



## Hearing Transcript

<b>Project:</b>	Frodsham Solar
<b>Hearing:</b>	Issue specific hearing 2 (ISH2) – Part 4
<b>Date:</b>	25 February 2026

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FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:32:16

Good morning, everyone. By the clock in the room. It's 9:30 and this issue specific hearing is resumed. Uh, for everyone who is here yesterday, please bear with me while I go through the normal public service announcements, as we've got new people both in the building and online joining us today. Welcome to everyone. Uh, can I just confirm that everyone can hear me clearly. And can I confirm with Mr. Cook the recording and live stream has started.

00:00:35:00 - 00:00:47:18

Thanks. Thank you very much. My name is David Wallace. I've been appointed by the Secretary of State to be the lead member of the panel examining this application for the Frodsham solar project. I'll hand over to my colleagues to introduce themselves.

00:00:48:06 - 00:00:54:17

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

00:00:54:26 - 00:01:01:14

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

00:01:02:06 - 00:01:37:20

Together, we are known as the Examining Authority, or Xa for short. Um, can everyone make sure that your devices are turned to silent? Um, so as to keep any disturbances down? And if you're joining us online, please keep your camera off and microphone muted. Um, to avoid any disturbance there, I only turn them on when you want to come on screen or draw our attention to a particular point. Um, there's no fire alarm drills scheduled for today, so if it happens, it's the real thing. The exits are to this side of the building here, and we are to congregate in the car park and be accounted for there.

00:01:37:22 - 00:02:13:23

If, in the event of a fire, the toilets are across the reception area and there's tea and coffee just outside the the building, should you need refreshment. Um, we have published an agenda in advance of the meeting, and there's a number of topics on that agenda. Um, I'm not saying we'll get through everything today. We do have tomorrow scheduled as well, but we will see how we get on in terms of the pace of question and answering for today. Um, if discussions cannot be concluded, then we may defer some of our questions over to the written questions, which will come out later in March.

00:02:14:23 - 00:02:46:00

Um, for those joining online, you know, please bear in mind that, you know, we're not necessarily looking at you. We'll be looking downcast at the screens in front of us. But you do have our full attention, and we can ensure that you can participate, um, just as much as people here in the building. And just a reminder for everyone that the hearing is being recorded, and it'll be published on the project page of the National Infrastructure website as soon as possible after the hearing has finished.

00:02:46:02 - 00:03:20:24

Um, with this in mind, please make sure that when you speak, you speak clearly and into a microphone, um, stating your name and who you're representing each time before you speak. If you're in the room, you have microphones in front of you that when you press the gray button, the red color indicates the mic is live and therefore you will be recorded. If you press it again, it will go white and privacy will be restored to you. A link to the Planning Inspector. Its privacy notice was provided in the notification for this hearing, and we assume that everyone is familiar with that.

00:03:20:29 - 00:03:53:20

Um, it establishes how the personal data of our customers is handled in accordance with the principles set out in the data protection laws. Should you have any concerns about data protection, please do speak to a member of the case team at the back. So the question session that is about to commence, it will be the examining authority leading the questioning. There will not be cross questioning as such unless we allow our discretion, but we are hoping that we can get answers to the questions we are asking.

00:03:53:22 - 00:04:24:22

So we've got more information and a better understanding of the issues that are important and relevant to us all. I'm now going to ask all of you who are participating in today's meeting to introduce yourselves. Um, I'll be calling you out one by one as I've got them on my list here, and then we'll do a sweep after us. Make sure I've got everyone who wants to speak. Um, if you could just again say your name, the organization you represent, and the title, if you want it to be called Mr. or Mrs. Doctor or whatnot.

00:04:24:24 - 00:04:29:25

So, first of all, who's here for the applicant, please? Um, Mr..

00:04:29:27 - 00:05:00:25

Matt Fox, associate of Vincent Masons, on behalf of the applicant. Um, I will deal with any of the first couple of agenda items. First of all, we have obviously, um, team members, um, flowing through as the agenda goes through. But in relation to Glint and Glare, we have Mr. Michael Sutton, his technical operation managers, technical operations manager at Page Power, who is online. Um, for landscape and visual. We have Mr. John Mason, director of access access planning, um, a historic environment. Mr. Russell, he heard from yesterday.

00:05:00:27 - 00:05:11:21

Director at access and on greenbelt issues. Mr. David Adams, director at access. And I'll stop there and we'll introduce others as we get to them.

00:05:11:25 - 00:05:17:26

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

00:05:18:08 - 00:05:33:09

Michelle Spark I'm a partner at Clark Willmott and I act on behalf of Cheshire West and Chester Council. I'm joined by Paul Friston to my right. He's a principal planning officer. And to my left I've got Laura Hughes, who's a natural environment officer dealing with ecology issues. Is that from me?

00:05:33:11 - 00:05:38:01

Thank you very much. And welcome all, uh, Frodsham Town Council.

00:05:39:05 - 00:05:40:03

Councillor Richard Block.

00:05:42:14 - 00:05:48:12

Thank you very much. And welcome. Uh, we have Cheshire Wildlife Trust.

00:05:49:03 - 00:05:51:29

Hello, I'm Melissa Enfield from Cheshire Wildlife Trust.

00:05:52:24 - 00:05:58:19

Thank you. Um, from the Environment Agency. I believe they might be online.

00:06:01:12 - 00:06:13:19

Oh, yeah. Uh, Mr. Robin Smitherman from the Environment Agency. Planning specialist. I'll bring in, uh, relevant specialists throughout the day. Uh, if they're needed or if we get to the agenda items today.

00:06:14:03 - 00:06:25:17

Excellent. Okay. Thank you very much. And, yeah, they'll just need to introduce themselves when they appear so that. No, that's. Thank you. Thank you very much. Um, from cycle North Cheshire. Active travel.

00:06:32:00 - 00:06:38:01

And leave. Uh, looked up my list here. Uh, councillor Mrs. Sumner.

00:06:39:28 - 00:06:42:12

You see Sumner, Cheshire West and Chester Council.

00:06:43:00 - 00:06:49:05

Thank you. And that is all those who have got on my list before me. But, um, where there's others in the room, would,

00:06:54:00 - 00:07:06:04

Fair enough. Is there anyone else in the room who believes they were going to speak today? Who have not yet introduced. Okay, so anyone online who expected to speak today, who have not yet introduced.

00:07:08:03 - 00:07:25:24

Excellent. That means we've got everyone. Good. In which case. Bear with me one second. We'll now, uh, move on to the main substance of today's hearing. We'll move on to the matter of landscape issues, and I'll hand it to my colleague, Mr. Burley, to lead from here.

00:07:25:26 - 00:08:09:02

Thank you. Um, as you'll have seen from the agenda landscape, we've also included Clinton glare and historic environment because we felt there was some degree of overlap with all of those topics. So we may be needing to to elicit responses from a range of different people over the course of this, um, this series of questions. Um. First points on Glint and Glare relate to clarification, really? And the council raised a number of points about the Clinton glare assessment in its written representation, and also in response to the first written questions.

00:08:09:11 - 00:08:19:18

The first point is whether 15 or 16 dwellings would be affected. Is there any anybody who could provide clarification on that, please?

00:08:19:20 - 00:08:25:24

Mr. Fox, I think I'm half the applicant. I'll let Mr. Sutton, who's online, um, help answer that question. Thank you.

00:08:29:27 - 00:09:02:23

Morning. Mr. Sutton, on behalf of the applicant. Um, so there are, um, more than 15 or 16 based on, um, so there are 31 dwellings for 16 of those will. Um, well, so all of those will experience the low impact for 16 of those dwellings. They will experience effects for less than, excuse me, three months per year and for less than 60 minutes per day on any given day.

00:09:02:25 - 00:09:22:05

Sorry. And then for 15 dwellings, they may experience um effects for more than three months, but much less than six minutes per day. In addition to, um, consideration of the glare scenario, which we would consider to be, uh, insignificant.

00:09:23:05 - 00:09:30:10

Thank you. Councillor, do you have any, um, outstanding issues on that point? Uh.

00:09:30:23 - 00:09:49:03

For us and Cheshire West and Chester Council in our representations, I think we mentioned that it would be useful to have sort of some, some further detail on which which actual properties are affected. So, you know, basically a plan to identify the various properties and the impacts on them.

00:09:49:21 - 00:09:52:04

Is that possible, Mr. Sutton?

00:09:54:28 - 00:10:01:14

Yes. That's fine. We can provide a list of of the dwellings with the addresses and and the effect.

