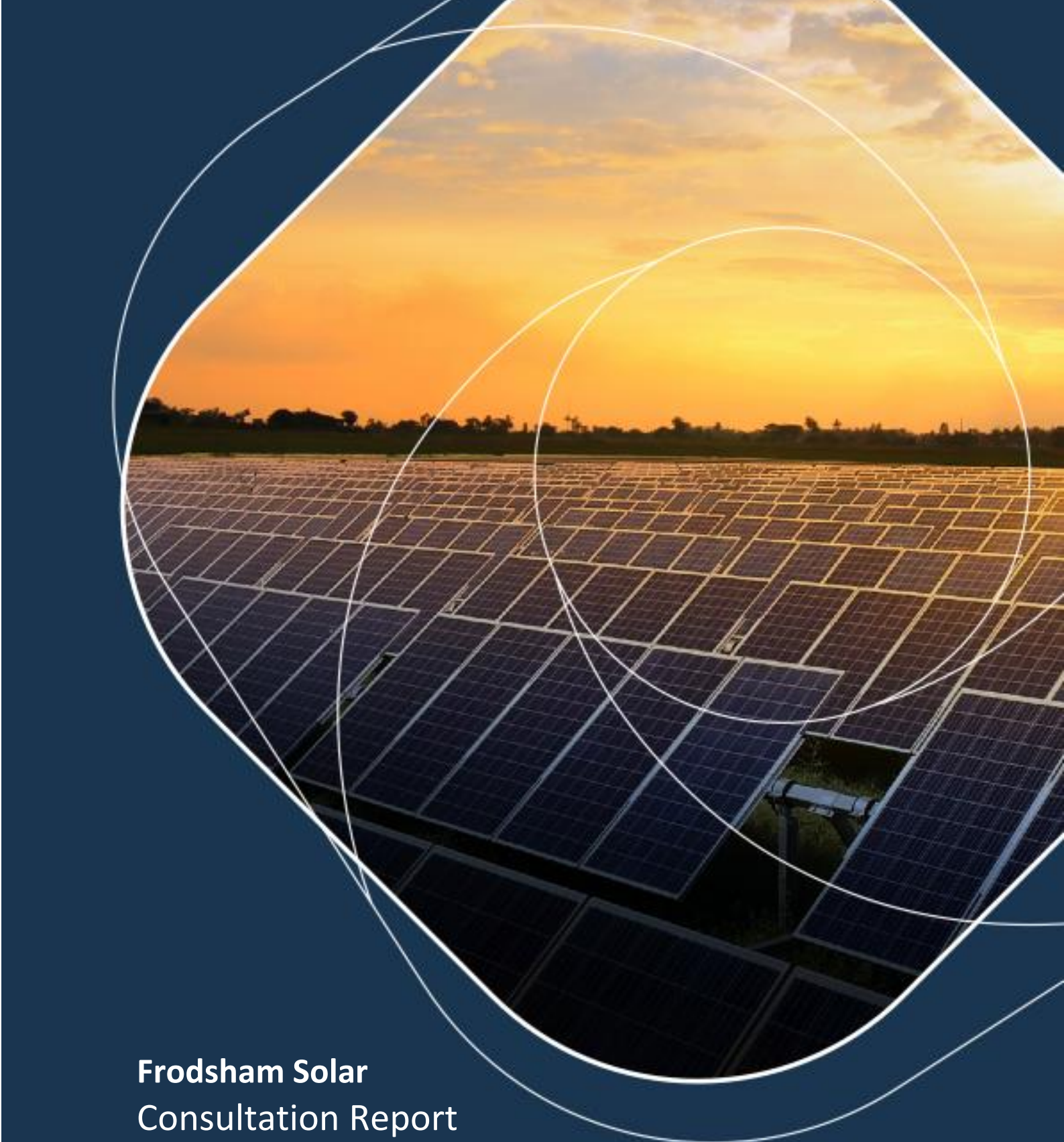

Frodsham Solar

Consultation Report

Appendix 10: Section 42 Applicant Response

May 2025

Cubico
SUSTAINABLE INVESTMENTS

PINS Ref: EN010153
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Planning Act 2008; and Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 Regulation

Contents

1 Section 42 Applicant Response

Table 1.1: Climate Change and Energy Need

Respondent	Theme	Comment	Applicant response
Natural England	Climate Change & Energy Need	Climate Change Natural England is committed to helping deliver more renewable and low carbon energy in a sustainable manner which avoids adverse impacts on the natural environment. Development should deliver 'high nature, low carbon', recognising that the climate and nature crises are inextricably linked, and both emergencies must be tackled together. Renewable and low carbon energy development should not be delivered at the expense of the natural environment. The siting of renewable and low carbon energy development should not exacerbate climate change impacts, nor diminish our ability to mitigate impacts through Nature-based Solutions such as peatland restoration. Proposals should assess cumulative impacts and potential unintended consequences and regional disparities resulting from a sudden expansion of renewable energy development in certain parts of the country.	Commentary has been noted. **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** demonstrates that the Proposed Development would not be delivered at the expense of conservation. The Proposed Development has been designed to largely retain important ecological features within the Site and also includes significant habitat enhancement provisions which would be managed for the benefit of wildlife over the long term and would provide biodiversity gains for a wide variety of species. **ES Vol 1 Chapter 10 Ground Conditions [EN010153/DR/6.1]** demonstrates there have been no surface deposits of peat identified across the Site. Additionally, the Proposed Development would not impact upon any areas of peat as these have only been identified at depth below the extent of the Proposed Development. In accordance with the EIA Regulations the ES considers direct, indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the Proposed Development.

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Climate Change & Energy Need	We agree with the utilisation of the high emission scenario (RCP 8.5). We agree with the usage of CCGT and grid mix as joint comparators. No further comment.	The Applicant notes this comment.
Cheshire West and Chester Council	Climate Change & Energy Need	We are content with the elements scoped in/out based on the Scoping Opinion. We are content with the methodology adopted.	The Applicant notes this comment.
Cheshire West and Chester Council	Climate Change & Energy Need	We are satisfied with the PEIR regarding climate change.	The Applicant notes this comment.
Cheshire West and Chester Council	Climate Change & Energy Need	Note regarding peat resources The potential for peat deposits has been noted in discussions with the Applicant, and this raises issues wider than archaeology, including impacts in terms of natural environment and climate change. The Applicant has supplied CWCC with two draft reports: 1) A Site Investigation Report for the land on the eastern half of the site (the Wildfowlers Land). This involved the 14 window samples (to a depth of 5mbgl) and a hand dug pit. 2) A Peat Reconnaissance Survey – 9 hand augers to a depth of 1m to characterise soils /	**ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment [EN010153/DR/6.2]** provides details of the site investigations across the western half of the site, within the Manchester Ship Canal Dredging Deposit Grounds. The site investigation results demonstrate that peat is found at depths greater than the proposed foundations. **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1]** concludes that the Proposed Development would not impact upon any areas of peat as these have only been identified at depth below the extent of the Proposed Development. Therefore, **ES Vol 2**

Respondent	Theme	Comment	Applicant response
		peat if identified. The Applicant has commented previously (e-mail of 25 Sept 2024) that “Neither survey identified the presence of any peat across the site. It is possible that peat lies at greater depth but this would be below the level of any of below ground structures of the scheme, the foundations of which would not extend to depths greater than 3.5m. The peat report concludes that if peat was present it is likely that it has become wasted over time and no longer occurs across the site, and that the conditions at the site would not be suitable for peat formation”. It is understood (from other sources that the reports referred to above) that on the western half of the site peat has been found at considerable depth beneath the dredging deposits and so would be not influenced by the proposed solar development. Information regarding the western side of the site ought to be provided/confirmed as part of the DCO submission. Natural England reviewed the draft reports above and confirmed to the Applicant (24 October 2024) that Natural England is satisfied with the conclusions. It is understood that Natural England have no concerns regarding peat impacts for the	**Appendix 13-1: GHG Assessment [N010153/DR/6.2]** has not considered the active loss of peat.

Respondent	Theme	Comment	Applicant response
		development site. Notwithstanding the above, a geo-archaeological report, similar to that requested by Historic England for the HyNet CO2 project, might be of assistance in clarifying the nature of the peat deposits present on the site. Such a report would be of interest in clarifying what still appears to be a confused picture concerning the stratigraphic sequence at this location. It is acknowledged that it may very well be that the below-ground impact of the development (cable trenches, array fixings, trackways, fencing, etc) is limited to a level no more than 1m below present ground level, where it is unlikely to seriously affect any well-preserved deposits. However, this is an area where it may be beneficial for the Applicant and their specialist advisors to demonstrate the nature of this below-ground intrusion in their submission. Commentary following the draft reports: Although the top of the sequence in the boreholes is pretty similar to that seen during investigations at Ince Resource Recovery Park, with a surface deposit of estuarine silt and clay, the lower sequence is completely different. At Ince, where the borehole reached a depth of over 10m, there was late glacial/early Holocene ground surface (comprising glacial drift deposits)	

Respondent	Theme	Comment	Applicant response
		overlain by an initial peat accumulation. This, in turn was overlain by a deposit of estuarine silt and clay before the accumulation of another thick deposit of peat. The sequence was completed by a further accumulation of estuarine silt and clay which extended to the modern ground surface. Only this last deposit bears comparison with the sequence seen at Frodsham and, obviously, represents the most recent accumulation of material. Underneath this, in most of the boreholes, there seem to be accumulations of much looser, sandier deposits, some of which appear to have an organic component but none of which may be classified as peat. These lower deposits appear to represent a much more active riverine/estuarine environment with faster moving water leading to the deposition of coarser sediments and the occasional clay and/or organic lenses representing temporary, more slow-moving conditions. Certainly, the coarser sediments encountered are very reminiscent with what seen in the samples from the Mersey estuary during the construction of the new Mersey crossing between Runcorn and Halton. It is likely that what is being seen at Frodsham, below the topmost clay, is material from	

Respondent	Theme	Comment	Applicant response
		paleochannels in former courses of the Weaver and Mersey, in contrast to the wetland environments at Ince which allowed peat growth. Quite reasonably given their purpose, the boreholes at Frodsham did not extend more than 5m below modern ground level. It is possible that peat deposits do exist below the level reached and above the early Holocene ground surface. It appears that any such deposits would not be directly affected by the current scheme. These issues are liable to also be relevant to the HyNet CO2 spur project.	

Table 1.2: Community Benefits and Impact

Respondent	Theme	Comment	Applicant response
Cheshire Constabulary	Community benefits & impact	A visitor car parking area is proposed, which means there be an area for people to park up. This will obviously benefit visitors; however, it will also benefit criminals. They may be able to park up and commit offences on the site, transporting materials back to vehicles. I would be interested to see further details around this car park. How close to the site will it be? Will there be CCTV/ANPR covering the car park? Will height barriers be put in place?	As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***, the proposed visitor's car park would potentially be built if the recreational improvements proposed as part of Frodsham Solar increase the number of cars informally parking along Moorditch Lane and following agreement with the local community and CWaCC. Height barriers and a gate would be installed to secure the car park. If the car park leads to anti-social behaviour, such as fly-tipping, the Applicant would reserve the right to remove it.
Cheshire Constabulary	Community benefits & impact	Other risks on this site may be sabotage, criminal damage and anti-social behaviour (ASB). The town of Frodsham is nearby and does have incidents of criminal damage and ASB. There is potential for the site to attract people who may engage in such behaviours. This again highlights why security measures should be in place.	Site-specific security measures are set out in the description of the Proposed Development at **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and include fencing and CCTV. The **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** provides for monitoring of anti-social behaviour in consultation with Cheshire Constabulary.
Cheshire Constabulary	Community benefits & impact	The M56 motorway and Weaver Viaduct is close to the site. The solar farm will be highly visible, which means people who are involved in	

Respondent	Theme	Comment	Applicant response
		criminality, who use the motorway will see this site and consider it as a target.	
Cheshire Constabulary	Community benefits & impact	There is the risk of damaging public perception if this site becomes a repeat location for crime. The blue light response can increase the community perception of crime and make them feel vulnerable. This needs to be of consideration.	
Cheshire Constabulary	Community benefits & impact	A wider consequence of this infrastructure being attacked, suffering from theft etc, is the potential for energy prices to increase. If this happens around the country, the cost of repair, replacement etc, would likely be passed onto the consumer. Doing things right at the start makes financial sense and crime prevention features can pay for themselves.	
Cheshire Constabulary	Community benefits & impact	If this site encounters crime and repeatedly requires a police response, this has a burden on their resources. These resources could be used for other incidents and to investigate other crimes. Measures should be considered to avoid this as I have discussed. There is liability to consider, as if someone kills or injures themselves onsite, the landowner may be liable if measures have not been put in place to protect people.	

Respondent	Theme	Comment	Applicant response
Cheshire Constabulary	Community benefits & impact	Solar panels and cabling are targeted by criminals at solar farms. The average cost of cable theft per incident is £60k and of panel theft is £21k In August 2022, West Mercia Constabulary responded to an incident in which 2000 panels were stolen. Derbyshire Constabulary have had an incident in which a site was targeted three times in one day. On average, thefts from solar farms have risen by 48% from 2023 to 2024.	
Cheshire Constabulary	Community benefits & impact	The majority of offenders will avoid the main gate and cut a hole in a perimeter fence to gain access to the site.	
Cheshire West and Chester Council	Community benefits & impact	Community Benefit fund CWCC welcomes the proposal to include the Frodsham Community Fund (referenced in the Phase Two Community Consultation Leaflet). Further details of the delivery and arrangements for the fund are expected. Provision should be included for the annual fund (currently proposed at £500 per MW installed) to be index linked from the date of agreement. Index linking of £500 per MW	Further details on the Community Benefit Fund have been provided within the **Planning Statement *[EN010153/DR/5.6]***. The Community Benefit Fund will be index-linked over the lifetime of the Proposed Development.

Table 1.3: Construction and Decommissioning

Respondent	Theme	Comment	Applicant Response
Environment Agency	Construction & decommissioning	Waste management (Appendix 10-1: Stage 1 Geo-Environmental Assessment waste, and Section 2.8) Issue Material excavated from areas A, B,1,2,C,3,4,5,6,D,E,F,G,H,11,12,13 on the waste and landfill map (page 55) is considered to be waste. Any excavations and reuse of waste material may attract contemporary waste legislation. Any material later identified to be deposited waste must be reported to the environment agency and included in the materials management plan. Impact Waste material can pose a risk of contaminating the surface and groundwater environment, if not managed correctly. Solution Consideration should be given to the following: • a Deposit for Recovery (DfR) permit for waste material that is intended for reuse on site. Waste recovery plans and deposit for recovery permits - GOV.UK.registration of an appropriate waste exemption: Using waste: waste exemptions - GOV.UK	The Applicant has assessed the ground conditions within **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1]**. It is considered possible to use a Materials Management Plan under DoWCoP to enable reuse of excavated materials on the Site based on the information gathered within **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment [EN010153/DR/6.2]**. The Applicant has recognised that if the use of a MMP is not considered possible then a Deposit for Recovery permit will be required. This approach is secured within the **Outline Construction Environmental Management Plan [EN010153/DR/7.5].** Engagement with the EA regarding the proposed route for materials Management is provided within Table 10.5 & **Appendix C.2 of Appendix 10-1 ES Vol 2 - Technical Appendices [EN010153/DR/6.2]). ES Vol 1 Appendix 10-2 Remediation Technical Concept Note [EN010153/DR/6.1]** described the potential outline approach to be adopted for the remediation of soils managed in the creation of the NBBMA.

Respondent	Theme	Comment	Applicant Response
		• If soils are to be removed offsite as waste, waste classification testing will be required to be compliant with WM3 Waste_classification_technical_guidance_WM3.pdf. • Excavation of waste should not begin until a scheme for lawful reuse of the waste material on site has been submitted and agreed by the Environment Agency. Additional comment For information regarding the management, classification, and legislation relevant to waste, please review our response letter XA/2024/100098/01-L01 (dated 05 July 2024).	

Respondent	Theme	Comment	Applicant Response
Environment Agency	Construction & decommissioning	Dredging Waste Material (Chapter 10, section 10.9, Paragraph 10.9.1 (iv), 10.12.7 and 10.12.8) Issue Much of the site is underlain by dredging material which may be considered as waste. The movement of it around the site may therefore require an Environmental Permit or Material Management Plan. Impact Delays to the scheme. Solution Please ensure early discussions with the relevant teams at the Environment Agency. Additional comment We are currently discussing with our technical specialists whether your proposal to manage dredging deposit soils using DoWCoP, and a material management plan, are appropriate (as per your email dated 26 November 2024). We will respond in due course.	The has been ongoing engagement between the Applicant and the EA regarding the proposed route for materials management. The correspondence is provided within Table 10.5 of **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1**] & **Appendix C.2 of Appendix 10-1 ES Vol 2 - Technical Appendices [EN010153/DR/6.2]).** As set out previously it is considered possible to use a Materials Management Plan under DoWCoP to enable reuse of excavated materials on the Site.
Environment Agency	Construction & decommissioning	Safe Access and Egress Route (Non-Technical Summary, Paragraph 2.2.7, 3.3.1, 3.3.3 and 3.3.4. Appendix 2-1: Indicative Watercourse Crossing Schedule. Figure 2- 2 Indicative Operational Site Layout. Figure 2-4 Public Rights of Way and Permissive Paths and other Recreational Routes. Appendix 9-1: Flood Risk Assessment and Drainage Strategy) Issue The proposal consists of circa 25 crossings, excepting CP 25 (see Appendix 2-1: Indicative	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water [EN010153/DR/6.1]** and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]** assesses the flood risk at the Site and considers the risk presented to the infrastructure and site operatives from flooding events. A **Framework Flood Warning and Evacuation Plan**, which is **Appendix M of ES Vol 2 Appendix 9-9: Flood Risk Assessment [EN010153/DR/6.2]** has been prepared to demonstrate how the safety of operatives would be managed during a flood event.

Respondent	Theme	Comment	Applicant Response
		Watercourse Crossing Schedule) all of these are within Flood Zone 3. The Order Limits contain Public Rights of Way, and during operation, access is required for routine maintenance, the replacement of equipment, habitat management, and farming activities. Impact We have significant concerns about safe access and egress during a flood event (tidal rather than fluvial as this is more conservative). There is a risk to receptors during the design flood event. It is possible that access routes (see Figure 2-2 Indicative Operational Site Layout) within the design flood extent may become flooded making them unsafe. Solution The applicant should demonstrate safe access and egress during the design flood event. Consultation should be undertaken with the LLFA/local authority, to ensure a joined-up approach across the site as the proposal brings new receptors into an area of flood risk. Additional comment It is possible that parcels of land may be cut-off and that dry islands could form, preventing safe egress for receptors on site during a range of flood events up to the design flood. Within Appendix 9-1: Flood Risk Assessment and	

Respondent	Theme	Comment	Applicant Response
		Drainage Strategy, the applicant has considered evacuation for the design fluvial event, but not for the design tidal event. It seems that Brook Furlong could be flooded in the design tidal event. We would recommend further discussion on this matter with the LLFA / local authority.	
Cheshire West and Chester Council	Construction & decommissioning	2.4.7 Will a temporary construction compound be needed for other Work Packages, not just 4a)?	A number of temporary construction compounds will be required. **ES Vol 3 Figure 2-1 Indicative Construction Site Layout [EN010153/DR/6.3]** illustrates the locations of these and they are described in Section 2.5 of **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]**
Cheshire West and Chester Council	Construction & decommissioning	8.8.33 There are no additional operational effects relating to land take other than those already addressed under construction. The long-term operational impacts of land-take should be considered, in terms of increased vulnerability of the species, due to the suitable land available for breeding and non-breeding bird species being reduced down to one area, rather than a network of areas. Disease and predators should be included in this assessment. E.g. If birds are flushed by a predator or human disturbance, where within the DCO limits can they go to, due to their being no other suitable land areas?	**ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]** considers the impacts of the Proposed Development on breeding and non-breeding birds, including the factors raised in relation to disease and predators. It concludes that the mitigation proposed, which includes the provision of the NMMBA and the Skylark Mitigation Area secured via the **Outline Landscape and Ecological Management Plan [EN010153/DR/7.13**], would deliver benefits to local biodiversity.

Respondent	Theme	Comment	Applicant Response
St Helens Borough Council	Construction and Decommissioning	The project includes the construction, operation, maintenance and decommissioning of ground mounted solar panels, built infrastructure such as substations, transformer and inverters, overhead line connection to existing sub-station, consideration of new permissive paths, access and fencing.	The Applicant notes this comment.
Natural England		Construction and Operational Management Plans We are supportive of the measures that have been included within the outline Construction Environmental Management Plan (CEMP), and welcome further engagement on the outline Operational Management Plan as work on this document progresses. With regards to the CEMP we advise information on the watching brief to be carried out during construction should be set out within the detailed CEMP, specifying when the watching brief would be deployed and how any actions as a result would be carried out. We note the inclusion of a Soil Management Plan as part of the CEMP and so signpost the following soil resources which you may wish to refer to: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and The British Society of Soil Science Guidance Note - Benefitting from Soil Management in Development and Construction.	Comment noted. The DCO contains an **Outline Construction Environmental Management Plan [EN010153/DR/7.5]**, an **Outline Soils Management Plan [EN010153/DR/7.10]**and an **Outline Operational Environmental Management Plan [EN010153/DR/7.6].** The **Outline Soils Management Plan [EN010153/DR/7.10]** includes reference to the documents suggested by Natural England.

