Road Traffic Act 1938 Traffic Act.

00:10:33:24 - 00:10:48:25

So that would exempt, in effect, emergency vehicles if a fire tender was would need to use it. It could use that. Um, without that being an unlawful use. Yes. Okay.

00:10:48:27 - 00:10:52:24

Um, which means that the, the article that we have in the DCA is actually not needed.

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Okay. Okay. So it would only be needed for access to the car park by private vehicles in effect. Is that correct?

00:11:03:11 - 00:11:14:01

Yes. And and that's why the DCA currently includes provision that essentially says if a car park is provided, it's not an offense to drive the cars on the driveway for that purpose.

00:11:14:03 - 00:11:17:03

Okay. That's very helpful. Thank you. Thank you, Mrs. Bello.

00:11:17:19 - 00:11:31:13

Okay. Thank you. I'd like to bring in National Highways at this point. Um, to perhaps summarize their position, uh, that they had gave this morning at the compulsory acquisition hearing for anyone who wasn't there this morning. So could you do that?

00:11:31:15 - 00:12:01:15

Yes, certainly. Thank you. Madam. Um, there are there are really two issues here in relation to the bridges. The first relates to the proposed sort of change of the status of the public rights of way over the bridges and in relation to that. I think, as we said this morning, we welcome the, um, change of stance on behalf of the applicants and the, um, acknowledgement that surveys would have to be carried out before any change of use took place.

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Um, we have looked at the proposed amendments to the protective provisions that the applicant has put forward and that Mr. Fox outlined, and I agree with his summary of the effect of those protected provisions as he as he set out. Um, and we think that in principle, that's likely to be a workable way forward. We want a little more time to, um, look in detail at the proposed changes to the protective provisions that the applicant has put forward, and we expect to be able to come back to the applicant on that early next week.

00:12:38:01 - 00:13:14:28

Um, with with comments on them. We may need to suggest some changes, but in principle, we think that's likely to be an acceptable way forward as far as national hire is concerned. And the second issue, which we touched on earlier, again relates to the emergency access. Now, clearly, we understand that the applicant is proposing to remove what it now says, a superfluous provision in the in the draft eco about, um, allowing lawful access over the bridges by emergency services vehicles.

00:13:15:00 - 00:13:30:02

Um, our concern as National highways is not so much the lawfulness of the access, but it's the likelihood of its use by emergency vehicles and the structural ability of the bridge to accommodate that use. And so as we as we explained earlier,

00:13:31:26 - 00:13:49:12

the proposed development itself is obviously going to create an increased risk of those bridges needing to be used in the event of some fire or emergency at the site. And at the moment, as we read the, um,

00:13:51:02 - 00:14:22:21

uh, the battery, um, emergency uh, plan, which we went through, uh, just earlier this afternoon. Rep 3027, the battery safety plan. And that does apparently refer to um, Brook Furlong and Weaver Lane as being potential alternative emergency access routes. And our position is whilst that is the case, there would need to be a survey of those bridges to ensure that they are in fact able to accommodate emergency services, vehicles.

00:14:23:00 - 00:14:59:20

And to give an example, um, Weaver Lane Bridge, I'm instructed, is certified for seven and a half tonnes, um, load. But but a fire engine is something like 28 tons. So that that in principle could be obviously highly problematic if it's not investigated. Um, there was some reference made to surveys that National Highways would have carried out over the bridges. Obviously, we're happy to communicate with the applicant in relation to that. But our position is that a, um, an up to date survey would need to be carried out to ensure that those bridges can accommodate emergency access, if that is going to be part of the emergency plan.

00:15:00:00 - 00:15:16:12

Um, and that's obviously a matter for the applicant to work out with fire rescue service, as well as to whether those bridges are ever likely to be necessary in the event of an emergency. But our our position is that if they are, then their need to be checked to confirm that they can actually accommodate the emergency services vehicles.

00:15:17:19 - 00:15:38:17

Thank you for that. So I'd like to bring the applicant back in on that. So, you know, my next question was going to be is that does any part of the ES rely on access over these bridges by emergency vehicles? And it sounds as though from what we've just heard, that it does. So could you just confirm that, please, and, uh, how you intend to resolve that?

00:15:38:19 - 00:16:09:06

The spokesman asked the applicant. So I think, um, uh, in terms of Weaver Lane Bridge and the outline Bachelor safety management plan, take it away, but it's likely that we will remove reference to that. I think that was an error, particularly given where the location of Brooks Furlong is compared to the to the to the, um, both the batch safety options. Um, in terms of the, the es, the the car park, um, I think we would always considered would have been uh, they want to belittle it, but almost a nice to have benefit.

00:16:09:08 - 00:16:42:00

Our case does not rely on it. And I imagine you'll come back to that. So from an S point of view, the car park is not a mitigation measure. Um, and so the conclusions that the s are not reliant upon it. I think what this really turns on is this question about, um, the, the fire service being happy with the access position and then of course, yourselves. Um, on the basis of I can imagine where your mind is going, which is if we say that surveys aren't going to happen until after consent and the battery and the fire rescue service aren't happy.

00:16:42:02 - 00:17:02:29

If they can't use it, then what are you recommending? Um, so we absolutely understand that at the point, and we'll take that away. Um, but I think, as Mr. Gregory was saying earlier, we had always

thought that the, um, access provision will be able to be, um, acceptable for the fire and rescue service, but we appreciate we need to take this point away.

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

Okay. So if we could take that as an action point, please, for the applicant to confirm with the fire and rescue service, um, whether removing, uh, the Brook Furlong Bridge from the Bez management plan, um, is acceptable.

00:17:18:11 - 00:17:48:23

Um, thank. Yeah. Yes, madam. I think the point that we, we would need to understand is that given that national highways appear to have the weight limit for Weaver Lane bridge. We would assume that they also have it for Brooks Furlong. Um, and because if they do, then there's the point of view of it is that can it be possible? Versus, um, bearing in mind that a fire engine would be going across, it probably wants to get to a fire and then off to get off and then it could go a different way off site.

00:17:48:25 - 00:18:02:09

So we're talking about one movement potentially hopefully never. Um, but if ever, you know, hopefully only once. Um, so I think it would be useful to understand that because I think that then uh, puts a different, uh.

00:18:02:26 - 00:18:09:17

Bring in national highways then please, to answer that question, do you have the weight limits or the other bridge?

00:18:09:24 - 00:18:34:21

Yes. Thank you madam, I don't hand, but the weight limits are not really an answer to this problem because there are as built weight limits. Um, but the reason why surveys are required is because over time, obviously, things can happen to bridges that are undetected. They can degrade and their true weight limit can only be determined following a survey. And that's why we need to understand the up to date position in relation to the bridges.

00:18:38:28 - 00:18:53:28

Yeah. That's understood. I think I was asking it for it. It's all part of understanding the baseline context i.e. what was the design weight. What surveys have you most recently done? If you had done one within the last two years the DMR requires, then that would suggest that you would know what it is now.

00:18:56:00 - 00:19:01:19

So can I ask National Highways, do you have that information and you're willing to provide it into the examination?

