



## Hearing Transcript

<b>Project:</b>	Frodsham Solar Farm
<b>Hearing:</b>	Transcript of issue specific hearing 2 (ISH2) - Part 9
<b>Date:</b>	26 February 2026

**Please note:** This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

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

FULL TRANSCRIPT (with timecode)

00:00:54:29 - 00:01:30:24

Good morning everyone. Glad to see you all again, both in the room and online. I'd like to announce this issue. Specific hearing into the fraudulent solar project is resumed. Uh, just bear with me while I go through a few housekeeping matters. Can everyone hear me clearly? Excellent. Good. And can I confirm the recording and live stream has started? Excellent. Good. Hopefully there'll be no technical difficulties today. Um, my name is David Wallace. I've been appointed by the Secretary of State to be the lead member of the panel of examining inspectors for this application.

00:01:30:27 - 00:01:33:14

I hand over to my colleagues to introduce themselves.

00:01:33:23 - 00:01:40:12

Good morning. My name is Claire Bello, and I've been appointed by the Secretary of State to be a member of the panel examining this application.

00:01:40:28 - 00:01:46:27

My name is Paul Burley. I've also been appointed by the Secretary of State to be a member of the panel examining the application.

00:01:47:06 - 00:02:33:27

Together, we constitute the Examining Authority, or Acsa for short. Um, just for a few matters, for those in the building. Um, There were no fire alarms due today. If the alarm sounds, please exit today. That side of the building there and we'll congregate in the car park and be accounted for. Their toilets are just across the way from reception, and tea and coffee is outside for those who need a break. We covered a fair bit of ground yesterday on our agenda for this meeting, and we're left with the topics of ground conditions, the water environment, noise and air quality, waste management and just 1 or 2 questions on the private wire connection for the remainder of today.

00:02:34:10 - 00:03:08:19

Um, we that will be the sum total of our oral questions. Um, today, that doesn't mean other topics have been downplayed. That means we think that other topics will be dealt with better in written questions, which will come out later in March. Just a reminder for all those participating today, whether in the building or virtually online, that a recording of today's hearing will be made available on the Frodsham Solar Project section of the National Infrastructure Planning website, and that will be as soon as practicable after the hearing is finished.

00:03:08:21 - 00:03:42:17

With that in mind, please make sure you speak clearly into the microphone each and every time you're speaking and name any organisation you represent at that time. If you're in the room, please step forward to a microphone. You press the grey button, you get the red colour. That means the mic is live and you will be recorded. If you press it again, it will turn white and privacy will be restored. And for

those of you online, please keep your cameras and microphones switched off because when they're on you will also be recorded a link to the planning inspector.

00:03:42:19 - 00:04:13:24

Its privacy policy note is was provided with the notification of the hearing. And we assume everyone here today has familiarized themselves with that notice, which establishes how the personal data of our customers is handled in accordance with the principles in data protection laws. If that causes you any concern, please speak to a member of the case team. So I'm now going to ask those who are in attendance today to introduce themselves. I'll come first to the applicants team, please.

00:04:13:26 - 00:04:14:23

Thank you sir.

00:04:14:27 - 00:04:30:22

Uh, Mr. Fox, Matt Fox from Pinsent Masons, on behalf of the applicant. Um, and within this morning, Mr. Russell, um, director at access. Um, Dan Weiland, uh, consultant at Smith Grant, um, and Allard Williams, principal consultant at Waterkeeper.

00:04:31:04 - 00:04:36:07

So thank you very much and welcome all. And from Cheshire West and Chester Council.

00:04:36:24 - 00:04:49:05

Michelle Sparke, partner at Clark Willmott acting on behalf of Cheshire West and Chester Council. Today I have with me Paul Friston principal planning officer and online we've got Martin Doyle, team leader, environmental protection. Thank you sir.

00:04:49:13 - 00:04:53:15

Thank you very much. And welcome all from Frodsham Town Council.

00:05:00:09 - 00:05:01:12

Frodsham Town council.

00:05:02:05 - 00:05:05:07

Thank you very much. From Cheshire active travel.

00:05:05:16 - 00:05:08:05

Ashley Margaret Frodsham, active travel.

00:05:08:18 - 00:05:10:24

Thank you and welcome. And.

00:05:12:13 - 00:05:13:24

And councillor Mrs. Sumner.

00:05:14:00 - 00:05:16:25

Councillor Lucy Sumner. Cheshire West and Chester council.

00:05:17:19 - 00:05:22:05

Thank you very much. And online I understand we're joined by the Environment Agency.

00:05:24:15 - 00:05:36:16

Oh yeah. Yeah. Ryan Smitherman, planning specialist for the Environment Agency. Uh, on on the teams call, we've got, uh, Luke Taylor, flood risk specialist, and Phil Sale, flood modelling specialist for the EA as well.

00:05:37:07 - 00:06:00:24

Excellent. Thank you very much and welcome. Is there anyone else in the room who was expecting to speak today who have not yet introduced. Oh, good. Anyone online? Excellent. That means we have everyone accounted for. And in which case, let's move on to the substance part of the hearing. Today I'll hand over to my colleague, Mrs. Bello, to start on ground conditions, please.

00:06:01:21 - 00:06:44:11

Thank you. Okay. So we'll start with agenda item three G Roman numeral one. Adequacy of the characterization of ground conditions. So some interested parties have concerns that the ground assessment undertaken heavily relies on previous investigations from other projects, such as the wind farm in relation to ground contamination, and that these were potentially insufficient. So there is the opinion that testing has only been highly selective and limited to a small area of the site, so could the applicant respond to these concerns, please? Outlining what data sources have been used in their own ground investigation and what has been undertaken for this particular proposed development? Thank you.

00:06:45:07 - 00:06:48:25

Thanks, madam. Mr. Fox, applicant, I'll ask Mr. Weiland to speak to us?

00:06:51:08 - 00:07:34:00

Mr. Weyland, on behalf of the applicant. Thank you, Mr. Box. Um, so the assessment and characterization of ground conditions across the site has been completed. As per the requirements of the Land Condition Risk Management guidance, LCM, which underpins our assessment of contaminated land and its investigation. And this has been completed through a detailed, desk based stage one geo environmental report, um, which is appendix Dash 096 and 097. And as part of this report is included detailed review of historical mapping, map geology, environmental records and consultation with both Cheshire West and Environmental Officer and the Environment Agency.

00:07:35:03 - 00:08:06:05

Um, as part of this reporting, a detailed review has also been undertaken of previous and current site investigations. So this has included Um existing site information for fraudulent wind farm, which was completed in 2014 and 2015, along with more recent investigation works undertaken by the applicant in 2024 regarding cell three and the wildfires land, and again in 2025 regarding the proposed battery storage site, The Bass.

00:08:07:29 - 00:08:54:22

The 2025 investigation was conducted within the footprint of the base, and this was undertaken as concern had been raised by Councillor Summers during the public exhibition that industrial waste may have been dumped on the site, with specific concern over the contaminants of arsenic, vinyl chloride and carbon tetrachloride. There was no evidence in our best based work that this had ever been, uh, occurred, or through consultation with the, um, Cheshire West or the Environment Agency, regardless of the absence of any evidence of this, and also no evidence was provided to demonstrate that this this had been the case.

00:08:55:08 - 00:09:28:20

The applicant instructed that a scope of site investigation for the proposed base was put forward. So we presented a scope of works. This was put forward to um Councillor Summers for comment. Um, I don't believe any was received. And then this investigation was was implemented. So just to summarize on that briefly, um, two window sample driven boreholes were drilled within the footprint of each of the proposed base sites.