Table 1.4: Consultation and Engagement

Respondent	Theme	Comment	Applicant response
SP Energy Networks	Consultation & Engagement	Comments were made by SPEN in July 2024 in response to consultation on the EIA scoping report, notice of statutory consultation was received by post.	The Applicant notes this comment.
UK Health Security Agency	Consultation & Engagement	We have considered the submitted documentation and can confirm that we are satisfied with the approach taken in preparing the Environmental Impact Assessment (EIA) and the conclusions drawn. We wish to make no further comment at this time.	The Applicant notes this comment.
Marine & Coastguard Agency	Consultation & Engagement	We note in the earlier Scoping Report that the Canals and River Trust (Weaver Navigation) was consulted and we would like to ensure that engagement with Weaver Navigation continues to ensure that river users are considered during all phases of the project from construction to operation. We would also recommend engaging with other local river users for example local recreational users, angling clubs etc.	The Canal and River Trust has been consulted at both the first phase of non-statutory consultation, and the second statutory consultation. The Canal and River Trust has responded to the second phase of consultation and their response has been considered by the Applicant. Furthermore, organisations such as the Runcorn Rowing Club, with access to the Weaver Navigation, have responded to the second phase of consultation.

Respondent	Theme	Comment	Applicant response
National Highways	Consultation & Engagement	We welcome further engagement with the Applicant as the Project proceeds, and to that end will be keen to arrange future meetings to discuss progress and how we might assist in development. National Highways, along with the Local Highway Authority, should be included in any working groups related to this application or other relevant developments considered in the cumulative assessment, ideally during the pre-application phase.	The Applicant has continued to engage with National Highways and the Local Highway Authority throughout the pre-application phase. The Applicant's response to consultation feedback from National Highways is set out within the **Transport Assessment *[EN010153/DR/7.3]*** and Appendix 5.1.10 – Section 42 Applicant Response Table ***[EN010153/APP/5.1.10]***.
Indigo Networks	Consultation & Engagement	I can confirm that Indigo is not affected by these works.	The Applicant notes this comment.
Warrington Borough Council	Consultation & engagement	Warrington Borough Council has considered the information and has no comment to make on the proposals subject to this consultation. The Council does however wish to reserve the right to make comments on future phases of the overall project where it is considered that amended information would result in impact on Warrington.	The Applicant notes this comment.
Cheshire West and Chester Council	Consultation & engagement	Notwithstanding the time provided via the statutory consultation process, it has not been practical for CWCC to assimilate a full and detailed response to the PEIR given the extensive volume of material provided. However, the Applicant and CWCC are	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		engaged through a PPA process to ongoing dialogue regarding the development, and it is envisaged that by virtue of the PPA engagement, any significant items not picked up via this formal statutory consultation will be addressed in preparation of the DCO application/final ES.	

Table 1.5: Cultural Heritage and Archaeology

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Cultural heritage & archaeology	The PEIR (Chapter 11) includes consideration of the Grade II listed Boatman's Shelter and Marshgate Farmhouse in proximity to the Weaver Navigation on the basis of these asset being sited adjacent to a construction route for the Proposed Development. Respondent added that it concludes that the temporary increase in traffic would result in a negligible impact.	The Applicant notes this comment. Details of the assessment of impacts and Effects upon the Grade II listed Boatman's Shelter (Asset 112) and Marshgate Farmhouse (Asset 113) are included within ***ES Vol 2 Appendix 11-5: Settings Assessment [EN010153/DR/6.2].*** The assessment concluded that although it is anticipated that there would be a temporary increase in construction traffic and associated noise passing near to the assets, it is not anticipated that this would significantly exceed that of the existing traffic which regularly runs past across the Sutton Weaver Swing Bridge and its adjacent busy junction (which is located c.40 m to c.55 m northwest of assets).

Respondent	Theme	Comment	Applicant response
Historic England	Cultural heritage & archaeology	Chapter 11 ('Cultural Heritage and Archaeology') of the Preliminary Environmental Information Report (PEIR), which forms the basis of the consultation, deals with the majority of the impacts of the Proposed Development which fall within the remit of Historic England, although Chapters 6 ('Landscape and Visual Amenity'), 9 ('Flood Risk and Drainage') and 10 ('Ground Conditions') also contain relevant information. Section 11.5 of the PEIR sets out the methodology employed to assess the potential for significant effects resulting from the Proposed Development on archaeological and cultural heritage assets. We consider that the study areas identified, and the scope of the assessment are appropriate. The assessment methodology is generally in line with current best practice, though we note that in Table 11-4 Grade II listed buildings and Grade II registered parks and gardens are accorded only medium importance. These are national designations and should therefore be accorded High importance. However, given the nature of the development, we do not consider that this results in an under-assessment of the impact of the Proposed Development upon cultural heritage.	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
Historic England	Cultural heritage & archaeology	Section 11.6 of the PEIR sets out the Baseline Conditions. The Baseline for Potential Direct Impacts is set out at 11.6.1 - 18, with potential receptors within the site identified in Table 11-9 for further evaluation, and that for Potential Setting Impacts at 11.6.19 - 27, with designated heritage assets within 5km of the site identified in Table 11-8. All potential receptors appear to have been identified. The likely impacts and effects upon them are assessed in section 11.8. Direct impacts during the construction phase are assessed at 11.8.3 - 7 and Table 11.10, and indirect impacts upon archaeological remains at 11.8.8. The PEIR suggests at 11.8.4 that the Proposed Development is not predicted to directly impact upon most of the identified heritage assets within its extent due to them being no longer extant, sealed beneath thick overburden that resulted from dredging of the Manchester Ship Canal, or located outside the footprint of the Proposed Development. At 11.8.10 the PEIR suggests that there would be no or neutral effects upon the settings of designated heritage assets during the construction phase. At 11.8.16 it is suggested that there would be no, neutral or minor adverse effects on the settings of designated heritage assets during the operational phase, the minor adverse effects being limited to six designated heritage assets, the most significant	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		being the scheduled Promontory Fort on Helsby Hill (National Heritage List for England entry number 1013932).	
Historic England	Cultural heritage & archaeology	Historic England broadly agrees with the assessment of the likely impacts of the Proposed Development on heritage assets within the site, and on the settings of designated heritage assets outside it. As regards potential mitigation for the impact of the Proposed Development upon archaeology and cultural heritage, Incorporated Mitigation and Enhancement Measures are set out at section 11.7. The development sits within a landscape of significant Holocene paleoenvironmental deposits, including peat deposits representing much of the prehistoric period. A desk-based Geo-Environmental Assessment, summarising all previous geotechnical investigations across the area, was undertaken to inform the compilation of Chapter 10 ('Ground Conditions') of the PEIR, and concluded that the maximum pile depth of 3.5m below ground level (bgl) proposed for the Solar Array Development would mean that there would be no impact on buried peat deposits, which are typically at depths greater than 3.5 m bgl. While survey work has concluded that in some areas of the site peat deposits were present below a depth of 5.5m bgl, and thus would be below the current proposed pile depth of 3.5m bgl, not all	The Applicant notes the broad agreement with the assessment of the likely impacts of the Proposed Development on heritage assets within the site, and on the settings of designated heritage assets outside it. **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology [EN010153/DR/6.1]** (paragraph 11.9.1) proposes that a programme of geoarchaeological investigation in the form of a purposive borehole survey would be undertaken within the southern, central and southeastern parts of the Site (outside the areas of previous canal dredging deposition) in order to ascertain the depth of preservation of any buried peat and organic deposits. The exact scope of the geoarchaeological investigation would be agreed through consultation with the CAPAS and HE and secured through an appropriately worded Written Scheme of Investigation (WSI). This is secured via a Requirement in Schedule 2 of the draft DCO.

Respondent	Theme	Comment	Applicant response
		areas of the site have been subjected to investigation. There are some areas where the peat could be within 3.5m of the current ground surface. Any mitigation for potential impacts should focus on these areas.	
Historic England	Cultural heritage & archaeology	It is important that any changes to designs or depths of piles or cabling is discussed with Historic England as this could affect the impact on the peat deposits at lower depths. The potential of this lower peat was demonstrated by analysis of pollen and plant macrofossils from boreholes in advance of the Frodsham Wind Farm development, and any impact on these layers would need to be mitigated. Proposals for additional Mitigation, Enhancement and Monitoring are set out at section 11.9. Table 11-10 has highlighted the potential for peat deposits to lie beneath the site, but in most cases the Proposed Development would not be deep enough to directly impact the peat horizon. The Cheshire Archaeology Planning Advisory Service (CAPAS), as reported in Table 11-3, has noted that that geophysical survey as an evaluation technique would likely be of limited use on this site due to the ground conditions. The mitigation proposed at 11.9.1 is for a programme of geoarchaeological investigation in the form of a borehole survey in the southern, central	The Applicant notes that HE considers the proposed programme of geoarchaeological investigation set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology [EN010153/DR/6.1]** to be an appropriate response. As requested by HE it is proposed that the exact scope of geoarchaeological investigation would be agreed through consultation with the CAPAS and HE and secured through an appropriately worded Written Scheme of Investigation (WSI). This is secured via a Requirement in Schedule 2 of the draft DCO.

Respondent	Theme	Comment	Applicant response
		and southeastern sections of the site where peat depths are unclear at present. We consider this to be an appropriate response, which should be agreed through consultation with CAPAS and Historic England and secured through a Written Scheme of Investigation (WSI) which should be made a requirement of the DCO.	
Historic England	Cultural heritage & archaeology	A broad chronology for the Ince Marshes has been established in previous work during the development of the Frodsham wind farm, with peat developing from the early/mid Holocene to the later prehistoric period. As further mitigation for the impact of the Proposed Development, we recommend a specific piece of work led by a palynologist to focus on unanswered questions on this section of peatland. This should form a single piece of work targeted on a single sequence that would help to change our understanding of the region and form a benchmark for future work. This work should involve discussions between CAPAS, Historic England and the appointed specialist/palynologist. Our guidance on geoarchaeology can support such project designs: Historic England. 2015. Geoarchaeology: Using earth sciences to understand the archaeological record. London: Historic England.	The Applicant notes HEs position regarding the requirement for palynological analysis of any peat deposits identified via the proposed geoarchaeological investigation. As the exact scope of geoarchaeological investigation would be agreed through consultation with the CAPAS and HE and secured through an appropriately worded Written Scheme of Investigation (WSI) - this would include the requirement for specialist palynological assessment. This is secured via a Requirement in Schedule 2 of the draft DCO.

Respondent	Theme	Comment	Applicant response
		<https://historicengland.org.uk/images-books/publications/geoarchaeology-earthsciences-to-understand-archaeological-record/> Finally, it is important to ensure that any drainage or dewatering carried out on the site does not impact on the lower peat deposits present. Any changes to the burial environment could lead to the degradation of materials and loss of information from the peat layers.	
Cheshire West and Chester Council	Cultural Heritage & Archaeology	Cultural Heritage and Archaeology • Conservation & Design Team the Proposed Development site is located on Frodsham Marsh, Frodsham, Cheshire. The Site comprises 314 ha of land (including proposed access tracks and grid connections) located between the M56 and the Manchester Ship Canal and bounded to the northeast by the River Weaver. The Proposed Development consists of a solar photovoltaic array exceeding 50MW generating capacity, with associated Battery Energy Storage System (BESS). Additional associated infrastructure would include inverters, transformers, switch gear, a substation compound and ancillary buildings, cabling, and fencing, to be located in the SADA. Landscaping works are also proposed for the purposes of landscape / biodiversity enhancement, drainage, and access. Chapter 11 of the PEIR outlines the Cultural	The Applicant notes this comment. Mitigation would be detailed within a Written Scheme of Investigation (WSI). This is secured via a Requirement in Schedule 2 of the draft DCO.

Respondent	Theme	Comment	Applicant response
		Heritage Baseline and identifies a number of heritage assets of which the setting may be subject to change as a result of the construction and operational phases of the development. The PEIR concludes that any harm to the setting of heritage assets during construction phase would be temporary and typically experienced through increased traffic and noise. Chapter 11 identifies five assets to which the proposal would have minor adverse effects, these include a scheduled ancient monument, a registered park and garden, a number of conservation area and a Grade II listed war memorial. The impact of the proposal on these assets would affect the wider setting/landscape in which they are experienced. While some of the assets identified were positioned or constructed with the wider setting in mind, the landscape has been altered over time with a number of residential, commercial and industrial developments. Overall, Conservation and Design agree with the assessment that any impact would be experienced in an already altered setting and would typically only involve glimpses or long views. The asset with the highest potential for harm to its setting would be Frodsham Conservation Area, due to its proximity to the site and existing views out of the conservation area. Proposed mitigation includes retention of existing	

Respondent	Theme	Comment	Applicant response
		tree and hedgerows, with the addition of new native woodland and hedgerow. This level of mitigation is sufficient given the impact the M56 already has on these outward views. Overall, Conservation and Design support the methodology outlined in the PEIR and should mitigation measure be undertaken as described have no further comment. Note: The Conservation Area Appraisals can be viewed at: https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/totalenvironment/conservation-areas-and-conservation-area-appraisals	

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Cultural Heritage & Archaeology	Archaeology Planning Advisory Service (APAS) In June 2023, the Archaeology Planning Advisory Service (APAS) offered advice on the EIA Scoping report (Ref 23/01780/SCO) that had been prepared in connection with this project. In this advice, APAS advised that the proposed methodology for assessing the impact of the scheme on archaeology was appropriate and that the resulting report in the Environmental Impact Assessment (EIA) would assist in determining the nature and scope of any further mitigation that was required. The results of the programme of assessment, which has been prepared by AOC Archaeology, are contained in this latest submission which comprises a number of discrete sections. Chapter 11 in Volume 1 of the EIA presents the results of the research, assesses the impact of the scheme, and offers some preliminary comments regarding further mitigation. This report is supported by a number of appendices which comprise: • A full and detailed desk-based assessment (Appendix 1) which draws on information held in the Cheshire Historic Environment Record, historic maps, aerial photographs, LIDAR, and readily available secondary sources. • A gazetteer (Appendix 2) which lists all designated and non-designated sites (heritage assets) within the proposed development area and its immediate	The Applicant notes the broad agreement with the conclusion of the likely impacts of the Proposed Development on heritage assets within the site and that techniques such as geophysical survey are unlikely to reveal significant archaeological evidence. The Applicant also notes the broad acceptance of the conclusion that ground disturbance associated with the development would not reach the depth of deposits of interest. The Applicant notes CAPAS' comments regarding the potential for peat deposits within the Site, though CAPAS acknowledge that these have not been previously encountered at the shallow depths seen elsewhere in the Ince Marshes. Given the uncertainty regarding the depth of peat deposits within parts of the Proposed Development area it is proposed (as per paragraph 11.9.1) that a programme of geoarchaeological investigation in the form of a purposive borehole survey would be undertaken within the southern, central and southeastern parts of the Site (outside the areas of previous canal dredging deposition) in order to ascertain the depth of preservation of any buried

Respondent	Theme	Comment	Applicant response
		environs. • A section (Appendix 3) which includes maps and plans heritage assets considered in the reports, copies of relevant historic maps, and maps showing the results of the LIDAR analysis. • A selection of photographs (Appendix 4). • A report which considers the effect of the development on the setting of designated heritage assets (Listed Buildings, Scheduled Monuments) in the vicinity of the proposed development. The data referenced above provide a sound basis on which to base the preliminary conclusions reached by the authors with regard to the likely scope of any further archaeological mitigation, conclusions which have been discussed with APAS and with which there is broad agreement. In brief, it has been noted that the land borders the Mersey estuary and that for much of its history it will have been marginal land which was prone to flooding and is unlikely to have attracted permanent settlement. In these circumstances, it has been concluded that techniques such as geophysical survey and trial trenching are unlikely to reveal significant archaeological evidence, and their use is not proposed as part of any further evaluation of the site. However, it is recognised that the area is not without archaeological potential, and this includes a number of post-medieval features including a rifle range,	peat and organic deposits. The exact scope of the geoarchaeological investigation would be agreed through consultation with the CAPAS and HE and secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to DCO Requirement. The Applicant notes CAPAS' comments regarding the potential for new drainage works during the Operation of the Proposed Development and the potential for archaeological monitoring of such works. The existing SI available for the Site indicates that shallow peat is unlikely to be present. The proposed mitigation (Paragraph 11.9.1) above will provide a better understanding of the baseline conditions and depth of the peat horizon within the Site. The requirement for monitoring works during any Operational Phase drainage works, should, therefore, be based upon the updated baseline information provided by the completed mitigation works. If no shallow peat deposits are identified further mitigation is considered unlikely to be required. The erroneous assignment of observations relating to cultural heritage advice to CAPAS have been corrected to being from the Conservation & Design Team at CWACC where relevant.

Respondent	Theme	Comment	Applicant response
		former flood defences, and the site of a number of temporary huts. However, most of these appear to be buried under the deposit dredging ground or are unlikely to be affected by the development. Any remaining archaeological potential is focussed on the deep accumulation of sediments which have accumulated since the end of the last glacial c 11.5 thousand years ago. Studies elsewhere in the area have demonstrated that these comprise alluvial deposits and peat, with a recorded depth of over 10m at the nearby Ince marshes. These deposits may contain archaeological remains which have been deliberately deposited and, perhaps, evidence of deeply buried early settlement which was subsequently buried by alluvium and peat associated with rising sea levels. They also have the potential to preserve evidence of the past environment. This potential is recognised in Chapter 11 (cultural heritage) in Volume 1 of the EIA, but it is argued that ground disturbance associated with the development is unlikely to reach depth where deposits of interest, particularly peat, will be disturbed. Reference is made to the geo-technical studies which have been undertaken which seem to show an absence of peat or its presence at depths where it will not be affected by development.	

Respondent	Theme	Comment	Applicant response
		These conclusions are broadly accepted but not all of the proposed development area has been subject to geo-technical survey, and it should be noted that at Ince marshes it was shown that the top of the upper peat lay within 1m of the present ground surface. It is not entirely clear why peat has not been found at a similar level at the present site, but it may be that the investigations have been carried out within a paleochannel of the Mersey or Weaver where peat never developed. This may indicate that peat does lie at shallower depths in un-surveyed parts of the site but, once again, the nature of the works may mean that any such deposits will be unaffected by the development. This appears to be the conclusion of the archaeological study and, should this be the case further archaeological mitigation may not be justified. However, the project is still at a fairly early stage of development and details of the design will undoubtedly be refined as further work is undertaken. For instance, it may be that new drainage works are required given the low-lying nature of the site and digging of ditches could result in the exposure of shallow peat deposits, similar to those encountered at Ince marshes, in areas not yet subject to geo-technical work.	

Respondent	Theme	Comment	Applicant response
		Any such works would certainly be worthy of monitoring, as would those that were shown to affect some of the postmedieval features identified by the study. Thus, whilst it is accepted that there is no requirement for further evaluation of the site it is advised that, as the design of the project is refined, there may prove to be a case for a programme of targeted mitigation, taking the form a programme of archaeological observation and recording at specific locations with any such work secured by condition. APAS is available to discuss the necessity and nature of any mitigation that is judged necessary as the scheme develops. Please note that the cultural heritage study also includes consideration of the historic built environment, including setting. This is an area that the authority's conservation officers will be able to advise on. It should also be noted that Chapter 11 appears to include some confusion concerning provision of cultural heritage advice following the submission of the scoping report; some observations have been correctly assigned to APAS but others, concerning the historic built environment, will have been provided by the conservation officers.	

Table 1.6: DCO Process

Respondent	Theme	Comment	Applicant response
Canal & River Trust	DCO Process	Of particular relevance to the Trust and its assets are: Design Objectives, a Construction Environmental Management Plan (CEMP), a Landscape and Ecology Management Plan (LEMP), and a Decommissioning Environmental Management Plan (DEMP).	The Applicant has set out the Design Objectives and design approach taken within the **Design Approach Document [EN010153/DR/5.8]**. An **outline Construction Environmental Management Plan [EN010153/DR/7.5]**, an **outline Landscape and Ecological Management Plan [EN010153/DR/7.13]** and an **outline Decommissioning Environmental Management Plan [EN010153/DR/7.7]** have been prepared and submitted with this application.
Frodsham wind farm (Osborne Clarke)	DCO Process	Overlapping planning permissions and the extent to which the Frodsham Solar DCO proposes to disapply and/or amend elements of FWF's planning permission (including in respect of FWF's habitat management areas).	Protective Provisions have been included within the **draft DCO [EN010153/DR/3.1],** which include Protective Provisions for the protection of Frodsham Wind Farm.
Frodsham wind farm (Osborne Clarke)	DCO Process	Adequate financial safeguards and mitigations – secured in the form of an asset protection agreement and protective provisions for the benefit of FWF.	
Frodsham wind farm (Osborne Clarke)	DCO Process	Understanding compliance with existing private agreements, including the obligations in the lease between FWF and its landlord.	The Applicant has engaged with the operator of Frodsham Wind Farm in respect of their concerns and has included Protective Provisions for their benefit within the **draft DCO [EN010153/DR/3.1]**. Discussions will continue with the

Respondent	Theme	Comment	Applicant response
			operator in respect of any voluntary agreements that it considers may be necessary.
Frodsham wind farm (Osborne Clarke)	DCO Process	Without further information relating to the operations proposed and the protections to be afforded to the wind farm we have an in principle objection to the inclusion of any land within the wind farm being included in the Order Limits. We will engage fully in the NSIP application process with the Planning Inspectorate to advocate our concerns. In the meantime we look forward to hearing from you with further information in order to begin the process of negotiating an asset protection agreement and protective provisions.	Protective Provisions have been included within the **draft DCO [EN010153/DR/3.1],** which include for Frodsham Wind Farm.
NGET (National Grid Electricity Transmission PLC)	DCO Process	NGET will require an adequate form of Protective Provisions included within the Order.	The **Works Plans [EN010153/DR/2.3]** have made allowance for easement strips to protect assets. Protective Provisions to safeguard utilities crossing the Site have been included within the **draft DCO [EN010153/DR/3.1]**.
NGET (National Grid Electricity	DCO Process	We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is	

Respondent	Theme	Comment	Applicant response
Transmission PLC)		maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.	
NGET (National Grid Electricity Transmission PLC)	DCO Process	National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.	
NGET (National Grid Electricity Transmission PLC)	DCO Process	The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.	The **outline Construction Environmental Management Plan [EN010153/DR/7.5]** sets out that all relevant site operatives will be briefed on the Health and Safety Executive's Guidance Note GS 6 Avoidance of Danger from Overhead Electric Lines.