00:19:02:20 - 00:19:26:21

Ben Thorpe, National highways. Um, I don't I don't have instructions on that, but I don't believe it'll be any problem to provide that into the examination. But I think our position would remain. It's not a substitute for an up to date survey. Um, if it helps move the discussion forward, then we can provide

that information. Um, unless I'm contradicted. But as I said, we don't think it will ultimately resolve the problem without a structural survey and up to date structural survey.

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Okay. Thank you.

00:19:33:24 - 00:19:44:13

So can I just confirm is National Highways position that they would like an updated structure survey within the examination period? Or are you satisfied with it being proposed at a later date?

00:19:44:19 - 00:20:09:00

I think our position is that if if the bridge is going to be used for the purposes of some kind of emergency route, if that's a possibility, then the survey should be should be done within the examination period. And if that's if that remains a possibility, because unless that can be ruled out, then we'd say a survey would be required. And that's that's our position.

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So could I have a response from the applicant on that please. Is it possible for you to have these structural surveys done before the end of the examination?

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Uh, Mr. Applicant, um, I think we need to take it away, madam, in the context of what it means for the emergency service access strategy in the context of battery, in context of battery safety. Um, and if and if, um, taking Mr. Holbrook's point, it becomes something that is a requirement. Um, then we will have the discussion with National Highways about what that means in terms of, um, timing. Um, because I think maybe we need that conversation be we need to understand what the baseline. I accept Mr.

00:20:48:10 - 00:21:10:07

Holbrook's point that it doesn't get you there, but it does, um, help set an important context of what what is achievable and be needed in this time versus a later time in the context of the emergency access strategy. So, um, I don't want to say yes right now because I think we need to have those discussions. Okay. So but we appreciate the importance at the point.

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If we could take two action points, please, one, for National Highways to consider providing that baseline information on the weight limits of the bridges and for the applicant to consider their position on whether they could undertake the structural surveys prior to the end of the examination. Thank you.

00:21:36:16 - 00:21:39:03

So my next question was going to be around.

00:21:41:16 - 00:21:55:19

Whether the results of the structural surveys had an effect on the deliverability of the car park. I think you've already inferred an answer to that. Um, and that you've just said that it's a nice to have rather than relying upon it for mitigation.

00:21:55:25 - 00:21:58:04

Um, in respect of the car park, madam. Yes.

00:21:58:06 - 00:22:00:01

Yes. Okay.

00:22:05:24 - 00:22:06:13

So.

00:22:09:29 - 00:22:19:03

In light of that, then how do you propose examining authority takes into account the benefits of the proposed car park? Um, if it's deliverability is uncertain.

00:22:21:25 - 00:22:52:03

Half of that, but I think I would. The deliverability of it is something that would be agreed with the council. So if the council considers it's necessary, then then we would do it, I think. I think there's an implied position of how you'd be able to send that to account there, because I think, as I said, we've agreed today with the council that our starting point is we will do it unless monitoring shows it's not necessary. So that is a change from what's currently in the lamp, which says we will we might do it depending on what the monitoring show is.

00:22:52:05 - 00:23:25:12

We're now saying we will do it unless monitoring shows otherwise. Um, but I think that's the point, because the, the point of the car park is not to, um, make it more attractive as an access area. It's to deal with the fact that it might mean that more people come with, um, more cars, um, as opposed to more people come from the local area, bicycle or foot or horse, depending where they're coming in from. So I think it's that if that if that's the point of if suddenly people came from further away from.

00:23:25:16 - 00:23:46:17

Outside of the fortune area by car to get there. Um, given the point that people already park on kind of more Ditch Lane if they use the car at the moment. Um, so, yeah, it's it's a kind of it's a management if needed measure, not a this only going to make it, you know, the place to go for all access provision in the area.

00:23:47:23 - 00:24:09:26

Okay. Thank you. So I note that the car park is listed in schedule one of the draft eco and works number six. I think that's page 42. And um, article 13 on page 18. So what changes would need to be made to the DCO to account for the uncertainty of the deliverability of the visitors car park?

00:24:11:02 - 00:24:43:26

Mr. Fox asked the applicant. So our schedule one is the power to build it. Um, that, as with all the schedule one is subject to the requirements in schedule two, um, and in particular the lamp and the

outline lamp talks about, you know, the process by which is agreed whether a car park is, is necessary. Um, I don't think that, um, there's no issues with the car park itself as a, as a piece of work. You know, it will be controlled by, you know, the actual building of it will be controlled by the camp and everything else.

00:24:43:28 - 00:25:18:01

It's not in a particularly sensitive location. Um, so, you know, the effects, such as they are of the car park are controlled by the requirements, just like anything else is. So the schedule one is not requiring us to build it if the permissive power to do so. And then article 13, um, is to do with, um, dealing with that section 34, the 9888 at a point, which is if a car park happens, um, then we'd want to change the, you know, enable cars to drive across it without it being an offence.

00:25:18:03 - 00:25:25:27

What we will be doing, given the discussion we've had, the council today is amending requirement. Sorry, article 13 nine,

00:25:27:20 - 00:26:01:00

um, to tweak the language there essentially because that says if a lamp approved by the relevant planning authority includes provision for a car park, where I think we will now say, is that subject to the matters the process set out in the requirement? If a if a car park is brought forward, we will do x, y, z. But that again these are all article 13. And um, schedule one are things we can do as the requirements to control it. So I wouldn't want to only propose to amend apart from what I just said.

00:26:01:02 - 00:26:03:03

Um. The powers. Okay.

00:26:03:26 - 00:26:14:05

Thank you. Um, I'd like to just take some comments now to Cheshire West and Chester Council have anything to say. And what's just being discussed?

00:26:16:21 - 00:27:04:23

Yes. Paul Forrester and Cheshire West Chester Council. Um, it was really just a point about the, I suppose, the, the way to the value of the public benefit aspect. I suspect that particular evidence, but I suspect that the local community may be expecting, uh, the visitor park car park as part of the, um, the DCO as presented to them in sort of the build up to the pre-application and the application. So it's that perception of is it something that is, um, addressing a concern about sort of increased parking, um, which might be termed a mitigation? Um, or is it a public benefit for the wider recreational use, which I think has been sort of part of the general messaging, um, for it.

00:27:04:25 - 00:27:46:03

So it was just a comment really about sort of how, how that, term is perceived. I think we would want to see the detailed wording that the applicants suggested in terms of the length, in terms of that control. Um, uh, just in terms of whether it is in relation to the council having um, I know the council, it sounds like we'll we'll have the approval process as to whether the monitoring shows if monitoring is required or if monitoring is done, and shows that there's an issue requiring the um or not, not requiring the visitor parking space.

00:27:46:05 - 00:28:28:01

Um, whether that's um, uh, some something that uh, it's the terminology of it sounds like it's been presented on the basis that there has to be an issue, um, with the level of parking on mortgage Lane to justify the, the visitor parking, which, if that's the case, that that. That's fine. Just we just need to be clear on what what reasoning is being presented. Um, uh, in terms and it's fairly clear it's being presented in relation to impacts on, on, on the road, not as a public benefit unless I misunderstood.

00:28:28:03 - 00:28:28:19

Yeah.

00:28:28:27 - 00:28:34:12

Okay. Thank you. Is that something the applicant could respond to either now in writing about that.