00:09:29:08 - 00:10:08:25

Uh, and these were drilled to three meters, because that is the expected depth of foundations for the base sampling was undertaken at depths of 0.51m, two metre and three metres, and this was to allow a sampling profile of the soils to to the depth of disturbance through the bass works. Samples were submitted for a VOC test suite, so that is 61 target compounds, but also includes vinyl chloride and carbon tetrachloride, which were flagged up as potentially of concern, and samples were also submitted for arsenic analysis.

00:10:11:02 - 00:10:49:11

A PYD, which is a photo ionization detector, is a handheld handheld tool that we routinely use and that provides us an indication on the presence of volatile compounds because you can't just rely on on smell. Um, PID was screened out the soils throughout the drilling works at regular intervals, and no elevated readings above the detection limits of that device were reported. Typically, if vinyl chloride or carbon tetrachloride were present, you'd expect significantly higher readings on the pad.

00:10:50:26 - 00:11:12:00

Um, so the samples were collected and submitted for analysis, and then we compare those to published criteria which are derived on soot based on certain land uses. Um, so we compared them to the pose park scenario and or show a commercial land use scenario.

00:11:13:24 - 00:11:39:24

Um, firstly, the arsenic concentrations were considered to be low. Uh, a maximum concentration of 46.4mg/kg, uh, was recorded in context to comparison of the assessment criteria for a POS park, a safe level of 170mg/kg. So the concentrations we found were substantially, substantially lower.

00:11:41:09 - 00:12:13:22

Regarding concentrations of vinyl chloride. Um. All 16 samples came back below analytical detection limits confirmed its absence, and carbon tetrachloride concentrations range from below analytical detection limits to a maximum concentration of 0.023mg/kg. Just in comparison, the, um, guidance for a safe level or a safe concentration in a POS park scenario is 6.3.

00:12:13:25 - 00:12:16:12

So we were several orders of magnitude below that.

00:12:19:28 - 00:12:53:01

So in total, um, across the site, there has been 66 site investigation entries across all those, uh, site investigations I mentioned. This has included a combination of cable percussion boreholes to a maximum depth of around 30m. Window sampler entries to around six metres and mechanically excavated trial pits to around three metres, and this is considered to cumulatively provide good spatial coverage to detailed characterization of ground conditions across the site.

00:12:54:25 - 00:13:15:25

It is acknowledged that the findings relate to conditions at each of those specific investigation locations, and there's always a potential in any investigation that there could be some variability in ground conditions. However, given the homogeneous nature of the dredging deposits across the site, then no significant differences in ground conditions to those already characterised are expected.

00:13:17:19 - 00:13:32:19

The findings of these investigation entries have allowed for detailed characterization of ground conditions, and this is presented in section seven. Site characterization of ground conditions within the stage one geo Environmental Report, appendix 096.

00:13:35:00 - 00:14:05:21

Further to this, the investigations included extensive chemical testing, which I. Summarized some of that. But in total that corresponds to 53 soil samples, 12 samples for soil leachate analysis, 11 groundwater samples, and eight surface water samples. Testing suite is included for hydrocarbons, poly aromatic hydrocarbons or PFAS, phenol, heavy metals, asbestos, PCBs and volatile organic compounds.

00:14:06:06 - 00:14:20:22

And again, a detailed summary of the testing, which has been undertaken and reviewed as provided in section eight of the site characterization of contaminant sources within the stage one Environmental Report, and this has been done to inform the conceptual site model for the site.

00:14:22:22 - 00:14:50:09

Further to this, no objections or concerns have been raised regarding the characterization of ground conditions following relevant representation by both the Environment Agency or Cheshire West Council. Cheshire West Council have recommended that further detailed investigation is carried out at a detailed design stage, as is required under schedule two of the draft DCO. Um, but overall we consider that the ground conditions have been sufficiently characterized.

00:14:50:20 - 00:15:17:26

Thank you for that summary. Um, so I'd now like to move over to ask, uh, the representative from the Environment Agency, um, to comment on anything that they've just heard and specifically, does the Environment Agency considering consider that the testing that's just been described, the spatial nature of that, the depth and the range of potential contaminants, is that, um, regarded as adequate by the Environment Agency?

00:15:19:26 - 00:15:43:09

Yeah. Ryan Smitherman from the Environment Agency. Um, so in terms of I haven't got my ground, uh, groundwater contaminated land specialist on the call, but from speaking with the previously, she was happy with the context of the site and agreed with that more. Or the detailed, uh,

00:15:44:24 - 00:15:51:27

short investigations would take place at detailed design stage. So we would content with uh, with what was put forward.

00:15:53:05 - 00:16:13:14

Thank you. Could I ask, uh, Cheshire West and Chester Council to comment on the summary given? And again, the same question. Um, is the spatial, uh, nature of the, um, well, the, the the characterization of ground conditions adequate the depth and the range of potential contaminants. Thank you.

00:16:15:06 - 00:16:15:21

Uh.

00:16:15:26 - 00:16:17:05

And Cheshire West and Chester Council.

00:16:17:07 - 00:16:39:18

I don't know whether Martindale who's online, may want to add, um, some comments, but, um, uh, as the applicant's, um, uh, indicated, uh, the, uh, you know, the council considered that the investigation was satisfactory for this stage and, you know, further detailed, uh, investigation as indicated by the Environment Agency as well.

00:16:41:15 - 00:16:50:11

Thank you. So could I ask if there are any other interested parties we'd like to comment, please. Counselor Sumner, please come to the table. Thank you.

00:16:53:12 - 00:17:28:29

Many thanks. Um, Runcorn, particularly the area surrounding the former ICI Chemical Industries site, has a long history of industrial pollution, and the current situation has evolved since ICI's operations have ended. Um, historically, Runcorn was heavily polluted in the 20th century due to chemical manufacturing, including major incidents such as the 1998 chloroform leak where 150 tonnes of chloroform were spilt, and earlier spills have tried.

00:17:29:29 - 00:17:30:14

I'm

00:17:32:06 - 00:18:04:26

not a chemist. Ethane and hydrogen chloride. These events led to environmental damage, fines and health concerns, with ICI fined three £300,000 in 1998, which was described at the time as a slap on the wrist. Given the scale of the company's profits, it's been described as one of the most polluted

industrial sites in the entire country. It's not a typical agricultural site. It's an estrogen marsh with a documented industrial legacy.

00:18:05:00 - 00:18:40:17

Local mapping and records identify historic tipping lagoons and a series of online tanks, commonly referred to as tanks 1 to 6, alongside the Frodsham Marsh, tipping lagoon and nearby lagoon features, some of which do not appear on formal historic landfill registers where historic disposal records are incomplete. The ground is, unlike the condition of the ground, is uncertain. The applicant relies heavily on a review of historic mapping and previous investigations, including the wind farm.

00:18:40:22 - 00:19:21:15

However, legacy chemical disposal. It has not always been fully documented. I have received verbal accounts of former ICI workers who report personally having put chemicals in these online tanks that lie on the under the ground, and this is from more than one source who have been independent of each other. Um. In addition, the discharge of unexpected contamination controls from the wind farm, uh, was not conclusive because this was discharged due to a typographical error in, um, in the conditions.

00:19:21:17 - 00:19:53:18

So essentially it was supposed to say if if unexpected contamination is found during the, um, the site, then we refer to clause. Uh, I haven't got the exact number, but that that clause referred to something about birds and was completely irrelevant, so that that clause was discharged by the Secretary of State because there was no legal binding to it, because it referred to something completely, um, abstract, but it didn't really work.