00:10:01:23 - 00:10:33:28

Thank you. It might be helpful if, if you just provide a very short note, the shorter the better. Really. Because we, we do get lots of papers submitted to us, but, um, outlining what you just explained in terms of the 15 and the 16. So we'll start off an action point on this, which is, um, a very brief explanation of the 15 and 16 at the council. So clarification on and then further details on the specific properties that would be subject to those effects.

00:10:35:11 - 00:10:57:14

Um, the next point follows on from that really. And again, excuse me, a point raised by the council. Um, and um, it was whether based upon the separate document, I don't know if you're aware of it, which is app 067 and that's the residential properties document.

00:10:59:22 - 00:11:02:04

App 067.

00:11:07:15 - 00:11:31:06

And paragraph 1.1.4 of that tells us that there's, um, the image three is a view from properties where moderate impacts are predicted. Um, but I believe that you didn't identify any moderate impacts or your impacts were low. Is that correct?

00:11:32:14 - 00:11:48:25

And what about that? Sorry, sorry. This was not that good. Can I just bring in, um, Mr. Mason on that? Just because that I just want to make the point that that is an Elvia appendix. Um, so I think this is the point where the glinton and LBI assessments intermingle with each other.

00:11:52:10 - 00:12:49:16

Mr. Mason is the applicant. So as I understand it, there were at an early stage in scoping of the Clinton assessment. Some moderate effects were predicted, but in the ultimate assessment, all effects were to be low according to the criteria set out by Mr. Sutton earlier, about less than 60 minutes or less than three months. Um, in the in an earlier written response, I have, um, sought to clarify, um, that there is apparently a there's a risk of a conflation of residential visual and amenity assessment and, um, Clinton glare assessment in, in the in the question pot in terms of what is the residential visual amenity effect of this cleansing layer? They are distinct, different tests which have different methodologies.

00:12:50:02 - 00:13:33:03

Um, and so certainly from a residential visual or amenity assessment perspective, the test there. It's often referred to as the lavender test, which is that the living conditions that a property are rendered, um, unsatisfactory and unattractive, such that it's not in the public interest to allow that change to occur. And and in my detailed written answer, I set out how, whilst there are modelled effects within the less than 60 minutes and less than three months, the actual when you when you drill down into the numbers of how much exposure there will be or actually significantly less than that.

00:13:33:05 - 00:13:51:06

I think there's one property where I, uh, just Scrolling through my response now, but I think the maximum length of time that a property would be exposed is significantly less than 60 minutes. So I'm just looking for the number now. Um.

00:13:52:21 - 00:14:25:04

I think the issue here is that the the description on image three in this, um, in appendix six for um, it just says view from properties where moderate glint and glare impacts are predicted. It doesn't say it's a residential amenity issue. And I, I imagine the council can speak for itself. That's where this query is arisen from. So is it the case that there aren't any moderate glint and glare impacts?

00:14:30:03 - 00:14:34:13

Uh, I think I should defer to Mr. Sutton to answer that that question.

00:14:36:01 - 00:14:37:17

Thank you, Mr. Mason.

00:14:37:26 - 00:14:43:25

Yeah. Mr. Sutton, on behalf of the applicant is correct that there's no moderate impact towards any dwellings.

00:14:45:01 - 00:15:01:19

Thank you. And just back to you on your Elvia assessment, you were saying that there's moderate impacts in terms of residential amenity. And that's what, um, image three relates to.

00:15:09:13 - 00:15:11:05

Sorry. Could you repeat the question?

00:15:11:14 - 00:15:20:15

Yes. The moderate label on image three in appendix 6.4 of the ES,

00:15:22:02 - 00:15:31:09

where it relates where it says that there would be moderate Billington glare impacts. That is your residential amenity assessment. Is that correct?

00:15:31:19 - 00:15:35:17

No, that that this isn't the residential Visual community assessment.

00:15:35:21 - 00:15:42:09

Um, sorry. It's the conclusions of your residential amenity assessment. So actually moderate come from.

00:15:45:02 - 00:15:49:18

I think I need, I need to to, to look at that document and to see can we.

00:15:49:23 - 00:15:54:28

I'd assume you'd be familiar with it if you were the author of it. Could you have a look at it now, please?

00:15:55:27 - 00:15:56:21

Yeah. Could you give me a page.

00:15:57:00 - 00:15:58:29

Please? Yes. It's page six.

00:16:01:10 - 00:16:03:10

So this is the image you're referring to.

00:16:03:16 - 00:16:09:21

It's the it says image three. View from properties where moderate glint and glare impacts are predicted.

00:16:20:21 - 00:16:21:06

Yeah.

00:16:23:22 - 00:16:44:20

Apologies I think the when I referred earlier to there being a moderate conclusion in in the initial glinting glare assessment that that's that is what this will be referring to. But subsequently the Clinton glare assessment findings were found to be to not to not be moderate.

00:16:44:22 - 00:16:47:08

So so are we saying this is a mistake.

00:16:47:15 - 00:16:52:22

It effectively it's, it's it's a, a legacy from from that earlier.

00:16:54:02 - 00:17:13:06

Could we update that for the avoidance of any doubt then please. Yes certainly. Thank you. We'll take that as an action point to update. Document app 067. And that's appendix 6.4 of the ES. Um, over to the council. You raised that point. Are you satisfied with that explanation?

00:17:13:18 - 00:17:46:08

Um, yes. I'm sorry Paul. Paul for us and Cheshire West and Chester Council. Um, yes. In relation to the um that app not 67 document. Um, the there was an also in our, um, uh representations uh, is appendix A of Revlon um naught 48 um also raise the issue of the scoping uh, report on the provisional, um, neglect.

00:17:46:10 - 00:17:51:24

And that's where there was also reference to moderate effects. Um, I don't know if that was something.

00:17:52:01 - 00:17:54:09

Is that also a legacy issue then,

00:17:56:06 - 00:18:02:18

Mr. Russell, for the applicant, um, a legacy issue I think probably is a good description.

00:18:02:20 - 00:18:24:01

But what happened was at the scoping stage, there was a preliminary glint and glare assessment. We can pull that up if we if we wanted to. Um, and that concluded where there was some moderate effects. You'll then see in the revised, uh, I'm sorry, the next version of the glinting glare which was submitted that integrated mitigation measures, which I think we.

00:18:24:03 - 00:19:00:11

May come on through in a moment, but that's introduced at the start of that document. and it identifies those areas where we've changed the angle of the panels that then avoided those moderate impacts on those properties. Um, just to make sure that we're talking to the latest response as well. Um, in the the written, um, summary of the applicant's oral submissions, that issue specific hearing one um, which is rep 1-033 starting on page 68.

00:19:00:22 - 00:19:32:24

Um issue five J there's a bit more explanation there about actually what does this level of, um, uh, exposure and harm mean in terms of the timings that those properties receive? So Michael's already talked about less than 60 minutes. Well, what does that mean? And I think that gives a lot more information, hopefully reassurance to the council of the very minimal exposures that those properties will actually experience. That's helpful. I think Mr. Sutton can probably just cross refer to that when he provides us with his his very brief notes.

00:19:32:26 - 00:19:40:02

So it all ties up, um, in response to the council's query on that. Is there anything else, Mr. Friston?

00:19:40:17 - 00:19:57:09

Um, Cheshire West Chester Council? No, I think we, um, accept that the, the levels that portrayed in the the latest document were as presented, it was understanding why there have been changes from the scoping report. Um, as mentioned anything.

00:19:57:24 - 00:20:24:03

Thank you. So the next point is whether the, um, traveller sites have been covered in the glint and glare assessment, and I'm aware that they haven't been, um, authorised yet. Um, and may not be authorised, but still, we have a public sector quality duty that we need to discharge in considering this matter. So, um, is it Mr. Sutton?

00:20:24:20 - 00:20:44:09

It will be. But just by way of context, sir, I think I wouldn't quite characterize the traveller sites as not yet been authorized. They're currently there as breach of planning control. Um, and we're subject to enforcement, and it's waiting to see that situation play out. But having said that, I understand the position. They are there, and we have accepted throughout the years that they are receptive, that we need to take into account.

00:20:44:14 - 00:20:47:09

That's why I qualified what I said about that. Thank you.

00:20:47:12 - 00:20:52:14

Um, I'll let Mr. Sutton answer the point about our impacts to the to the traveller sites.

00:20:53:27 - 00:21:24:17

Thank you, Mr. Fox. Uh, Mr. Sutton, on behalf of the applicant, we've, um, modeled the impacts upon the traveller sites and have been able to conclude that there would be no impacts due to the fencing surrounding the sites and also the reflecting panels coming from the west, um, behind the the bank. Um, so none of the solar panels will be visible. Um, and we're happy to provide, um, that evidence at the next, um, deadline.