00:28:34:17 - 00:29:02:05

So we will the wording that I've been talking about, we will put into the updated deadline for alongside our our hearing submissions. But just to be clear that the the position was that we won't um, we won't do anything. We won't commit to doing it. We'll wait and see. We're now saying we will do it unless I think is a change in position and that that on this is the the 11th will have right to say that will be something that will need to be agreed with the council.

00:29:02:12 - 00:29:20:18

Okay. If we could take that as an action point, please. Um, could I just clarify with the council? So the applicant said that really the delivery of the car park was a nice to have. Is that something you agree with or would you consider it more limited? You know, central mitigation. What's your position on that?

00:29:23:10 - 00:29:42:08

I suppose it depends to some extent on the monetary if the monitoring is demonstrating that there is an increase in performance related to the development. But I don't see that that's um, uh, something that is particularly likely. It's more on the side of being public benefit. Um, uh.

00:29:43:14 - 00:29:44:20

Okay. Thank you.

00:29:51:12 - 00:29:57:10

Do we have any further comments? Councillor Sumner, would you like to come and speak? Thank you.

00:29:58:10 - 00:30:32:10

Many thanks. Um, I note the applicant's reference to the outline. Public rights of way management plan. The Ecological Management Plan and the Design Approach document. However, the core issue isn't whether the documents exist, it's whether they're enforceable in practical terms. Meaningful mitigation for the scale of change proposed. The development covers approximately 600 acres of what's currently open marshland and used extensively by the community for walking, cycling, horse riding, dog walking.

00:30:32:16 - 00:31:20:04

The impact on the landscape and character and recreational amenity is significant to the people that live in my ward. So within that context, cycleways and bridleways, they're not ancillary, that they're essential to the mitigation that this site would this development would have to the local community. If we refer to permissive paths, but they don't clearly commit to durable or weather surfacing, but would be suitable for use all year round. They don't commit to minimum width standards for shared use routes, appropriate bridleway design standards for equestrian safety, guaranteed maintenance and funding inspection regimes, and permanent public access rights secured for the lifetime of the development.

00:31:20:21 - 00:31:55:21

Marshland terrain is seasonally wet and prone to surface deterioration, so without robust construction standards, routes risk becoming waterlogged, rutted or unsafe during winter months, and this would disproportionately affect families and people in the local community. Connectivity is also really important. Cycle routes. Providing safe, direct links to National Cycle Route five um and isolated permissive loops do not constitute genuine activity.

00:31:56:03 - 00:32:40:27

Um, we've, uh we've spoken with the officers at Cheshire West about the ecological dimension. And we believe that we need properly designed routes that can reduce unmanaged trampling and disturbance. Poorly defined permissive access could increase that. So there needs to be clear zoning, signage, durable surface so that its benefit for both the community and ecological protection. So while we've while these submitted management documents the outline management documents being submitted, these must translate to something enforceable with commitments to high quality, permanently well-made, connected routes.

00:32:40:29 - 00:32:50:26

And without that clarity, my concern is that those measures risk being aspirational rather than substantive mitigation. Thank you.

00:32:50:28 - 00:33:14:06

Okay. Thank you for your presentation there. I think that, um, covers quite a number of the agenda points that will probably come on to. In, you know, in the next hour or so. Would the applicant like to just reply briefly to that particular representative? Would you be able to put that representation in writing into the examination, please? That would be helpful. Thank you.

00:33:14:08 - 00:33:50:19

Um, thoughts about the applicant, I think I won't go into detail at each point because you said I'm going to the agenda of them, but I think in broad brushstrokes, the, the, the DCI secures that we need to comply with the design principles, design Parameters statement and the Olymp and the outline products rights. Rights of way of management plan, all of which between them, I think have everything that Counselor Sumner just mentioned and, you know, have been agreed in lots of discussions with the local authority, um, and have sought to balance, um, you know, access improvements, landscape, um, effects and ecological effects in an appropriate manner.

00:33:50:21 - 00:34:00:11

Okay. Thank you. If you could respond in writing to a counselor Sumner's representation, that redressing each point. That would be very helpful.

00:34:00:18 - 00:34:05:19

Yes, madam. I suggest we do that after the line for once. Counsel to put it in writing. Yeah.

00:34:06:03 - 00:34:10:05

Would you be able to put that in writing? In deadline for.

00:34:10:13 - 00:34:13:05

Yes I can, I can do that. Yes. Thank you.

00:34:15:06 - 00:34:22:13

Okay. Okay. We'll move on now to. Well, unless anyone else has any. Yes. That's fine. Yeah.

00:34:24:23 - 00:34:26:22

Um, yes. Just a.

00:34:26:28 - 00:34:27:13

Couple of.

00:34:27:15 - 00:34:32:15

Quick questions. And the first ones to the council. Um, Council.

00:34:32:17 - 00:34:33:03

Here.

00:34:33:09 - 00:34:52:04

Um, you may not be able to answer this today, so by all means, take it away. Um, when the Frodsham windfarm was approved, um, some years ago, was there a condition on there requiring anything regarding emergency response plan or access by emergency vehicles?

00:34:56:00 - 00:35:04:00

Cheshire West and Chester Council. Not to my recollection, but we'll check that out and confirm. One way or another.

00:35:04:16 - 00:35:30:23

Just sort of occurs to me that no ditto structures struck by lightning would require, you know, the fire engines to attend. If I'm in a cell, you often see pictures of wind farms on fire. As such, whether there is any contingency within that permission or anything that was approved or discharged under that permission, that enabled emergency vehicles to cross those those bridges, basically.

00:35:32:29 - 00:35:39:27

At Portsmouth and Cheshire West Chester Council, we can go through the documentation and pull out anything that's relevant.

00:35:39:29 - 00:36:04:27

Excellent. Thank you very much. And just a quick question for for National Highways, Mr. Fallbrook. Um, we heard from the the applicant mentioned the design manual for roads and bridges and said that general surveys are undertaken every two years. Detailed surveys every six years of these structures. Can you just confirm to me when these particular bridges, the Weaver Lane and the Brooks Furlong? Do you know when they were last surveyed?

00:36:05:15 - 00:36:19:28

Um, I don't we can we can certainly inform your writing. My understanding is that because these are access bridges, they're not routinely surveyed. Um, but I can't I can't give you a firm answer, but we certainly can do that for for you, sir.

00:36:20:06 - 00:36:46:02

Okay. Could you also, at the same time, confirm whether there's any signage that restricts the weight of vehicles going across those bridges? For example, if a if a fire engine was to suddenly rock up, um, at Brooks Furlong, whether there's a sign there to say, you know, if you appliance is over X wait you you shouldn't cross this bridge because there's a risk of collapse or whatnot.

00:36:46:04 - 00:37:01:08

Yeah. We can we can confirm that. I mean, um, road signage would fall under the purview of the local highways authority. Um, but as to what signage is actually in place, we can check. I think there is a sign at Weaver Lane Bridge, but not Brooksville on Bridge. But as I said, I'm not sure we can confirm that.

00:37:01:15 - 00:37:14:25

So okay, maybe that's something the council could take away as well, just in terms of that. Um, yeah, just that bit more information. So that's myself. Dan. Mr. Burley, I understand you got it.