00:19:53:20 - 00:20:25:24

So, um, we this was first brought to my attention by, um, somebody from from the south of the country who approached the town council, and he had grave concerns, and, uh, he, he's worked with councillors in various parts of the country to draw attention to historic landfill waste that's undocumented and the potential issues that could arise around that. so. I have concerns around the base investigation.

00:20:25:26 - 00:21:02:27

I don't think it provides conclusive reassurance because the boreholes they were positioned near to the edge of the tank margins and not within the central footprints, where the deposited materials are likely to be deepest and most variable. Sampling was limited to three meters, despite indications that the tank may extend far, far deeper to 15 or 20m. So a three meter borehole near the edge of a tank is definitely not equivalent to sampling 20m below within the center of the tank.

00:21:03:16 - 00:21:15:28

So the applicant states that concentrations have been found of things, but they were very low. But that conclusion is only as strong as the sampling strategy. Um,

00:21:17:29 - 00:21:51:03

So we, we we have concerns that if there could be something more concentrated, more to the center or slightly deeper, this doesn't necessarily give a conclusive picture. And some of these chemicals

weren't tested for any original wind farm, uh, landscape. So these other boreholes that are talked about in other areas of the site, those particular chemicals haven't necessarily been tested for at that specific depth, which which is my concern.

00:21:51:05 - 00:22:44:24

So the applicant asserts that complete plinths and stone hard standings result in a very limited heat transfer to underlying soils. If the worst case scenario of a battery fire were to happen. Concrete and compact stone are not insulators. They conduct heat. Yet the specific outputs of any thermal modeling, if undertaken, have not been disclosed. So therefore I ask with the modelling of the battery fire, at what specific temperatures are predicted at three, ten, 15 and 20m depth during a credible worst fire duration? And do any of those depths exceed 500 degrees C, a temperature at which chlorinated hydrocarbons can thermally decompose into highly toxic products by products such as phosgene?

00:22:46:13 - 00:23:18:12

The Environment Agency has already indicated the unexpected contamination provisions require stronger detail, clear stop work triggers, notification requirements, consultation approval, risk assessment, and remediation. And on a site like this, this protocol must be enforceable, not discretionary. Um, in summary, I do not believe that the current evidence base Space is yet conclusive of the elimination of risk.

00:23:18:14 - 00:23:33:03

And we do have accounts of people who who are former ICI workers, who who have alerted risk, which is in line with the company that contacted us at the town council. Thank you.

00:23:33:06 - 00:23:47:23

Okay. Thank you for your presentation. We will be going through a number of the issues that you have raised, um, throughout the rest of this agenda item. But before we do, I'd just like to ask the applicant if they would like, um, to respond to anything that councillor, someone has said.

00:23:47:25 - 00:24:23:15

And, um. Thanks, madam. Mr. Fox, and that I was just going to raise just a few points about things that are secured. So there is an expected contamination protocol next on your agenda, but that is secured for every phase of the development. Um, uh, so that that is going to be in place. Um, you've heard the Environment Agency and the council talk about the fact that they feel that the level of investigation that we've done so far is it's appropriate. But requirement 17 secures the fact that we will need to bring forward detailed ground investigation strategy, which will need to be signed off by the council in consultation with the Environment Agency.

00:24:23:23 - 00:24:29:23

Um, um, and I just wondered if Mr. Weyland wanted to add anything in terms of, um, some of the technical points.

00:24:31:24 - 00:25:01:29

Uh, Dan Weyland, on behalf of the applicant. Um, there was quite a lot of to go out there in that comment. Um, I think the first thing, just for clarity. Um, there's a bit of a use of the term tanks and cells. Um, it is some documentation does refer to the dredging deposits as tanks, but we've referred to

as cells. I think sometimes tanks can give different connotations of perhaps a physical structure which is containing a liquid or product.

00:25:02:19 - 00:25:34:01

Um, just regarding the, the, the site investigation, um, for the base, The. The concern raised was regarding the presence of these potential compounds, which could if in the rare instance that there was a fire of the base, the heat could change these into a more toxic compound. And so the investigation was targeted for the area of bass, because this was highlighted as the area where a fire could occur in the development.

00:25:36:12 - 00:26:15:00

Um, it all comes down to what we call the source pathway receptor linkage within our risk assessment model. And that is that you've got to have a source, you've got to have a pathway, and you've got to have a receptor for there to be a risk. And if there is, that requires further risk assessment or possibly remediation. Um, and as I've highlighted in, in my earlier points, um, we carried out the investigation and we did not find a source. Um, I just want to also add to that, um, obviously we tested two three metres depth, um, when we scoped up the site investigation.

00:26:15:05 - 00:26:43:17

Um, and I appreciate I can't speak on behalf of the battery safety consultant who isn't here, but we did have a meeting with him. Um, just to confirm that the testing depth will be sufficient. So if there was a fire and the transfer of heat, and it was confirmed that, uh, if there was a fire of the base, then the heat transfer would be up, um, rather than down. And so three metre some from depth would be applicable. Thank you.

00:26:47:15 - 00:26:48:08

Thank you.

00:26:50:11 - 00:27:06:08

Okay. So we will um, as I said, Councillor Sumner, we will be covering quite a number of the points that you raised, um, in your representation throughout the rest of this agenda. But I will ask at the end if the, if you have any further concerns or you feel that something hasn't been covered adequately.

00:27:06:18 - 00:27:42:17

Um, if I could just speak briefly. So if the boreholes that, um, that were taken, uh, they were at the edge of the cell and they were kind of directly around the area where, uh, it was best assumed that a good location for the battery would be. So so there was logic that they would be in that area. However, that is at the very edge of the tank, and it's also not very deep. So although the, the, the detection of things that were found there were very low, it could be a different picture elsewhere in that tank.

00:27:42:19 - 00:28:17:08

So for me that doesn't mean that it doesn't exist. It means that they were detected. There was a small amount of bats and yes, well, we all know, but he generally raises. But if something is burning at a thousand degrees, it's not going to be completely eliminated that the ground might get a bit warm as

well. So it's more specifically, what exact temperatures would it be at varying depths beneath, beneath the surface? Because, um, there would be an effect on how hot the ground gets.

00:28:17:10 - 00:28:53:20

And without that specific data, I don't think that we have a clear picture. We know that there are some of these chemicals. They're in low limits, and they could. I'm not saying they are. Could be in higher, higher concentrations as we move towards the center of these tanks, where former I.C.E. workers have said that those chemicals have been deposited, not just with dredging from from the weaver, but specifically used as places where industrial waste was dumped in an unlicensed way.

00:28:54:11 - 00:29:14:15

So I haven't been able to provide evidence of these things. I'm a counselor. I don't have the testing equipment to do various things, but I can bring to attention things that people within my ward have have said to me. And that's that's what I'm doing.

00:29:14:17 - 00:29:29:19

Okay. Thank you. Could I ask the applicant then just to comment on that very specific point about the testing around the edge of the, um, the potential area where the beds would be rather than the center. So perhaps if you could just respond to councillor someone on that particular point. Thank you.

00:29:29:25 - 00:30:06:14

Don Weyland, on behalf of the applicant. So the testing was purely based on the location of where the base was going to be sited or possibly sited. Um, because that is identified. And again, I go back to the source pathway receptor model. Um, the source would be if there was a fire. So there was little point in sampling away from the base, um, for the specific exercise, because we are looking to see, are there concentrations of these compounds within the area of the bass, which if in the event of a fire, could change into more toxic compounds.