Respondent	Theme	Comment	Applicant response
Liverpool Bay CCS	DCO Process	LBCCS Ltd requests that the Frodsham Solar Project considers the HyNet Northwest Main Onshore Pipeline (HyNet Carbon Dioxide Pipeline DCO), Runcorn Spur Pipeline Proposed Development and the Protos Carbon Dioxide Spur Pipeline projects concurrently. The primary concern raised by LBCCS Ltd is the limited consideration given to the Runcorn Spur Pipeline Proposed Development in the PEIR. While the PEIR notes that the 'applicant is in discussion[s]' this does not fully reflect the depth of engagement to date between Frodsham Solar Limited and LBCCS Ltd. The Runcorn Spur pipeline has been re-routed to accommodate the Frodsham Solar Project Development. It is appreciated that the HyNet Carbon Dioxide Pipeline DCO and Protos Carbon Dioxide Spur Pipeline application have rightly been referenced in the PEIR. However, the Runcorn Spur Pipeline Proposed Development is only briefly mentioned in paragraph 1.3.15 as one of the new utility undertakings planned to cross the solar project, and in Chapter 4 where it is advised that it is to be included in the Cumulative Effects Assessment (CEA).	The Runcorn Spur Pipeline has been included in the Cumulative Effects Long List and has been taken forward into the Short List of projects assessed within **the ES [EN010153/DR/6.1]**. Dialogue has been undertaken between the Applicant and Eni (the applicant for the Runcorn Spur Pipeline).

Respondent	Theme	Comment	Applicant response
		Although the application is yet to be submitted, it is expected that an anticipated development of the scale and strategic importance to Net Zero objectives such as that of the Runcorn Spur Pipeline Proposed Development would typically feature prominently in the CEA Long and potentially Short Lists, and would be a central thread of the assessment of cumulative effects throughout. The Runcorn Spur Pipeline Proposed Development could necessitate layout adjustments to the Frodsham Solar project and associated access to accommodate the pipeline's routing efficiently and safely. There is limited flexibility for changes to a design during the DCO process, and even minor modifications to layouts could have wider implications for the consenting process. Potential impacts resulting from the Runcorn Spur Pipeline Proposed Development on the Frodsham Solar project's layout could include: • The impact on the Solar Array Development Area i.e. the availability of land for solar panels and potential loss to the total available output. • Limitation on the Non-Breeding Birds Mitigation Area (NBBMA) because of the Runcorn Spur	

Respondent	Theme	Comment	Applicant response
		Pipeline Proposed Development routing through Cell 3. • The proximity of West Compound 3 (Figure 2-1). Micro-siting adjustments may be required to ensure the construction compound does not interfere with the safe installation or operation of the Runcorn Spur Pipeline Proposed Development. • The alignment of the necessary access tracks and buffer zones required around the Runcorn Spur Pipeline Proposed Development. In summary, it is considered that the Runcorn Spur Pipeline Proposed Development's absence from the PEIR represents gaps in the completeness of the consultation materials, limiting the ability of stakeholders to fully understand the interactions between the two projects, and achieve an informed view on the likely significant environmental effects of the development. A more explicit integration of the Runcorn Spur Pipeline Proposed Development into the CEA's Long and potentially Short Lists would align with best practice for PEIRs to provide detailed and proactive information on decision making. It is recommended that the Runcorn Spur Pipeline Proposed Development be incorporated into the PEIR Figures 1-1 to1-4, 2-1 to 2-4 and 4-1 to 4-3 to provide confidence it has been assessed and to demonstrate how its inclusion would be managed to	

Respondent	Theme	Comment	Applicant response
		ensure compatibility with layout and mitigation areas. In order to resolve these outstanding matters, it is requested that Frodsham Solar Ltd and LBCCS Ltd enter into a Statement of Common Ground (SoCG) during the next phase of the DCO process.	
Liverpool Bay CCS	DCO Process	It is noted that the Runcorn Spur Pipeline Proposed Development is not included in the CEA Long List and Short List of other 'reasonably foreseeable' developments or the accompanying figures. However as stated within the approach to the Cumulative Effects Assessment within Chapter 4: EIA Methodology of the PEIR, LBCCS Ltd would expect the inclusion of the Runcorn Spur Pipeline Proposed Development in the final cumulative assessment. The Runcorn Spur Pipeline Proposed Development and Frodsham Solar project both have anticipated construction commencement dates of 2027. Appendix 4.2, part 4.2 - Construction Programme in the PEIR has not referenced the Runcorn Spur Pipeline Proposed Development.	

Respondent	Theme	Comment	Applicant response
		LBCCS Ltd proposes a phased implementation of the Frodsham Solar project to mitigate potential conflicts with the construction timeline of the Runcorn Spur Pipeline. It is LBCCS's intention to continue discussions between the respective projects to coordinate on construction schedules and minimise disruption.	
Liverpool Bay CCS	DCO Process	LBCCS Ltd would request that further information regarding the extent of change of use and net carbon benefit is included to understand the intersection of Frodsham Solar project with the Runcorn Spur Pipeline Proposed Development.	
Liverpool Bay CCS	DCO Process	LBCCS Ltd welcomes the Applicant's commitment to coordinating with other pipeline project developers to facilitate the successful implementation of all projects. This approach is particularly beneficial at a preliminary stage of development.	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
National Highways	DCO Process	The red line boundary of the site appears to have changed from the scoping stage, and now includes three access routes that cross the M56. Two of the access routes appear to use existing overbridges, and the most easterly access point appears to use the private National Grid access road under the M56 Weaver viaduct. We have already requested additional information from the applicant to enable us to determine the implications of this change, as there may be additional legal and structural considerations depending on the desired use of these access points.	The Applicant has continued to engage with National Highways and the Local Highway Authority throughout the pre-application stage. The Applicant's response to consultation feedback from National Highways is set out within the **Transport Assessment [EN010153/DR/7.3]** and in Appendix 5.1.10: Section 42 Applicant Response Tables **[EN010153/APP/5.1.10]**.
St Helens Borough Council	DCO Process	The proposals for "Frodsham Solar" are to provide a solar energy generation station and associated on-site Battery Energy Storage System (BESS) on land at Frodsham Marsh to the north of the M56, south of the River Mersey. The site is around 15 miles to the south of St Helens, via the Mersey Gateway Bridge, or around 22 miles via the M6 and M56. The cover letter accompanying this application advises that the Development Consent Order (DCO), which is required as the project is considered as a Nationally Significant Infrastructure Project (NSIP), will be submitted in Spring 2025.	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		This application forms part of the pre-application consultation phase. A Preliminary Environmental Information Report (PEIR) has been produced which reports the results of the Environmental Impact Assessment (EIA) process to date	
Cheshire West and Chester Council	DCO Process & Project Description	[PEIR para. 1.2.2] The omission of the private wire connection to Inovyn Ineos from the scheme is ultimately a commercial decision, but delivery of electricity supply direct to local businesses would benefit the local economy.	The Applicant notes this comment. However, it was necessary to remove the connection to Inovyn INEOS to enable timely delivery of the project. The Proposed Development includes a potential private wire connection to local businesses to the west, in proximity to Ince and Elton.
Cheshire West and Chester Council	DCO Process & Project Description	[PEIR para. 1.2.3] Given the semi-permanent nature of development with a 40-year operational period, consideration of providing environmental mitigations extending beyond the decommissioning period appear appropriate / necessary to deliver appropriate / effective mitigation of impacts. Permanent outcomes for environmental mitigation should be integral to the DCO requirements/control documents.	The Applicant has a time limited lease on the land within the DCO Order Limits. As such, on decommissioning the landscaping works undertaken across the Site would be left in place and the land handed back to the landowner, the only exception being the potential requirement by the landowner to revert the areas currently used for arable farming to be returned to this condition. It is considered likely that tree and scrub planting, together with created pond and wetland habitats would be retained, including the habitats created within the NBBMA. However, as the land would be handed back to the landowners on completion of decommissioning the long-term retention of the landscaping improvement works

Respondent	Theme	Comment	Applicant response
			cannot be guaranteed. Similarly, following decommissioning the landowner may or may not retain the permissive paths created across the Site. Land within the solar PV array areas would be likely be returned to agriculture.
Cheshire West and Chester Council	DCO Process & Project Description	[PEIR para. 4.4.31] Control documents envisaged by Applicant. Detailed comments on the listed control documents (and any additional documents) will be provided separately prior to submission of the DCO application.	The Applicant notes this comment.
Cheshire West and Chester Council	DCO Process & Project Description	[PEIR Chapter 4] In the last row of table 4-3 the Applicant's response refers to the 40 year life of the windfarm project. The windfarm has a 25 year operational life ending in February 2042.	The Applicant notes this comment.
Cheshire West and Chester Council	DCO Process & Project Description	Appendix 4-3 Long List of other 'reasonably foreseeable' developments No comments at present: this will be kept under review leading up to the DCO submission as noted in the PEIR.	**ES Vol 1 Chapter 4: Methodology [EN010153/DR/6.1]** sets out the approach taken to identifying other developments for the purpose of Cumulative Effects Assessment. CWaCC has been consulted part of this process. **ES Vol 3 Figure 4-3: Short List Cumulative Schemes – 1km [EN010153/DR/6.3]** illustrates the various

Respondent	Theme	Comment	Applicant response
		Appendix 4-4 Short List of other 'reasonably foreseeable' developments No comments at present: this will be kept under review leading up to the DCO submission as noted in the PEIR. It would be useful to include a masterplan for the area around the Protos site, detailing the various plots and relevant permissions / stages of development as part of the DCO submission / Environmental Statement. Key permissions are for the Energy from Waste Plant 18/01543/S73 and Protos 14/02277/S73.	relevant permissions within and adjacent to Protos included in the Cumulative Effects Assessment.
Cheshire West and Chester Council	DCO Process & Project Description	Trees and Hedgerows In relation to trees and hedgerows the DCO application ought to be accompanied by a BS5837:2012 compliant tree and hedgerow survey. CWCC's Tree Officer notes that the arboricultural impact is separate from and goes beyond consideration in the LVIA. In relation hedgerows the DCO application ought to be accompanied by appropriate hedgerow survey and assessment, where any development is liable to impact on the hedgerow. It is noted that development comes within 5m of hedgerows in places.	An **Arboricultural Assessment [EN010153/DR/7.17]** covering both trees and hedgerows has been undertaken and submitted as part of this application.

Respondent	Theme	Comment	Applicant response
		Consideration of hedgerows in terms of both arboricultural aspects but also in relation to the biodiversity aspects is important. In terms of the latter, reference to the guidance in the Hedgerow Survey Handbook (A standard procedure for local surveys in the UK) (2nd edition) is noted. Hedgerow survey handbook - GOV.UK The optimal time for hedgerow survey (April to October) may present a constraint on when results may be available. Further discussion with the Tree Officer is recommended in terms of detailed design and preparation of the DCO application.	
Cheshire West and Chester Council	Project Description & DCO Process	[PEIR para. 1.5.5] The NPPF December 2024 applies now. [PEIR para. 1.5.14] Frodsham Neighbourhood Plan (Made 25.11.2024) [PEIR para. 1.5.15-17] Greater / more objective consideration of impacts on the Green Belt in the EIA would be beneficial to the extent that the EIA is able to inform an objective assessment of the spatial and visual aspects impacts on the openness of the Green Belt. The ES should make reference to North West Inshore and North West Offshore Marine Plan (publishing.service.gov.uk)	The Applicant notes this comment and a full assessment of impacts in relation to Green Belt planning policy, including openness, is provided in the **Planning Statement [EN010153/DR/5.6]**. The Planning Statement refers to the NPPF December 2024, the adopted Frodsham Neighbourhood Plan and the North West Inshore and North West Offshore Marine Plan.

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Project Description & DCO Process	[PEIR para. 2.2.4] Should reference be made to the public car park area on Moorditch Lane?	The potential provision of a public car park on Moorditch Lane is described in **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]**.
Cheshire West and Chester Council	Project Description & DCO Process	Major accidents and disasters – The implications in terms of the proximity of development to nearby major hazard sites and/or major accident hazard pipelines should be confirmed following consultation with the HSE. The Applicant is advised to liaise with CWCC's Emergency Planning team in preparation of the DCO application with regard to flood warnings, but also in relation to the Battery Energy Storage Systems and development of a Risk Management Plan and Emergency Response Plan.	The Applicant has consulted with the Health and Safety Executive as part of the pre-application statutory consultation. An outline **Battery Safety Management Plan [EN010153/DR/7.8]** and a **Flood Risk Emergency Response Plan [EN010153/DR/XX]** have been prepared and submitted as part of the application.

Table 1.7: Ecology and Biodiversity

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Ecology & Biodiversity	Given the connectivity to the Weaver Navigation from the River Weaver, and the migratory nature of species that will use both stretches of the watercourse, the Trust welcome how potential ecological impacts on the River Weaver have been fully considered in the PEIR. This includes retention of visual screening, potential disturbance impacts during construction, a sensitive lighting strategy, boundary habitats and a habitat buffer between the River and the development, which the Trust Welcomes.	The Applicant notes this comment
Canal & River Trust	Ecology & Biodiversity	Respondent stated that the assessment of likely impacts and effects has taken into account all of the embedded mitigation measures, set out in Chapter 7 of the PEIR, referring to guiding documents such as the Indicative Environmental Masterplan, Outline Landscape and Ecological Management Plan, Outline Operational Environmental Management Plan, to the mitigation and operational measures outlined, the Trust has no concerns regarding the potential impact upon the ecological value of the Weaver Navigation.	The Applicant notes this comment.
CPRE Cheshire	Ecology & Biodiversity	Due to the landscape impacts referred to above, the proposals would also affect views for walkers using Frodsham Hill and nearby parts of the Sandstone Ridge, which constitute a much-valued	Consideration has been given to ensuring that the proposed enhanced access across the Site does not result in adverse impacts to ecology (and ornithology; see **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**) features. Although the

Respondent	Theme	Comment	Applicant response
		amenity for local residents and visitors from a large radius in the surrounding area. We also note that the scheme includes enhanced access to the site itself via a network of permissive paths and a car park. Whilst this could result in a more complete network of walking opportunities in the area, care would need to be exercised to avoid conflict with nature conservation objectives. For example, unrestricted open access for the general public and dogs would not be appropriate within the proposed skylark mitigation area, and similar considerations are likely to apply elsewhere in the site.	Proposed Development includes enhanced access across the Site, the proposed permissive footpaths are mostly located within the Principal Public Access/Biodiversity Enhancement Zones; all proposed footpaths are separated from the solar array areas by security fencing. No new permissive paths are proposed within the NBBMA; furthermore, the NBBMA will be enclosed by fencing (for details of fencing refer to **Appendix 8-2: Outline Non-Breeding Bird Mitigation Strategy,** ceasing any public access to this area. Similarly, no public rights of way are currently present within the skylark mitigation area, and no new permissive paths are proposed. As such, unrestricted open access for the general public and dogs is not proposed within the NBBMA, the skylark mitigation area, or across the remained of the Site. The proposed layout for existing public rights of way and the proposed permissive paths, together with the proposed fence layout, is shown on **ES Vol 2 Figure 2-3: Illustrative Environmental Masterplan Key Plan [EN010153/DR/6.2].**
Cheshire Wildlife Trust	Ecology & Biodiversity	BNG Should be aiming for higher than 10% BNG as this is within the margin of error, and because the proposal would be damaging an LWS. (July 2023) - The British Standard for Biodiversity Net Gain (BNG) state that the mitigation hierarchy must be applied by avoiding priority habitat, i.e. reedbeds. The Good Practice Principles for BNG state that	It is not yet a statutory requirement[1] for DCO applications to demonstrate a quantifiable BNG of at least 10 % under the Environment Act 2021, however, the Proposed Development would result in significant habitat enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in biodiversity units across the Site. The Proposed Development would therefore provide mitigation and compensation to ensure there is no net loss of environmental

Respondent	Theme	Comment	Applicant response
		BNG must 'achieve the best outcomes for biodiversity'. (July 2023)	value, including within the LWS. Results of a BNG Assessment are included within **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]** and the **BNG Report [EN010153/DR/7.12].** Justification for the net loss of reedbed is included within **Section 7.7** of **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].** The difficulty associated with achieving each type of habitat is an inherent part of the metric, and multipliers associated with these difficulties are built into the metric and therefore any margin of error is automatically accounted for. Furthermore, the habitat management and monitoring of created and enhanced habitats is detailed within the OLEMP, secured by via provisions of the DCO. As such, the monitoring of the habitats would be undertaken at regular intervals to ensure that target habitats and conditions are achieved, and where required, remedial measures would be implemented to ensure the required BNG objectives (as detailed in the **OLEMP [EN010153/DR/7.13]** is achieved.
Cheshire Wildlife Trust	Ecology & Biodiversity	Watercourse units have not been included in the current BNG calculations, and it is imperative that the impacts on ditches and any other watercourses be considered as soon as possible. BNG has not been fully assessed until they are.	Watercourse units have been included in the **BNG Report [EN010153/DR/7.12] and** included within the ES, as detailed in **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].**
Cheshire Wildlife Trust	Ecology & Biodiversity	We would also like to point out that the nearby Ince Marshes and Protos areas are considered to be Costal and Floodplain Grazing Marsh. While the Priority Habitat Inventory does not label most of Frodsham Marshes as such, have	The presence of coastal and floodplain grazing marsh Habitat of Principal Importance (HPI) adjacent to the Main Development Area is detailed within **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]**, and **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]**,

Respondent	Theme	Comment	Applicant response
		surveys been done to assess this independently against the UKHab definitions?	and is shown on **Figure 7-5.** Existing records of coastal and floodplain grazing marsh HPI, as listed within the Priority Habitat Inventory, do not overlap with the Main Development Area; the closest existing record is located 0.01 km southeast. Habitat surveys undertaken of the Site, as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]**, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.
Cheshire Wildlife Trust	Ecology & Biodiversity	We would like to remind that the NBBMA cannot be used for onsite BNG as it is already being used for ecological mitigation purposes and this would not count as additionality.	Objective 3a of the Proposed Development design principles states (refer to **Design Approach Document (DAD) [EN010153/DR/5.8])** that the Proposed Development will '*achieve a minimum of 10% increase in habitat and hedgerow units, and no net loss in watercourse units.*'' Mitigation or compensation to a special area of conservation, special protection area, or protected species can be used 'in part' towards BNG, as stated in Department for Environment, Food & Rural Affairs (Defra) guidance 'What you can count towards a development's biodiversity net gain[1] (2024)'. As stated in the guidance, for mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. At least 10% of the Proposed Development's units (habitats and hedgerow) come from areas within the Site other than the Non-Breeding Bird Mitigation Area (NBBMA). The Site as a whole, including the NBBMA, achieves a gain in units across habitats, hedgerows and watercourses, as detailed within **BNG Report [EN010153/DR/7.12].** An uplift of 10% in watercourse units has not been achieved without the

Respondent	Theme	Comment	Applicant response
			inclusion of the NBBMA, however, objectives set out for the Proposed Development as a whole have been exceeded.
Cheshire Wildlife Trust	Ecology & Biodiversity	As active badger setts have been identified in many areas of the site, it is essential that their movement is not in any way restricted across the site, including with any fencing or other impediments.	Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates would be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the SADA (locations to be determined during pre-commencement survey); as detailed under **Section 7.7 Incorporated Mitigation** of **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]**, secured by in the OLEMP via the provisions of the DCO. However, gaps or mammal gates will not be installed along the perimeter fence of the NBBMA, to prevent predatory terrestrial mammal species, including badger, entering the NBBMA and potentially predating roosting, foraging and/or nesting birds (or eggs/chicks). Although free movement of badger will not be possible through the NBBMA, land to the south of the NBBMA is not included within the Proposed Development, and is undeveloped; as such, badgers will be able to continue to use the land to the south of the NBBMA to travel through the landscape and to reach the remainder of the Site.
Cheshire Wildlife Trust	Ecology & Biodiversity	Given the declines of water voles in Cheshire, and the fact that the Frodsham site is likely to retain a decent population of them, we expect water vole mitigation and compensation measures to be put in place so as to help reverse local declines and enable them to thrive on this site. Ditches must be properly assessed, and plans	The design evolution of the Proposed Development has included avoiding the existing network of ditch as far as reasonably practicable. As detained within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1], i**ncorporated mitigation includes buffers of at least 10 m from all ditches and watercourses, with the exception of 17 new permanent crossings and upgrading eight existing crossings. Any new and upgraded watercourse crossings would remain open for the free movement of water vole.