00:37:14:27 - 00:37:27:12

Thank you, Mr. Fallbrook. Uh, the applicant explained that under the the Road Traffic Act, section 34, the the bridge could be used in any event. Is that correct?

00:37:28:14 - 00:37:29:02

Um.

00:37:29:22 - 00:37:31:12

I emergency vehicles.

00:37:31:19 - 00:38:03:05

So I would have to I would have to check that particular statutory provision. I've no reason to doubt what the applicant is saying about that. Um, it could be used in any event. National highways, the concern is that at the moment, I mean, the use is made more likely if this is being proposed as an emergency access route to serve the development, which itself obviously would increase the risk of

emergency and emergency services needed to attend the site. Because the change the use of the land is to be is to be changed.

00:38:04:13 - 00:38:25:14

Thanks. Um, I got that point earlier. Um, I suppose the issue really is, um, what's the issue if it if it did use it? Is it a matter of, um, a potential bridge collapse and then a liability for national highways?

00:38:26:15 - 00:38:37:26

That's certainly one of the concerns. I mean, there'd be a safety concern. Um, initially, then there'd also be, if not a sort of safety issue, a damage issue and a liabilities National highways. That's right.

00:38:38:05 - 00:39:12:01

Right. Thank you, Mr. Philbrook. Um, and just one quick question for the applicant as well. You, um, you were talking about the the potential car park, let's say, and in various parts of the application, you and I'm thinking perhaps the green belt justification you attach some positive weight to the improvements to leisure and access across the site.

00:39:13:13 - 00:39:30:28

If given that there's uncertainty about whether the car park would be provided or not, are you inviting us to take that into account when we attach weight to that dimension of the the planning of the application?

00:39:31:18 - 00:40:02:01

Uh, Mr. Fox, about that, uh, sir? No, because the car park is a a management measure. It's not a we've never we've never seen it or promoted it as a thing that will facilitate the benefits that we say arise. Those benefits arise because there is improved access. Um, so there is we're creating improved access provision in and around the site. Um, and the car park is therefore a, a, um, a management measure for, for car parking.

00:40:02:07 - 00:40:13:21

But what I would say, sir, is even if you were not inclined to fully agree with the way that I just put that, that we we have now changed our position, which is that we will do it unless the council suggests it's not needed.

00:40:13:23 - 00:40:37:12

That's fine. I'm just. I'm want to avoid any complaints when we write this up that the if we said we haven't got complete certainty, the car park would be delivered, even though it's the applicant's intention to do so. And therefore we're not attaching any weight to that aspect of the scheme, whether positive or negative, in the overall balance.

00:40:39:21 - 00:40:50:14

You know, am I bringing Mr. Russell here? But I think I think our case in terms of the, the, the leisure green access benefits is is there irrespective of whether the car park is there?

00:40:50:16 - 00:41:00:00

Right. So you mean that we could just disregard that. And as I said, you know, that doesn't affect the weighting whether it's positive or negative weight.

00:41:00:02 - 00:41:03:22

Yes, sir. That's what our position would be. And I'd like to expand on that.

00:41:04:12 - 00:41:35:14

Mr. Russell, for the applicant. Um, reiterating the point, really, the the design of the scheme, in particular the, um, introduction of the permissive routes and the provisions to improve the public rights of way that cross the site at the moment. Um, they arose in part with the applicant's suggestions early on, but also then with some significant input from the community. And that's what our focus was on was providing increased access across the site.

00:41:35:16 - 00:42:10:21

The car park did come across come along and really in a later stage through that community dialogue, but just as an add on in essence. So I think that characterization is correct, is that the majority of those access and recreational benefits are delivered through those measures in the lamp with the, um, public Right-Of-Way and the permissive paths. And then the irony of it is that the car parking that happens close to the site on the bridge along Mortgage Lane at the moment is, um, people accessing those public rights of way that already exist.

00:42:11:08 - 00:42:46:21

There's no way we can know whether there'd be a benefit at this stage from saying, removing that unofficial car parking and putting it in a car park. That's correct. I think you'd have to draw your own conclusions to an extent, about whether or not a car park would then perhaps deliver enhanced benefits over those recreational access. Benefits are already offering lots of points. I'm getting to really that we can't come to a conclusion on that, can we? No, no, I, I appreciate that on the car park point. I think that our focus is on providing recreational access across the site in an improved way.

00:42:47:07 - 00:42:56:02

Um, we're close to a community that can can walk from Frodsham, uh, onto the marshes in any event. Okay. Thank you.

00:43:01:07 - 00:43:34:17

Okay. Thank you. Uh, before we move on to the next agenda item two there. Are there any other comments on this particular item that we've been discussing? I can't see any hands up in the room or online, so. Okay. I think we'll move on. Thank you. So we're now on agenda item three C2, which is temporary public rights of way closures, including the impacts of the National Cycle Route five and the need for communication plan. So could we bring up table 3.3 in the outline Public Rights of Way management plan please, which is rep 3028.

00:43:48:03 - 00:43:54:07

So that's table 3.3. In the outline public rights of way management plan Rep 3028.

00:44:08:15 - 00:44:09:18

Okay. Thank you.

00:44:14:21 - 00:44:43:07

So for anyone following this line of questioning, we won't bring these up on the screen. But it might be useful for anybody following to have access to figure one five, which is app 105, which shows the location of existing public rights of way and figures 23A to E, which is app 106, which is the illustrative environmental master plan, and possibly also the street works, public rights of way and vehicular usage and access plans, which is A008.

00:44:45:07 - 00:45:09:18

Okay, so I this to to the applicant. I, I note that the outline public right-of-way management plan rep 3028 states that banks will be used to manage the passage of cyclists along the National Cycle Route five, where this is used for the main access site of the proposed development. Just in the interest of clarity. Um, just could you briefly explain how this would work in more detail, please?

00:45:12:03 - 00:45:49:28

Mr. Russell, for the applicant. Um, I think I'll start out by saying, um, that the approach we're we're adopting in this section of the public right of way is something which was utilized for the Frodsham windfarm construction as well. Um, and they provided a, a construction traffic management plan that included um a management measures for public right of way. And this was the measures that they used. So it set out in section um 4.2 um of the outline public rights of way management plan.

00:45:50:00 - 00:46:20:16

And the um as described there. There will be temporary gates erected along the um the restricted byway, the, the um National Cycle Route. And at each end there will be a banks ban, um, that would be in contact with the other banks. And at the other end, radio controlled so that when a, um, cyclist was to approach, then they would be held at that particular point.

00:46:20:18 - 00:46:40:15

Um, then the banks then at the other end would be radioed construction traffic would be held to construction. Traffic can be held by the banks at the end where the cyclist was. That would leave the section. Then that was free and the cyclist should be able to proceed through after they proceeded through the construction traffic and continue to use that section of the route.

00:46:40:27 - 00:46:48:10

Okay. Thank you. Could I ask whether Cheshire West and Chester Council have any comments to make on the use of banks on this particular?

00:46:50:27 - 00:47:07:20

Cheshire West and Chester Council. No comments to make, madam. Okay. Thank you. And could I also ask a representative of active travel or cycle North Cheshire whether they have any comments on the use of Manxman? Yes. Please come to the table. Thank you.