00:21:24:19 - 00:21:29:00

Deadline for it's that currently set out in any information before us.

00:21:30:17 - 00:21:31:16

That. Yeah.

00:21:31:27 - 00:22:03:12

No. Okay. And, um, I noted also that on there's an image on page 31 of the Vinton Glare assessment, which sets out residential receptors. That doesn't include the traveller site. So it will this be a separate note dealing with it or will it be an update to the the Clinton glare assessment? Um, Mr. Russell, for the applicant, um, I think we'll provide it as a separate note and we can integrate it into these previous points.

00:22:03:14 - 00:22:42:22

Okay. Um, if if it would help, we've we've we've got a cross section which is showing the point that Michael, um, was sorry Mr. Sutton was discussing there. Um, we'll include that in the submission. But if you'd like to see now, for the purposes of this discussion, we can bring that up. But I'm asking for it to come in as a written response. I will take that as an action point to deal specifically with the potential effect on the traveller site. Um, now coming over to the council, um, you raised I just want to know where he wants us to go with the comment that, um, you put in your let's have a look at your local impact report.

00:22:42:24 - 00:22:46:08

It might be helpful to turn that up. Page 61.

00:22:49:24 - 00:22:55:04

And the document number is rep 1046.

00:23:13:14 - 00:23:16:28

That's page 61 as everybody got their.

00:23:46:10 - 00:24:17:04

And what that just while you're turning that of what that sets out is, um, the council's response on its a summary tables in the appendix eight. I believe it is to your. Yes, it is appendix eight to your local

impact report. I'm sorry sir, do you have a PDF page number? Um, is there some internal inconsistency? Let's have a look. Yeah, I think it is actually a PDF.

00:24:17:06 - 00:24:29:05

Page 61. Let's have a look at that internal internal page ten it says. Um, but I appreciate that because it's, you know, sitting in an appendix. Just double check. It may not be that one.

00:24:50:01 - 00:25:25:21

Well, it's actually it does say 61 at the bottom, but it is um, page 112 in the PDF. Thank you sir. Thank you. And what that says is whilst the noise, dust and glint and glare assessment raise no significant impacts. And next to this it relates to Gypsy and Traveller and travelling show persons accommodation. It is considered cumulatively, and in such close proximity there would be some residual adverse impact on the traveller sites.

00:25:25:23 - 00:25:36:03

Now I'm curious how you reach that conclusion. When the Clinton Claire assessment doesn't specifically deal with travellers at all.

00:25:41:05 - 00:25:49:03

Um, for some Cheshire Chester council, I think that's an error, referring to the glinton glare specifically on on that.

00:25:49:09 - 00:25:51:21

Right. Okay. And then, um,

00:25:53:14 - 00:26:30:18

we're talking here about, um, noise, dust glint and glare. Just just bear with me. I know you you probably haven't looked at glint and glare as you've said. However, um, I would have thought that noise and dust are probably more to do with the construction phase and glint and glare is to do with the operational phase. Yes, yes. Um, so could you explain to me why those would be considered cumulatively?

00:26:35:18 - 00:26:40:07

Um, yes, it would be in relation to, um.

00:26:42:27 - 00:26:50:01

The noise and the dust. Cumulatively, it was there rather than cumulatively in terms of the, um,

00:26:51:27 - 00:26:54:13

construction, operation and decommissioning.

00:26:54:15 - 00:27:31:25

Right. So they'd be cumulative for the construction phase, and then there'd be Clint and Glare for the, well, potentially for the operational phase. But Mr. Sutton has confirmed that he he considers the not to be an issue there. But you haven't seen that evidence yet, so it will give you a chance to respond to that at the next deadline. Um, so in terms of those, you've said there would be some residual adverse

impact on the traveller sites. Now, you don't say whether that impact in terms of EIA language would be significant or not significant.

00:27:32:20 - 00:27:41:17

Where would you like or where do you think the axe should go in terms of reporting that impact to the Secretary of State.

00:27:42:17 - 00:27:47:23

At office and Cheshire West? Um, I would put that down at the minor and.

00:27:48:13 - 00:28:10:29

Minor adverse so it wouldn't be significant. Thank you. And, um, by noting this. Are you suggesting that, um, any additional mitigation is needed or is it being noted so that we are aware it's something that you consider should be added to the planning balance? Um.

00:28:12:00 - 00:28:16:15

Cheshire West? added to the planning balance in terms of

00:28:18:15 - 00:28:23:09

the mitigations in the control documents. Um, you know, taking those as read.

00:28:23:18 - 00:28:32:16

But does the council consider the control documents to sufficiently mitigate those impacts that it's identified? Yes. Thank you.

00:28:39:15 - 00:29:13:12

I'll probably come back to dust a bit later and glint and glare and noise, in fact. So, um, I won't say anything else about the the traveller sites right now. Um, and I think let's have a look almost through glint and glare now. Um, now, the council has been quite keen to see the mitigation for glint and glare, so some anti-reflective coating Mentioned on the face of the draft decision.

00:29:13:14 - 00:29:31:03

You've given us a precedent here, which is the Oaklands DCO. Um, from the applicant's point of view, you've suggested that that's not necessary and that the MP is sufficient. Is that correct?

00:29:31:05 - 00:29:31:20

Yes, sir.

00:29:32:10 - 00:29:42:15

Um, so you don't differ in any you don't differ in any way from the council that there is a need for the mitigation.

00:29:43:02 - 00:29:47:00

Yes, sir. It's. Yes. And it's go through the design parameters statement.

00:29:47:15 - 00:29:51:00

So why why not just put it in the draft DCO then.

00:29:51:09 - 00:30:15:18

Sir? Um, so it's something that I think it's that sort of slippery slope, because why would you not put a whole manner of things already in the design parameter statement or the construction management plan, the operation management plan, the Lemp? It comes back to something I said yesterday. So it's well Isabel, president head for controls to be in the management plan documents and other secured documents.

00:30:16:06 - 00:30:23:05

So this slippery slope you're talking about. What other things have people asked to go into the DTI? I'm not aware of that many.

00:30:23:07 - 00:30:25:18

For example, the construction working hours.

00:30:25:20 - 00:30:26:11

Yeah.

00:30:26:23 - 00:30:45:21

Um, you know, on on other schemes, what's noted in the detailed design requirement? Um, I mean, I don't remember my slippery slope, sir, is that if you were going to say it for this, then you could make equally make that argument for other aspects that are secured in the management plans.

00:30:45:23 - 00:31:14:16

But I'm not aware of any, any other great body of issues. And we're not talking about other schemes, we're talking about this scheme. Um, this the anti-reflective coating seems to be a very important part of the mitigation for glint and glare. Um, and I'm just curious why there's a resistance to putting it in the DCO when other dsos of have mentioned it.

00:31:15:13 - 00:31:24:16

And Mr. Fox, on behalf of the applicant. I mean, yes, but the angles of the panels, for example, are also important. And that's Q through the design parameter statement.

00:31:24:21 - 00:31:27:16

From the angles of the panels in a minute. But um.

00:31:30:04 - 00:31:36:12

So I think, I think the point I would make is that nothing is added by putting it on the face of the DCA because it is secured.

00:31:36:17 - 00:31:44:04

So, Council, why do you think it's preferable to have it in the DCO rather than in a control document?

00:31:45:06 - 00:32:08:14

Um, I think it is a matter of preference. Um, and um, it's on one of those items that, um, you know, again, on the face of it, it's useful to, to, to be clear that that, uh, that's an important mitigation that's covered by, by the DCO. Um, the, uh.

00:32:11:14 - 00:32:17:17

Okay. What what stage of the process is the anti-reflective coating added to the panels?

00:32:19:28 - 00:32:25:09

Uh, Mr. Sutton might be able to help with this. Um. Sutton.

00:32:27:27 - 00:32:46:06

Mr. Sutton, on behalf of the applicant. Um, unfortunately, I'm not sure. I think you can buy panels that have a certain material, or you can buy a coating that comes on at the end. So, um, whichever way would be fine from a glinting glare perspective.

00:32:47:03 - 00:33:05:25

If it's secured by the EMP. The trigger for that is prior to commissioning. So is that far, too far down the line for the council to have any influence, even if it's not happy with what's been specified.

00:33:05:27 - 00:33:15:25

Miss Scotsman's half the applicant is also secured through the Design Parameters Statement and requirement six two requires us to design and construct in accordance with that statement.

00:33:16:14 - 00:33:18:15

So why is this duplicated?

00:33:20:19 - 00:33:35:08

Well, I think there's no harm in duplicated. But also I think the operational Environmental management plan is, um, ensuring that that coating is essentially kept in place throughout the lifetime of the scheme. And we can tweak the wording to perhaps make that clearer.

