



The Planning Inspectorate
Temple Quay House
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Our ref: [REDACTED]
Your ref: EN010153
Date: 26 March 2026

To whom it may concern

ENVIRONMENT AGENCY RESPONSE TO ACTION POINT 44 RAISED AT ISSUE SPECIFIC HEARING 2.

FRODSHAM SOLAR PROJECT, FRODSHAM MARSHES

This constitutes the Environment Agency's response to Cllr Lucy Sumner's concerns raised at ISH2.

The letter from Councillor Sumner raises several points about the acceptability of the ground investigations that have been completed at the site and the conclusions reached regarding risks from the deposits within the historic landfills.

We agree that a precautionary approach should be taken prior to development of the site. The intrusive investigation and assessments of ground conditions completed to date have established that some contamination exists that will require treatment to break the source-pathway-receptor linkages. However, the applicant has acknowledged that additional assessments are required post-DCO consent.

The draft Development Consent Order [[REP4-004](#)] includes requirements that ensure the additional investigations, and where necessary, remediation is carried out prior to development:

- Requirement 1 sets out the definition of ground conditions investigation and assessments strategy. It includes remediation and verification of contamination.
- Requirement 17 states that no phase of the development may start until a ground conditions and assessment strategy (including remediation and verification where required) has been submitted to and approved by the planning authority, in consultation with the Environment Agency.

Further characterisation of the site conditions are needed for the detailed design, however, no ground investigation can fully characterise site conditions. An unexpected contamination protocol will be included in the Construction Environment Management Plan (which is secured by requirement 12 (2)(c)). This is a mechanism for ensuring that if contamination is identified during construction that was not found during the ground investigation assessments it will be managed appropriately. The Environment Agency are named consultees within this protocol so will be involved in relation to risks to controlled waters.

The CEMP will also include a foundation works risk assessment which will ensure that any foundation works do not create pathways for the migration of contaminants into groundwater beneath the site.

The ground investigation for the Battery Energy Storage Systems (BESS), Appendix J of 6.2 Environmental Statement: Volume 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment Part 2 of 2 [APP-097] was an additional assessment to supplement the site-wide investigations that have been completed in the 10 years from the wind farm application to DCO application. Minor exceedances of a limited number of contaminants were noted during the BESS investigation. It was a preliminary assessment of this part of the site and we are reassured that the requirements and protocols mentioned above will ensure that additional assessments will be completed prior to development of the chosen BESS location.

Further to this, 6.2 Environmental Statement: Volume 2 Appendix 10-2: Remediation Technical Concept Note – Cell 3 [APP-098], acknowledges the need for further risk assessment. It states that additional assessments are likely to be required, including a detailed ground investigation, risk assessment, and production of a remediation strategy, to confirm the appropriate remedial methodology. Soil stabilisation has been proposed as a method of remediation for the identified contamination within the area of historic landfill cell 3.

If this remediation is taken forward, following the additional assessments discussed above, we would expect the remediation options appraisal to demonstrate lines of evidence that this remedial technique will be suitable for treating all the identified contaminants. The approach adopted by the applicant - conducting a site investigation and then following it up with additional assessments where necessary - is a typical approach to dealing with land contamination.

The approach presented in our Land Contamination Risk Management (LCRM) guidance recommends this iterative process. A remediation strategy will be produced, and we expect this to detail whether an Environmental Permit is

required for the chosen remediation technique and whether the CL:AIRE Definition of Waste Code of Practice (DoWCoP) route is appropriate. We have had discussions about this with the applicant and will continue to engage post-DCO consent.

Verification of the remediation, along with monitoring, will also be required, as acknowledged by the applicant in the 6.2 Environmental Statement: Volume 2 Appendix 10-2: Remediation Technical Concept Note – Cell 3 [[APP-098](#)]. We are satisfied that ground conditions have been sufficiently characterised to determine that remediation is likely to be required to remove any significant effects. This area requires additional work, as acknowledged by the applicant, and is an appropriate process when managing risks from land contamination.

The potential for existing contaminants to thermally decompose in the event of a BESS fire, followed by migration in groundwater, has been raised. We are satisfied with the response from the Applicant in relation to this, provided in point 42 of table 1 of [EN010153-000728-8.39 Applicant's Response to ISH2 Action Points.pdf](#). In any case, following any fire that has the potential to impact controlled waters we would require testing to be undertaken.

We have also reviewed Appendix D of document 8.39 Applicant's Response to ISH2 Action Points[[REP4-055](#)]. This further reassures us that further testing will be undertaken across the site and that these works will be subject to approval by the Environment Agency.

Yours faithfully


Planning Advisor

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