Respondent	Theme	Comment	Applicant response
		should be made to enhance their habitat and its availability.	Although the NBBMA will provide direct mitigation for non-breeding birds, habitat creation measures proposed will also provide enhanced opportunities for water vole. Furthermore, incorporated mitigation includes the creation of new ponds and reedbeds within the SADA, which would provide foraging, sheltering and breeding habitat for this species. As detailed within the OLEMP (secured by via provisions of the DOC), enhancement measures for the benefit of water voles will focus on diversifying the bankside vegetation, and also managing the dense bramble scrub to maintain a mix of structure and age and reducing any encroachment/shading of scrub on the channel.
Cheshire Wildlife Trust	Ecology & Biodiversity	Cell 3 has not been properly surveyed for amphibians and reptiles, which would likely be impacted by the scale of the proposed groundworks.	As detailed within **Section 7.6 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2],** no records of reptiles nor great crested newt (GCN) were returned from within 2 km of the Main Development Area during the data search. Furthermore, a reptile survey was undertaken of the Preliminary Site Boundary in 2022 during which no reptiles were recorded. GCN eDNA surveys undertaken of the Preliminary Site Boundary in 2022 returned no positive results. As such, reptiles and GCN are considered reasonably likely to be absent from the Main Development Area, as detailed in **Table 7-4 of ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].** Due to the close proximity of the Main Development Area to Cell 3 (and the NBBMA), and the lack of connectivity from the Site to the wider landscape (due to the River Weaver, the M56 and industrialisation at Elton/Stanlow), it is reasonably likely that

Respondent	Theme	Comment	Applicant response
			the lack of reptiles and GCN can be extrapolated to the Cell 3 (and the NBBMA) Small numbers of common toad were recorded within the Preliminary Site Boundary during the RSK Biocensus Preliminary Ecological Appraisal (PEA)[1]. Mitigation measures to reduce and/or avoid any potentially adverse effects or to ensure legislative compliance are detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, secured by the provisions of the DCO via the **OCEMP [EN010153/DR/7.5]**. This would include adherence to Reasonable Avoidance Measures (RAMS). Furthermore, the Proposed Development will include the installation of ten reptile/amphibian refugia, at least two of which will be within the NBBMA.
Environment Agency	Ecology & Biodiversity	Policy and legislation (Chapter 7; Section 7.2, paragraph 7.2.1) The Salmon and Freshwater Fisheries Act 1975 has not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered. This infers the impacts on fish from the construction, operation and decommissioning have not been fully considered. This legislation should be listed in the biodiversity chapter of the Environmental Statement (ES). Steps need to be taken to ensure the requirements of the Salmon and Freshwater fisheries act are incorporated into the design.	Noted, The Salmon and Freshwater Fisheries Act 1975 is included in the list of legislation in **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].** The requirements of the Salmon and Freshwater fisheries Act are incorporated into the design and incorporated mitigation, as detailed within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**

Respondent	Theme	Comment	Applicant response
		Parts of The Salmon and Freshwater Fisheries Act 1975 relevant to this type of development and that should be considered, are (but not exhaustive) Part 1, Sections 2 and 4.	
Environment Agency	Ecology & Biodiversity	Piling Mitigation (Chapter 2; Section 2.4, paragraph 2.4.0 and Chapter 7; and Section 7.8, Paragraph 7.8.60) Mitigation from piling may not fully protect fish. Noise may be generated during the installation of coffer dams, especially where any piling is to take place. Noise can kill fish over short distances and disrupt natural behaviours, like migration over medium to large distances. Solution Noise associated with piling (particularly percussive piling) should be assessed for impacts on fish. Mitigation measures for this may include sheet piling being installed by vibro-piling as the default method.	Incorporated mitigation includes sheet piling installed by vibro-piling as the default method. **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**. **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** assesses the impacts of noise on fish during construction.
Environment Agency	Ecology & Biodiversity	Fish Species Management - (Chapter 2, Section 2.4, paragraph 2.4.136 and Chapter 7, Section 7.7; paragraph 7.7.5-7.7.6) Issue - The construction of the Non-Breeding Bird Mitigation Area (NBBMA) does not include how native and (potentially) non-native fish species will be managed in the existing ponds in cell 3. Impact - Protected fish species may be harmed or killed during the construction works.	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, where a 'dry crossing technique' is required for the construction of a new or improved crossing point, the section of water between the dams would be inspected for fish and other aquatic life such as eels; where appropriate a fish rescue plan would be executed where appropriate. Dependent on the nature of the ditch and health and safety concerns, different methods may be employed to remove the fish, or a combination of

Respondent	Theme	Comment	Applicant response
		Solution - The Construction Environment Management Plan (CEMP) should include details on managing any fish (native and non-native) within the existing ponds. This is particularly applicable should ponds be infilled and thus drained down.	methods, including static netting, hand netting and/or electrofishing. Upon capture, fish would be held in suitable sized and leaching-safe capture containers and released downstream of the dam as soon as possible, with the exception of non-native species, which would be humanely dispatched.
Environment Agency	Ecology & Biodiversity	Invasive Non-Native Fish Species Management - (Chapter 2, Section 2.4, paragraph 2.4.136 and Chapter 7, Section 7.7; paragraph 7.7.5-7.7.6) Issue The construction of the Non-Breeding Bird Mitigation Area does not include how native, and (potentially) non-native fish species, will be managed in the existing ponds in cell 3. Impact The construction works may lead to the spread of non-native fish species and/or associated pathogens. Solution The Construction Environment Management Plan (CEMP) should include details on managing any fish (native and non-native) within the existing ponds. Where invasive non-native fish species are present in the ponds, this should include a Requirement for an invasive non-native species management plan.	Non-native fish species are included within the requirement for an Invasive Non-Native Species Management Plan, as detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and as included within the **OCEMP [EN010153/DR/7.5]**, secured by through provisions of the DCO.
Environment Agency	Ecology & Biodiversity	Decommissioning Fish Mitigation - (Chapter 2, Section 2.8, paragraph 2.8.25 Issue Mitigation for fish species and their habitat does not cover the decommissioning and removal of cables.	Updated ecological surveys would be undertaken prior to the commencement of the Proposed Development's decommissioning to record the presence of protected and notable species and identify potential effects of any

Respondent	Theme	Comment	Applicant response
		Impact Removal of decommissioned cables may lead to damage of habitat and/or disturbance/harm to fish species. Solution Where underground cables are removed, similar precautions and protocols for fish during the installation of cables (as outlined in 2.4.147, 2.4.148, 7.7.36 and 7.7.37) should be followed. Consideration should also be given in the ES as to whether removal of decommissioned cables is necessary. The removal of cables could lead to unnecessary disturbance to habitats and species on the site.	necessary protection and mitigation measures to comply with planning policy and wildlife legislation applicable at the time, as detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and is secured within the **ODEMP [EN010153/DR/7.7]** through provisions of the DCO.
Environment Agency	Ecology & Biodiversity	Baseline Survey Data (Chapter 7, Table 7-2) Issue Baseline survey data is not appropriate. Third party fish data not being guaranteed, or sufficient fish baseline data not being available. Impact The level of impact on fish from the development may not be captured/assessed in the EIA. As such, mitigation design may not be sufficient in protecting fish species. Solution Where third party data is not available, then a contingency needs to be in place to ensure the baseline fish characteristics of the site are captured. We would expect to see details of the third-party data, including location of surveys, methodology, and when surveys were conducted.	The desk study included a review of data in WSP UK Limited for Cadent Gas Limited's HyNet North West Hydrogen Pipeline baseline survey reports for a proposed a hydrogen pipeline that would run through the Site (see **Section 7.5 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). Environmental DNA (eDNA) surveys were undertaken for the HyNet North West Hydrogen Pipeline project between 2022 and 2023; relevant results are included within **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].** Although none of the HyNet survey locations were located within the Main Development Area boundary, a precautionary approach has been adopted, where the presence of fish (including European eel) within the SADA has been assumed.
Environment Agency	Ecology & Biodiversity	Over Pumping and Cofferdam Mitigation (Chapter 7, Section 7.7, paragraph 7.7.36) Issue	A fish rescue plan would include details of the dewatering methods to include the use of fish-safe meshes (default

Respondent	Theme	Comment	Applicant response
		Insufficient detail in the mitigation for fish when over pumping and coffer damming sections of watercourse. Impact Fish fry, lamprey, elvers and glass eel may be entrained into pumps, where screens are not designed correctly. Fish may also be missed during inspections of coffer dammed areas. Solution Screens on pumps should be suitable to protect elvers and glass eel from entrainment, the default screen aperture size would be 2mm. Inspection of coffer dammed area for fish should be done using electric fishing, or fine mesh seine netting techniques. The term inspecting assumes a visual check, where small fish (such as juvenile eel, lamprey, fish fry) may be missed.	screen aperture size would be 2mm) to be installed over any pumps, monitoring of water pH and the siltation and fish rescue by a suitable experienced ecologist. Dependent on the nature of the ditch and health and safety concerns, different methods may be employed to remove the fish, or a combination of methods, including static netting, hand netting and/or electrofishing. Where netting is used, fine mesh seine netting would be used. The dammed areas/ponds would also be visually inspection to check for the presence of small fish (such as juvenile eel, lamprey, fish fry). Details of these measures are included under Implementation of a fish rescue plan in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and within the **OCEMP [EN010153/DR/7.5],** secured by via provisions of the DCO.
Environment Agency	Ecology & Biodiversity	Dewatering Mitigation (Chapter 7, Section 7.7, paragraph 7.7.37) Issue Insufficient detail in the mitigation for fish when dewatering coffer dammed sections of watercourse. Impact An increase in fine sediment running into watercourses could have a negative impact on fish. This may include smothering important spawning gravels, clog interstitial spaces in gravel, impact on fish egg and larval development, and reduce fish's ability to respire due to clogging of gills. Solution In terms of dewatering mitigation measures, considerations should also be given to	The use of Silt Busters/sedimats/straw bales will also be used to protect downstream watercourses from silt inputs during prolonged dewatering, as detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and within the **OCEMP [EN010153/DR/7.5],** secured by via provisions of the DCO.

Respondent	Theme	Comment	Applicant response
		using Silt Busters, to protect downstream watercourses from silt inputs during prolonged dewatering. Trench digging may cut into elevated water tables, necessitating an extended period of water level management in a 'de-watered' watercourse footprint. In such a scenario, water may need to pass through a Silt Buster prior to release.	
Environment Agency	Ecology & Biodiversity	Water Vole Habitat Assessment (Chapters 7, Section 7.3, Paragraph 7.3.2 and Table 7.3) Issue We note that due to accessibility issues, crossing points U, W and X were not included in the Water Vole Crossing Point Preliminary Habitat Suitability Assessment. Impact The Preliminary Habitat Suitability Assessments help to inform whether water voles are likely to be impacted by the development. If areas have not been included, there is a risk that water vole habitat will be impacted. The Environment Agency have a statutory duty to ensure the conservation of water vole and their environment, under the Environment Act 1995. Water voles are listed as a BAP species. Our approach is supported by section 5.4.17 of EN-1 Overarching National Policy Statement for Energy which states "Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on…protected species and on habitats and other species	Crossing points U, W and X were surveyed for their suitability for water vole in 2025; and as such are now included within the Water Vole Crossing Point Preliminary Habitat Suitability Assessment. The results of the Preliminary Habitat Suitability Assessment for crossing points U, W and X are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].**

Respondent	Theme	Comment	Applicant response
		identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats." Solution We request the applicant confirm these assessments will be carried out at the next suitable survey window.	
Environment Agency	Ecology & Biodiversity	Otter and Water Vole Surveys (Chapters 7, Section 7.3, Paragraph 7.3.3 and Table 7.3) Issue We note that the otter and water vole survey was undertaken following a period of prolonged rainfall, as such impacting results. Signs of water vole and otter may have been washed away by the rainfall impacting results. Robust data is needed to inform and adequate baseline, to understand the potential impacts of the project to these species. Impact There is a risk that survey data is not robust, leading to an inaccurate baseline of otter and water vole species at the site. Any mitigation measures prepared based on this may not be sufficient. The Environment Agency have a statutory duty to ensure the conservation of water voles and otters, and their environment, under the Environment Act 1995. Water voles and otters are listed as BAP species. Our approach is supported by section 5.4.17 of EN-1 Overarching National Policy Statement for Energy which states "Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on…protected species and on habitats and other species	Surveys to assess suitability for water vole were undertaken in September 2023, June 2024, September 2024 and January 2025. Water vole have been scoped in to detailed assessment, based on the known presence of this species and impacts resulting from creation of the proposed crossing points. Survey details and results are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].**

Respondent	Theme	Comment	Applicant response
		identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats." Solution We request the applicant confirm these assessments will be carried out at the next suitable survey window. We have a preference for long-term datasets, based on a consistent methodology, to account for variability	
Environment Agency	Ecology & Biodiversity	Removal of Habitat (Chapters 7, Section 7.3, Paragraph 7.3.9 and Table 7.3) Issue The applicant has assumed the existing ponds and scrapes currently present within the NBBMA would all be temporarily removed, prior to the creation of new ponds and scrapes. Section 7.8 omits information regarding this, and therefore it has not been listed to be assessed for its likely impacts or effects. Impact Removing habitat for species within our remit (such as water vole and otters), with no alternative for them to move to, may displace them or remove an important food source; this will impact their population. Our approach is supported by section 5.4.35 of EN-1 Overarching National Policy Statement for Energy which states "Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development." Solution It would be preferable to provide alternative habitat prior to removing the existing habitat.	Whilst existing ponds and scrapes currently present within the NBBMA would all be temporarily removed, prior to the creation of new ponds and scrapes, the Proposed Development will result in the cessation of access to otter within the NBBMA during both construction and operation due to the predator fencing proposed around the NBBMA. As such, **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** assessed the likely impacts resulting from the cessation of access to otter within the NBBMA during both construction and operation. Incorporated mitigation, including habitat creation and management, will provide enhanced habitat for otter within the SADA.

Respondent	Theme	Comment	Applicant response
		We recommend consulting with Natural England (NE) regarding this issue, as-well as ourselves. Additional comment We are pleased to see the precautionary approach being used in the PEIR. We request further engagement with the project team and investigation into the best approach.	
Environment Agency	Ecology & Biodiversity	Aquatic Invertebrates (Chapters 7, Section 7.5, Table 7.2), and Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17- 124) Issue Solar farms that have wetland habitats on site, or are near wetland habitats, should implement mitigation to prevent adverse impacts on aquatic invertebrates. Impact Many species of aquatic invertebrates mistake the polarised light reflected from solar panels for open water, leading them to try and lay eggs on panels, which ultimately fail. Solution Low-cost mitigation measures can be taken that do not impact on energy generation, such as including a pattern of roughened or painted glass, or a horizontal light blocking grid so that they are no longer attractive to aquatic invertebrates. Additional comment The impacts of polarised light and mitigation approaches are discussed in 'A Review of the Impacts of Artificial Light on Invertebrates' report, which Buglife produced in 2011. Another source of information is the document: • Taylor, R., Conway, J., Gabb, O.	The Proposed Development will use solar PV modules with anti-reflective coating, which is a common approach taken to reduce the potential for reflections (see **ES Vol 1 Chapter 2: Proposed Development [EN010153/DR/6.1]).** Anti-reflective coatings have been found to decrease attraction of some invert species to solar panels[1]. As such, the solar PV modules are not expected to attract aquatic invertebrates, and adverse impacts on aquatic invertebrates are not anticipated, as detailed in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** None of the invertebrate assemblages recorded during the invertebrate assessment undertaken in 2023 were found to be in favourable condition in accordance with Pantheon assemblage scores (see **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2],** for further detail). As such, the Proposed Development is already sited away from important/sensitive invertebrate populations.

Respondent	Theme	Comment	Applicant response
		& Gillespie, J. (2019). Potential ecological impacts of ground-mounted photovoltaic solar panels. [Online] Accessed: BSG Ecology.	
Environment Agency	Ecology & Biodiversity	Mink Invasive Non-Native Species Management (Chapters 7, Section 7.5, Table 7.2 and Appendix 7.1, section 3.3.27), and Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17- 124) Issue Environment Agency records show recorded sightings of American Mink between 2001 and 2023. These sightings are mentioned in Appendix 7-1, Paragraph 3.3.27, but not in the body of the PEIR itself. Section 7.8 omits information regarding Mink, and they have not been listed to be assessed for their likely impacts or effects. Impact Water voles are particularly vulnerable to predation by American Mink. The American Mink is a generalist predator and mink predation alone can reduce water vole populations by up to 60%. The risk could be further increased by any temporary or permanent loss of habitat. The Environment Agency have a statutory duty to ensure the conservation of water vole and their environment, under the Environment Act 1995. Water voles are listed as a BAP species. Solution We advise the applicant to conduct Mink	American mink is listed under Part I of Schedule 9 of The Wildlife & Countryside Act 1981; it is an offence to release into the wild or allow the spread of this species. As such, the Proposed Development would not have a legislative obligation to eradicate American mink from the Site. The **OCEMP [EN010153/DR/7.5]** (secured by via provisions of the DCO) includes a requirement for Invasive Non-Native Species Management Plans; and will therefore include measures to ensure construction and operation of the Proposed Development does not result in the release or spread of American mink. Due to the mobile nature of American mink, the eradication of American mink from within the Order Limits only is considered inappropriate, as the movement of American mink from the surrounding area could not be prevented. Rather, it is considered more appropriate to enhance the habitats within the Order Limits for the benefit of water voles will focus on diversifying the bankside, as detailed within the **OLEMP [EN010153/DR/7.13]** (secured by via provisions of the DCO).

Respondent	Theme	Comment	Applicant response
		surveys and include any management, monitoring and eradication of in their Invasive Non-Native Species (INNS) management plan.	
Environment Agency	Ecology & Biodiversity	Watercourse Uplift (Chapters 7, Section 7.7, Paragraph 7.7.65) Issue The applicants aim of no net loss of watercourse units, rather than the minimum increase of 10%. Impact A missed opportunity to achieve elements of Biodiversity Net Gain (BNG) for the development. Solution Engage with us to establish aims that deliver and increase in watercourse units. Please note, we will not review metric calculations, as this falls within the remit of local authorities. Please see additional comments for further details regarding BNG implementation. Additional comment The watercourse Metric is an opportunity to deliver watercourse enhancements, especially when aligned with River Basin Management Plans, Local Nature Recovery Schemes, Water Framework Directive objectives/mitigation measures, and Catchment Plans. The enhancement of biodiversity in and around development should be led by a local understanding of ecological networks, and should seek to include: • habitat restoration, re-creation and expansion • improved links between existing	Objective 3a of the Proposed Development design principles states (refer to **Design Approach Document (DAD) [EN010153/DR/5.8])** that the Proposed Development will '*achieve a minimum of 10% increase in habitat and hedgerow units, and no net loss in watercourse units.*'' Mitigation or compensation to a special area of conservation, special protection area, or protected species can be used 'in part' towards BNG, as stated in Department for Environment, Food & Rural Affairs (Defra) guidance 'What you can count towards a development's biodiversity net gain[1] (2024)'. As stated in the guidance, for mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. At least 10% of the Proposed Development's units (habitats and hedgerow) come from areas within the Site other than the Non-Breeding Bird Mitigation Area (NBBMA). The Site as a whole, including the NBBMA, achieves a gain in units across habitats, hedgerows and watercourses, as detailed within **BNG Report [EN010153/DR/7.12].** An uplift of 10% in watercourse units has not been achieved without the inclusion of the NBBMA, however, objectives set out for the Proposed Development as a whole have been exceeded The Proposed Development would result in significant watercourse enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in watercourse units

Respondent	Theme	Comment	Applicant response
		sites • buffering of existing important sites • new biodiversity features within development • securing management for long term enhancement The Environment Act 2021 looks to ensure that the overall impact from development on the environment is positive. The Act includes measures to strengthen local government powers in relation to net gain and a minimum requirement of 10% BNG. Although we recognise that provision of BNG is not yet mandatory for Nationally Significant Infrastructure Projects (2025), we encourage the applicant to consider an approach to development that results in measurable net gains in biodiversity, having taken positive and negative impacts into account.	across the Site, when including the NBBMA in the calculations.
Environment Agency	Ecology & Biodiversity	Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17- 124) Issue Section 7.8 omits information relating to entrapment in construction areas. Impact Otters and other species within our remit can become trapped in construction areas. Solution Include mitigation measures in the CEMP	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, RAMs will be implemented during the construction phase to safeguard any otters within terrestrial habitat during works. RAMS will include measures to ensure that otters do not become trapped in trenches/excavations. The requirement for RAMS is set out in the **OCEMP [EN010153/DR/7.5]** secured by via provisions of the DCO.
Environment Agency	Ecology & Biodiversity	Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17- 124) Issue Section 7.8 omits information relating to the	An assessment for the loss of reedbed is included within the assessment of likely impacts (**Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**).

Respondent	Theme	Comment	Applicant response
		impacts on reedbeds. The Environment Agency have a statutory duty to ensure the conservation of reedbeds under the Environment Act 1995. Reedbeds are listed as a BAP habitat. Impact The loss of a Habitat of Principle Importance. Solution The applicant should include reedbeds into the assessment of likely impacts and establish appropriate mitigation and compensation measures.	
Liverpool Bay CCS	Ecology & Biodiversity	It is stated within Paragraph 7.5.38 of Chapter 7: Terrestrial Ecology that relevant ecological data from the HyNet Pipeline projects will be obtained and reviewed to inform the Environmental Statement (ES). Based on this, LBCCS Ltd considers the information provided to be limited for forming a comprehensive understanding of the potential significant ecological effects.	The desk study included a review of data in WSP UK Limited for Cadent Gas Limited's HyNet North West Hydrogen Pipeline baseline survey reports for a proposed a hydrogen pipeline that would run through the Site (see **Section 7.5 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). Where relevant, the presence of species (such as European eels) have been assumed to be present within the Site; incorporated mitigation for these species is therefore based on the assumed presence (see **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). As such, this is considered to provide sufficient understanding for an assessment of potential impacts.
Liverpool Bay CCS	Ecology & Biodiversity	It is further noted that the Runcorn Spur Pipeline Proposed Development is not referenced within Chapter 7: Terrestrial Ecology or Chapter 8: Ornithology. LBCCS expects the cumulative impacts of the	Cumulative impacts between the Proposed Development and Ref 78 (Runcorn Carbon Dioxide Spur Pipeline) are assessed in Section 7.10 of ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1] and Section 8.11 of Chapter 8.