00:33:36:08 - 00:33:40:06

Well, I think the wording does need to be clearer because, um,

00:33:42:05 - 00:34:08:16

you haven't been able to tell us when the the coating would be applied. And I think the council needs to given that it's important mitigation, the council needs to be able to have some, um, insight into the coating before the decision is made as to which type of coating is used, and I would have said that. Commissioning may be too late for that.

00:34:08:22 - 00:34:37:18

That's my opinion, but I think there's a difference between the fact that the DCO, through the reference to the design parameter statement, secures the fact that the scheme has to be designed and constructed with that coating in place, and the Operational Environmental Management plan, which is the ongoing management of the scheme and ensuring that it's retained. I appreciate there is the

language is not as clear on that latter point in the OMP, but it's the design parameter statement which ensures that the coating is put in place at the appropriate time.

00:34:37:20 - 00:34:46:17

So is that an action point for you to go away and ensure that the DCO and the control documents don't include any duplication?

00:34:48:27 - 00:34:54:23

And yes, I think it's the language in the OMP that needs to be tweaked.

00:34:54:25 - 00:35:24:20

Well, you've said to us that, um, the submission of the details of MP needs to be substantially in accordance with the. Outline of MP and that that needs to be submitted for approval to the relevant local planning authority and on page 39 of the outline MP. That's where we we see about coating being applied.

00:35:27:18 - 00:35:36:20

But happy to turn that up if you like. It says solar panels. Solar PV panels will be fitted with anti-reflective coatings to reduce glint and glare.

00:35:39:06 - 00:35:39:27

And yes.

00:35:40:05 - 00:35:50:16

Yes, so that needs to be adjusted to say it will be ensured that the solar PV panels will continue to be fitted and with anti-reflective coatings to reduce glinting glare.

00:35:50:18 - 00:35:54:26

And can you just point me to the other reference you were referring to, please?

00:35:54:28 - 00:36:05:07

Yes, said the design, um, parameter statement, which is reference? Um, the latest version is reference rep 30123012.

00:36:10:09 - 00:36:13:04

And could you give me a page number or paragraph number, please?

00:36:13:28 - 00:36:16:10

Uh, yes, sir. That is um.

00:36:21:08 - 00:36:22:06

Eight. Nine.

00:36:22:08 - 00:36:23:00

Thank you.

00:36:30:25 - 00:36:39:06

And that says that the solar PV modules will have an anti-reflective coating. Now.

00:36:43:24 - 00:36:53:00

Can you explain the process by which the council would have oversight of the specification of that coating, please?

00:36:57:01 - 00:36:57:16

Uh.

00:36:57:26 - 00:37:00:12

Mr. Fox, on behalf of the applicant. Um.

00:37:02:20 - 00:37:36:09

Uh, so article. Sorry, requirement six two says the automotive. And it must be designed to construct in accordance with the design parameters statement. So, um, it's a compliance point rather than a checking point, right. So, um, so I have to I have to say, I think given the line questioning here, this isn't really an issue that we need to die in a ditch over, I think, from our side. So I think we are prepared to, I think, make the amendment to the requirement that the council have asked one.

00:37:36:12 - 00:37:36:27

Okay.

00:37:36:29 - 00:37:37:27

Thank you. Um.

00:37:39:14 - 00:37:59:03

Okay. Let's move on. Um, that's all the questions I had on Clinton. Claire. Thank you. Um, but, um, I think we can move on to matters of landscape and visual impact. I'll just check, though, whether anybody else has anything they'd like to see. First of all, from the council, please.

00:38:00:21 - 00:38:03:08

Uh, Cheshire West and Chester Council. No, sir.

00:38:03:10 - 00:38:11:24

Thank you. Um, Mr. Sutton, do you have anything that you'd like to add or any clarifications in relation to the action point?

00:38:12:29 - 00:38:14:06

No. Thank you sir.

00:38:14:18 - 00:38:16:15

Okay. Thank you for your time today.

00:38:16:21 - 00:38:17:16

Thank you.

00:38:17:24 - 00:38:25:17

Is there anybody else in the room who'd like to say anything on Clinton? Claire? Thank you. Councillor, would you come up to the table, please, and use the microphone?

00:38:30:15 - 00:38:45:15

Uh, Richard Loftus, town council. Uh, we've looked at blink to glare on domestic premises, etc.. The only thing I want to clarify is there was something mentioned yesterday regarding the M56. Is there any glint and glare issues with traffic moving up and down the M56?

00:38:45:17 - 00:38:56:07

Well, we've had a response from National Highways which indicates that they they don't have any concern. But I let the applicant come back on this point.

00:38:57:10 - 00:39:01:04

Mr. Watson, the applicant. I'll bring Mr. Sutton in. Just to summarize the conclusions of our assessment.

00:39:02:25 - 00:39:34:10

Thank you. Mr. Sutton, on behalf of the applicant, um, we realized at the very early stages that venting towards the M56 would be an issue typically for Glens and Blair. You mitigate via screening, um, for ground based receptors. But because of the viaduct, um, we knew that that wouldn't be feasible. So from the early stages, we implemented mitigation in terms of changing the panel orientations to mitigate out those, um, effects.

00:39:34:12 - 00:39:43:22

And based on that, we provided those, um, the effects to National Highways and confirmed that they, they were happy with the effects towards the M56.

00:39:45:09 - 00:39:46:15

That's great. Thank you very much.

00:39:46:17 - 00:39:52:29

You're welcome. Thank you. Is there anybody else with any questions? Councillor Sumner, would you like to come to the table as well, Please.

00:39:55:17 - 00:39:56:02

Hello.

00:39:56:07 - 00:40:34:27

Councillor Sumner. Cheshire West and Chester council. Um, I would like to address the issues of glint and glare with the landscape. Well, we've heard that 31 dwellings would experience glint and glare for up to three months per year, with a maximum exposure of 60 minutes per day. And the modelling that concludes this isn't specifically significant for the affected residents. The experience of reflected light

for up to an hour a day over a number of months is not necessarily negligible, especially since many of the properties that are fairly close to where those panels are.

00:40:35:03 - 00:41:11:28

Maybe vulnerable people in social housing, they may be elderly people. There may be people who aren't out at work all day, so they're not bothered about it because there at the desk, there might be people who don't have the ability to not be in their lounge. It's quite difficult to make a full assessment of how how much that would impact somebody's home without being without being particularly aware of which properties they would be the sites. The scale of the site is is significant and characterizes the wider landscape as industrial and expansive.

00:41:12:00 - 00:41:47:06

However, most people who live in Frodsham would would see Frodsham as somewhere they've chosen to live because they like the rural aspect of the place. And while there may be industrial views to a certain aspect of Frodsham, that's not why most people live in Frodsham. Evidence from the active travel team demonstrates that the shallow viewing angle, approximately 5.5 degrees from Frodsham Hill and 7 to 8 metre natural screens positioned appropriately, could obscure substantial depth of panel rows without materially affecting the solar yield.

00:41:47:09 - 00:42:27:03

The applicant argues that benefits would be limited and openness reduced. However, carefully designed, varied planting and softened edges could perhaps reduce the visual monotony and perhaps glint and glare. National policy requires harm to be minimised where reasonably practicable, and the dismissal of enhanced screening appears to rely on the professional judgment rather than tested. Visual modeling. Given the strength of concern, further exploration of the site wide natural screening is justified, and where harm to heritage assets or landscape character is identified.

00:42:27:05 - 00:42:59:14

Policy requires that harm may be weighted against public benefits. The proposed 60,000 Community Fund appears most relative. It appears modest in relative to a multi-decade development of this scale. Many refined enhancements, education facilities, interpretation paths are outlined but not clearly secured through enforceable funded commitments. If public benefit is relied upon. Planning balance it must be proportionate, certain and transparently secured.

00:42:59:16 - 00:43:00:05

Thank you.

00:43:00:07 - 00:43:37:07

Thank you. Um, on the point of the applicant saying it's not significant. Um, we're aware that people have written to us already to pick up, um, the use of that language, which is a specific environmental impact assessment. Um, which doesn't mean that we set aside the concerns at all. So those types of concerns that you've outlined there, even though they might not cross a specific threshold to be considered significant in environmental impact terms, they still will be taken into account in our assessment of this application.

00:43:37:09 - 00:43:56:21

So, um, hopefully you'll be able to submit that to us at the next deadline. The the oral submission that you've just read out and we'll be taking that into account with Mr. Sutton's additional explanation of the the individual dwellings, which, of course, you'll have the opportunity to respond to as well.

00:43:58:01 - 00:44:04:04

Many thanks. Yes, I will submit that alongside the other representations I'm making at the hearing.