00:30:06:28 - 00:30:07:19

Um.

00:30:09:25 - 00:30:13:06

Investigation over the wider area. Um.

00:30:15:15 - 00:30:36:09

I wouldn't say the sampling was limited to the edges of, of the cells where it's more shallow. Um, that's not the case. I don't have all the, uh, borehole logs to hand, but, um, it's not like a pond where you have sort of shadowing at the size and deepening in the center. It's quite a uniform sort of deep depth across across the cells.

00:30:36:20 - 00:30:41:28

And. And so what about the point about the heat transfer then? So, um, are you,

00:30:43:15 - 00:30:52:19

uh, confident around the, the amount of heat transferred down and potentially laterally? Are you able to provide information around that?

00:30:54:06 - 00:31:16:04

Uh, I'm waiting for the applicant. Um, I'm not an expert in sort the dispersal of heat from from fires, so I couldn't really comment on that. But again, I'd just sort of go back to the the fact that to have a credible risk, you've got to have a source and the testing has identified that there is no source. Thank you.

00:31:17:28 - 00:31:40:15

Um, so could we take an action point, please, for the applicant to respond in, in detail to Councillor Sumner's, uh, representation. But we will be going through a number of items, um, in the rest of the agenda today. Um, so, Councillor Sumner, I'll probably invite you at the at the end or I'll invite you at the end to come back and, um, see if you have any further concerns at the end of this agenda item.

00:31:40:17 - 00:31:41:02

Thank you.

00:31:41:04 - 00:31:44:07

And just add just a couple an extra couple of points for Mr. Russell.

00:31:45:13 - 00:31:45:28

Um, Mr..

00:31:46:00 - 00:31:46:15

Russell, for the.

00:31:46:17 - 00:31:47:21

Applicant. I don't know.

00:31:47:23 - 00:32:00:13

If we want to turn up the the document where it shows the location of the investigations, if that would help to characterize it. So, um, app 097.

00:32:03:28 - 00:32:37:09

And just while that's coming up, um, I think it's important to, to state that the, um, the location of the battery facility, the bears, um, is controlled via the works plans. Um, and so the, uh, the the concept that the battery, um, compound might be located in the center of any of the, um, cells wouldn't occur because it's going to be controlled via the works, um, within the center of the cells.

00:32:38:06 - 00:33:10:20

Yeah. This is where these solar panels are going to be located. There's no heat source from the the solar panels or the associated infrastructure. So it is very limited to the, um, to the location of the the bear's compound. Um, we did cover this slightly with Mr. Gregory when we talked about battery safety earlier on in the week, and he was describing how there was some very detailed risk assessment work that would be undertaken at the point that the the beds would be designed in detail.

00:33:10:22 - 00:33:16:23

So all these sorts of factors will have to run through in terms of that battery safety management plan as well.

00:33:20:17 - 00:33:24:10

Yeah. It's um 498.

00:33:26:02 - 00:33:28:06

That's PDF page 498.

00:33:38:24 - 00:34:11:12

So this is just very quick illustration there to to to show the location of where the um investigations were proposed. Um, and this drawing was shared with Miss Sumner in advance of undertaking the investigations, just to confirm that they were satisfied with the approach that we were taking. Um, we have provided responses to Mr. Sumner's points, which have been similar throughout from the, um, the public consultation events and all the way through to now.

00:34:11:14 - 00:34:25:27

Um, and that does exist in our response to written representations. So if there is a specific point, um, that you wanted to raise when you're pulling together actions from the examination, then I'd invite you to to look at the responses we've already provided.

00:34:26:18 - 00:35:04:04

Thank you. Yes, I have I have seen the responses you've already provided and obviously already read Councillor Sumner's representations. So I think that's very helpful. Um, diagram. Um, what I suggest we do now is to go through the rest of the agenda and the questions that I have, um, on, on various topics. Um, and then we'll see where we are at the end. Okay. Thank you. Um, so we'll move on now to agenda item 3G. Roman numeral two saw testing proposals. So as we've heard, um, there is potential, uh, contamination from the historic use of the land in the vicinity of the proposed development.

00:35:04:12 - 00:35:17:10

Um, so a number of chemicals have been, uh, or potential contaminants have been raised by interested parties. And quite a number have been mentioned this morning already.

00:35:20:12 - 00:35:34:06

So these are these include but are not limited to substances such as vinyl chloride, carbon tetrachloride, chloroform, chlorinated compounds, arsenic, hydrogen cyanide, and potentially phosgene. So.

00:35:37:00 - 00:35:51:29

I'd like to understand how has the applicant, could the applicant confirm that the testing of the land in the area of the proposed development has tested for all of the substances mentioned by the various relevant representations from interested parties.

00:35:56:11 - 00:36:29:03

Dan Whalen for the applicant. Yeah, and I think this sort of kind of touches on, on my on my first point where I provided a summary of the the testing suite which had been undertaken, and also the the amount of sampling which has, um, just to reconfirm that, um, that's a total of 53 soil samples, 12 samples, soil leachate, 11 groundwater and eight surface water samples. Um, and that has been for the, the the various suites of testing. Not every sample was submitted for that full suite.

00:36:29:20 - 00:36:37:03

Um, but yes, I think we have sample for the suites pointed out.

00:36:37:05 - 00:37:09:17

Thank you. I wonder if we could I could ask the applicant to take an action point to just confirm this position in writing. Um, so I'd like the applicant to list all of the chemicals mentioned by the interested parties in the relevant representations. And for each substance mentioned, I would like the applicant to respond on four points. Um, firstly, the potential toxicity and risk to human health and the environment from that particular chemical. Secondly, the need for this proposed development to test for that substance.

00:37:10:09 - 00:37:43:26

Thirdly, what testing has already been carried out by the applicant. And then fourthly, finally, what testing is planned for that particular chemical for the more detailed investigation phase? So is that something that you could submit by deadline for project? That's quite soon, but I think you have probably had the information to hand already, and it's just a matter of collating that into a, into something that's digestible. Um, is that something that we could take an action point for you to do?

00:37:44:21 - 00:37:51:23

So what's in that box about that? Yes. Can we just confirm which parties you're thinking of in terms of who's raised them?

00:37:53:22 - 00:38:24:05

There have been a number of interested parties who've raised these concerns. Councillor Sumner obviously has raised them, but there have been a number of others. Um, so perhaps if you could look through the relevant representations, I know you've responded to all of them. Um, and just collate that list of all of the chemicals that have been mentioned. Um, and your responses to those, um, particularly those four points in a, in a table. I think that would be a very helpful summary, um, to have in the examination.

00:38:24:27 - 00:38:25:29

And something that. Yes.

00:38:35:03 - 00:39:01:28

Okay. So I'd also like to just refer back to the action point from yesterday for the Fire and Rescue Service to comment on the concerns from Councillor Sumner relating to the potential fire risk at the bears interacting with these potential buried chemicals and the potential release for phosphine. So would that be something that we could add to that action point? Yes. Yesterday for the Fire and Rescue Service or, um.

00:39:02:22 - 00:39:04:17

Sorry, I'd like to say that again. So we're asking.

00:39:04:19 - 00:39:35:18

I'd like the Fire and Rescue Service to comment on the concerns raised from Councillor Sumner, um, to the potential fire risk at the bears interacting with the potential chemicals and the potential release for phosgene. Um, and I'd also like to ask the Environment Agency and Cheshire West and Chester Council to respond to that point from Councillor Sumner, please, specifically relating to the potential risk and the potential fire risk, the bears interacting with buried chemicals.