Respondent	Theme	Comment	Applicant response
		Runcorn Spur Pipeline Proposed Development to be assessed in the final ES.	
Natural England	Ecology & Biodiversity	The development site may impact on the following Site of Special Scientific Interest: • Mersey Estuary Our comments regarding impacts on the notified bird features for the SSSI coincide with those above regarding the International and European sites. It is noted that part of the Mersey Estuary SSSI lies within the development site, sitting within the NBBMA. The proposed works within the NBBMA include changes to the pools within the SSSI and so assessment is required to determine if the works will impact upon any of the notified features of the SSSI. It is stated that the SSSI citation does mention the pools as important roosting sites for wildfowl and waders at high tide (paragraph 8.8.4) and Natural England understands that use of the pools is now limited for notified features. However, the ES must include a robust assessment of the impacts any changes to the pools may have on notified features and include the proposed control and removal strategy within the Construction Environmental Management Plan (CEMP) to ensure adequate controls will be in place to limit the spread of Crassula helmsii	**The OCEMP [EN010153/DR/7.5]** secured via provisions of the DCO ensures adequate controls will be in place to limit the spread of *Crassula helmsii* (New Zealand pygmyweed) during the works. The applicant notes that the removal of New Zealand pygmyweed is an obligation of the owner/occupier for the SSSI and as such do not then form part of the mitigation proposals. However, as it is not guaranteed that New Zealand pygmyweed will be removed prior to the commencement of construction, it is considered necessary to put in place a New Zealand pygmyweed control and removal strategy as set out in the **OCEMP [EN010153/DR/7.5]** (secured via DCO provisions and as detailed within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). Ecological monitoring would also assess the success of the invasive non-native species removal measures. If necessary, continued management of New Zealand pygmyweed would be undertaken during operation. If required, an appropriate invasive species treatment program would be implemented by a licensed and experienced invasive species contractor. Further details relating to the continued management of invasive non-native species listed under Schedule 9 of The Wildlife & Countryside Act 1981 during the operational phase are included within the **OLEMP [EN010153/DR/7.13],** secured by via provisions of the DCO.

Respondent	Theme	Comment	Applicant response
		(New Zealand pygmy weed) during the works. Natural England has previously advised that the removal of Crassula via the works to the pools are an obligation of the owner/occupier for the SSSI and as such do not then form part of the mitigation proposals. The ES should also consider the possibilities of the future respread of Crassula (via movement from other nearby waterbodies) once works within the NBBMA have been completed and explore any measures that may be required to try to limit any future spread within the NBBMA. We note that ecological monitoring will be carried out to assess the success of the invasive non-native species control measures (paragraph 7.9.6), and this monitoring should indicate where additional measures may be required.	
Natural England	Ecology & Biodiversity	Protected Species Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may be required. Applicants should refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required. Applicants can also make use of Natural England's charged service Pre-Submission Screening Service for a review of a draft wildlife licence application.	Badger is a common and widespread species both locally and nationally, and therefore any effects are unlikely to be assessed as significant. As such, badger is **scoped out** of detailed assessment, as detailed in **Table 7-3,** however badger is considered with regards to legislative compliance at best practice mitigation measures.

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		Natural England can then review a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. See Advice on working with public bodies in the infrastructure planning process, Annex C: Natural England and the Planning Inspectorate for details of the LONI process. We note that within Table 7.2 (Chapter 7 Terrestrial Ecology) that Badger has been scoped out of detailed assessment however mitigation measures are included later within Chapter 7 (7.7.30-7.7.32), and so we advise that badger is scoped into the assessment.	
Natural England	Ecology & Biodiversity	Environmental Enhancements and Biodiversity net gain (BNG) Natural England welcomes the inclusion of the measures within the Indicative Environmental Masterplan and the retention where possible of existing habitats plus the proposed works across the site to enhance existing Green Infrastructure (GI) and create new GI. We advise that the development should be designed to meet the 5 GI How Principles (naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan	Objective 3a of the Proposed Development design principles states (refer to **Design Approach Document (DAD) [EN010153/DR/5.8])** that the Proposed Development will '*achieve a minimum of 10% increase in habitat and hedgerow units, and no net loss in watercourse units.*'' Mitigation or compensation to a special area of conservation, special protection area, or protected species can be used 'in part' towards BNG, as stated in Department for Environment, Food & Rural Affairs (Defra) guidance 'What you can count towards a development's biodiversity net gain[1] (2024)'. As stated in the guidance, for mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. At least 10% of the

Respondent	Theme	Comment	Applicant response
		including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate. Regarding BNG, for nationally significant infrastructure projects it is anticipated that the requirement for biodiversity net gain will be implemented from 2025. For further information on the timetable for mandatory biodiversity net gain, we refer you to Biodiversity Net Gain moves step closer with timetable set out - GOV.UK (www.gov.uk). Biodiversity net gain - GOV.UK (www.gov.uk) provides more information on biodiversity net gain and includes a link to the draft Planning Practice Guidance. The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk) for more information. We note that the proposed development seeks to deliver a minimum 10% net gain in habitat and hedgerow units and no net loss in watercourse units and understand that a full BNG assessment is to be undertaken for the DCO application once the Environmental Masterplan has been finalised.	Proposed Development's units (habitats and hedgerow) come from areas within the Site other than the Non-Breeding Bird Mitigation Area (NBBMA). The Site as a whole, including the NBBMA, achieves a gain in units across habitats, hedgerows and watercourses, as detailed within **BNG Report [EN010153/DR/7.12].** An uplift of 10% in watercourse units has not been achieved without the inclusion of the NBBMA, however, objectives set out for the Proposed Development as a whole have been exceeded The Proposed Development would result in significant watercourse enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in watercourse units across the Site, when including the NBBMA in the calculations.

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Ecology & Biodiversity	Impact on the ecology - designated sites (Mersey Estuary SSSI, SPA and Ramsar) and Frodsham Helsby and Ince Marshes Local Wildlife Site (LWS) The Natural Environment Officers comments are appended to this letter (Appendix 1) In terms of significance of impacts on ecological matters the Natural Environment Officer does not currently concur with the conclusions of the PEIR. Chapters 7/8 deal separately with terrestrial ecology and ornithology respectively. It is important that the overall impact on the LWS and its qualifying criteria and citation are considered in the round. With regard to mitigation an adaptive approach should be applied to aftercare and long-term management of mitigation measures. Long-term management should be outcome led, rather than focused on time-limited aftercare-periods. Consideration should be given to retaining ecological mitigation and enhancements beyond the lifetime of the scheme.	**ES Vol 2 Appendix 7.5 Assessment of Frodsham Helsby Ince Local Wildlife Site [EN010153/DR/6.2]** includes an assessment of Frodsham Helsby Ince LWS against the current LWS selection criteria. Impacts on the LWS are considered within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** In order to avoid repetition, where a criteria of the LWS is met, and the receptor is scoped in separately (including HPIs, other habitats, otter, water vole, fish and invertebrates), these are not assessed under non-statutory designated sites. Impacts on each ornithological qualifying feature of the LWS are considered within **Chapter 8.** An adaptive approach will be applied to aftercare and long-term management of mitigation measures; as detailed within the **OLEMP [EN010153/DR/7.13]**. Monitoring surveys will be used to inform remedial actions required to achieve the relevant Project Design Principles. It is considered likely that tree and scrub planting, together with created pond and wetland habitats would be retained, including the habitats created within the NBBMA. However, as the land would be handed back to the landowners on completion of decommissioning the long-term retention of the landscaping improvement works cannot be guaranteed. Some landscaping may be taken out when land handed back to landowners after decommissioning.
Cheshire West and Chester Council	Ecology & Biodiversity	1.3.25 See Appendix 1 Natural Environment Officer comments re: Local Wildlife Site.	The Applicant notes this comment. The Natural Environment Officer's responses are addressed below.

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Ecology & Biodiversity	2.7.5 It is considered likely that tree and scrub planting, together with created pond and wetland habitats would be retained, including the habitats created within the NBBMA. However, as the land would be handed back to the landowners on completion of decommissioning the long-term retention of the landscaping improvement works cannot be guaranteed. Some landscaping may be taken out when land handed back to landowners after decommissioning. It should be clarified that the windfarm mitigation time period will be complete prior to decommissioning. It is understood that it has been assessed that decommissioning will not cause any more harm than construction works, as a principle, however, if the NBBMA and Skylark areas are as successful as proposed, there could be extra impacts here that have not been originally assessed. Any removal of landscaping features should occur after solar farm array land has been decommissioned and returned to its original state. A full suite of protected species surveys will be needed prior to any removal of landscaping features and a mechanism for this should be secured and detailed.	Updated ecological surveys would be undertaken prior to the commencement of the Proposed Development's decommissioning to record the presence of protected and notable species and habitats and identify potential effects of any necessary protection and mitigation measures to comply with planning policy and wildlife legislation applicable at the time. A suitably qualified and experienced ECoW (Ecological Clerk of Works) (or team of ECoWs) would be appointed prior to the commencement of decommissioning activities and through whom appropriate ecological advice will be provided throughout. These measures are secured through the **Outline Decommissioning Environmental Management Plan (ODEMP) [EN010153/DR/7.7],** secured by in the OLEMP **[EN010153/DR/7.13]** via the provisions of the DCO (see **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**).

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Ecology & Biodiversity	Main Chapter 7.0: Table 7-2 (Terrestrial ecology only) Badgers have been scoped out of the assessment, even though there is a network of main setts and other setts, and the development could impact the species, due to fencing of large areas disrupting foraging/commuting routes an territories. This should be reassessed.	Badger is a common and widespread species both locally and nationally, and therefore any effects are unlikely to be assessed as significant. As such, badger is **scoped out** of detailed assessment, as detailed in **Table 7-3,** however badger is considered with regards to legislative compliance at best practice mitigation measures.
Cheshire West and Chester Council	Ecology & Biodiversity	7.6.8 Priority habitat Coastal and Floodplain Grazing Marsh is not listed as being present on site but looks to possibly be present from the habitat descriptions provided. This should be investigated. If confirmed, BNG calculations will significantly alter. UK Biodiversity Action Plan Priority Habitat Descriptions Coastal and Floodplain Grazing Marsh: Coastal and floodplain grazing marsh is not a specific habitat but a landscape type which supports a variety of habitats; the defining features being hydrological and topographical rather than botanical. Grazing marsh is defined as periodically inundated pasture, or meadow with ditches which maintain the water levels, containing standing brackish or fresh water. The ditches are especially rich in plants and invertebrates. Almost all areas are grazed, and some are cut for	Existing records of coastal and floodplain grazing marsh HPI, as listed within the Priority Habitat Inventory, do not overlap with the Main Development Area; the closest existing record is located 0.01 km southeast. Habitat surveys undertaken of the Site, as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]**, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.

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		hay or silage. Sites may contain seasonal water-filled hollows and permanent ponds with emergent swamp communities, but not extensive areas of tall fen species like reeds; although they may abut with fen and reed swamp communities. UK Habs definition: The habitat can occur on the floodplains of rivers and also on reclaimed land behind sea walls. It may contain areas of Lowland Meadow, Modified grassland and Other neutral grasslands. There may also be small area of tall fen habitats and scrub.	
Cheshire West and Chester Council	Ecology & Biodiversity	Appendix 7.3 Bat Activity Survey Report Commuting bats: The Avian Ecology and RSK bat activity survey results have different methodologies of presentation, so comparisons and an overall picture of bat activity is hard to ascertain. Can the results be collated and presented in the RSK style? Figure 7-6 MS1 static detector in the Avian Ecology 2023 surveys does not seem to be on the plans? The provision of only 3 static detectors on a site of this size has not been clearly justified.	**Figures 7-16 to 7-19** illustrate the density of bat activity in the form of heat maps of the total number of bat passes (i.e. for all species combined) recorded per minute along the transect routes, per survey visit. the scale of bat activity density in the maps produced by RSK (see **Annex 3; Figures 4 – 5**) range from 'sparse' to 'dense'; there is no indication of what the definition, or number of bat passes, of spare/dense is. As such, due to the variation in recording equipment, known density scale and additional variables (e.g., survey methodology, weather conditions etc.), a direct comparison between **Figures 7-16 to 7-19** and the density maps produced by RSK (**Annex 3; Figures 4 – 5**) is not possible. The location of MS1 static detector is included in **Figure 7-7 Bat Activity Plan.**

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			Three static detectors were deployed during the Avian Ecology 2023 Bat Activity Survey; this mirrored the survey effort undertaken by RSK Biocensus in 2022. Transect routes and static locations surveyed in 2023 followed the routes/locations of the 2022 surveys as closely as possible, accounting for a change in Site boundary and access constraints (wet/dense vegetation) to allow for a comparison of results. The Bat Conservation Trust (BCT) Survey Guidelines (Collins, 2016[1]) state that, one static detector should be placed per transect on low suitability habitats for bats, and two statics should be placed per moderate suitability habitats. Habitats within the Main Development Area have predominantly been assigned low suitability habitats (e.g. the fields), whereas the remained of the habitats have been assigned moderate suitability (e.g. hedgerows, tree lines, field margins, ditches and watercourses). As such, this is not deemed to be a significant constraint as three static detectors are considered appropriate considering the presence of both low and moderate suitability habitats. Additionally, impacts i.e. direct loss are primarily located within habitats assessed as low suitability for foraging/commuting bats with habitats of moderate suitability being largely retained.
Cheshire West and Chester Council	Ecology & Biodiversity	Otters: Appendix 7.2 Protected Species Survey Report *3.2.5 During the combined otter and water vole survey undertaken on the 13th September 2024, three undetermined mustelid scats were recorded; taking into account the consistency,*	An assessment of impacts upon otter is included in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**. As detailed under **Section 7.7 Incorporated Mitigation**, where construction work, habitat management works, or

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		contents and smell, all three scats may be that of otter, however this could not be confirmed. The scats were found adjacent to P24 and adjacent to D30, both of which are in the NBBMA. These are near to the fishing ponds and there are records of Otter approx. 9m to the south. If Otters are present, as a European protected Species, further assessment is required to establish impacts; the NBBMA will be reengineered and so there will be impacts on Otters feeding grounds if they are present.	other maintenance works, are required within 5 m of a ditch, watercourse or pond, these would be preceded by an otter survey, which would be completed by a suitably qualified ecologist immediately prior to the commencement of works to determine the presence of the species within the working areas, which would inform any protection and/or mitigation requirements. Should signs of an active otter holt/resting place be confirmed, works in or adjacent to the feature would only proceed under suitable mitigation measures as advised by the project ecologist and, if necessary, under a Mitigation Licence issued by NE. Furthermore, works would be undertaken following RAMS. Pre-works otter survey and RAMS is secured via the OOEMP.
Cheshire West and Chester Council	Ecology & Biodiversity	Water vole: Main chapter 7.0 *7.7.24 The Proposed Development's layout has been designed to avoid impacting linear ditch habitats with potential suitability to support these species as far as reasonably practicable.* Standard RAM's are recommended, and it is stated that ditches have been avoided where possible. However, 17 new ditch crossings and 8 upgraded ditch crossings are proposed and there seems to be no overall assessment of the development impact on the water vole population. *7.8.111 Incorporated mitigation includes the creation of new ponds and wetland habitats across the Main Development Area, which would provide additional foraging, sheltering and breeding habitat for this species. Furthermore,*	Water voles have been scoped-in to detailed assessment, and an overall assessment on water voles during construction and operation are included in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, which takes into consideration the proposed 17 new ditch crossings and eight upgraded ditch crossings. Incorporated mitigation for the protection of water vole is included in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** As detailed within the OLEMP (secured by via provisions of the DCO), enhancement measures for the benefit of water voles will focus on diversifying the bankside vegetation, and also managing the dense bramble scrub to maintain a mix of structure and age and reducing encroachment/shading of scrub on the channel.

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		retained ditch top habitats would be managed for the benefit of water vole for the duration of the operational phase, for 26 example by removing some dense scrub to open up the ditch and bank top habitat to improve foraging opportunities, offering continued foraging and sheltering habitat for this species. See comments for 7.7.24; impacts need to be established before mitigation can be confirmed to be adequate. A water vole mitigation plan, including ditch crossings and habitat enhancement/creation as described, is required.	
Cheshire West and Chester Council	Ecology & Biodiversity	Amphibians: Main report *7.6.35 No positive eDNA results were recorded. Furthermore, reptile surveys were undertaken on the Preliminary Site Boundary between March and June 2022 and no GCN were recorded using the refugia traps. Therefore, it is considered that GCN are reasonably unlikely to be present within the Main Development Area.* The HSI and DNA surveys carried out in April 2022 by RSK were carried out considering the Preliminary site boundary only. This means that the NBBMA with its numerous water bodies and ponds within 250 of it, was not considered in full. 5 out of 13 waterbodies in the NMBBA were not surveyed with HSI or DNA. Major engineering is proposed in this area and so further assessment is required.	As detailed in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2]**, no records of reptiles nor great crested newt (GCN) were returned from within 2 km of the Main Development Area during the data search. Furthermore, a reptile survey was undertaken of the Preliminary Site Boundary in 2022 during which no reptiles were recorded. GCN eDNA surveys undertaken of the Preliminary Site Boundary in 2022 returned no positive results. As such, reptiles and GCN are considered reasonably likely to be absent from the Main Development Area, as detailed in Table 7-4. Due to the close proximity of the Main Development Area to Cell 3 (and the NBBMA), and the lack of connectivity from the Site to the wider landscape (due to the River Weaver, the M56 and industrialisation at Elton/Stanlow), it is reasonably likely that the lack of reptiles and GCN can be extrapolated to the Cell 3 (and the NBBMA)

Respondent	Theme	Comment	Applicant response
			Small numbers of common toad were recorded within the Preliminary Site Boundary during the RSK Biocensus PEA. Mitigation measures to reduce and/or avoid any potentially adverse effects or to ensure legislative compliance are detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, secured by the provisions of the DCO via the OCEMP **[EN010153/DR/7.5]**. This would include adherable to Reasonable Avoidance Measures (RAMS). Furthermore, the Proposed Development will include the installation of ten reptile/amphibian refugia, at least two of which will be within the NBBMA. The assessment undertaken for the ES is considered sufficient and proportionate to the likely impacts on amphibians and reptiles.
Cheshire West and Chester Council	Ecology & Biodiversity	Reptiles: Main report *7.6.40 On balance, reptiles are considered reasonably likely to be absent from the Main Development Area, or present only in very low numbers.* It is noted that the RSK Survey in 2022 (7 visits between April and June) recorded no reptiles, however, this was carried out in the Preliminary Survey Site Boundary only, so did not include Cell 3 or the north-west of the site. This should be discussed as a limitation.	This is noted as a limitation under **Section 7.5** (*Assumptions and Limitations)* **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**.
Cheshire West and	Ecology & Biodiversity	Badgers: Appendix 7-2: Protected Species Survey Report Annex 3 - Frodsham Renewable	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, suitably sized (approximately

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Chester Council		Energy Development Preliminary Ecological Appraisal Report (RSK Biocensus, 2023) (Redacted) *4.5.25 If the future development design results in the loss of the setts, connectivity between setts, particularly the two main setts, and significant loss of habitat, badger bait marking surveys may be necessary to provide further information on the badger group(s) territory(ies) and how badgers are using the site to inform further mitigation or compensation measures.* Since this survey was carried out, further setts have been found on site, including two further main setts. This is a total of four main setts, seven outlier setts and a single annex sett within the Site, all of which are active. These are distributed throughout the site, on the banks of cells, in the north, centre, west and south of the site. The 265ha SADA is proposed to be fenced, which is the whole area where Badger setts are located. Although mammal gates in fences are proposed, this will severely restrict movement of Badgers, which have free access to all of this area at the moment. Movement will be restricted between setts and from their setts to and from foraging grounds.	20 cm x 25 cm) gaps or mammal gates will be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the SADA. The locations of these gaps/gapes will be determined during pre-commencement survey and would be located adjacent to setts and where the fence lines cross mammal paths. Badgers typically follow well-worn paths between their setts and foraging grounds. As such, the placement of gaps/gates adjacent to setts and at locations of existing mammal paths are not expected to restrict free movement across the Main Development Area (excluding the NBBMA).
Cheshire West and Chester Council	Ecology & Biodiversity	Appendix 7.2 Annex 8: Confidential Badger Report *4.4.3 The following setts are located within approximately 5 m of away from the proposed*	The impact assessment for badger is detailed within **Annex 8** of **Technical Appendix 7.2 [EN010153/DR/6.2],** as a confidential annex.