00:44:04:06 - 00:44:37:13

Hopefully helpful. Thank you. Does the applicant have anything you'd like to respond to on that? Um, Mr. Russell, for the for the applicant. And Councillor Sumner, I appreciate the volume of documents. Um, and it's hard to navigate. It may be useful for you to, um, turn up the document which we discussed earlier, which we will highlight in our response, which was our applicant's oral submissions are issue specific. Hearing one um, on his PDF page 72 internal page 70. Um, and we've actually got the model durations for Ship Street.

00:44:37:29 - 00:45:11:09

Um, as I said, that was a category in terms of up to 60 minutes as, as Mr. Sutton had explained. Um, and on this page, um, it sets out that the 95th percentile would typically typically be between 5 minutes and 10 minutes per day. The median duration sits somewhere between two and 3.5 minutes a day, and the maximum duration for a ship street receptor on a single day is approximately 35 minutes. So, um, and the next, sorry, the next long duration is approximately 22 minutes.

00:45:11:11 - 00:45:25:05

So that gives you a little bit more information, I think, for the for the residents in that area and hopefully give them some reassurance. So Mr. Sutton's note will specifically point out the properties he's considered in that assessment. Absolutely. Okay. Thank you.

00:45:30:09 - 00:45:31:23

Okay. Anybody else?

00:45:32:22 - 00:45:50:08

I'll move on then to landscape and visual impact. Could we look at the design parameters statement first of all please. Which is rep 1014. And if we turn up to page eight.

00:45:52:18 - 00:46:00:09

So for the applicant just to confirm that the latest version is rep 30102 is for the room.

00:46:00:11 - 00:46:08:15

Thank you. I think the text hasn't changed on it. So it's it probably doesn't matter which one we turn up. But thank you for that.

00:46:16:02 - 00:46:53:24

Now I read this is this is just one of those points where it may be the way that one person reads it. It's not particularly clear. It may be clear to others. And I just wanted to make sure that this this particular point, it's the last box on on the table which says design. I just want to make absolutely clear that this

is clear from the face of the document. The first point is that it tells us that the solar PV modules were sloped towards the south, at a fixed angle of 10 to 35 degrees from horizontal.

00:46:54:29 - 00:47:22:00

And then in the next paragraph, it tells us that the fixed angle will differ by plus or minus five degrees in other areas. Now, does that mean that they could be at a fixed angle of 5 to 40 degrees, or is it five degrees within the differs from the angle of the others, but within 10 to 35 degrees?

00:47:25:15 - 00:47:56:09

Mr. Russell, for the applicant and I may may put is actually Mr. Sutton's not on the call now I don't think, but, um, now I can confirm that, um, and we will make sure that Mr. Sutton is in agreement with this as the expert and glint and glare, but it was intended that the the maximum fixed angle was sit between 10 and 35 degrees, and then within that envelope you have to vary by five degrees. So you can have a some panels at ten and some at 15, some or 15, some at 20.

00:47:56:11 - 00:48:10:28

I don't need to go on, but okay, that helps I understand, but I just wasn't clear from this text whether what was meant by the difference of five degrees. So perhaps take it away and see if it just needs to be adjusted the text.

00:48:11:21 - 00:48:16:27

Um, yeah, they talked about that and we'll do that. I think it needs some words at the start of the second paragraph within that.

00:48:16:29 - 00:48:29:26

So we'll take that as an action point. And that's um, table one on page eight of the design parameters to be reconsidered. The other

00:48:31:12 - 00:48:39:20

the other point on there is um, let's have a look. If we turn up Figure one at the statement.

00:48:43:16 - 00:48:45:16

I think it's towards the end, isn't it?

00:48:54:09 - 00:49:01:22

And one of the one of the issues with this is it doesn't have a key. So it's not, um,

00:49:03:12 - 00:49:19:22

not informative of itself. I'd say if you're going to review this document, it would be helpful to add a key to this. But you can see on there that a five is part blue and part white. Is that correct?

00:49:26:27 - 00:49:39:13

Is that correct? Yep. And then just going back to the table. Sorry about darting around here on PG, aren't we? Um, now it says

00:49:41:06 - 00:50:07:05

the solar PV modules within the solar PV array areas 0204 and the extent of A05. Now, I read that as being the whole of 005. I think this is just a perhaps a punctuation issue, and I would have thought it would be clear if it's at the part of A005 shown in blue on figure one, without the column, without the comma, rather.

00:50:08:20 - 00:50:24:09

So I understand what you're saying. We can we can modify that entire paragraph. I think we'd have to therefore at all to add then. Um. 80204 um, it's shown in blue and the extent of. Oh five yeah, I think so. It can be some it can be made more clear.

00:50:24:13 - 00:50:42:11

It is. I think it's just a clarity point so that, you know, we all move on after the event, don't we? And whoever picks it up needs to be 100% clear that what it intends to say. Okay, well, that's all in one action point then, to look at that.

00:50:43:18 - 00:50:44:08

Um.

00:50:46:10 - 00:51:05:16

All right. The next point is, um, if we look and this isn't a technical point, it's back to the glint and glare assessment, which is AP 056 and paragraph 2.3.1, which is on page 17 of that document.

00:51:25:15 - 00:51:55:07

Have you got there? Yep. Okay. And that says to us that, um, solar panel tilt constraint to ensure that the solar reflections from the white and forest green areas are experienced by pilots at different times at any location. The development Consent order will include a provision that means the tilt between the two areas will be at least five degrees. Could you point me to where that set out in the the draft DCO, please.

00:51:55:09 - 00:52:09:20

Mr. Patterson, for the applicant. So that reference and development consent order is a summary term, I suppose, by the point that it's secured through the design parameter statement and that requirement 62.2 the design parameter statement.

00:52:09:22 - 00:52:16:27

Right. Thank you. So could you update that document then please. To to make that clear. We'll take that as an action point.

00:52:19:07 - 00:52:20:07

Mr. Smith applicant

00:52:22:07 - 00:52:24:27

do you want to update the whole appendix for that?

00:52:25:12 - 00:52:26:01

Well.

00:52:26:28 - 00:52:58:08

What happens next in this process is we'll write the report and send it to the Secretary of State, and I imagine the Secretary of State will be looking through the DCO for this measure in relation to aviation. So it's got to be clear to the Secretary of State where you know that it's not actually in the DCO. So if you can come up with another way to do that, I'd be quite happy with that. But I'm concerned that we present a clear and accurate picture to the Secretary of State.

00:53:00:14 - 00:53:11:17

Mr. Foxcroft applicant. I mean, I think if we're going to do that, then I suggest the action we took earlier about the, um, traveller site we do as part of updating the appendix rather than the separate note.

00:53:11:19 - 00:53:18:27

Right. Okay. So it'll be a clarification in we'll add that to the same action point to clarify how the mechanism.

00:53:26:17 - 00:53:57:01

Well, so I think I think obviously we want to be helpful to you. I think what I'm concerned about is this is a massive document, and the point on the the travellers thing will be quite short. And this, um, is obviously only one paragraph in the whole document. So we can explain it obviously in our submissions and the action that you've asked for. But it says when you're reporting to the Secretary of State whether you would be pointing at this study or whether you'd be pointing at the examination submission we make, we will do whatever. It's easier for you.

00:53:57:03 - 00:54:28:02

I always prefer to have updated documents for the reason that there's such a volume of documentation submitted with these applications that the the readers may not necessarily come to an errata sheet before they read the documents. Um, and it can be very difficult to have to, um, keep checking back to an errata sheet as you're going through a large application. So my preference would be just to update the paragraph and then submit a new version to us.

00:54:28:26 - 00:54:31:22

Okay. So we'll do that and incorporate that. Thank you.

00:54:32:28 - 00:54:41:20

Um, next point relates to the design parameters statement. We've already had that up. It's rep 1014.

00:54:47:18 - 00:54:50:21

And if we look at page 11 of that document.

00:55:01:21 - 00:55:02:14

We got there.

00:55:06:28 - 00:55:29:19

811 is table two where it gives um design parameters for works two A to B. And we have the battery energy storage system compound. Now it tells us the height of that. And I know there's a couple of options for the best compound, but it doesn't tell us the footprint of it. Is there any particular reason why.

00:55:31:12 - 00:55:36:13

Mr. Fox may have the applicant? Because the assessed maximum extent is what is shown in the works plans.

00:55:37:15 - 00:55:38:25

Okay. But other

00:55:40:25 - 00:55:53:06

if you look at the the point below that tells us about the footprint and then the transformer below that tells us about the footprint, as does the switchgear and control room.