00:39:35:20 - 00:39:40:06

So could I first of all have the response from the Environment Agency, please?

00:39:42:29 - 00:39:57:15

Are Ryan Smitherman from the Environment Agency. Um, would we be able to take the question away? And we'll be able to answer that at, um, maybe not. Deadline for if we could have it as a written question. Um, we'll be able to answer it after that.

00:39:58:16 - 00:40:14:18

Okay. Thank you. Can we take that as an action point, please, then for the Environment Agency to respond specifically on this risk on the fire interacting with, um, buried chemicals. So, um, do we have the same question to, uh, Cheshire West and Chester Council, please? Thank you.

00:40:16:19 - 00:40:24:23

Paul, for Cheshire West Chester Council, um, uh, environment protection probably take the same route as the Environment Agency.

00:40:25:29 - 00:40:26:18

Thank you.

00:40:38:05 - 00:41:13:04

Okay, So moving on to my next question. So there have been a number of representations from several interested parties requesting that disturbance is kept to a minimum to mitigate the risk of leaching or contamination, and that more widespread soil testing would be required. Um, so given what we've heard about the historic use of the site and the concerns raised by local residents, can the applicant explain if ground conditions, investigation and assessment strategy required under requirements 17 of the draft DCO would need to be approved by Cheshire West and Chester Council in consultation with the Environment Agency.

00:41:14:22 - 00:41:20:17

Uh, with marked applicant? Yes, although I wasn't quite sure. Yes.

00:41:20:25 - 00:41:21:10

Yes.

00:41:21:12 - 00:41:33:11

Okay. Thank you. And, um, would it involve proactive monitoring to determine and identify whether contamination was present at the site areas and depths that would be disturbed given the historic use of the land?

00:41:35:09 - 00:41:36:24

Um, Yes.

00:41:38:14 - 00:41:39:09

Thank you.

00:41:46:01 - 00:42:17:17

To the applicant who responded to the examining authority within questions at ESC one stating that matters relating to pollution control are addressed within the statements of Common ground with the Environment Agency in rep 1037 and Cheshire West and Chester Council in rep one at 036. So the applicant understands that both organisations are satisfied that there are sufficient controls in place in relation to pollution control. And we've heard this morning from both of those organizations.

00:42:17:29 - 00:42:57:13

Uh, to that effect, um, Natural England has also stated in its response to the examining authority written questions at ECS, Q1 rep 2009, that it is satisfied that pollution control impacts could be adequately controlled. And Cheshire West and Chester Council stated in its response to the examining authority written questions. Rep 2011 that it is satisfied that the proposed mitigation measures would ensure that the site can be suitable for its intended use as a solar farm, and the site would not require consideration under part two A of the Environmental Protection Act 1990, which concerns contaminated land, so do the Environment Agency.

00:42:57:15 - 00:43:11:15

Just one last time, do the Environment Agency or Cheshire West and Chester Council have any remaining concerns regarding the management of potential contamination and soil testing? That has not been discussed at the meeting here today. So firstly, Cheshire West and Chester Council.

00:43:11:29 - 00:43:15:07

Paul, for us and Cheshire West Chester Council, no further concerns.

00:43:15:26 - 00:43:21:23

Thank you and the Environment Agency same question please. Do you have any further concerns that have not been discussed today?

00:43:22:26 - 00:43:26:17

Robin Smitherman for the Environment Agency. No, not at this time.

00:43:26:24 - 00:43:27:26

Okay. Thank you.

00:43:34:17 - 00:43:56:00

I'm going to move on now to item three G for I'm not going to, um, ask any questions around three G Roman numeral three. Um, having reviewed the latest documentation, I don't feel there are any specific questions I need to ask on that point. So moving now to three G Roman numeral four, which is the approach to unexpected contamination.

00:43:59:17 - 00:44:00:05

So

00:44:01:27 - 00:44:26:21

a question again to Cheshire West and Chester Council and the Environment Agency. Um, are you satisfied with the wording and approach in relating relation to unexpected contamination in the Outline Construction Environmental Management Plan, which is rep three zero 20 and requirements 17 of the draft DCO rep 3002. So that question first, the Cheshire West and Chester Council please.

00:44:27:25 - 00:45:04:23

Call Friston Cheshire West and Chester Council. Um we do have some, uh, comments, um, in relation to this, the, um, I think we've made representations that we, we would prefer to see a specific requirement in the DCF for unexpected contamination. And we understand that the applicants took a different position on that. Um, uh, and part of that reasoning from the council's point of view is that the, um, uh, it covers all the, all the, the various pages construction operation through to decommissioning.

00:45:04:25 - 00:45:18:27

And it's expected that the, you know, some of the if there is unexpected contamination, um revealed that that might continue past the construction stage for it. For instance, um, the

00:45:20:23 - 00:46:04:20

again in the representations, I think we made the point that the um interpretation of requirement one C, we prefer to see the inclusion specific inclusion of reference to an expected contamination in reference to the remediation strategies. It's a relatively small point, but, um, uh, just just to add clarity, um, in, uh, rep three uh, not 2021, the camp table five five um, uh, the, um, there's some concern that the applicant, um, uh, it refers to the applicant determining whether the remediation of, of the contamination of the land is necessary.

00:46:04:22 - 00:46:36:28

So if the if the if the applicant finds unexpected contamination, um, the way it's written in the camp is that is that the applicant determines whether it's then does anything, you know, as local authority. Um, we would expect that we would be notified and, um, and then to have you usually have a situation where if it's similar, unexpected contamination to that which is already, um, catered for in the remediation strategy, then that can continue.

00:46:37:00 - 00:46:48:02

But if it's something different, then you would expect to be notified and go through the remediation strategy for that, for that process. Um,

00:46:49:28 - 00:46:52:10

and also in um,

00:46:53:27 - 00:46:59:15

uh, also in the Kemp of paragraphs 4.1.26, um, uh,

00:47:01:06 - 00:47:07:28

there's reference to reporting on significant and expected contamination. Um, but it's, uh,

00:47:09:24 - 00:47:16:07

just a sort of how do we know what is significant? Well, you know, what's the the level on that? It. Um, it's not clear.

00:47:18:15 - 00:47:36:14

And so there are a number of points, um, relate raised there. Um, so firstly, could the applicant just respond to those points? I think it was including remediation strategies and table five five in the Kemp. Um, and the definition of significant unexpected contamination.

00:47:36:16 - 00:47:37:06

Thank you.

00:47:38:00 - 00:48:16:01

Thanks, madam. Spokesman for the applicant. So on the on that final point, I think we can probably just remove the word significant from the paragraph. Um, uh, more broadly. So the, the wording that's in the Kemp at, um, the reference that Mr.. Um, and the council gave, um, to the wedding we put in did actually come from the Environment Agency and their words and the wording. Um, but we do hear the point, and we will be adjusting that point to, I think what that wording we had certainly read it to mean was, obviously, if we find unexpected contamination, we may decide not to build in that area.

00:48:16:03 - 00:48:57:02

So I think the point was if we then we find the contamination and then we decide we're actually still going to build in that area. Then obviously you'd want to see remediation strategy to deal with that. So we will be adjusting the wording to that effect. Um, the point about um, requirement one and the definition of the strategy, um, and also whether it should be on the face of the DCA. So conceptually we see the ground conditions investigation as the assessment strategy about being our strategy essentially for as we do in the detailed design process, at doing all of the investigations that we need to do to finalize the design and get that signed off.