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		fence line or from the solar arrays, or adjacent to proposed re-landscaping works: Main Sett 1, Main Sett 3, Main Sett 4, Outlier Sett 1, Outlier Sett 2, Outlier Sett 3, Outlier Sett 6 and Annex Sett Although discussions so far have been based on the fact that most of the setts are on field boundaries so are unlikely to be impacted due to biodiversity/landscape buffers are in place, the above paragraph details that three main setts and five other setts are within 5m of the solar arrays or adjacent to proposed re-landscaping works. *4.4.2 The following setts are located approximately 10 m away from the proposed fence line or from the solar arrays: Main Sett 2, Outlier Sett 4, Outlier Sett 5 and Outlier Sett 7. These setts will not be subject to direct impacts, with the only possible impact being disturbance as a result of works, including fencing and panel installation.* The location of the setts, on what should be easily avoidable banked field boundaries, as well as the amount of setts that will be impacted, infers that the mitigation hierarchy has not been followed i.e. the design of the solar farm has not considered avoidance in its formulation. This should be revisited. As a note, throughout the documents, a 10m stand-off from field boundaries is proposed, which is clearly not the case if the above is required.	Setts between 5 to 10 m of the proposed fence line/solar arrays will not be subject to direct impacts, with the only possible impact in the absence of further mitigation measures, being disturbance as a result of works, including fencing and panel installation. Given the existing baseline levels of disturbance from agricultural practices, the short timescales of works in any given locality, and taking into account Natural England guidance, it is not considered that fencing or panel installation within 10 m of a sett would result in disturbance to badger beyond a trivial level, and would not require a licence. However, in the absence of additional mitigation measures direct impacts i.e. damage or disturbance may occur to setts where works are proposed within 5m. The Proposed Development design is considered to represent a likely worst-case scenario, with the final (i.e., built) design to be informed by the following measures to protect badgers and their setts: - A pre-commencement survey would be undertaken to determine any change in badger baseline information and to check for any newly constructed setts on and within 30 m of the Site (where accessible). - Re-design to avoid and minimise works within 20m of a sett. - Use of sensitive construction techniques (i.e. no dig concrete footings). - If works within 20m of a sett cannot be avoided (taking into account elevation of setts on embankments) an Ecological Clerk of Works (ECoW) should undertake

Respondent	Theme	Comment	Applicant response
			an assessment of likely impacts and advise on micro-siting, RAMS and/or supervision as appropriate.
Cheshire West and Chester Council	Ecology & Biodiversity	Main report Chapter 7.0 *7.7.30 20 m buffer (30m for large, tracked machinery) would be maintained from active badger setts set out with Heras fencing or similar, with no works to be undertaken within this area unless covered under a specific method statement and agreed by the ECoW. Where avoidance measures cannot reasonably be implemented and setts are likely to be impacted, these would be closed under a Natural England licence during the appropriate season (July to November inclusive).* 20/30m buffers from setts have not been designed into the layout to avoid badger setts, as the above demonstrates. There is also no confirmation of replacement setts or opening setts up after works are complete, if they require closure.	As detailed in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2],** works within 20 m of any setts (30 m for large, tracked machinery) will only be permitted to be undertaken within this area unless covered under a specific method statement and agreed by the ECoW. As such, 20/30 m buffers from setts have not been designed into the layout All works would be legislatively complaint with regards to the Protection of Badgers Act 1992, including a development licence obtained from Natural England before construction commences, where required. Details regarding replacement setts or opening setts up after works are complete, if they require closure, will be determined following a pre-commencement survey and during the application process (if required).
Cheshire West and Chester Council	Ecology & Biodiversity	Biodiversity Net Gain: Main report Chapter 7.0 7.7.69 Based on the Masterplan habitat creation/enhancement measures, an increase of 11.35 % in habitat units would be achievable within the Site. The trading rules are not currently met due to the net loss of reedbed units. Based on PIER Volume 3 Figure 2-3 Illustrative	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, it is noted that the trading rules are not met due to the net loss of reedbed. Reedbeds have been classified in strict accordance with UKHab Classification; however, due to the small and isolated nature of the majority of the areas of reedbed within the Main Development Area, these areas are considered unlikely to function in the same way as larger and ecologically

Respondent	Theme	Comment	Applicant response
		Environmental Masterplan an increase of 74.98 % in hedgerow units would be achievable within the Site; the trading rules for hedgerow units are met. The gains reported are not robust, due to trading rule errors, in line with metric guidance. The Watercourse element of the metric has not yet been completed. A gain in all habitat types is required to evidence a net gain. In addition, priority habitats such as Coastal Floodplain Grazing Marsh may be present on site, which have not been recorded, which will significantly alter the habitat gains reported.	connected areas of reedbed. The majority of the areas of reedbed subject to loss are either dry, encroached with scrub/trees or are not located adjacent to/connected to open water. As such, these areas are likely transient in nature and would likely be subject to drying and therefore change in the future. In the absence of the Proposed Development, it is considered likely that these areas would be lost/subject to move. The Proposed Development is not subject to statutory BNG requirements. It will become a mandatory requirement[1] for DCO applications to demonstrate a quantifiable BNG of at least 10 % under the Environment Act 2021 in November 2025. However, the Proposed Development has committed to delivering a voluntary measurable increase in biodiversity units (a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units). **BNG Report [EN010153/DR/7.12]** demonstrates that the Proposed Development would achieve a measurable increase in habitat, hedgerow and watercourse units. Habitat surveys undertaken of the Site, including the Main Development Area, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.
Cheshire West and Chester Council	Ecology & Biodiversity	Frodsham Helsby Ince LWS: An inherent issue with the assessment is that the LWS has both terrestrial and ornithological qualifying criteria, but these have been assessed separately in Chapters	**ES Vol 2 Appendix 7.5 Assessment of Frodsham Helsby Ince Local Wildlife Site [EN010153/DR/6.2]** includes an assessment of Frodsham Helsby Ince LWS against the current LWS selection criteria.

Respondent	Theme	Comment	Applicant response
		7 and then Chapter 8. See comments on qualifying criteria such as badgers and birds for further impacts on the LWS.	Impacts on the LWS are considered within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** In order to avoid repetition, where a criteria of the LWS is met, and the receptor is scoped in separately (including HPIs,, other habitats, otter, water vole, fish and invertebrates), these are not assessed under non-statutory designated sites. Impacts on each ornithological qualifying feature of the LWS are considered within Chapter **8.**
Cheshire West and Chester Council	Ecology & Biodiversity	Main report Chapter 7.0 7.8.9 Direct impacts to these designated sites would include temporary and permanent land take. Habitats for which Frodsham, Helsby and Ince Marshes LWS are cited, and which would be impacted by land take, include neutral grassland and wetland. The BNG section reports that there is a trading rule error due to loss of reedbed, which is a qualifying habitat of the LWS, but is not mentioned here. CFGM is a priority habitat also likely to be present, which has not been considered.	The BNG Metric classifies reedbed under the broad habitat of wetland. As such, the loss of reedbed within Frodsham, Helsby and Ince Marshes LWS has been considered under Non-Statutory Designated Sites for Nature Conservation. **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** clarifies that reedbed is counted under wetland. Justification for the net loss of reedbed is included within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Habitat surveys undertaken of the Site, including the Main Development Area, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.
Cheshire West and Chester Council	Ecology & Biodiversity	7.8.12 Human disturbance during construction may temporarily impact Frodsham, Helsby and Ince Marshes LWS's function as a wildlife corridor; however, works would be phased, and therefore works in any one location would likely be relatively short in duration; as such, due to the large size of the LWS combined with the phased	Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates would be installed at suitable intervals and locations along the perimeter fence line to allow badgers and other mammals free movement into and out of the SADA; as detailed under **Section 7.7 Incorporated Mitigation** of **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]**, secured by in the **OLEMP** via the provisions of the DCO.

Respondent	Theme	Comment	Applicant response
		work, it is anticipated that areas of the LWS would remain open and undisturbed during each phase. There is no assessment here of the size of the area that would remain open; large areas may be closed, due to the fencing proposed around the solar farm.	As such, with the exception of the NBBMA, the Proposed Development will not result in large areas of be closed and will not impact Frodsham, Helsby and Ince Marshes LWS's function as a wildlife corridor. Impacts resulting from the installation of fencing, including around the NBBMA, on qualifying species of the LWS are considered within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
Cheshire West and Chester Council	Ecology & Biodiversity	7.8.78 Enhancement measures will include a commitment to achieve an increase of at least 10 % in both habitat and hedgerow units across the Site. The BNG section reports that there is a trading rule error due to loss of reedbed, which is a qualifying habitat of the LWS. The watercourse section of the BNG metric has not been completed yet. Therefore, LWS habitats referred to in the criteria, such as ditches, may not be mitigated for adequately.	The results of the BNG assessment, which includes details of the watercourse units, is included in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and in **ES Vol 2 Appendix 7.6 Biodiversity Net Gain Report [EN010153/DR/6.2].** As detailed in **Section 7.7,** it is noted that the trading rules are not met due to the net loss of reedbed. Justification for the net loss of reedbed is included within **Section 7.7.** **Section 7.7** and **BNG Report [EN010153/DR/7.12]** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units.
Cheshire West and Chester Council	Ecology & Biodiversity	7.7.80 Potential indirect impacts relate to disturbance associated with routine maintenance including from lighting, noise and pollution (runoff and dust). Human disturbance as a result of the proposed new permissive footpaths, formalisation of access, carparking and enhancement of the existing PROW network, has not been assessed	Human disturbance as a result of the proposed new permissive footpaths, formalisation of access, carparking and enhancement of the existing PRoW network, has been assessed in terms of the impacts on the LWS and its qualifying features within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1.** Impacts during operation resulting from the installation of fencing around the NBBMA on badgers and otters are

Respondent	Theme	Comment	Applicant response
		in terms of the impacts on the LWS and its qualifying features. This is required. The fencing proposed around the SADA, means that a large proportion (265ha) of the LWS is restricted, for some qualifying species, such as Badgers, impacts during operation should be considered. Each qualifying feature of the LWS and the direct and indirect impact upon it, should be analysed. This has not been carried out in the Ornithology chapter, as it has in Chapter 7 for habitats. Nor has it been carried out for other terrestrial qualifying species.	considered within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1.** Impacts on terrestrial ecology features considered to be important in relation to the Proposed Development are addressed separately in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, to avoid repetition.
Cheshire West and Chester Council	Ecology & Biodiversity	Appendix 7.1 Figure 7-1 Water voles should have the same survey buffer area as Otter. Badger survey area should include the development area plus 30m, as standard.	**Figure 7-1ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.2]** relates to Zones of Influences (ZoI) for ecological receptors. As detailed in above in **Table 7.1**, during a Site Visit attended by representatives from Avian Ecology, Axis and CWaCC on the 4th of September 2024, it was demonstrated and agreed that further water vole surveys, including population distribution surveys, are not possible along the ditches within the SADA due to Health and Safety issues. As such, it was not possible to survey all lengths of ditches within the Main Development Area. Crossing points U, W and X were surveyed for their suitability for water vole in 2025; and as such are now included within

Respondent	Theme	Comment	Applicant response
			the Water Vole Crossing Point Preliminary Habitat Suitability Assessment. The results of the Preliminary Habitat Suitability Assessment for crossing points U, W and X are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].** A badger walkover of the Site (excluding the SPEN/National Grid Substation and Access) plus a 30 m buffer was undertaken on the 17th of March 2025. Details and results of this survey are included in **Appendix 7.2**. A habitat survey of the SPEN/National Grid Substation and Access undertaken in 2024 was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within 30 m of the SPEN/National Grid Substation and Access, where accessible.

Table 1.8: Glint and Glare

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Glint & glare	The confirmation that glint and glare effects would not affect receptors located to the north of the Solar Array Development Area, including users of the Weaver Navigation, is welcomed.	The Applicant notes this comment.

Table 1.9: Hydrology, Flood Risk and Drainage

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Hydrology, Flood Risk and Drainage	Respondent added that the respective chapter in the PEIR outlines incorporated mitigation and enhancement measures (including specific and detailed practice controls in the OCEMP) which provide a broad spectrum of controls aimed at protecting the waterways, which the Trust welcome. Respondent added that a robust firewater management process is proposed for the BESS, which would contain any potential contamination from the BESS compound and substation and prevent contaminated run off being released into the wider water environment, which the respondent welcomes.	The Applicant notes this comment. ***ES Vol 2 Appendix 9-1 - Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]*** sets out the pollution protection measures proposed for the BESS.
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	We wish to highlight a combined sewer overflow in the vicinity of your proposal. As part of our obligations under the Environment Act 2021, we have a significant programme of investment to progressively reduce spills from these assets. This is a massive undertaking which will be progressed over a number of investment periods. We request the opportunity to work with the developer to maximise the opportunity to remove surface water for the public combined sewer as part of these solar farm development.	The Applicant notes this comment. The **draft DCO [EN010153/DR/3.1]** includes Protective Provisions for the protection of UUW assets.

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	Existing drainage systems are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment	No water from the site will discharge to the public sewer network.
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	Whilst UU does all that it can to reduce the risk of flooding, there remains a residual risk, which is a source of flooding that should be considered in your Environmental Statement (ES). National policy is clear that flood risk from all sources, including sewers and reservoirs, must be considered in the delivery of new development. As such, it is important to ensure that the assessment of flood risk includes sewer and reservoir flood risk. It should be ensured that your proposed development does not result in an increase in flood risk from the public sewer or from reservoirs as a result of: i) any proposed new drainage connections to the public sewer. This is considered in further detail below; ii) as a result of any changes in land or property which could materially change existing flood risk, for	Risk of flooding from all sources provided in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. No sewers are within the site and as such there is a very low risk of sewer flooding to the Site.

Respondent	Theme	Comment	Applicant response
		example, by altering any existing exceedance flood paths of losses from the public sewer or a reservoir exceedance path; iii) by locating any above ground elements of your proposal in areas where there is an existing risk of sewer or reservoir flooding; or iv) as a result of any diversions / works to watercourses or existing sewers which could materially affect hydraulic performance and therefore change / increase any risk of flooding,	
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	The proposed site for Frodsham Solar Farm is in a reservoir flood path. There are a number of reservoirs within and near to Cheshire West and Chester, each with its own reservoir flood zone, showing how far flood water would spread from the reservoir in the unlikely event that a reservoir failed. You should have regard to this risk. We request the opportunity to liaise with you so the site can be appropriately considered against the above guidance. When looking at future development within a reservoir flood zone, we draw your attention to the advice within the National Planning Practice Guidance on Flood Risk and Coastal Changes. This states that the relevant decision maker will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir.	Risk of flooding from all sources, including reservoirs, is provided in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***.

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	The relevant decision maker will need to evaluate, in the Strategic Flood Risk Assessment (when applying the Sequential Test), how an impounding reservoir will modify existing flood risk in the event of a flood in the catchment it is located within, and/or whether emergency draw-down of the reservoir will add to the extent of flooding. For development within a reservoir flood zone, the developer should discuss their proposals with reservoir undertakers (such as UU Water) at the earliest opportunity to: • avoid intensification of development within areas at risk from reservoir failure; and • ensure that reservoir undertakers can assess the cost implications of any reservoir safety improvements required due to changes in land use downstream of their assets. Developer should be expected to cover any additional costs incurred, as required by the National Planning Policy Framework's 'agent of change' policy (paragraph 193). This could be through Community Infrastructure Levy or section 106 obligations for example. Further consideration of the implications of being located downstream of the reservoir exceedance path will be required through liaison with the reservoir operator as the cost of any mitigation measures could be material to the development of the site. You will need to clearly reflect the need for the	Risk of flooding from all sources, including reservoirs, is provided in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy** [*EN010153/DR/6.2*].

Respondent	Theme	Comment	Applicant response
		implications for the reservoir exceedance risk to be addressed and mitigated where necessary in the site-specific development considerations for the site.	
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	UU wishes to liaise with you to confirm the impact on any watercourses that interact with our assets to ensure that there are no detrimental consequences of these works in terms of asset operation, flood risk and changes to fluvial geomorphological processes.	No additional discharge of surface water will be made to watercourses. All discharge to be made at the greenfield runoff rate. The Site Drainage Strategy is provided in ES **Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure UUW assets are protected
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	We would be grateful if you can provide details of any drainage proposals in respect of both foul and surface water. This should include rates of discharge, volumes of discharge, points of connection, the nature and extent of any contaminants, and details of any necessary pre-treatment prior to connection to the public sewer. We request that you provide details of drainage during operation of the solar farm and during the construction period. We request further details of any approach for the storage and disposal of any hazardous fluids. We wish to understand whether there is any intention to connect such flows to our public sewerage network and to ensure any potential impact on water supply assets, including the groundwater environment, is fully considered and mitigated.	The Site Drainage Strategy is provided in ES Volume 2 **Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Foul flows from site during construction will be tankered off site to a permitted wastewater treatment facility. No connection will be made to the public sewer from foul flows or surface water generated on site.

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	We wish to emphasise that consistent with the principles of the hierarchy for the management of surface water in national planning policy and the obligations of the Environment Act 2021, no surface water will be allowed to discharge to the existing public sewerage system. Surface water should instead discharge to more sustainable alternatives as outlined in the surface water management hierarchy. This will ensure the impact of development on public wastewater infrastructure, both in terms of the wastewater network and wastewater treatment works, is minimised. We adopt this position as surface water flows are very large when compared with foul flows. By ensuring that no surface water enters the public sewerage system, the impact on customers, watercourses and the environment will be minimised. Please note, UU is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river). There should be no land drainage, including dewatering proposals, discharged to the public sewer.	The Site Drainage Strategy is provided in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. No connection will be made to the public sewer from surface water generated on site.

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	We request that surface water is only managed via SuDS which are multi-functional and at the surface level in preference to conventional underground piped and tanked storage systems. Wherever practicable, SuDS should be implemented in accordance with the CIRIA SuDS manual. Managing surface water through the use of SuDS can provide benefits in water quantity, water quality, amenity and biodiversity. If the applicant intends to offer wastewater assets forward for adoption by UU, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2- 2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout. Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by UU. Any work carried out prior to the technical assessment being approved is done entirely at	The Site Drainage Strategy is provided in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Sustainable drainage systems have been implemented for the BESS and Substation drainage. There are no proposals to offer any drainage assets to UU for adoption. The **draft DCO [EN010153/DR/3.1]** includes Protective Provisions to ensure UUW assets are protected.

Respondent	Theme	Comment	Applicant response
		the developer's own risk and could be subject to change.	
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	Without effective management and maintenance, SuDS can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the determining authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend that you include details of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. Please note that UU cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the approval of the management and maintenance arrangements in these circumstances.	Maintenance of the drainage system is detailed in the Site Drainage Strategy provided in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**.
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	We request that you provide details of any water supply requirements for both construction and during operation as soon as possible. If you require a water supply, the information should include details on rates of water supply required in litres per second and anticipated	The Applicant notes this comment. A water main is located within the Site. The Applicant has been in consultation with United Utilities about the water supply to the site and consultation to date has indicated that the location is not at risk of receiving low pressure water or flow and that a connection should be possible in this location.

Respondent	Theme	Comment	Applicant response
		points of connection to the public water supply network. The details of water supply required should include details for any fire response purposes that may be necessary. For temporary related activities, such as construction compounds and workers accommodation, early consideration of any water supply requirements will also be required. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. You will need to ensure that your ES fully considers any environmental impact of any water supply requirements.	
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	UU requests that the assessment of potential environmental impact from ground conditions including any contamination, hazardous materials or dewatering fully considers the impact on our assets, water resources, water catchment land and water quality as a result of construction of the proposed development	The Applicant notes this comment. **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1]** assesses the potential for historic contamination and contamination which could arise from the Proposed Development, and considers impacts on utilities, groundwater, and surface water receptors. Mitigation measures are set out, and these are included within the **Outline Construction Environmental Management Plan [EN010153/DR/7.5]**, **Outline Operational Environmental Management Plan [EN010153/DR/7.6]**, and the **Outline Decommissioning Environmental Management Plan [EN010153/DR/7.7]**.

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Hydrology, Flood Risk and Drainage	If the applicant intends to receive water and/or wastewater services from UU they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below. If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. In some circumstances we may require a compulsory meter is fitted	The Applicant notes this comment.
Environment Agency	Hydrology, Flood Risk and Drainage	Climate Change Flood Modelling (Appendix 9-1: Flood Risk Assessment and Drainage Strategy, Paragraph 9.6.32 - 9.6.39 and Non-Technical Summary, Paragraph 2.1.6.) Issue The Ince and Frodsham modelling does not consider climate change. Impact The modelling does not represent flood risk throughout the lifetime of the development. Our approach is supported by Section 5.8.15 of EN-1 Overarching National Policy Statement for	Updated assessment of the Ince and Frodsham modelling has been undertaken and includes consideration of climate change. Full details are provided in **ES Vol 2 Appendix 9-4: Waterco Ince and Frodsham Technical Note [EN010153/DR/6.2]** and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**.