00:55:56:27 - 00:56:15:24

And Mr. Russell for the applicant. I think the the reason for that is that the, the compound area is illustrated on the works plans and the battery storage units themselves aren't the transformer power conversion units aren't and therefore that's why they are defined. So um.

00:56:17:14 - 00:56:26:21

Yeah, but if you've got a maximum footprint of all of the components within the compound, surely you could calculate a maximum area of the compound from that.

00:56:26:23 - 00:56:52:18

Sorry, Mr. Russell, for the applicant. I think as Mr. Gregory talked about yesterday, um, the these units will go through fire testing, risk assessment. Um, we've already experienced it's an evolving area of within with the latest, um, guidance that come out. So I think it would be incorrect to assume what a battery storage system compound area may be without knowing some of those parameters.

00:56:52:20 - 00:57:12:10

So Mr.. Fox. Mr.. Just to add to that, you'll note that the description of what's on that line at the table includes not just the transformers pieces and switchgear, but also includes storage tanks or tanks and the infrastructure including the access, track and parking. So that that compound is everything within the compartments.

00:57:12:12 - 00:57:27:10

So you've given us, uh, some illustrations, um, as part of the landscape visual impact assessment, which show the, the best it shows one of the options. Anyway, how do we know that they are accurate if we don't have any idea of the footprint.

00:57:27:24 - 00:57:34:26

Of the output? Because that that visualization is done in the basis of the maximum extent that's secured through the worst plans.

00:57:35:02 - 00:57:40:09

Right. Okay. So if there's a maximum extent, why isn't that noted on here.

00:57:40:21 - 00:57:42:22

Because it's shown on the worst plans.

00:57:42:24 - 00:57:43:27

Right. Okay.

00:57:46:04 - 00:57:55:03

But you know are we either this is the parameter statement. So is there any reason why it couldn't be in here.

00:57:58:29 - 00:58:16:15

Mr. Russell for the applicant. Is it the straight answer to that I think has to be. No. We can include more information. We can. We can always include more information. But as you mentioned earlier, it's about, um, repetition of information and the needing need to control. So we're trying to keep documentation to a minimum that's necessary.

00:58:16:18 - 00:58:26:01

Okay. And article 40 so secures that all numbered works need to be situated within the limits of deviation shown on the plan, so that that is what's secured.

00:58:26:04 - 00:58:40:13

Okay. Thank you. Now, more generally, in relation to landscape effects, I believe that the the principal difference between the parties is the the impact from Frodsham War Memorial. Is that correct?

00:58:41:13 - 00:58:42:01

Yes, sir.

00:58:42:04 - 00:58:43:19

Ask the Council as well.

00:58:44:10 - 00:58:54:08

Paul for us and Cheshire West Chester Council. Yes. It's principally the war memorial. Also um, issues from within the site looking, looking out as well.

00:58:54:10 - 00:58:58:20

Okay. And does that cross over with public rights of way? Yes. Okay.

00:58:58:22 - 00:58:59:07

Yeah.

00:58:59:18 - 00:59:00:13

Thank you.

00:59:07:06 - 00:59:12:26

And the applicant, you've said that there would be approximately.

00:59:15:00 - 00:59:28:07

Five kilometres of new belts of native trees and shrubs. Is that correct? And that would be. Part of the visual mitigation within the solar array development area.

00:59:29:16 - 00:59:31:03

Mr.. Also, for the applicant. Yes.

00:59:31:05 - 00:59:44:09

Thank you. Um, can we just turn up? Um. Rep 3014, please. And go to page 11.

00:59:46:23 - 00:59:49:15

Which is PDF page 15.

01:00:24:03 - 01:00:32:06

There. You got there. So we're looking at page 11 and the document page 11 and paragraph 2.3.5.

01:00:38:15 - 01:00:48:18

And in this, um, the author is discussing the council's document, which is a landscape strategy for Cheshire West and Chester Borough.

01:00:51:18 - 01:00:54:16

And at 2.3.5.

01:00:59:03 - 01:01:04:17

And it's point Roman numeral ten. So x on the next page.

01:01:11:06 - 01:01:31:28

It talks about retaining the open character of the marsh by restricting planting to low growing shrubby species typically found in the local landscape and then at the end, it says. Woodland planting screening using tall or ornamental species is not appropriate in the open marsh. So could you.

01:01:34:15 - 01:01:49:24

Tell me whether you think that, in that context, the planting that is proposed to visually screen the solar array development area would in itself be harmful to the character of the landscape?

01:01:53:16 - 01:01:56:01

Mr. Mason, for the applicant, the.

01:01:58:08 - 01:02:13:01

The statement about, um, woodland planting and screening being inappropriate is something that I we have been conscious of throughout the design process. I would I would agree that if

01:02:14:18 - 01:02:52:27

Blanket screening was being proposed to hide the solar array solely solar arrays. That would not be an appropriate response. Um, the the approach to um mitigation set out this this is a this is a site which isn't, um, typical open marsh. It is a highly modified open marsh with lots of changes in level with established existing vegetation within it. So the degree of openness and, and um, uh, that's described in, in the landscape characterization documents is, is variable.

01:02:53:20 - 01:03:23:29

Um, so what we what we've sought to achieve is a balance where we are introducing new planting belts in relation to some of the solar array areas, but with a deliberate intent to maintain some openness to, to allow some views of the solar arrays so that as part of an open, um, character being maintained. Um, so it is a, um, it isn't a binary, um, answer.

01:03:24:01 - 01:03:57:04

It's a we're looking to balance softening and limitation of open views of the, of the solar array development area with, um, retention of, of views to both the Frodsham, Helsby, uh escarpment and also with the estuary where they exist. But the the experience, the current experience of the of this character landscape, character area is not of continual openness.

01:03:57:06 - 01:04:10:06

It is it is already compromised in so much as there are significant vegetation features already there. And there's also topographical change which which, um, provides variation.

01:04:10:08 - 01:04:17:16

So would the council have taken into account that existing character when it it made this document?

01:04:18:21 - 01:05:06:09

It would indeed. And if and if the if the paragraph or if the the guidance, if all of those 1213 points within within that guidance document are read as, as a whole. The points that I'm making are apparent. So it is acknowledged within the landscape character guidance that the document that the Council have prepared that this is this is a heavily modified landscape that the there is um, that there are fragments of, of natural marshland habitat, but within a very heavily modified modified with deposit grounds, lots of industrial, um historic industrial use and contemporary industrial use, uh, utilities corridors.

01:05:06:25 - 01:05:17:20

So it isn't a, a Eh eh eh eh. Simple, simple. Uh. Marshland character. It's more complicated than that.

01:05:17:22 - 01:05:33:09

So why do you think if the council acknowledged or was aware of that bassline, its. It said quite clearly that, um, tall or ornamental species would not be hard or not appropriate in the open marsh.

01:05:34:20 - 01:06:07:07

Well, I don't think we're proposing tall screening. We're proposing, um, hedgerow, hedgerow and tree belt planting, which the detail of which will be to achieve that more scrubby. We don't need tall

screening to to to achieve the mitigation we're looking to, to achieve in terms of screening, four metre high um, panels, uh, within, within that landscape. So the detail of which species are chosen, that certainly won't be an ornamental, um, species.

01:06:07:09 - 01:06:33:10

It's more about, um, creating that. Creating more of what is there now, um, to provide good amenity to the users of the site. Balancing screening of infrastructure with keeping open views across the estuary and to the the landscape surrounding the site.

01:06:33:17 - 01:07:06:10

So if we go to paragraph 6.6.8 on page 42 of the outline Landscape and Ecology Management plan, it lists, they're the species that um, an indicative species mix. It says proposed for the tree belts. And there's a similar list um, earlier on for the the woodland planting as well. And that that lists species such as oak, which my general knowledge may be, you know, 20 to 30m in height.

01:07:08:12 - 01:07:41:04

Yes, that's that's correct. But there is. There is a distinction between there are blocks of woodland planting on the, on the um, southern edge of the site, which are intended to achieve screening. Between the motorway primarily and on the edges of the of the solar arrays. The. Within the site the the native scrub category which is which follows um below the description of the indicative woodland mix, which is.

01:07:41:06 - 01:07:49:04

We're looking there at Hazel Hawthorn a platform. So it's much more of a scrubby hedgerow type, um, stature material.

01:07:49:21 - 01:07:52:11

More than 60% of the trees.

01:07:56:09 - 01:08:07:27

Okay. So are you saying then set against the the council's guidance, characterization of the landscape, That type of planting is entirely appropriate.

01:08:08:12 - 01:08:48:14

I think it's the response that we have provided. Taking that guidance as a whole. A cheat takes all pretty, but pretty much all, every, every box in terms of complying with or being, um, appropriate to to what is being recommended in the guidance. Clearly there is some tension there where where we want to screen or provide some screening, but we are explicitly acknowledging that tension in in our in our response, in terms of how we we are looking to balance screening with openness.