00:48:58:02 - 00:49:28:18

Dealing with unexpected contamination is a construction risk. When you're doing construction is you find it and you respond to it and pursue it to the protocol. So it's not a strategy to inform, um, detailed design and how it responds to the ground conditions. It's about when you're out there doing things, you respond to it. So that's why we've not included it in the definition of this. Um, because it's a protocol, it's a reaction. Thing is if you find something, whereas this is this is what we're going to do before we, you know, build the scheme.

00:49:28:20 - 00:49:58:27

Um, the we feel like, um, in that context, it's appropriate for it to be across the three management plans because it's not just in the camp, it's also in the outline operational environmental management plan for building replacement activities and in the outline decommissioning environmental management plan to deal with decommissioning activities. Um, it's quite a long winded protocol. Um, and it makes sense again, in the context, this is about managing the impacts of when you're doing things for it to sit in within the management plans.

00:49:59:03 - 00:50:14:10

Um, and, um, for those reasons, we think it's appropriate for it to stay in the management plan. Um, and we do note that the council's deadline, three submissions, they did say it was their preference for it to be the DCO, but they did acknowledge that it was in the management plans and that secures it.

00:50:22:00 - 00:50:22:21

Thank you.

00:50:23:08 - 00:50:26:14

Cheshire West and Chester Council. I'd like to respond to that at all.

00:50:28:27 - 00:51:06:14

Cheshire West and Chester Council. Um, I think that, um, well, welcome the suggested changes to the points that we've made, obviously, um, in relation to the, um, unexpected contamination as a requirement. Um, that would be still our preference. But we do acknowledge that if it's in the control document that provides a route. I just would say that it's a matter of looking at the all the three, three documents, making sure that they, um, that they do cover the relevant points at the, you know, you've got three documents dealing with essentially the same.

00:51:06:21 - 00:51:24:23

Same thing in terms of unexpected contamination and making sure that they are consistent so that if an unexpected contamination is found in one stage. Um, are we dealing with Under. Under the construction management plan. But when it moves to the operational stage, you know, does that cross over work? Yeah.

00:51:25:05 - 00:51:25:20

Okay.

00:51:25:22 - 00:51:34:06

Thank you. So we'll consider, um, both positions when we produce our recommended, um, DCO later in the examination.

00:51:36:08 - 00:52:06:02

So just regarding that last point that you just raised just then about the different stages, I wonder if the applicant could just explain how the draft DCO requirements account for the possibility of construction of the proposed development, causing new leaching, um, of any historical contamination which would need to be managed uh, post decommissioning. Um, and how would that be managed?

And who would be responsible for carrying out the ongoing management post decommissioning if that were to occur?

00:52:08:16 - 00:52:44:03

Um, it's approximately in respect of, uh, during the kind of construction period and on into, um, operation. I mean, that would be signed off as part of the the strategy. So once you've done your remediation and verification, you, you need the ongoing checks would happen. And if it's felt that there needed to be kind of ongoing leach monitoring post construction, then that could be required as part of the sign off of that strategy. Um, in relation to, um, what would happen if

00:52:46:00 - 00:52:51:27

post decommissioning? Uh, the, you know, part of decommissioning, something would happen. I'll bring.

00:53:00:05 - 00:53:33:24

Mr. Ross with the applicant. I was just looking through the outline decommissioning environmental management plan, and there are a number of provisions in there, including the unexpected contamination, um, protocol, which I appreciate is a slightly different point, maybe to. To that which you're which you're making. Um, but we have a requirement for a decommissioning groundwater and surface water management plans. And so I think there's a number of mechanisms in there which will require us to submit documents to the council to make sure that those sorts of concerns are, um, are considered ultimately.

00:53:34:02 - 00:53:53:08

Um, I think we do have a situation where we've got a development which has got very low risk of, um, creating any contamination. But we are um, we do have groundworks, and therefore, as you say, that that can have the potential to disturb. But I think that's taken into account within the controls that we've already got.

00:53:54:03 - 00:54:24:06

And to answer the point, in terms of, um, responsibility, if, um, pursuant to measures that are signed off as part of the detailed damp, as part of the detailed um, decommissioning groundwater and surface water management plan, and obviously that is secure via the DCA. So the the follow on from the DCA and therefore it will be binding on the undertaker i.e. the applicant. Um, for as long as that needs to be dealt with.

00:54:24:24 - 00:54:45:05

So that would go beyond the lifetime of the project then would it? So I think my concern is it's covered for the construction period. It's covered for the operational period. But obviously if something was mobilized, it wouldn't necessarily stop being mobilized at the point of decommissioning of the project. So and if it carried on beyond that, um, how would that then be managed.

00:54:45:26 - 00:55:00:27

By the applicant? So it would do I a the polluter pays principle in general. But the fact is that the, the compliance with these plans and the plans that are produced pursuant to them all comes back to the undertaker and the applicant say would be a criminal offence if we didn't do something about it.

00:55:01:28 - 00:55:22:25

Mr. Russell. Um, for the applicant, there's also the third column within our decommissioning environmental management plan. I've just noted there that, um, we, we do describe the need for, um, groundwater and surface water quality and soils to detect contamination during decommissioning as well. So there's some additional requirements on us in terms of monitoring.

00:55:24:28 - 00:55:47:17

Thank you. Could I just ask that question to the Environment Agency, please. Are the agency satisfied with the wording of the decommissioning plans and the other management plans to manage any potential, um, ongoing um, leaching that that may occur, uh, from the construction of the proposed development.

00:55:48:18 - 00:56:38:03

Oh, yeah. Ryan Smitherman from the Environment Agency. So, um, in terms of the unexpected contamination protocol, um, that is the standard wording that we send out to applicants to include. And we're happy with that wording in terms of, uh, monitoring into, uh, that kind of strays into the agenda item six in this, uh, and kind of one that, uh, one of the agenda items in the water environment, the applicants put forward, um, across all three, uh, management plans, the out on construction management plan, the outline environmental management plan, and the decommissioning plan that they'll propose, uh, water quality monitoring and, uh, for surface water bodies and groundwater bodies.

00:56:38:07 - 00:56:44:00

Um, and they've proposed that throughout three management plans, and we're satisfied with with those measures.

00:56:45:03 - 00:56:54:22

Thanks for confirming that. And could I pass the same question over to Cheshire West and Chester Council, please? Um, are you satisfied with the wording in those, uh, three management plans?

00:56:54:24 - 00:57:02:28

Uh, Portland and Cheshire West and Chester Council? Yes, I understand that, uh, from environmental protection, that, uh, that would be acceptable.

00:57:03:11 - 00:57:05:05

Thank you for that confirmation.

00:57:12:12 - 00:57:19:29

Okay. So we're now going to move on to our agenda item 3G revenue model five which is the adequacy of the proposed mitigation measures.

00:57:21:21 - 00:57:48:05

So I'm aware that the proposed mitigation for potential contamination was discussed at issue specific hearing. One and follow up questions were asked by the Examining Authority in HQ one and responses from Cheshire West and Chester Council to ask one um and the Environment Agency

indicated general consensus that the environmental statement contains sufficient mitigation measures and the draft eco contains sufficient controls. Um.

00:57:51:15 - 00:58:13:05

To to the mitigation measures. So could the Environment Agency and Cheshire West and Chester Council just confirm whether they have any outstanding concerns in relation to the mitigation for ground contamination, or whether all issues raised on this issue so far have been adequately resolved by the applicant. So, first of all, the Environment Agency, please, specifically regarding mitigation measures. Thank you.

00:58:15:21 - 00:58:22:27

Oh, yeah. Regarding the proposed mitigation measures, we're content with what is proposed.