Respondent	Theme	Comment	Applicant response
		Energy, which states that Flood Risk Assessments (FRA) should consider a range of flooding events and be supported by appropriate data. Solution Carry out the modelling with a 67% increase in peak flow rate.	
Environment Agency	Hydrology, Flood Risk and Drainage	Bridge and Cable Crossings of Watercourses (Non-Technical Summary, Paragraphs 2.4.118, 2.5, 3.2.2. Appendix 2-1 Indicative Watercourse Crossing Schedule. Table 2-9: Further associated development within the draft Order Limits in connection with the delivery of Work Nos 1 – 6. Figure 2-5j Indicative Permanent Watercourse Crossing.) Issue We are concerned with details of the proposed crossings, namely the: • the soffit level of the bridges • the potential extension of existing culverts Impact The bridges may restrict future maintenance of the watercourse and works to flood assets. Culverts can lead to an increase in flood risk, have a risk of blockage, and pose a maintenance burden. Solution Alternative cable crossing options should be considered. The soffit levels of bridges should be raised 600mm above the design flood level. We recognise this may have knock on effects to	Detailed technical consideration of all crossing points has been made with full details provided in the **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. No culverts proposed. All new or replacement access crossings over EA designated Main Rivers will comprise open span bridge structures with a soffit level set 600mm above the 1% annual probability plus 67% climate change in-channel water level of the relevant watercourse. All new or replacement access crossings over designated 'Ordinary Watercourses' will comprise open span bridge structures with a soffit level set above the top bank level of the watercourse. The watercourse crossings will not reduce the channel capacity and as such will not impact on flood risk on site or elsewhere. Please see the Bridge Design Technical Note appended to the **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2].**

Respondent	Theme	Comment	Applicant response
		the proposed development, and would encourage the developer to liaise with us further on this issue. Instead of installing / extending (existing) culverts, the applicant should consider installing a clear-span bridge crossing. Given that there are circa 25 crossings as part of this proposal, the applicant will need to model changes in flood risk from the proposed crossings. Our position on this is supported by paragraphs 2.10.87 and 2.10.88 of National Policy Statement EN-3, which state that: • culverting existing watercourses should be avoided • where culverting for access is unavoidable, applicants should demonstrate that no reasonable alternatives exist, and where necessary it will only be in place temporarily for the construction period.	
Environment Agency	Hydrology, Flood Risk and Drainage	Construction Phase Flood (Non-Technical Summary, Paragraphs 3.2.5, 3.2.6, 2.4.169, 2.5.2, 2.5.9, 2.5.13. Table 2-7: 132kV Electrical Connection Design Parameters. Figure 2-1 Construction Compound and Access Track Layout. Table 9- 8: Significance of Construction Effects.) Issue A significant area of the site has been demonstrated to be at risk of flooding, and specific mitigations for these areas should be	Assessment of construction phase flood risk is provided in the **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. The majority of the site is flood free during the present day 0.5% annual probability tidal flood event. Areas at risk during this event are shown to have shallow depth flooding less than 150mm. Only construction compound ‘East Compound 1’ is shown within the present day 0.5% annual probability tidal flood extent. Construction compound ‘East Compound 3’ is partly located within the present day 1% annual probability fluvial flood

Respondent	Theme	Comment	Applicant response
		considered for the construction phase. It is unclear why the applicant has asserted that flooding during construction is unlikely (see Table 9-8). Impact There is a risk of flooding during the construction phase, which may jeopardize construction efforts, and increase flooding elsewhere. For example, the present-day tidal design event may inhibit safe access and egress to receptors on site during the construction phase. Solution The applicant should provide justification for assertions relating to the categorisation of construction phase flood risk significance. A sequential approach should be applied to the placement of the construction compounds (two main construction compounds, four secondary compounds, and two construction compounds north of the River Weaver) and mobile welfare units. East Compound 1, 2 and 3 (PEIR Volume 3 Figure 2-1) may be at risk of flooding, which should be avoided where possible. Additional comment As stated in section 2.5.2, the construction phase could last longer than the assumed 30-month programme assessed; therefore we would expect a conservative estimate of the construction phase duration, in the context of assessing flood risks.	extent, however the flood extent is marginal, and depths are less than 150mm. The majority of 'East Compound 3' is flood free during the 1% annual probability event. Construction compounds are required to be distributed across the site, and inevitably in areas estimated to be at flood risk in the design flood events, so as to minimise construction vehicle movements. A Flood Warning and Evacuation Plan has been prepared and is provided within **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. The main construction compound is located in a sequentially preferential location on the raised ground of the dredging deposit grounds.

Respondent	Theme	Comment	Applicant response
Environment Agency	Hydrology, Flood Risk and Drainage	Setbacks and Buffers (Chapter 1 Introduction, Paragraph 1.3.10, 2.4.29, 2.4.162, 9.8.23, Appendix 9-1: Flood Risk Assessment and Drainage Strategy.) Issue It is unclear whether setback/buffers are applicable to all phases of the development. Impact The proposed works may adversely affect flood assets (such as engineered embankments) and prevent access to the flood assets for inspection, remediation and replacement during all phases. Solution Where possible, we would seek setback from the watercourses for all phases. We require clarity on the proposed setback distance, including where this is measured from, and where this is applicable to all watercourses within the Order Limits.	Details provided within **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. 10m setback provided from 'fluvial' designated rivers within the site. 16m setback provided from the River Weaver 'tidal' flood defence assets. These would be maintained during construction and operation, other than where it is necessary to undertake temporary construction works within these buffers e.g. to construct crossings, improvement works on PRoW, cable crossing of the River Weaver.
Environment Agency	Hydrology, Flood Risk and Drainage	Submerged Modules / Remaining Operational (Appendix 9-1: Flood Risk Assessment and Drainage Strategy and Non-Technical Summary, Paragraph 6.6.12) Issue The applicant has suggested that some solar PV modules would be allowed to flood in extreme events. We would not consider it acceptable for solar PV modules to be submerged in the (tidal) design	Details provided within **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Solar module heights (and all other infrastructure) have been raised above the design flood level (River Mersey 0.5% annual probability plus upper end climate change tidal defended flood level) with a 600mm freeboard allowance provided in accordance with EA requirements.

Respondent	Theme	Comment	Applicant response
		flood event. If electrical infrastructure in specific areas of the site is isolated, then it is no longer operational. EN-1 section 4.10.11 applicants should demonstrate that proposals have a high level of climate resilience built from the outset and should demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. Impact The solar PV modules may no longer be operational during the design event and could inhibit flood flow routes. Our approach is supported by Section 5.8.9 of the National Policy Statement for Energy (EN-1), which states that the sequential approach should be taken regarding locating development within a site. If this cannot be done, then the development should satisfy both elements of the exception test, particularly whether the development is safe for its lifetime. Solution The applicant needs to ensure that the site remains operational in times of flooding; this includes all solar PV modules being 600mm above the design flood level.	All solar modules will remain flood free during the design flood event and also during residual flood events i.e. a defence breach, and the credible maximum climate change scenario for fluvial and tidal scenarios.
Environment Agency	Hydrology, Flood Risk and Drainage	Impermeable Areas (Chapter 1 Introduction, Paragraph 1.3.13. Chapter 2 Proposed Development, Paragraph 2.4.141, 2.4.152, 2.6.11.)	Details provided within **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**.

Respondent	Theme	Comment	Applicant response
		Issue The applicant should ensure that proposed impermeable areas (such as the new public car parking area on Moorditch Lane and road matting) do not significantly increase the rate of runoff. Impact As the surface is impermeable, there would not exist natural processes to reduce the rate of runoff, such as interception and infiltration, leading to an increase in the rate of runoff. An increase in runoff rate can lead to an increase in fluvial flood risk. Solution Where feasible, we advise the applicant to include SuDS for all proposed impermeable areas utilising the SuDS Manual. Further consultation with the Lead Local Flood Authority (LLFA)/Local Planning Authority (LPA) on this matter is recommended to ensure a joined-up approach.	Impermeable areas such as the public car parking area on Moorditch Lane will be formed from permeable materials. Attenuation and discharge at greenfield runoff rates is proposed at the BESS / Frodsham Substation Compound which would be impermeable.
Environment Agency	Hydrology, Flood Risk and Drainage	Flood Modelling Design event and 600mm Freeboard (Chapter 2 Proposed Development, Paragraphs 2.4.17, 2.4.18, 2.4.35, 2.4.39, 2.4.41, 2.4.48. Images 2-2, 2-3, 2-4. Figure 2-5a Indicative Solar PV Modules, Figure 2-5b Indicative String Inverter. Figure 2-5c Indicative Power Conversion Unit (PCU). Figure 2-5j Indicative Permanent Watercourse Crossing.	Details provided within **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Solar module heights (and all other infrastructure) have been raised above the design flood level (River Mersey 0.5% annual probability plus upper end climate change tidal defended flood level) with a 600mm freeboard allowance provided in accordance with EA requirements.

Respondent	Theme	Comment	Applicant response
		Appendix 9-1: Flood Risk Assessment and Drainage Strategy, Paragraphs 9.7.4, 9.7.12, 9.8.30, 9.8.31.) Issue The applicant has not used the most conservative design flood event to derive the design flood level. In this case, the tidal design event is more conservative than that of the fluvial design event (for example see 9.7.4 and 9.7.12). Notably there seems to be an inconsistency in the proposed tidal design flood level (see 9.7.12, Appendix 9-1: Flood Risk Assessment and Drainage Strategy pages: 25, 26, 30, and 39). Impact The proposal is not derived using the appropriate design flood level, and therefore hasn't adequately assessed flood risk to the site and elsewhere. Our approach is supported by Section 5.8.15 of the National Policy Statement for Energy (EN-1), which states that FRAs should consider a range of flooding events and be supported by appropriate data. Solution Baring the assessment of cumulative impacts of fluvial and tidal sources, with consideration of joint probability analysis being more extreme, we anticipate that the applicant utilises the level derived from the Upper End tidal hydraulic model for the defended scenario. Sensitive equipment should then be positioned	

Respondent	Theme	Comment	Applicant response
		with a 600mm freeboard above the design flood level. Bridge soffits, solar PV modules, combiner boxes, string inverters, and junction boxes need to be 600mm above the (tidal) design flood level. Centralised Inverters, transformers, power conversion units, standalone inverters finished floor levels need to be 600mm above the (tidal) design flood level. The applicant needs to clarify the tidal design flood level, and adjust the design as required. This may also influence the calculations relating to flood storage compensation, which should be updated.	
Environment Agency	Hydrology, Flood Risk and Drainage	Watercourse Crossings (Chapter 2 Proposed Development, Paragraph 2.4.152) Issue Temporary, pre-fabricated ditch crossings are proposed for use, with no detail provided regarding their form and installation. Permanent watercourse vehicular crossings are shown (figure 2-5j), but not temporary crossings. Impact Without an understanding of how the temporary crossings are designed, we are unable to determine a potential increase in flood risk. Solution We require more information about the proposed prefabricated bridges and whether these will be safe in a flood event.	Detailed technical consideration of all crossing points has been made with full details provided in the ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]. No culverts are proposed. All new or replacement access crossings over EA designated Main Rivers will comprise open span bridge structures with a soffit level set 600mm above the 1% annual probability plus 67% climate change in-channel water level of the relevant watercourse. All new or replacement access crossings over designated ‘Ordinary Watercourses’ will comprise open span bridge structures with a soffit level set above the top bank level of the watercourse.

Respondent	Theme	Comment	Applicant response
			The watercourse crossings will not reduce the channel capacity and as such will not impact on flood risk on site or elsewhere. It is anticipated that the above permanent crossings would be installed first to allow construction access. As such, temporary bridges of different construction would not be required.
Environment Agency	Hydrology, Flood Risk and Drainage	Flood Flow (Chapter 2 Proposed Development, Paragraph 2.4.157, 2.4.159. Table 2-9: Further associated development within the draft Order Limits in connection with the delivery of Work Nos 1 – 6.) Issue Fencing is proposed in flood zones. Impact Fencing may impede flood flow routes. Solution The applicant should demonstrate that the solar panel permitter fencing will not increase flood risk elsewhere. Additional comment In a meeting with the applicant on 11 November 2024, we discussed floodplain compensation for the proposed scheme. The applicant has presented information on volume of storage lost because of the solar panel supports and other associated infrastructure. The applicant suggested that they would test the impact of solar panel supports within the hydraulic model. A similar approach	Detailed assessment of flood risk elsewhere as a result of the development (fencing, panel supports and other infrastructure) has been made through hydraulic modelling. Full details provided in **ES Volume 2 Appendix 9-3: Waterco Hydraulic Modelling Report [EN010153/DR/6.2]** and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. No off-site displacement of floodwater is caused by the development and flood compensatory storage is not required.

Respondent	Theme	Comment	Applicant response
		could be taken for the permitter fencing. We acknowledge this will be difficult to test explicitly, however, this could be achieved using a flow constriction layer or elevated roughness approach. We welcome the opportunity to discuss this further with the applicant.	
Environment Agency	Hydrology, Flood Risk and Drainage	Drainage (Chapter 2 Proposed Development, Paragraph 2.4.145, 2.4.155. Table 2-9: Further associated development within the draft Order Limits in connection with the delivery of Work Nos 1 – 6.) Issue Stone access tracks are likely to become decreasingly permeable from compaction and repeated vehicular use. Impact May lead to an increase in the rate of runoff due to a reduction in void ratio and capacity for effective drainage, by forming an impermeable surface throughout the lifetime of the development. An increase in runoff rate can lead to an increase in fluvial flood. Solution Assuming appropriate ground conditions swales are likely to be needed. Further consultation with the LLFA / LPA on this matter is recommended to ensure a joined up approach.	Considered in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Stone access tracks will be subject to frequent maintenance and repair to mitigate impact of compaction. Filter drains are incorporated to intercept runoff. The LLFA have not raised any concerns with the use of permeable stone access tracks.
Environment Agency	Hydrology, Flood Risk and Drainage	Phasing of Works (Chapter 2 Proposed Development, Paragraph 2.5.3, 2.5.4. Appendix	Detailed assessment of flood risk elsewhere as a result of the development (fencing, panel supports and other infrastructure) has been made through hydraulic modelling.

Respondent	Theme	Comment	Applicant response
		2-2 Indicative Construction Phasing and Resource Schedule.) Issue Flood storage compensation is not proposed to be completed before construction of components. Impact Increased flood risk to third parties. Solution Flood storage compensation is needed as part of the proposal, and should be completed before the construction of components which require flood storage compensation.	Full details provided in **ES Volume 2 Appendix 9-3: Waterco Hydraulic Modelling Report [EN010153/DR/6.2]** and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. No off-site displacement of floodwater is caused by the development and flood compensatory storage is therefore not required.
Environment Agency	Hydrology, Flood Risk and Drainage	CEMP / OCEMP (Non-Technical Summary, Paragraph 5.2.2, 6.2.11,6.6.15. Appendix 2-3: Outline Construction Environmental Management Plan. Table 5-9: Summary of the construction mitigation and management measures) Issue The CEMP/OCEMP should contain a comprehensive list of mitigations to ensure that flood risk is managed safely during the construction phase. Impact If the proposed mitigations are insufficient, then the construction phase could be vulnerable to and increase flood risk. Solution We require a comprehensive list of mitigation measures, to ensure they are sufficient	The **draft DCO [EN010153/DR/3.1]** includes Protective Provisions to ensure EA flood defence assets are protected. The **outline Construction Environmental Management Plan (oCEMP) [EN010153/DR/7.5]** includes provisions for the matters raised by the EA.

Respondent	Theme	Comment	Applicant response
		to safely manage flood risks during the construction phase. We would advise consideration of the below within the CEMP. • Vibration: Realtime vibration detection adjacent to flood assets to ensure that vibration is within safe limits and agreed thresholds for action and remediation. • Scaffolding: If using scaffolding, then fix boards in place. • Flood Warnings / Alerts: Sign up for flood warnings and alerts with works to stop and site made safe and evacuated during a flood event. • SuDS: Temporary SuDS should be provided for all impermeable surfaces. • Debris: Measures to prevent debris entering the watercourse during a flood event. • Surveys: Where works are proposed close to a flood defence, we will require a survey to better understand it's geometry, condition, composition, structure, etc. Where possible the survey should be corroborated by as-built drawings. • Buffer: There should be an appropriate buffer from the watercourse which could be demarked by Heras fencing, this helps to ensure no adverse effects to the watercourse and flood assets	
Environment Agency	Hydrology, Flood Risk and Drainage	Use of Third-party Data (Chapter 9 Flood Risk, Drainage and Surface Water, Paragraph 9.3.1)	EA data / models used in the modelling assessment have been reviewed and updated by the Applicant where required.

Respondent	Theme	Comment	Applicant response
		Issue The use of third-party data for the assessment of flood modelling. Impact Flood modelling will not assess the full extent of flood risk of the proposed development. Solution The applicant should provide evidence of any modelling checks, subsequent updates and document these in the FRA model reporting. All our models are built for our own specific purposes and are made available as is. It is the responsibility of all applicants to ensure that the models are fit for their intended purposes and in line with the following government guidance: • https://www.gov.uk/guidance/using-modelling-for-flood-risk-assessments • https://www.gov.uk/government/publications/river-modelling-technicalstandards-and-assessment/river-modelling-standards-who-theyre-for-andhow-to-use-them • https://www.gov.uk/government/publications/river-modelling-technicalstandards-and-assessment If modelling is used to support an application, then it will need to be reviewed and confirmed as meeting the above standards. Additional comment Please be aware that: • Environment Agency models are not designed to assess third-party developments. The applicant should not assume that the model is suitable for	Full details provided in **ES Volume 2 Appendix 9-3: Waterco Hydraulic Modelling Report [EN010153/DR/6.2]**, **ES Vol 2 Appendix 9-4: Waterco Ince and Frodsham Technical Note [EN010153/DR/6.2]**, and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**.

Respondent	Theme	Comment	Applicant response
		assessing the flood risk associated with the proposed development. It is the applicant's responsibility to assess the suitability of a model for the project.	
Environment Agency	Hydrology, Flood Risk and Drainage	Ince and Frodsham Pumping Station (Chapter 9 Flood Risk, Drainage and Surface Water, Paragraph 9.6.27) Issue The proposal adds receptors into the catchment drained by the Ince and Frodsham pumping station. Impact This creates an additional burden on these facilities (Pumping Stations). Solution Form a contingency plan for the Ince and Frodsham pump failure scenario (which includes access to temporary pumps), with the consideration of the tidal design flood event. Additionally, discussions should be held regarding financial contributions or asset ownership to help with the maintenance burden or future options to decommission the assets, noting the proposal is dependent on the Ince and Frodsham pumping stations. Additional comment Our position is supported by the following: • Section 5.8.15 of EN-1 Overarching National Policy Statement for Energy	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** includes Protective Provisions for the EA to ensure access to the Ince and Frodsham Pumping Station is maintained. **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]** provides details of flood risk from a failure of the pumping station (very low risk to the development).

Respondent	Theme	Comment	Applicant response
		which states that FRAs should: o “consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure and exceedance.” • Policy DM40 of the Cheshire West and Chester Local Plan Policies (2019) which states that FRAs must show: o “there is no adverse effect on the operational functions of any existing flood defence infrastructure.” o “proposed resistance/resilience measures designed to deal with the current and future risks are appropriate”.	
Environment Agency	Hydrology, Flood Risk and Drainage	Surveys (Chapter 9 Flood Risk, Drainage and Surface Water, Paragraph 9.5.2, 9.6.1, 9.6.20, 9.6.22. Appendix 9-1: Flood Risk Assessment and Drainage Strategy.) Issue It is unclear if flood defence crest heights have been derived from a topographic survey, LiDAR data, or the Environment Agency’s asset data. The eastern section of the proposed development is heavily reliant on the flood defence system, and it seems the applicant is relying on third-party data to assess the condition of these flood defences (e.g., page 10 and 11 of the FRA). Impact The proposed crossing designs and hydraulic modelling may have inaccurate	Full details are provided in **ES Volume 2 Appendix 9-3: Waterco Hydraulic Modelling Report [EN010153/DR/6.2]** and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. Crest heights have been derived from LiDAR and verified by site specific topographical survey of the flood defences. Flood defence condition surveys of the River Weaver defences have been undertaken and are appended to **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. The defences are considered to be in ‘fair’ condition. All infrastructure is designed to be flood-free in the event of a defence breach.

Respondent	Theme	Comment	Applicant response
		assumptions if there has not been a level survey of the flood defences. There may be insufficient residual-life in flood defences, which protect the proposed development throughout the design-life (40 years of operation). Solution We request the applicant carry out condition surveys, to ensure that there is sufficient residual life within the flood defences which will protect the proposed development.	
Environment Agency	Hydrology, Flood Risk and Drainage	Residual Flood Risk (Chapter 9 Flood Risk, Drainage and Surface Water, Paragraph 9.7.7, 9.7.10, 9.7.14) Issue The applicant has not demonstrated how they will safely manage residual flood risk. Impact Safely manage residual flood risk to the proposal from the assessed breach scenarios (tidal and fluvial). Solution Adjust the proposal as required to ensure that residual flood risk is being managed safely and provide further explanation.	Full details provided in ES Volume 2 Appendix 9-3: Waterco Hydraulic Modelling Report [EN010153/DR/6.2] and ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]. A Flood Warning and Evacuation Plan has been prepared and is provided within ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]. All infrastructure including the solar modules are designed to be flood free in the event of defence breach.
Environment Agency	Hydrology, Flood Risk and Drainage	Flood Storage Compensation (Appendix 9-1: Flood Risk Assessment and Drainage Strategy. Table 5 – Summary of Flood Displacement (1% AEP plus 67% CC Defended Event)	Detailed assessment of flood risk elsewhere as a result of the development (fencing, panel supports and other infrastructure) has been made through hydraulic modelling for both fluvial and tidal events. Full details are provided in **ES Volume 2 Appendix 9-3: Waterco Hydraulic Modelling Report [EN010153/DR/6.2]** and **ES Volume 2**

Respondent	Theme	Comment	Applicant response
		Issue The applicant has assumed the less conservative fluvial design flood event rather than the tidal design flood event. Impact Inaccurate calculations due to an underestimate of the design flood level. Therefore, flood risk may increase elsewhere and to thirds parties. Solution The applicant should use the more conservative tidal design flood event in assessing flood storage compensation.	**Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. No off-site displacement of floodwater is caused by the Proposed Development and flood compensatory storage is not required.
Environment Agency	Hydrology, Flood Risk and Drainage	BESS Risk to Groundwater (Chapter 10, Section 10.7, Paragraph 10.7.5) Issue The report details the design of the Battery Energy Storage Systems (BESS) drainage strategy. It is not clear whether the system will be automated with a backup system in place in case of power failure. Impact The current BESS drainage design may pose an unacceptable risk to groundwater. Solution The oEMP must include a detailed drainage plan which demonstrates, in the event of an emergency, that contaminated firewater can be adequately contained within the site, to ensure that there is no discharge of polluted water to	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** describes how in the event of an emergency where firefighting water was required, a valve would be automatically engaged to isolate the compound and prevent any run-off draining from the Site. Measures for safeguarding of groundwater quality are detailed in the **outline Operational Environmental Management Plan (oOEMP) [EN010153/DR/7.6]**. This includes the BESS being lined with impermeable geo-textile to prevent infiltration to groundwater and the drainage outlet from BESS fitted with shut-off valve to prevent discharge of water to the wider water environment in the event of a fire.