00:47:11:08 - 00:47:43:03

Ashley McCreight, Active Travel, Frodsham. I refer to Steve Pemberton, who's the chair of North Cheshire High. Steve Pemberton, chair of Cycle North Cheshire. Um, our group works with the local community to promote physically active lifestyle, um, cycling and walking. We liaise with the

council, local councils and the organisation for the walking, Wheeling and Cycling Trust, who were previously called Sustrans.

00:47:43:22 - 00:48:14:04

Sustrans are the actual owners of the NCN National Cycle Network. Sorry w WCT or the owners of the National Cycle Network in Frodsham. There are two relevant pieces. There are the NCN route five, which is was along the A56, which is a commuter route that has been delisted as being unsafe for an unaccompanied 12 year old. So we don't have that NCN five on road at the moment.

00:48:14:10 - 00:48:45:20

The other, confusingly named NCN five, is the routes that we're talking about at the moment, the off road NCN five, which is deemed more a leisure area than a commuting area because it doesn't it isn't linear with the A56, which is the main origins, destinations and routes within our area. So we've been trying for some years to work with developers on getting the marshes into a state in which they are usable.

00:48:45:25 - 00:49:20:21

They are currently totally and utterly unusable for cycling because of the looks like the battlefield of the First World War. You cannot cycle across them, so putting a batsman at either end to wave cyclists through is going to be largely a waste of time. To be blunt, um, our experience of these things so far has been very poor. As much as we worked, we had a meeting with the windfarm developers who promised that they would work on these lanes and leave them in a state that they were then usable for leisure purposes off route.

00:49:20:29 - 00:50:18:23

The reality is that they did not live up to those verbal promises, and they weren't incorporated as conditions of planning, which is why we have made the representations to this body that we want to see something in writing that people are absolutely permitted to. We'd also like to pick up on the point. We were involved in the very early stages of discussion with Kubica and their consultants, and we recognise they've done a good job in designing in leisure facilities within the solar farm itself, permissive paths, some of which will be wheelchair accessible, which is also an important point of the work that we do, but that we would encourage the MPI to get the applicants of this and the cadence scheme and the high net scheme to work in some sort of concert to look not just at the one route that they're all going to trudge across, but it's a network of paths.

00:50:19:03 - 00:50:53:19

And we would like to see them, not just the one route fixed and the rest of the route still unreadable and unusable, because that's not really benefiting the community. But the whole area of the marshes is looked on as one, um, with all of the applicants working, and we're quite happy to work in concert with them and walking Cycling Trust to get a common agreed outcome. But just putting a batsman at either end on a disused path. In our opinion, it's not going to add anything to the outcome for walking, wheeling and cycling in the Frodsham area.

00:50:53:21 - 00:50:58:10

It may well fulfill the needs of the applicants to build their farm. I'll accept that.

00:51:00:17 - 00:51:07:01

Okay. Thank you for your comments. Um, with the applicant, like to respond to those comments.

00:51:09:01 - 00:51:58:12

Um, Mr. Russell, for the applicant. Um, thank you for the comments. And we've had dialogue in the pre-application stage and it's been very useful. Um, the I think there's two elements of this and some of the comments that have been given. I think, there's discussion here about improvement of a long section of National Cycle Route five, um, and the opportunities that might arise from different developments in the area facilitating that entire access route. Um, from our perspective, we think that whilst it sits outside the planning balance, the Community Benefit Fund is something that we've introduced to the community to say that these are opportunities to perhaps, you know, these are some of the things that you could perhaps use that those funds for appreciating that sits outside the planning balance within our site itself, within the order limits.

00:51:58:18 - 00:52:28:24

Uh, we're committed through the Public Rights of Way management plan to review the condition of public rights of way and make sure that they are maintained in a usable state. We've already talked this morning about how the access route, um, to the site, from a construction perspective, would have to be improved. And, um, that's commented on in chapter two of the environmental statement about survey of the road and in filling of potholes and ruts.

00:52:28:29 - 00:52:45:18

So, um, whilst this project isn't here to solve all of the problems of that National Cycle Network five, there are components of our development which are controlled and which can be enforced, which will hopefully deliver some improvement, um, along that route.

00:52:46:03 - 00:53:03:08

Thank you. Just for the benefit of those in the room. Could I just ask you to confirm where in the, uh, commitments register or the DCO that your commitment you've just referred to is secured? Please. To maintain, um, the right of way within the order limits.

00:53:55:20 - 00:54:21:06

Mr. Russell for the applicant. There was a pregnant pause there and I will have to come back and find the precise reference. I was just taking myself to the outline, Landscape and ecological management plan, um, in section 6.5 where it talks about maintenance, and there's a section on there on, um, public access, permissive routes, um, and the maintenance of those, um.

00:54:23:20 - 00:54:34:26

During the, the, the, um, operation and for the construction as well. But I'm, I'm confident there's actually another reference, which I'll come back to you if that's okay, rather than waiting for me to find it.

00:54:37:09 - 00:54:49:20

If you could. Um, yeah. Perhaps whilst I'm asking you a few more questions, try and find that reference and come back, um, before the end of this hearing. That would be helpful. Thank you. Okay. Uh, we have a hand up. Yes, sir.

00:54:49:23 - 00:55:27:12

Um. Ashley. Farewell, Frodsham. Adam. Thank you. Um, I'd like to add to what Steve has said about the need for improving all the byways. Um, but like your the examiner's interpretation of, um, paragraph 105 in the National Planning Policy Framework, which is intended to promote healthy and safe communities, which reads, planning should protect and enhance public rights of way access, including taking opportunities to provide better facilities for users, for example by adding links to existing networks like National Trails.

00:55:29:02 - 00:55:56:12

This is reinforced by Cheshire West policy, which is clause 12 to 13 in the Local Plan. Opportunities to improve the quality, accessibility and connectivity of a network of recreational waste should be maximised. So the broad brush of planning expectations is that this presents an opportunity to actually improve the current situation, rather than just leave it the way it was.

00:55:58:07 - 00:56:07:05

Okay. Thank you. Would the applicant like to respond to that representation, please, especially in relation to the references to policies within the Local plan?

00:56:09:07 - 00:56:43:28

And I suppose Afghanistan. And Mr. Russell, look at that after looking. Um, I think the starting point is, obviously we've set out in the planning statement and planning compliance document that, um, we've done, um, you know, we're proposing a number of improvements to access provision in terms of existing and the new permissive path that we're creating. Um, and it's echo what Mr. Russell said a few minutes ago, which is that, um, we feel that we've done so, um, in a way that's proportionate to our impacts while still trying to, to ensure there's some level of benefit.

00:56:44:10 - 00:56:56:18

Um, but that the scheme is not necessarily here to fix every single issue in every, um, thing that everybody could ever wish for in this, in this part of the world. So I want to add to that.

00:56:59:04 - 00:57:00:23

Um, no, I think that sums it up.

00:57:03:24 - 00:57:09:27

Thank you. Uh, do you have any further comments? The active Frodsham active travel team. Have any further comments?

00:57:10:15 - 00:57:22:21

I think I'd probably refer back to the examiners. What will be the interpretation of that planning? National planning requirement in this respect? Not necessarily today, but perhaps at some. If it's time to reflect on it.