00:58:24:10 - 00:58:29:19

Thank you for confirming that. And again, Cheshire West and Chester Council again, specifically on mitigation measures.

00:58:30:06 - 00:58:34:21

For some Cheshire West Chester Council. Same as the Environment Agency. Yes. That's fine.

00:58:35:15 - 00:58:41:00

Thank you for confirming that. Can I ask if there are any comments or mitigation measures from any other interested party?

00:58:42:16 - 00:58:44:11

Not at this stage. Okay. Yes.

00:58:44:13 - 00:58:49:28

Okay. If I still got the opportunity to come in as the item closes, that. That would be great.

00:58:50:10 - 00:58:51:00

Thank you.

00:59:01:11 - 00:59:34:09

Okay. So the examining authority is aware that appendix tend to entitled the remediation technical note um cell three app 098 states in section 113 states that the works are likely to either require a deposit for recovery permit or use of the definition of waste code of practice. Um, it is the applicant's preference to use the um this definition definition of waste code of practice regime and as set out by the Environment Agency.

00:59:34:11 - 00:59:50:20

If this option is pursued, this will require the developer to ensure that the use of the material will not create an unacceptable risk of pollution of the environment or harm to human health. Um. To achieve this, this may require remediation of materials proposed to be excavated from cell three.

00:59:52:17 - 01:00:14:25

Um, so many of the details are yet to be confirmed, with the applicant stating that the final methodology would be confirmed. Um. McFarland methodology will be developed following more detailed geo environmental investigation prior to construction. Um, could I ask the applicant, is there anything here that might be outside what one would consider normal contaminated land procedures?

01:00:17:07 - 01:00:19:09

As part of the applicant? Um. No, madam.

01:00:22:26 - 01:00:30:27

Are there are there tried and tested methods for dealing with this potential type of contamination that we've been talking about this morning?

01:00:31:21 - 01:00:34:06

Um, I'll bring in Mr. Weyland, but, yes.

01:00:36:02 - 01:00:54:25

Mr. Weyland, on behalf of the applicant. Um, yeah. The contaminants that we've talked about earlier this morning are very standard and routine that we come across in our industry, and there are a lot of common and well practiced and used remedial techniques which can be implemented as necessary.

01:01:00:21 - 01:01:11:27

Could you confirm? Is this in any way proposing to deal with the development of potentially novice methods to mitigate contamination? That's never already been done before?

01:01:14:29 - 01:01:25:11

Mr. Weyland, on behalf of the applicant, know the methods that we outlined in that technical concept note are all very standard, uh, widely used methods of remediation.

01:01:26:21 - 01:01:58:03

Thank you. So could I ask that question of the Environment Agency, please? Is the Environment Agency comfortable that this type of remediation is within its technical capabilities and experience to advise on? Um, and if consent was granted and the Environment Agency needs to consider the detail put forward by the undertaker. Um, yeah, it would be within, um, normal practice and, um, experience, um, of the potential Contamination of this site, given its historic use.

01:01:59:20 - 01:02:03:26

By Robin Smitherman for the Environment Agency. Yeah, we agree with that.

01:02:05:29 - 01:02:23:06

Okay. Could I ask that question, please? Of Cheshire West and Chester Council. Uh, again, is it within the normal experience of the Cheshire West and Chester Council's environmental protection team to deal with, uh, contamination that we've just discussed this morning?

01:02:24:18 - 01:02:29:11

Uh, the Cheshire West and Chester Council, as far as I'm aware, that's that's the case. Yeah.

01:02:30:19 - 01:03:10:14

Thank you for those confirmations. So I have one last question related to this area. Um, so the contaminated land applications and real environments that Claire guidance is referred to within appendix ten two, which is APA 098. Um, are there other specific British standards or specific UK guidance or accepted industry methodologies committed to. Within the Environmental Statement, the Commitments Register or the draft DCO in relation to contaminated land assessment, remediation or mitigation and could I ask that of the applicant please?

01:03:20:12 - 01:03:24:26

Could you just ask that question again please. Just to clear what. Yeah.

01:03:25:18 - 01:03:44:21

So the question really is are there any specific British standards or specific UK guidance or accepted industry methodologies committed to within the environmental statement commitments Register or the draft DCO in relation to contaminated land assessment, remediation or mitigation?

01:03:44:29 - 01:03:54:08

Don Williams on behalf of the applicant. So the the guidance is, as I referenced earlier, it's the land Contamination risk management. LCM guidance.

01:03:56:14 - 01:04:03:18

And does your proposal commit to abiding by that guidance? And if so, where have you made that commitment.

01:04:04:28 - 01:04:05:13

It's

01:04:06:27 - 01:04:25:04

popped up and we'll check that. Um, but what I would say is that, uh, given that we have to get the strategy signed off, if we weren't following it, it almost certainly wouldn't get signed off. Um, so that ultimately comes from the fact that we've got that requirement. But, um, if we need to put it into, um, the management plans, we will.

01:04:27:08 - 01:04:52:02

I think it would. I think that would be useful to add it in, just to just be sure. Yeah. If you could take an action point, please, then to, um, add in a reference to the necessary, um, guidance and standards, um, for this or remediation and, um, mitigation of contaminated um land and your contaminated land assessments?

01:04:53:03 - 01:04:53:25

Yes. Good evening.

01:04:54:02 - 01:04:54:26

Thank you.

01:05:04:21 - 01:05:34:13

I think my I have one more question regarding the environmental statement. Given what we've discussed this morning around unexpected contamination. Uh, that that means, you know, that people that you're not sure what you might find. How can the applicant be sure that the worst case scenario for remediation and mitigation of contamination has been put forward in the environmental statement?

01:05:38:28 - 01:06:15:28

Um, Mr. Russell, for the applicant, um, about getting too academic, about the environmental statement and likely significant environmental effects. and it's what we're trying to determine. We're following, as has been described by Mr. Weyland, the standardised approach to, um, ground investigations, particularly at the point of where you're submitting an application. So I think by following all of the necessary and appropriate protocol in terms of best study, ground investigation and assessment of that information, we are, um, identifying those those, um, likely outcomes.

01:06:16:26 - 01:06:50:09

As Mr. Wayland had mentioned, the investigations rely upon those locations where you undertake the investigation. And that is very much why there is a protocol in place across, um, a lot of applications where there's potential for contaminated land to be present for an unexpected contaminated land protocol to be in place. So I it's nothing out of the ordinary. We certainly have assessed what we consider to be, um, not only a reasonable situation, but a reasonable worst case situation.

01:06:50:11 - 01:07:04:18

And that, in part, was why we provided the remediation technical note. And we don't necessarily think from the information we've got so far that would be needed. But it is allowing that worst case scenario to be considered and assessed.

01:07:07:28 - 01:07:08:19

Thank you.

01:07:24:22 - 01:07:34:20

Okay. Thank you. Could I now ask whether there are any further questions on this item from any other interested parties? Councillor Sumner.

01:07:35:02 - 01:08:09:17

Um, yes. So so essentially, I would like to sum up from my position that if this solar farm farmers is to go ahead. I want to be able to speak confidently to the residents of my ward that this is a safe development, and that there will be no detriment to potential detriment to human health from the installation and the development surrounding the solar farm. At the moment, I don't see data that would give me the ability to talk about that confidently.

01:08:09:19 - 01:08:44:04

I don't. Not fully assured yet, and I wouldn't be able to do that. Last year I attended a parliamentary hearing. Every local authority has to maintain a full register of land that may be contaminated. I don't have the instruments myself to test that land, but I can tell you that I am a member of a sailing club on the river island bank of that river. There's a there's also some scrubland within the middle of that land.