01:08:48:24 - 01:09:14:01

So in terms of that tension itself, and I'll come on to decommissioning in a minute. But, um, would it be better, in your view, from a landscape point of view, when the solar array and other development is decommissioned for that planting to be removed and the land returned to its original state.

01:09:17:04 - 01:09:52:10

Well, it's it I would I would say that for the most part, the, the the proposed planting will will continue to be appropriate in the same way, once the once the infrastructure has been removed, where there is native woodland and there may be a case for or removing some of some of those components. But I would say that, as explained earlier, the the primary primary areas where we're proposing woodland is to the south, um, with proximate proximity to the motorway.

01:09:52:21 - 01:10:04:17

And I would say that that that screening barrier between the motorway, the noise and the and the movement of the motorway and the marsh itself is probably going to be beneficial to retain.

01:10:05:28 - 01:10:19:23

Thank you. Can I come over to the council on these points now, please? You've obviously heard the questions I've put to the applicant. Do you have any views on this? It's your guidance.

01:10:22:05 - 01:11:40:26

Uh, Portland, Cheshire West and Chester Council. Um, yes. In terms of the, um, the the guidance that's obviously set out, I think in terms of applying that guidance to the particular area. Um, there's probably a distinction between sort of the, um, the more open deposit cells area. And it makes sense that the, uh, the, the areas around the, um, the motorway where there is, you know, currently some, uh, screening toilet toiletries, um, and scrub, Um, the council's sort of overall view, I think think was that the mitigation and the landscaping that's been proposed in the blocks that have been referred to, um, uh, are serving the purpose that that the applicant is intending to importantly, um, in terms of the height that you mentioned, um, it's that management through the attempt to keep the, the hedgerows, um, which are, which are more into the solar array development, um, area along with public rights of way and the like, um, to, to a level where that overall openness is retained.

01:11:40:28 - 01:11:44:28

So the, you know, tension is probably the right word to use.

01:11:45:07 - 01:11:54:00

And do you consider that the Olam provides sufficient safeguards to control that height throughout the lifetime of the development?

01:11:54:16 - 01:12:07:00

Uh, um, yes. The, uh, you know, that was, um, you know, something that, you know, we looked at to make sure it was included. Thank you.

01:12:07:07 - 01:12:27:03

And on the final point, I asked, um, Mr. Mason about the potential removal of planting once the the solar array is removed. Do you have any views on that? If, for example, you know, referring back to the tension that both parties have referred to? Yeah.

01:12:27:11 - 01:12:42:10

I think that, um, you've got the landscape issues, but you've also got the biodiversity aspects. I think removal is probably not something that we would sort of be, um, looking for or encouraging in that sense, given that the, um,

01:12:44:03 - 01:12:55:01

the planting that is proposed is sort of, uh, around the certain blocked areas, um, that have been referred to. So, right in that context.

01:12:55:03 - 01:13:01:06

So you see that as a council to be a longer term biodiversity benefit. Yes. Thank you.

01:13:06:05 - 01:13:20:27

So just moving on then to the, um, the decommissioning state. Um, and this is in the planning statement. So let's turn that up. It's that's document app 128

01:13:22:18 - 01:13:28:04

and it's on document page 73 or PDF page 76.

01:13:44:21 - 01:13:53:10

There's a couple of series of numbering in this because the um the appendix is numbered as well. So it might be easy to use the PDF page 76.

01:14:08:00 - 01:14:50:00

And it's the end of paragraph 4.74. Are we there yet? Yeah. Thank you. Where it says. However, as the land would be handed back to landowners on on completion of decommissioning, the long term retention of the landscaping improvement works cannot be assumed. So is that another tension that arises from this, that there's the potential, um, biodiversity benefits from the planting that you were proposing, but then we cannot assume that those benefits will, um, be retained or even, you know, that they might be lost.

01:14:50:20 - 01:15:26:09

Mr. Smith, the applicant? Um. yes. So essentially what we're saying is and the outline dump, um, decommissioning environmental Management plan essentially reflects these paragraphs, which is that when we hand back the, um, land, apart from the exceptions given in 4.74, we will do so with the landscaping and in place. But after that it's on. It's whatever the landowners want to do with that land. And yeah, so we accept that means just like with the permissive paths, that if the London has wanted to remove that habitat in the future, then they could do so.

01:15:26:11 - 01:15:44:26

But subject of course, to planning and environmental protection regimes. So for example, if it's been there for 40 years and now it's a habitat for birds or bats, for example, they couldn't just willy nilly knock it down. But in terms of what you could take into account. Yes. So we accept that from a planning point of view and a benefit point of view that once we're gone.

01:15:45:13 - 01:15:57:24

Well, Mrs. Bilo will be coming on to biodiversity later in this, um, Hearing, but just from a broader planning balance point of view. Does that mean that.

01:16:00:11 - 01:16:06:00

The weight that we attach to any longer term benefits is limited?

01:16:08:10 - 01:16:27:01

Yes. The the benefits are there. Um, can be said to be secured for the lifetime of our scheme when our scheme is there and causing having caused impacts. But in long term. Yes. Post our proposal scheme decommissioning, we don't say that there is benefit that can be achieved. All right.

01:16:27:03 - 01:16:58:02

Thank you, Mr. Russell, for the applicant. I think, um, when you look at biodiversity, net gain, um, on a Town and country Planning Act application, which has 30 years, which gets given a safeguard for 30 years, um, and that's given a degree of weight. Um, in this instance, we've got 40 years of retention of this biodiversity, so that all falls into the judgment. I think, when you're thinking about it, the planning balance. Absolutely right. Not we're not reliant upon it post 40 years.

01:16:58:12 - 01:17:14:13

That's helpful. Thank you. Um, I've reached the end of my questions on landscape and impact. So I was going to go to a tea break, um, right now. But before we do. Does anybody else have anything that they'd like to add on this topic? I'll go to the council first.

01:17:16:00 - 01:17:52:05

Uh, Paul, for us and Cheshire West and Chester Council, it was just in relation to the, um, uh, decommissioning stage. Um, again, we've made comments about the, um, understanding what's happening in terms of the restoration and aftercare, you know, post sort of removal of the, uh, the solar array development. And, um, there's, there's a point which may be picked up in the biodiversity about, um, you know, if we have, um, major replacements towards the end of the, um, you know, a few years before the decommissioning.

01:17:52:07 - 01:18:02:25

Yeah. Um, you you may be in a position where the biodiversity isn't reaching its its full potential, um, uh,

01:18:04:12 - 01:18:18:17

in reaching maturity, um, you know, get to its target state, as it were. So there's some complications in there in relation to, uh, native replacements. But I suspect you'll be covering that in the in the biodiversity.

01:18:18:19 - 01:18:33:07

I'll just check with Mrs. Bilo whether she's got any point. Yeah. You'll be covering it, covering it later on. So we can probably park that one for now. But that point's noted. Anybody else? Yep. Would you like to come to the table?

01:18:38:02 - 01:18:39:06

Actually for active.

01:18:39:08 - 01:18:40:07

Travel. Frodsham.

01:18:40:18 - 01:18:49:03

Good morning and thank you, sir. Um, there's been a lot of debate about the actual the nature of screening and five kilometres of hedgerows.

01:18:49:05 - 01:18:49:20

Is.

01:18:49:22 - 01:18:50:07

Quite.

01:18:50:09 - 01:18:50:24

An.

01:18:50:26 - 01:19:24:22

Impressive, uh, volume. Um, it's a very mixed picture, isn't it? It's required to actually screen different situations. The. We've had a meeting with Paul Friston and his colleague Laura Hughes last week about the need to have open areas, and we appreciate that. Um, so also we had seen discussions and images of, um, the cleaning within the actual rea on the permitted tracks, which look good. Although there's a debate about the extent of those, and that was not clear exactly how, how, how extensive they were going to be.

01:19:25:05 - 01:19:59:06

Um, the discussion on the, um, the extent of screening from the Hill, I don't think has been developed in the in the way that perhaps residents would expect it to, to have been developed. The residents in Project Love living here. They love living here. They um, they one of the things they really value is the views from the hill. Um, approximately one third of all, all the respondents said the people who made representation in December so that this was the the biggest concern that they had.

01:20:00:04 - 01:20:37:08

Biggest concern that I feel there needs to be more discussion on the nature of screening of the arrays, which should be put in place in front of, in front of the arrays in terms of protecting the view from a hill in the submission that active travel made in to the deadline one which was Rep 017. Um, we made the case for this and we said it is possible to actually screen arrays, um, by putting trees in front of them from the, in the, in the front of the blocks of the race.