00:57:23:10 - 00:57:27:06

We will we will take into consideration what's being said today. Thank you, thank you.

00:57:33:08 - 00:58:04:12

Okay. Moving on to the next question then I note that the section of the Outline Public Rights of Way Management Plan states that RB 40 National Cycle Network five pedestrians and equestrians would be prohibited between the point at which the public rights of way joins Marsh Lane, adjacent to the protest site. Point A on sheet one. I think that's from Asce 008 and the site access junction at the Lordship Lane Rake Lane junction, which is point B on sheet two as 008.

00:58:04:22 - 00:58:09:03

I wonder if you could perhaps just show that section on one of the maps, please?

00:58:14:06 - 00:58:41:28

So it's from Marsh Lane adjacent to the protest site. Point A um, to Lordship Lane, Rake Lane, junction point B and my question wants. Do we have that up on the screen? I think that will be helpful to this questioning. But my question is what alternative arrangements has the applicant put in place for pedestrians and equestrian users of this particular section during the construction period?

00:58:46:04 - 00:59:19:14

Mr. Russell, for the applicant. Um, okay. So to clarify, um, the this section of the public right of way would be closed during the construction working hours of the day. It would then be opened in the evenings and it will be opened, um, at the weekends. In terms of from midday on, I think it's 1:00 on Saturday and also on Sunday. So, it will be usable in those periods and by equestrians and pedestrians outside of that period whilst the construction works are happening.

00:59:19:25 - 01:00:03:24

Um, there isn't an A, an alternative diversion that's being proposed. We have, as a result of, um, the representations and the discussions that we've had with the council, introduced a new paragraph into the public rights of way, which is committing to, um, opening up the section of the public right, right of way during construction when construction vehicle movements allow. Um, and if we were to look at the, um, turn up the appendix for the transport assessment, which, um, sets out the, the HGV movements, um, throughout the construction period, we find in the second half of the construction, there's very few HGV movements.

01:00:03:26 - 01:00:15:27

They're all associated with bringing on fuel or water that can easily be scheduled. So anticipation is in that second half will actually be able to allow pedestrians and equestrians as well along that section.

01:00:16:07 - 01:00:24:07

So my writing, thinking that there is no alternative then for pedestrians and equestrians during the working during the construction hours.

01:00:26:20 - 01:00:43:17

That's correct. My question is how does that how does that make the situation no less commodious than the original route? You know? Well, not the original route, but than the route, because you're preventing access during those working hours.

01:00:43:23 - 01:00:54:08

We are. Yes. And for as we set out for safety reasons, um, we couldn't we couldn't facilitate pedestrians in equestrians along the route the same time.

01:00:54:10 - 01:01:28:11

So just make a point in that, madam, which is the two points really, which is where that is. You can see on the, on the, on the map, there's not, there's not a parallel close to parallel adjacent route because it's the Protoss facility either either side of the majority of the routes. And I would just question the reference to no less commodious, because if we're the kind of non DTO equivalent to what we're talking about here is, is a temporary stopping up onto the Road Traffic Regulation Act, which doesn't have that test I believe.

01:01:28:13 - 01:01:42:23

So I think we'd be asked we how do we even query if we're using that and permanent extinguishment. But we're not in that situation. We're talking about pre stopping up, which is you know, if we were not doing a DCO it would be an order under the Traffic Regulation Act.

01:01:45:05 - 01:01:46:09

So could you just point.

01:01:51:07 - 01:01:51:22

That please.

01:01:55:23 - 01:01:56:14

Thank you.

01:01:56:16 - 01:02:14:18

Um, just a quick question on the terminology there. You said temporary stopping up. Temporary closure. I'm sorry. Yeah, exactly. That's that's fine. I fine. I just wanted to make sure. Yes. Sorry. That's that's. If you look back at two days from the first ones, you used that wording. And it was wrong to do so because it's the regulation refers to closure. So. Yeah. Sorry.

01:02:15:19 - 01:02:25:11

So just just in the interest of clarity on what we're talking about here. Could you just point out exactly the two points that we are discussing and where those are on the map, just for the benefit of the room?

01:02:25:13 - 01:02:40:00

Mr. Fox? Yeah. So, um, point a shown on the map there. Um, and then the closure ones to the east, and then kind of the red line that's shown there. And then if we go scroll down to the next sheet of the plans.

01:02:45:21 - 01:02:52:06

Yeah. Won't be uh, is where all the other labels are, essentially. Yeah.

01:02:53:21 - 01:03:07:20

Okay. Thank you. So I think your position is clear. Can I have any comments from any interested parties or the council on the applicant's position on this? Does the council have anything to say?

01:03:08:00 - 01:03:11:15

Shall speak on behalf of Cheshire West and Chester Council. We have no comments.

01:03:11:17 - 01:03:23:09

Are you satisfied with what the applicant has proposed? Yeah. Yeah. Okay. Thank you. Does anybody else do any other interested parties have any, um, comments to make?

01:03:25:02 - 01:03:29:05

No. Okay. I do not have any hands up in the room or online. Thank you.

01:03:43:23 - 01:04:20:05

Okay, I must move on now to just an explanation. So I just wondered, in the interest of clarity. Could the applicant explain the reasons for part three, which is. Page 17 is part three, article 13, page 17 and the draft DCO containing powers to permanently block up and stop access to RB 108, which I believe now is known locally as Brook furlong. I note that page ten of the Outline Public Rights of Way Management Plan rep 3028 gives some details, but it doesn't clearly explain the reasons for this.

01:04:20:14 - 01:04:35:21

And while it states a substitute route would be provided, it doesn't clearly explain what this alternative route would be. So firstly, why is this necessary? And secondly, what temporary and permanent alternatives arrangements will be put in place?

01:04:40:06 - 01:04:48:09

Mr. parks and the applicant. Can we just bring up the relevant plan and whilst it's done, Mr. Russell, I think we'll be able to explain.

01:04:50:03 - 01:05:19:10

Mr. Russell for the applicant. So RB 103 provides a connecting route between RB 97 And RB 98. Um, there is no sort of circular, uh, route to RB 103. RB 103, uh, then intersects when the plan when the plan comes up, intersects our um, construction access route, which is actually on the route of the access route for the wind farm as well.

01:05:20:09 - 01:05:30:28

I just pause you there for a moment. Could we get a planner, please? Showing the access? I think there's a very clear one. Uh, figure one five.

01:05:34:10 - 01:05:37:09

Which is app 105. I think that shows the.

01:05:39:15 - 01:05:47:09

Access routes. Perhaps we could just get this on the screen, and then you could just talk through that again so that we can be clear which routes you're talking about.

01:05:52:12 - 01:06:02:23

Thank you. So we could just zoom in a little bit to the particular roots that we're talking about. That's RB 108. Thank you. That's clear. Okay. Sorry. Thank you.

01:06:03:03 - 01:06:10:17

It was RB 103. Was it that we were talking about 1108. Apologies I was talking about 103.

01:06:14:14 - 01:06:19:02

Change was actually the real route. Yeah, I think.

01:06:19:19 - 01:06:21:24

That's why I'm not clear on. Yeah.