01:08:44:06 - 01:09:17:17

One of the gardeners states that if you walk to the middle of that, you can sometimes see pink goo oozing from the land. Uh, there's a resident of my ward who's who's lived in Frodsham for over 50 years. Reports of ECI workers who say that they have they've been things that have been put in these tanks, um, that that are perhaps undocumented, but two people independently with the same story. Uh, I have, um, spoken to there have been issues of legacy contamination in Runcorn.

01:09:17:19 - 01:09:48:17

So in the year 2000, 16 families were moved out of their homes. And this was to do with CBD toxic waste that was dumped 50 years prior. And by 2001, 240 families were relocated. Um, so I go, I would take you to this map here where I have overlooked overlaid. Um. This is a map from the Frodsham birding site, and also overlaid with some of the plans from the solar farm.

01:09:48:19 - 01:10:16:28

So this here is the footprint of cell five, the batteries that were potentially located. Option one and option two. Here you can see it towards the perimeter of the edge of cell five. Uh, this tank is listed on the birdwatching site. Has no access, presumably because you wouldn't want to be there. Um, but the question is, what? What could be central to that?

01:10:17:00 - 01:10:25:26

Sorry to interject. Is that map already in the examination? If so, we could ask for it to be put up on the big screen because you're saying, as you can see and I can't see.

01:10:25:28 - 01:10:39:09

Okay. I have I did submit that with my, um, images with my written, um, submission if somebody is able to find it. I did. I did submit that.

01:10:39:11 - 01:10:49:04

Yes, indeed. If you could just pause then for a second. Because if you want us to look at what's on the map as you explain it, if the applicant, uh, could could find that place.

01:10:55:24 - 01:11:01:03

Oh, yeah. Of course. Um, so essentially it is.

01:11:03:05 - 01:11:06:16

Is this one set up? Yeah. So that shows that.

01:11:07:24 - 01:11:08:17

Yeah. Okay.

01:11:14:17 - 01:11:18:12

It's 1074.

01:11:23:21 - 01:11:24:15

Okay. Thank you.

01:11:24:24 - 01:11:57:27

That's the one. So we can see, uh, where it says number five tank no access. And there's kind of a boundary around that So we can see that the locations of those two proposed batteries are towards the perimeter of that site. So this is where I come back to. If you were three meters down towards the perimeter of the site and you've located some of those chemicals in small quantities, it's not necessarily representative of what you would find central to that tank.

01:11:57:29 - 01:12:28:02

A bit lower down, perhaps up to 20m. Um, I don't have the equipment to test it, but I'm. I'm remain unconvinced that three meters towards the perimeter of the tank, uh, does give the most accurate picture or a picture that I could confidently go back to my residents and say, yes, they've been really thorough with absolutely everything they've done. I've got no concerns. You don't need to be worried. And that's what I want to be able to say to people in my world.

01:12:28:04 - 01:13:04:27

And I currently can't do that. And it's also with the, the modeling of the the battery fire. Although that's an unlikely scenario to happen if it did happen. While we are in agreement that generally heat rises, it wouldn't be unreasonable to assume that the ground would also be heated and to what temperatures and at what depths would we expect. And it's those specific, um, measurements of heat in the ground transfer that I would be interested in and to how they could potentially react with different things at different levels within the ground.

01:13:04:29 - 01:13:17:10

So without that specific data, I can't confidently speak to my residents and say, I don't believe that there could be adverse consequences to human health.

01:13:17:12 - 01:13:18:17

And thank you.

01:13:18:19 - 01:13:19:04

Okay.

01:13:19:06 - 01:14:11:19

Thank you. I think we've taken a couple of action points this morning for the applicant to respond. Um, the applicant is going to put together a table, um, outlining all of the different substances that have been mentioned by the different interested parties, and there's going to be four points against each one of those. As I mentioned earlier, um, the potential toxicity to the human health and environment. Let me just go back to them. Um, the need for this proposed development to test for each of those substances, what testing has already been carried out by the applicants, and what testing is planned for the more detailed investigation phase? So perhaps once that has been put into the examination, um, we invite you to provide your comments against that, that that particular piece of evidence.

01:14:11:21 - 01:14:12:06

Thank you.

01:14:12:08 - 01:14:14:16

Many thanks. Yes, I appreciate the opportunity.

01:14:14:21 - 01:14:38:11

Thank you. Um, and I think we've also taken an action point for the applicants to comment specifically on your point relating to the, uh, propensity for any fire to, um, to to the heat, to spread laterally And with depth. So again, you'll have the opportunity to comment on that particular response to that action point by the applicant.

01:14:39:17 - 01:14:40:16

Okay. Thanks.

01:14:51:28 - 01:15:14:05

Okay. I think there's one last agenda item which is 3G revenue rule six, which is the adequacy of the proposed construction monitoring proposals. And so I just could the applicant briefly explain its post construction monitoring proposals for contamination and why? Um, the applicant believes that this proposed monitoring would be adequate.

01:15:19:16 - 01:15:50:16

And on behalf of the applicant, um, so at this stage, no specific details of the post construction monitoring proposals have been made. Um, but as detailed in table five, four of the outline of a surface water drainage strategy will be produced. And that will require regular water monitoring and detect sedimentation and contamination impacts. Um, and it's also stated that the monitoring will be undertaken for six months after the completion of construction and monthly during any major replacement activities.

01:15:52:05 - 01:16:11:17

Um, just to add to that, the the monitoring plan will include details of location and monitoring methods and the um, contaminants to be sampled for, uh, and the results. And this monitoring plan will be subject to approval or review and approval by Environment Agency and Cheshire West Council.

01:16:12:12 - 01:16:43:05

Thank you. So yeah, in summary, a lot of detail will be included in the final plan. Um, that's not necessarily defined at this moment in time, but that will be an approval of the Environment Agency and Cheshire West and Chester Council. So could we just go to Cheshire West and Chester Council, please? Do you have any comments to make on the outline plan at this stage? Um, on anything that you would like to see added at this stage before the detail comes at the later stage?

01:16:43:07 - 01:16:56:07

Thank you Paul and Cheshire West and Chester Council and um, simple answer is no. Nothing to add. I think it's mainly for the Environment Agency in terms of the water aspects rather than human health. Yeah.

01:16:56:29 - 01:17:02:18

Thank you. So could we move to the Environment Agency, please? Just to have confirmation on the same question. Are you.

01:17:04:25 - 01:17:13:09

Satisfied with the wording in the outline plan and the proposals for any final plan later at a later stage?

01:17:14:18 - 01:17:34:02

Oh, yeah. Robin Smitherman from the Environment Agency, with regards to the surface water drainage monitoring, um, wording that was proposed in the. uh, on air campaign. Oh, we're happy with the updates the applicant made. Uh, and the information that they've provided in there. Yeah.

01:17:37:02 - 01:17:42:20

And just to confirm, that's for the proposal for monitoring of contamination. Yes.

01:17:42:22 - 01:17:43:24

Yeah. That's it.

01:17:48:05 - 01:18:02:06

So that concludes the questions that I have on the agenda item of ground conditions. So can I just ask if there are any comments from any parties before we close this agenda item? So anyone online or anyone in the room.

01:18:03:29 - 01:18:14:14

Thank you. Okay. I think that's a convenient moment to adjourn. So we will adjourn now for 15 minutes. Perhaps come back at 11:11 a.m.. Thank you.