01:20:37:10 - 01:21:10:09

And that a seven metre tree, such as the height of a silver birch would screen roughly 30 30m of the array, not only the front but also the the area behind it. Um, this is significant, and if this was done in front of each of the blocks, it would break up what is actually a vast array as seen from a hill of grey, very dull, monotonous, um, solar panels. Um, the overarching, uh, policy energy policy actually says that.

01:21:12:12 - 01:21:18:00

Sufficient mitigation should be take place where it is possible. We believe it's possible.

01:21:19:25 - 01:21:56:01

Um, I've had conversations with the director of, uh, access along these lines. Uh, we've developed a he looks at the trigonometry of this, recognising that as as the councillor, someone said the the, um, angle from viewing angle from the hill is only five degrees. It is possible to plant trees in front of these arrays in such a way that they will screen a significant proportion of them in conversation with the Director of Access. He indicated that he would like he thought this was worth further discussion, and we would we would believe that that discussion should take place.

01:21:57:07 - 01:22:12:01

We'd like to see some sort of commitment to actually considering the that situation and to come up with some sort of compromise which would actually give more reduce the negative impact of the view from the Hill.

01:22:13:07 - 01:22:19:12

Thank you. Well, we've got representatives of actors here today, so perhaps we could have a response to that, please.

01:22:19:18 - 01:23:04:29

Uh, Mr. Russell, um, for the applicant. Um, absolutely right. We've had discussions throughout, actually, um, through the pre-application process as well. Um, and some of the active travel input has, has influenced our design, I think, to a in a positive way, referred to this in the design approach document and the meetings that we held with this group. Um, the the point that's been discussed at the moment, um, it relates to representation, which has been made by the um Frodsham Active Travel Group, where they set out their um the concept of providing this, planting the angles, the trigonometry of which, you know, you can't dispute the trigonometry.

01:23:05:06 - 01:23:37:11

Um, albeit so that when we've taken this into account, um, and considered it in our responses, we don't believe that it delivers this significant benefit. Um, there's been described, um, Mr. Mason may touch on in a minute about some of the practical limitations and other considerations that would need to be taken into account. Um, and, and we, we want to refer the examining authority to 5.1.26 of MPs. One um, sorry.

01:23:37:13 - 01:24:13:22

n1. Um, where it's talking about there being exceptional circumstances where where mitigation could have a very significant benefit and warrant a small reduction in function. There's been something that an applicant should consider. We don't believe that we would meet this level in terms of the mitigation that's been proposed. But, um, I suppose coming to the final point, um, in terms of dialogue, um, we've had a lot of dialogue with the Frodsham Active Travel Group in the pre-application process, which is exactly where Pins want us to undertake that dialogue.

01:24:13:24 - 01:24:34:22

We've introduced mitigation. We've taken on the views. That was a very long process. We're now in the examination. Um, and we believe the, um, development that we're putting forward with the mitigation is, is appropriate in light of the national policy. Um, so at this stage, it's unlikely that we're going to look to radically alter our development proposals because the.

01:24:35:12 - 01:25:03:07

Um, the controls for the mitigation, such as the Olum, aren't set in stone yet, are they? And you've got indicative mixes and so on and so forth. So is there any potential, given that the community considers there to be an impact that could be addressed to some extent for further discussions? Um, if so, how would that be secured?

01:25:03:27 - 01:25:35:22

Um, Mr. Russell, for the applicant? Um, well, absolutely. Sir, in terms of the fact that the Olympia is outlined by its very nature, um, we have to get the details of that approved, um, through approval of the from the council. Um, I'd have to turn it up and see if we refer to it in our design approach document. But I think we have talked about, um, continued dialogue with the community as part of that design approach, because I think we all recognize that design doesn't stop at the end of the application stage, doesn't stop at the end of the examination.

01:25:35:24 - 01:26:06:05

It will happen all the way through the project and the the maintenance also that we employ may dictate the height of hedgerows. We've already talked about the conflict to an extent where the landscape, character and this careful balance that we've got to make between the mitigation screening, enjoying long distance views. But absolutely, there's an opportunity, um, through the discharge of the requirements to consider the specific species, some of the locations.

01:26:06:07 - 01:26:18:17

And Mr. Friston, um, from the council's point of view are groups such as this and the create involved in that, or what could they be involved in that process of approval of requirements?

01:26:20:11 - 01:26:41:18

Pulford and Cheshire West Chester Council. Um we we don't have a because we're consultees at this stage. We obviously haven't engaged directly with uh Um, with formal consultation. But, um, you've heard already that we've had discussions. I would envisage those, those sorts of discussions would, would be able to continue.

01:26:41:20 - 01:26:53:14

So when the applicant sends details of the landscaping, for example, to your authority, would there be an opportunity for other parties, the local community to to comment on that?

01:26:53:16 - 01:27:16:22

It's a bit difficult for me to commit to that because we don't typically, when we're discharging planning conditions, go through that process of further consultation. Um, so it's I wouldn't want to sort of overcommit, um, on, on the formality of that process, but I would envisage that we would, uh, we would be engaging with, with key stakeholders such as Project Active.

01:27:16:24 - 01:27:20:19

Right. Okay. Is there anything else you'd like to add on this point, Mr. McQueen?

01:27:20:25 - 01:27:28:22

Thank you, Mr. Burley. Um, I take it from what Mr. Preston said, that he would be prepared to engage with the local community.

01:27:31:29 - 01:27:33:09

Yeah. Yeah. Yeah.

01:27:33:11 - 01:27:34:20

Yeah. Yes. Of course.

01:27:34:22 - 01:27:47:23

Okay. Thank you. Paul. Um, and we would then involve, we obviously involve the town council because I'm just a representative of a, I'm not a councillor, but we clearly need to involve the town council in that.

01:27:47:25 - 01:28:03:01

Okay. Well, that's not a matter that we can touch on from the examinations point of view, but hopefully that's giving you some assurance that at the local level, if this is approved, then there would be routes for the dialogue to continue.

01:28:03:03 - 01:28:09:27

Yeah. So can you clarify what what if what is improved approved. It was it approved? Sorry.

01:28:09:29 - 01:28:21:26

The the development consent order. Okay. Yeah. Because of course, we make a recommendation to the Secretary of state and the Secretary of State decides. Okay. And then details are generally approved at the local level.

01:28:21:28 - 01:28:24:25

Okay, great. Thank you very much. Thank you, thank you. Thank you.

01:28:25:24 - 01:28:30:12

Sir. I'd like to bring in Mr. Mason just to just to clarify a couple points.

01:28:30:14 - 01:29:12:25

Okay. Yeah. Mr. Mason, for the applicant. All I wanted to really say was that in following on from our conversation earlier about the tension that exists between providing screening and and providing vegetation of of of a of a stature within that landscape, the introduction of belts of trees across the particularly across the deposit ground areas. Where to the the east side of the sorry the west side of the um development area would, in my view, push that tension in terms of conflict with your character guidelines significantly, because those are elevated areas.

01:29:13:09 - 01:30:01:15

Um, and whilst the, the, the vegetation that we're proposing clearly has that tension, we're proposing lower, lower level, um, vegetation typically associated with the footpath corridors rather than looking to screen distant views. And as Mr. Russell, um, uh, mentioned earlier, when we when we have considered this, um, proposal, this suggestion in the context of those views from Frodsham Hill in

particular, our view is that the, the, the, the limited benefit that would arise in terms of the image of the solar farm from those views, because it wouldn't be Kintyre screening, there would be a little bit of softening.

01:30:02:15 - 01:30:10:28

Is is a less of a benefit than the, than the harm this is caused to landscape character on the site. Right. Okay. So it's that balance.

01:30:11:03 - 01:30:17:00

Okay I've got that. Thank you. Is there anything else from the applicant?

01:30:17:12 - 01:30:32:27

Uh, Mr.. But not not in Elvia. I was just I was actually just going to ask, um, before we break the heritage, I'm conscious that some of the documents that you might want to call up a large. Like large images. So if we could get an idea of what you hope to call up, then we can get the document ready.

01:30:33:00 - 01:30:35:11

Quick! Look at that. Um.

01:30:38:15 - 01:30:50:11

Yes. Zero 11, which is the statutory and non-statutory sites or features of the historic environment plans. Um.

01:30:56:21 - 01:31:02:26

And that's it really? The, the the documents are all, um, text documents. Yeah. Yeah.

01:31:05:18 - 01:31:14:09

Okay. So the time is now exactly 11:00. Um, and I'll adjourn the hearing until 1115. Thank you everybody.