01:06:24:09 - 01:06:29:25

Mr. Russell, for the applicant, I'm not sure if this is the easiest plan then to explain. Um.

01:06:30:06 - 01:06:32:29

If we bring up, um, sorry. Um, sheet.

01:06:38:17 - 01:06:48:25

Uh, pdf, um, sheet six of the street. And so it's sheet three of five of the, um, street work, public right-of-way, usage plans.

01:06:48:27 - 01:06:51:06

We got the examination library reference.

01:06:53:00 - 01:06:53:15

Yes.

01:06:59:17 - 01:07:00:07

Yes I

01:07:02:02 - 01:07:02:26

know. Sorry.

01:07:05:27 - 01:07:07:27

Yes. 008.

01:07:37:02 - 01:07:42:01

We did this because we didn't use the definitive map. Yes. Yeah.

01:07:42:03 - 01:07:44:05

Yeah. Would it be helpful if I repeated the.

01:07:44:11 - 01:08:15:29

No no no no. So I think I think this this, um, the power that we're doing here is a, um, is actually to fix the definitive map doesn't actually match what's happening on the ground. So paragraph article um, 13 one needs to be read with two. So essentially we can't stop up. Um, what the definitive map shows at the root of RB 108 until we provided the substitute.

01:08:16:01 - 01:08:43:18

So that deals with your question about what happens in a temporary anyway. But actually the reason that we're we're doing this is that it will be easier for us to do that, because essentially the reality on the ground is not matching what the definitive map route is. So that's essentially this is a tidying up exercise of of the what, what the footpath actually will be without the amendment in place. But actually how that how people actually walk essentially in that part of the world.

01:08:43:20 - 01:08:48:28

So what is the alternative, um, route that's been proposed.

01:08:49:06 - 01:08:59:09

There isn't an alternative. I mean, if you look at say it's we're replacing m to n with m one to n one. So that's not shown on the screen. Plays the sheet three.

01:09:08:15 - 01:09:11:00

Yeah. And if we zoom right into that corner.

01:09:13:06 - 01:09:20:28

It's a bit of a jumble. Appreciate. But you'll see that, um, M one is in the top left hand corner.

01:09:25:28 - 01:09:56:08

Yes. I'm sorry, Mr. Russell, for the applicant. I'm. I'm ignoring every urge to come up and point to the screen with all of the, um, with all of the letters in numbering on there, but essentially RB 102, which is the Brown line, which runs from point M one in the north. If you were to continue down and you can see the label, then you can see it dogleg slightly and continue south. It's the brown line. You're able to see that? Yep. Yep.

01:09:56:10 - 01:10:30:17

So that doesn't exist as a footpath on the ground. So when you walked up there in your unaccompanied site visit, you did not walk along that public right of way. But that is the definitive route as it's shown on the definitive map. So the provisions in the um, in the DCO are allowing us just to reroute that to where it is at present. So it's officially then along the route that you did walk along. That's the that's the main purpose of that provision is just to just to correct that issue.

01:10:30:27 - 01:11:00:27

We've got some other management along that section with all of the lettering there, which is that facilitating construction traffic to cross the, the, the path that you walked along. And both of those locations are facilitated by um gated access with banks members explained within the public right of way. So hopefully that clarifies slightly, um, what is quite a complex part of the site from a public right of way perspective.

01:11:04:19 - 01:11:07:01

So can I confirm that they will?

01:11:09:07 - 01:11:15:15

Throughout the construction phase, there will be access for the public.

01:11:15:20 - 01:11:18:03

Mr. Russell, for the applicant, I can confirm. Yes, yes.

01:11:19:10 - 01:11:24:06

And is that the same for. I've got the same question for FP 81

01:11:25:24 - 01:11:40:20

and FP 93, which I mentioned in article 33 and 35. And I had the same question really? What was the temporary and permanent alternatives for the stopping up of these? It's a similar situation.

01:11:40:22 - 01:12:04:05

Mr.. Mr.. Russell comes in. I want to just make clear that all of those paragraphs need to be read by the paragraph that follows after them, which is we can't close them until the new provision is in place, because there's not a period where one is closed and the other one is not there. Okay. So there's always a replacement provision, um, in terms of the permanent public right of way position.

01:12:10:25 - 01:12:13:05

Well, that that is clear. I mean, one of the

01:12:14:23 - 01:12:29:02

one of the comments that the active travel team and other interested parties have expressed is that they would like to see clearer communication plan for temporary public rights of way closures, sort of specifying alternative routes and anticipated durations. Um,

01:12:30:19 - 01:13:02:07

is that something that can be provided in a clearer way into the examination? At this stage, I know that you're going to be providing, uh, notice boards. I. Given the complexity of the situation, is there something that you could provide a plan, a map, to show something a little bit more straightforward that is helpful for everyone to understand what the proposals are and what alternatives will be provided.

01:13:02:18 - 01:13:14:26

Mr. Russell, for the applicant, I am sorry, is into the application. In the examination, I'm. Yes, we could prefer we could prepare a a simpler plan as illustrated on the statutory plans.

01:13:14:28 - 01:13:16:08

I think that would be very helpful.

01:13:16:24 - 01:13:47:28

I'm just just to expand on that. Just briefly, madam and Mr. Smith, the applicant, which I think the the access and public rights of way plans that we had up on screen and their associated articles are predominantly about the permanent position, not the temporary position. So the outline public rights of way management plan is in. The document talks about what will happen predominantly. It's more about the temporary case. So I think it will help for a plan to do that. I appreciate what, Justin, in terms of that. That is not completely true.

01:13:48:00 - 01:14:03:29

There is some aspects of the temporary, but their statutory function is more focused on the permanent really. So I think having that plan will will help. But I think I just want to try and reassure you that the, the powers in the article that you were talking about are about the permanent case, not the not the temporary.

01:14:04:01 - 01:14:28:01

Yes, yes. I appreciate that. Okay, so if we could take a, uh, action, please, for the applicant to provide a clearer plan to explain and inform, um, interested parties around the approach to temporary and permanent closures and the alternatives that will be provided. That would be very helpful.

01:14:31:01 - 01:14:36:25

Do you, um, just discussing that. Does anybody have any comments to make? Yes.

01:14:42:06 - 01:15:13:12

All right. Linda Smith picker Northern Footpath Society and our society exists to monitor and protect public rights of way across our area. And we cover a large area of the north of England. Um, two points that I wanted to make. First of all, I don't know whether the examiner authority or the applicant are aware that we are public consultees for any changes to the public rights of Way Network. And I know we work closely with the members of your team in the, in the, in Cheshire West.

01:15:13:18 - 01:15:48:05

Um, so we would expect to be consulted on the proposed changes, particularly to RB 102 and 108, um, but also to temporary temporary, uh, diversions. Um, so that's really just for a point of awareness. Um, the second point has been made by other parties as well, um, about the ongoing Maintenance of these, uh, network of paths. Um, because although we've got an outline. And public rights away management plan, the devil tends to be in the detail.

01:15:48:12 - 01:16:03:21

Um, and will there be any opportunity for us to actually view the detailed. Uh, public rights of way? Management plan so that we can have a bit of an overview of whether or not that's actually happening in practice.

01:16:05:06 - 01:16:08:29

Okay. Thank you. Uh, can I ask the applicant to respond to those points, please?

01:16:10:04 - 01:16:13:24

Uh, Mr. Fox, on behalf of the applicant, I think, um, the

01:16:15:18 - 01:16:43:28

we could take that away. I think I'm, um, in terms of the plan at the moment, is required by the DCA to be approved by council, um, and wanted to consult with various stakeholders. It could do so. I think it would be unusual for a DCA to name, um, specific action groups on the face of the DCA. Um, but we can have a look at whether we need to update the management plans to talk, to deal with that kind of machine.

01:16:47:08 - 01:16:56:14

Okay. And what about the assurance that we will be consulted as as legal consultees on the proposed changes to the public rights of Way network?

01:16:58:18 - 01:17:17:22

Mr.. Applicant. Yes. Um, I don't believe and I'd be grateful if you could put that in writing, madam, because I don't believe that, at least in the DCO setting. Um, I, I understand that your organisation is a legal consultant on these issues, but obviously I'll have to look at that if you can put it in writing on the basis of which you say that.

01:17:17:24 - 01:17:25:07

Okay, I'll, I'll talk to our legal team, um, because I'm not an expert on it, but, um, there are people that I can talk to.

01:17:25:12 - 01:17:26:00

Thank you. Madam.

01:17:27:10 - 01:17:36:29

Okay. Thank you. If we could take that as action, please. Thank you. I think this Cheshire West Chester Council have any comments to make on that note? Okay. Thank you.

01:17:45:13 - 01:18:16:24

Okay. Moving on now. Just like to discuss article 13 seven in the draft. DCO rep 3002. And it contains the powers for permanent use of motor vehicles by the undertaker for purposes such as maintenance during the operational phase, um, on the following rights of way Ellesmere Port, Neston, RB 40 and Frodsham 106 sections of the National Cycle Network. Route five Frodsham RB 103, Frodsham RB 98 and Frodsham RB 100 808.

01:18:16:26 - 01:18:38:24

So, um, I wonder if we could just get the map up again, please? Just to be able to ask, we're having this conversation, uh, be able to visualize where those rights of way are. Um, but my question is, whilst you're doing that, my question is, how often would a vehicle need to be used on these public rights of way during the operational period?

01:18:40:09 - 01:19:10:14

Mr. Fox and the applicant, I wanted to turn to them, but there is how often a number of movements would be aligned to the assumptions in chapter two. If the ES, which I haven't front of me right now. Um, but obviously a much smaller number than construction. Um, and um, in the context of

replacement activities, it would be less than construction. We've already made various commitments to how those kind of things would be managed.

01:19:10:21 - 01:19:15:05

Um, in the outline operational environmental management plan.

01:19:16:01 - 01:19:37:12

Okay. So my my thoughts were that motor vehicle, um, in article 13 seven is not very specific. What is the maximum size of the vehicle that would be permitted to use these routes. How would the safety of the users and pedestrians, cyclists and equestrian users be ensured?

01:19:38:22 - 01:20:06:18

Mr. Smith, the applicant. So this is deliberately broad to include HGV and ales if necessary, because you know, the reason it's a permanent power is to deal with the operational lifetime of the scheme. Um, the um between them, the operational environment outline operation, environment management plan and the motorway management plan would be able to deal with the, um, managing safety while those uses are taking place.

01:20:08:24 - 01:20:23:13

Sorry. Could you just repeat that, please? So how would the safety of, uh, users of the rights of way whilst you said so, you said that it would include HGVs. How would their safety be ensured if the HGVs were using those routes during the operational phase?

01:20:24:06 - 01:20:29:17

Um, pursuant to the measures set out in the Outline Property Rights way Management plan and the outline MP.

01:20:32:05 - 01:20:35:08

Could you be a bit more specific? Um.

01:20:44:02 - 01:21:09:14

I'm just aware that the bank that you proposed was was only during the construction phase. So presumably there isn't going to be a bank there permanently during the operational phase. And if this involves HGVs along the same route as you would use a bank during the construction phase, then how is the safety of those users insured?

01:21:11:23 - 01:21:55:10

And part of the, um applicant? Um, the intention and I'm seeing that it's not as clear as it could be in the outline area. MP was that the um, essentially the relevant measures within the that are currently in the public rights of way management plan would be applied during the maintenance period. That is what was intended by um 011 13 and 411 14 in the outline LMP. Um and um table five two of the outline LMP um and where, where there is a specific commitment which is on page 40, that the measures agreed in the final public right of way management plan will be implemented if required during the operational phase as part of any period of periodic replacements.

01:21:56:06 - 01:22:08:12

So what you're saying is that if an HGV needs to use that access route in the operational phase, you would put in place the measures that would be there during the construction phase. Definitely you would use a bank for instance, for the HGV during that.

01:22:08:14 - 01:22:20:27

Absolutely, yes. So that's that is what. Page 40. Um, and the reference I just gave, um, is meaning to say, I can say it's probably not as clear as it could be. So we will look at that wording to make it even clearer. But that was certainly the intention.

01:22:20:29 - 01:22:23:02

Okay. Thank you for clarifying that.

01:22:27:28 - 01:22:31:09

Okay. I'd like to move on now to, uh.

01:22:34:10 - 01:23:02:20

A missive reaching the operational phase. So I note that amendments were made to the outline public rights of way management. Brand rep 3028 submitted at deadline three uh, in paragraph 513 in that any temporary closures or diversions to public rights, away or permissive routes for longer than one week during the operational phase would be agreed with Cheshire West and Chester Council. Um, I'd just like to know whether Cheshire West Chester Council will have any comments on that change that was made, whether they agree.

01:23:06:22 - 01:23:10:00

Shell support for Cheshire West and Chester Council. No comments on that.

01:23:10:06 - 01:23:45:12

So are you satisfied with the wording that's been put in there? Yeah. Yes. Okay. Thank you. That clarification. Okay. I also note a sentence was added to paragraph 513 to say, furthermore, any damage to the surfacing of the public rights of way or permissive routes resulting from maintenance activities shall be repaired on cessation of the maintenance works for that particular phase of the proposed development. It occurs to me that a phase isn't a very specific timescale, and that damage could remain for a long time before being repaired.

01:23:45:14 - 01:23:51:27

Can the applicant consider how to tighten this wording so that repairs will be undertaken on a reasonable timescale?

01:23:52:05 - 01:24:02:13

Um, yes. I think what was intended by that was required a cessation of the maintenance works, needing to use those specific routes. So that's what we'll amend it to say.

01:24:02:15 - 01:24:21:03

Can you can we take that an action point please. Then tighten the wording on that so that it would be, um, clearer. I think I think undertaking in a reasonable timescale is, um, imperative there. Okay. With Cheshire West and Chester Council, I'd like to comment on that wording.

01:24:25:05 - 01:24:28:03

Back for Cheshire West and Chester Council know we have no comments.

01:24:43:00 - 01:25:07:08

I think we'll take a short break now. That would take us till 5:00. Um, we'll carry on afterwards. Are people okay to stay till office five? Is there anyone who that would not be. That would be difficult for. No. Okay. We'll have a break now then. And we'll reconvene. I will adjourn this meeting and reconvene at 5:00. Thank you.