Respondent	Theme	Comment	Applicant response
		ground or surface water bodies. Additional comment The National Fire Chief's Council has published detailed guidance on recommended fire protection measures for BESS sites. We recommend the applicant refers to this when designing the scheme: Grid Scale Battery Energy Storage System planning – Guidance for FRS (nfcc.org.uk)	
Environment Agency	Hydrology, Flood Risk and Drainage	Construction Consumptive Water Supply (Appendix 2.3 oCEMP, Section 2.6.3, Table 5-4 and Table 5-10) Issue Sources to supply consumptive water uses have not been specified for the following: • dust suppression • bentonite clay mixing and HDD operation • concrete production • wheel wash • potable and domestic uses. Impact Water demand for these activities in projects of this scale should not be underestimated. This could result in unforeseen permits being required at construction commencement, if the water company cannot provide it. Solution We recommend early engagement with the water company to establish security of supply. We also recommend that a basic water supply strategy is provided with the oCEMP outlining	There is a water main which runs into the Site, which would be used to supply water for the construction, including for potable and domestic uses. The Applicant has been in consultation with United Utilities about the water supply to the site and consultation to date has indicated that the location is not at risk of receiving low pressure water or flow and that a connection should be possible in this location. No issues have been raised in relation to the security of supply. Non-potable water resources are also available, e.g. water pumped from the Manchester Ship Canal.

Respondent	Theme	Comment	Applicant response
		quantities, locations and sources of water to supply the activities included (but not limited to) those listed above. Additional comment These activities may not require treated water, and it is unclear if water is to be used from local groundwater or surface water sources. It is inferred that water tankers and bowsers described are to be provided/filled by the local water undertaker or the water supply will be from mains connection.	
Environment Agency	Hydrology, Flood Risk and Drainage	Dewatering and Consumptive Uses of Water (Appendix 2.3 oCEMP, Section 2.6.3, Table 5-4 and Table 5-10) Issue Consumptive uses of groundwater and surface water on site is ambiguous. Impact The use of dewatering water for other consumptive uses will change the type of licence required and affects how it will be determined and issued. Solution We recommend the Abstraction licensing strategy for the catchment is reviewed and used to inform a water supply strategy which includes all water requirements of the construction (and operational) phase. This provides a basic options appraisal for the use of public water supply, local	The Applicant notes this comment. **The outline Construction Environmental Management Plan (oCEMP) [EN010153/DR/7.5]** includes for the for the provision of a Construction Groundwater and Surface Water Management Plan (GWSWMP) which includes the need to details the requirement for abstraction licences, are also included in the **Other Consents and Licences Statement [EN010153/DR/5.5]**.

Respondent	Theme	Comment	Applicant response
		SW or GW sources of supply and/or the use of stored dewatering water. Additional Comment The oCEMP states that any wastewater that is produced during the construction phase from activities such as dewatering, will be disposed of in accordance with relevant legislation, and will not be discharged directly to surface or foul drains without appropriate licences in place. It also states where practicable, utility supplies will be taken from main supply utility connections; however, where this is not possible, utilities will be provided from temporary facilities, such as local wastewater storage.	
Environment Agency	Hydrology, Flood Risk and Drainage	Watercourse Crossings (Chapters 7, Section 7.3 and 7.7, Paragraph 7.7.1) Issue The creation of 17 new permanent watercourse/ditch crossings and the upgrading of eight existing crossings. Impact Poorly designed river crossings can lead to the loss or damage of plants, animals and their habitats, and create a barrier to the movement of fish and other wildlife. Solution Follow the good practice guide linked below.	Detailed technical consideration of all crossing points has been made with full details provided in the **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. No culverts proposed. All new or replacement access crossings over EA designated Main Rivers will comprise open span bridge structures with a soffit level set 600mm above the 1% annual probability plus 67% climate change in-channel water level of the relevant watercourse. All new or replacement access crossings over designated ‘Ordinary Watercourses’ will comprise open span bridge

Respondent	Theme	Comment	Applicant response
		Apply for Flood Risk Activity Permits (FRAPs) in advance. Further engagement with us should be pursued on the design and location of crossings. Additional comment Engineering in the water environment: good practice guide – River Crossings, 2nd Edition, November 2010. SEPA.	structures with a soffit level set above the top bank level of the watercourse. The watercourse crossings will not reduce the channel capacity and as such will not impact on flood risk on site or elsewhere. Channel banks will be retained, maintaining habitats.
Environment Agency	Hydrology, Flood Risk and Drainage	Safe Access and Egress Route (Non-Technical Summary, Paragraph 2.2.7, 3.3.1, 3.3.3 and 3.3.4. Appendix 2-1: Indicative Watercourse Crossing Schedule. Figure 2- 2 Indicative Operational Site Layout. Figure 2-4 Public Rights of Way and Permissive Paths and other Recreational Routes. Appendix 9-1: Flood Risk Assessment and Drainage Strategy) Issue The proposal consists of circa 25 crossings, excepting CP 25 (see Appendix 2-1: Indicative Watercourse Crossing Schedule) all of these are within Flood Zone 3. The Order Limits contain Public Rights of Way, and during operation, access is required for routine maintenance, the replacement of equipment, habitat management, and farming activities. Impact We have significant concerns about safe access and egress during a flood event (tidal	A Flood Warning and Evacuation Plan has been prepared and is provided within **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**.

Respondent	Theme	Comment	Applicant response
		rather than fluvial as this is more conservative). There is a risk to receptors during the design flood event. It is possible that access routes (see Figure 2-2 Indicative Operational Site Layout) within the design flood extent may become flooded making them unsafe. Solution The applicant should demonstrate safe access and egress during the design flood event. Consultation should be undertaken with the LLFA/local authority, to ensure a joined-up approach across the site as the proposal brings new receptors into an area of flood risk. Additional comment It is possible that parcels of land may be cut-off and that dry islands could form, preventing safe egress for receptors on site during a range of flood events up to the design flood. Within Appendix 9-1: Flood Risk Assessment and Drainage Strategy, the applicant has considered evacuation for the design fluvial event, but not for the design tidal event. It seems that Brook Furlong could be flooded in the design tidal event. We would recommend further discussion on this matter with the LLFA / local authority.	
Liverpool Bay CCS	Hydrology, Flood Risk and Drainage	It is noted that the Runcorn Spur Pipeline Proposed Development is not referenced within Chapter 9: Flood Risk, Drainage and Surface Water and Chapter 10: Ground Conditions and	ES Chapter 9: Flood Risk, Drainage and Surface Water has been updated with reference to cumulative effects with consideration made of the Runcorn Spur Pipeline.

Respondent	Theme	Comment	Applicant response
		potential cumulative impacts in terms of flood risk and surface water drainage, ground conditions will be assessed in the ES.	
Cheshire West and Chester Council	Hydrology, Flood Risk and Drainage	The methodology for alternative site assessment has merit, in that it considers pros and cons across a wide range of topic areas e.g. Table 2.1. However, in doing so, the sequential assessment in terms of flood risk is subsumed to an extent by other considerations. The Council would normally expect a more focussed flood risk sequential assessment dealing with a site's suitability in terms of flood risk. Para 2.3.7 identifies that in terms of flood risk, Option A (i.e. the proposed site) fails to perform as the superior option.	The Sequential Test has been addressed within the **ES Vol 2 Appendix 3-1: Alternative Site Assessment [EN010153/DR/6.2]** and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]**. In accordance with para 5.8.9 of NPS EN-1 it has been demonstrated that it is not possible (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk
Cheshire West and Chester Council	Hydrology, Flood Risk and Drainage	Flood Risk, Drainage and Surface Water Please refer to the comments under Chapter 3. Alternatives and Design Evolution. It is expected that a bespoke FRA would accompany the DCO application, including a sequential assessment in relation to flood risk along with an appropriate Exception Test. CWCC's Lead Local Flood Authority's (LLFA) comments on the PEIR are provided: "No significant impacts are identified during construction, operation or decommissioning which we are in agreement with subject to the proposed mitigation measures incorporated into the detailed design and construction method of working as outlined in the PEIR which include: •	The Applicant notes this comment and design changes (design levels) have been made following receipt of EA comments.

Respondent	Theme	Comment	Applicant response
		Pollution risk management • Open span structures method for watercourse crossings (temporary and permanent) • Piling risk assessment • Surface water drainage comprising infiltration for arrays and permeable surfacing for access roads • Design levels of the electrical components to be set at 6.34m AOD but areas will still be allowed to flood with isolation from substation allowing other arrays to continue to operate. • Transformers installed outside of flood risk areas where possible or raised above 6.34m AOD on concrete piled foundations. • Flood warning in place ensuring no maintenance operation to take place during flooding with remote switch off of components. • BESS drainage system to incorporate cutoff to ensure no pollution risk in event of fire suppression. The detailed drainage design will need to consider the impact of compacted ground as part of the arrays and potential overland flow routes to ensure these are maintained within the site with no offsite impacts. Consideration also needs to be given to any changes in ground levels and proposed impact on overland flow routes. Any new outfalls or ordinary watercourse crossings (temporary and permanent) will require Land Drainage Consent and updated location	

Respondent	Theme	Comment	Applicant response
		plan, structural drawing and method of construction is required at detailed design stage. A detailed construction environmental management plan based on submitted Outline CEMP including surface water management during construction should be provided for review to manage mobilisation of sediment and release of hydrocarbons and other pollutants into watercourses." Other comments: The Applicant is advised to contact CWCC's Emergency Planning team in preparation of the DCO application with regard to flood warnings. (See further comments in relation to Emergency Planning under Other Matters further below). Consideration ought to be given to whether there is scope to mitigate impacts of severe flooding with regard to avoidance or other means of attenuation to avoid (or reduce) the need to raise the development's height in areas at risk of flooding. Design to provide additional climate resilience, including but not limited to, management of fluvial and surface water flows during high rainfall events should be considered.	

Table 1.10: Landscape and Visual Amenity

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Landscape & Visual Amenity	Weaver Navigation is sited to the north of the proposed solar array area and an associated cable wire connection to the Frodsham SPEN station (design to be finalised) is proposed to cross the River Weaver, in proximity to the Weaver Navigation. It is welcomed that the PEIR includes viewpoints to assess the potential impact upon views and visual amenity enjoyed by walkers/cyclists and recreational waterborne users of the Navigation. It is acknowledged that there is an established industrial presence and the intervening topography and planting, would minimise the impact on the nature of the views across and along the canal (Viewpoint 27). The proposed development and associated fencing are likely to be visible from sections of the canal banks where these are open and elevated. Views from boats using the canal itself would be from a lower elevation and very well screened, which helps reduce the potential impact (Viewpoints 28 and 29)	The Applicant notes this comment. The comment reiterates what is stated in the PEIR regarding the Proposed Development, its relationship to the Weaver Navigation and effects on users of the Weaver Navigation and so has not impacted the subsequent assessments undertaken in the ES or the design of the Proposed Development.

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Landscape & Visual Amenity	Respondent noted the provision of a grid connection between a new substation within the solar array area and the SPEN Frodsham Substation, via overhead cables, supported on wooden poles of 10-12m in height. The PEIR also considers the presence of the proposed overhead line connection to the SPEN Frodsham Substation however it is noted that the cable route is yet to be finalised and could be located within a 100m wide corridor. The Trust notes that the assessment has considered that owing to the minimal loss of existing planting required and how most works would take place within the built footprint of the existing SPEN substation, the change in landscape fabric would be negligible.	The Applicant notes this comment. The comment reiterates what is stated in the PEIR regarding the Proposed Development, its relationship to the Weaver Navigation and effects on users of the Weaver Navigation and so has not impacted the subsequent assessments undertaken in the ES or the design of the Proposed Development.
Canal & River Trust	Landscape & Visual Amenity	It is noted that by way of the guiding documents, the Proposed Development includes embedded mitigation during each of its phases. Respondent noted the retention of existing vegetation and protection of it from any potential harm during construction, minimising any adverse effects from construction lighting and the planting of trees and hedgerows, which the trust welcomes.	The Applicant notes this comment. The comment reiterates what is stated in the PEIR regarding the Proposed Development, its relationship to the Weaver Navigation and effects on users of the Weaver Navigation and so has not impacted the subsequent assessments undertaken in the ES or the design of the Proposed Development.

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Landscape & Visual Amenity	Respondent stated that the Trust requests detailed versions of the guiding documents to mitigate potential adverse landscape and visual effects by the retention of current vegetation cover and enhanced management of existing vegetation in the interests of safeguarding the softer landscape character of and experience of the Weaver Navigation.	The outline Landscape and Ecology Management Plan **[EN010153/DR/7.13]** has been submitted with the DCO Application and gives details of the landscape management proposals. A fully detailed Landscape and Ecology Management Plan will be developed in substantial accordance with the oLEMP, and this is secured via a Requirement of the DCO.
NGET (National Grid Electricity Transmission PLC)	Landscape & Visual Amenity	If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances	The planting proposals have regard to the presence of the NGET overhead line. Proposals are shown indicatively on the **Illustrative Environmental Masterplan [EN010153/DR/6.3]**. The need for future landscape management to have regard to the presence of utilities is set out in the **outline Landscape and Ecology Management Plan [EN010153/DR/7.13]**

Respondent	Theme	Comment	Applicant response
CPRE Cheshire	Landscape & Visual Amenity	The area of the proposed development is overlooked by the Helsby and Frodsham Hills Area of Special County Value (ASCV) as identified in Policy GBC2 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies. Whilst the landscape setting of the application site is already affected by nearby development such as the M56, Frodsham wind farm and various industrial sites, the proposals would cause further industrialisation of this landscape. This impact would arise from the very large scale and visual massing of the proposals and the possibility that the large masses of solar arrays would reflect sun towards the hills. These effects would be particularly noticeable for example in the prominent views towards the site from Frodsham War Memorial and the adjacent parts of the Sandstone Ridge. The proposals would therefore have a noticeable effect on the setting of the ASCV. It should also be noted that the Cheshire West and Chester Landscape Sensitivity Study4 (correctly in CPRE Cheshire's view) identifies the application site as falling within an area of high sensitivity to harm from very large-scale solar farms exceeding 25 hectares. The proposal would therefore conflict with Policy DM52 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed	Effects upon the Helsby and Frodsham Hills ASCV are assessed in **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]**. Visual effects from Frodsham Memorial (Viewpoint 9) are also assessed in **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]**. **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1].** discusses the conclusions of the Cheshire West and Chester Landscape Sensitivity Study. **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** recognises the potential for designation of the Cheshire Sandstone Ridge as a National Landscape. An appraisal of how the Proposed Development would sit in relation to local planning policy is provided in the **Planning Statement [EN010153/DR/5.6]**

Respondent	Theme	Comment	Applicant response
		Policies, clause 3 of which states that “Proposals in areas which have been assessed as having high sensitivity to the scale of development proposed will not be permitted”. As noted in the consultation documents, the Cheshire Sandstone Ridge was shortlisted for potential designation as a National Landscape in 2021. Whilst this designation has not been confirmed at present and the boundaries of any future designation remain uncertain, at the time of writing it is still possible that such a designation could be made. This could affect the Frodsham and Helsby Hills area 3 See for example “Renewable energies and biodiversity: Impact of ground-mounted solar photovoltaic sites on bat activity” Journal of Applied Ecology 7 August 2023. Whilst this article is focussed on bats, CPRE Cheshire is concerned that similar impacts may arise for the bird life within the application site. 4 Cheshire West and Chester Council “Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments” Final Report 2016 – see in particular page 80 and figure 10 from which (as stated above) the Frodsham Solar site is very prominently visible.	

Respondent	Theme	Comment	Applicant response
CPRE Cheshire	Landscape & Visual Amenity	Due to the landscape impacts referred to above, the proposals would also affect views for walkers using Frodsham Hill and nearby parts of the Sandstone Ridge, which constitute a much-valued amenity for local residents and visitors from a large radius in the surrounding area. We also note that the scheme includes enhanced access to the site itself via a network of permissive paths and a car park. Whilst this could result in a more complete network of walking opportunities in the area, care would need to be exercised to avoid conflict with nature conservation objectives. For example, unrestricted open access for the general public and dogs would not be appropriate within the proposed skylark mitigation area, and similar considerations are likely to apply elsewhere in the site.	Visual effects from Frodsham Memorial (Viewpoint 9) and upon users of the Sandstone Trail (which runs along the Sandstone Ridge) are also assessed in **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]/6.** and (in respect of Viewpoint 9) Technical Appendix 6-8 set out in the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]**
Environment Agency	Landscape & Visual Amenity	Tree Planting (Figures 2-3 Illustrative Environmental Masterplan Sheets a, b, c, d and e) Issue Planting trees within easements of both tidal (8m) and fluvial (16m) flood assets. Impact The roots of these trees have the potential to undermine the stability of flood defence assets. Solution Assets will require root protection.	The easements are 8m for fluvial assets and 16m for tidal assets (i.e. the opposite of what is set out in the comment). Proposed planting is shown indicatively on the **Illustrative Environmental Masterplan [EN010153/DR/6.3]** and has been kept to a minimum within the easements. Where planting is required within the flood asset easements, root protection barriers will be installed, and this set out in the **outline Landscape and Ecology Management Plan [EN010153/DR/7.13]** and included within the **Outline Design Parameters [EN010153/DR/7.1]**

Respondent	Theme	Comment	Applicant response
Liverpool Bay CCS	Landscape & Visual Amenity	Given that the HyNet Carbon Dioxide Pipeline DCO is not anticipated to be operational prior to the commencement of the Frodsham Solar project, as outlined in Chapter 6: Landscape and Visual Amenity, LBCCS Ltd would request that the project be evaluated within the context of cumulative landscape effects	**ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** considers the HyNet Carbon Dioxide Pipeline DCO in the cumulative landscape and visual assessment.
Cheshire West and Chester Council	Landscape & Visual Amenity	Consideration of landscape and visual impact It is considered that the scale and size of the development will represent a significant change in local landscape character. There is also considered to be a significant impact on the view from Frodsham Hill War Memorial (Viewpoint 9); a highly sensitive viewpoint locally.	**ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** along with the Technical Appendices 6-7 and 6-8 set out in the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]** set out the Applicant's conclusions regarding effects on landscape character and visual effects.
Cheshire West and Chester Council	Landscape & Visual Amenity	Consideration of Green Belt policy Whilst noting that under EN-1 (4.2.17) the starting point is that CNP Infrastructure will meet the test of very special circumstances to justify development in the Green Belt, the assessment of the impact of the development on the openness and purposes of the Green Belt should be given full consideration. Development of Frodsham Solar will be semi-permanent extending over a 40-year operational life, long after the end of the 25 year period for Frodsham windfarm, which ends on 14th February 2042 (17/00805/DIS). Frodsham Solar effectively covers the major open areas between Runcorn and Frodsham. The PEIR assessment is considered to underplay	The Applicant notes this comment and a full assessment of impacts in relation to Green Belt planning policy, including openness, is provided in the **Planning Statement [EN010153/DR/5.6]**.

Respondent	Theme	Comment	Applicant response
		the effects of the proposed development in terms of Green Belt (e.g. Appendix 3-1 Table 2.1 Review of Option Areas etc.)	
Cheshire West and Chester Council	Landscape & Visual Amenity	2.4.4 Comment on Design Objectives: With reference to the Design Objectives, CWCC commented (e-mail 8 August 2024) on the Draft Design Objectives (March 2024), and Objective 2: Landscape and Views. "An additional landscape design objectives is suggested: Mitigation - Consider, and seek to mitigate where possible, impact on the open character of the marshes and existing views within and across the marshland and wider landscape character (estuary/weaver and hills). The mitigation measures should not in itself result in landscape and visual adverse effects. Consider potential impacts on the value of the landscape. Consider potential cumulative landscape and visual impacts. This should include an assessment of the capacity to accept change. It would also be beneficial to cross reference with the Landscape Strategy for Cheshire West and Chester Borough (2016) Local Landscape Character Assessment - Landscape Strategy 2016 | Cheshire West and Chester Council With particular refence to LCT 2: Sandstone Ridge LCA 2a: Frodsham, and the	The Project Design Principles (formerly to Deign Objectives) are set out in the **Design Approach Document ('DAD') [EN010153/DR/5/8].** These have been amended to reflect the first two changes suggested by CWaCC. The third suggestion relates to assessment and not design. An assessment of cumulative landscape and visual effects is included in **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]**. A landscape capacity assessment is included in the document *Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments* published by CWaCC in 2016. The **ES** discusses the finding of this in some detail. The **ES** also discusses the *Landscape Strategy for Cheshire West and Chester Borough* in some detail, including making specific reference to the stated management strategy for LCA4a where the Proposed development would be located.

Respondent	Theme	Comment	Applicant response
		Overall Landscape Management Strategy for LCA 2a: Frodsham Sandstone Ridge, the overall management strategy for this landscape should be to conserve the strong, prominent and simple skyline and panoramic views from the ridge. Some key points are: Protect views to and from the War Memorial on Frodsham Hill, and hillforts. Maintain panoramic views from the ridge – consider opportunities to create additional viewpoints and increased opportunities for public views"	
Cheshire West and Chester Council	Landscape & Visual Amenity	"Submitted Information The submitted information includes for a proposed layout plan, agreed viewpoints including several photomontages, methodology and assessment of landscape and visual impacts. As noted in the documents, there has been dialogue on the application design development between CWaCC and the applicants agents planning representatives, including their Landscape consultants. Please see initial Landscape Scoping response attached. (See Appendix 2 – Landscape Officers response to Scoping Request).	The Applicant notes this comment. The Applicant has addressed comments made in the CWaCC Landscape scoping response as reported in Technical Appendix 6-3 set out in the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]**
Cheshire West and Chester Council	Landscape & Visual Amenity	Impacts on Landscape Character The solar farm development is located within CWaCC LCA4a: Frodsham, Helsby and Lordship Marshes. There is agreement that development would represent a moderate to major adverse effect upon	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		landscape character during the construction phase, for which the effects would be significant. There is also agreement that the impacts on the landscape character are reversible, however the proposed 40 year development period cannot be considered temporary. In regard to existing landscape features and proposed mitigation, such as trees, hedges, ditches and ponds, it is understood that these features will be largely retained and enhanced, however the scale and size of the development will represent a significant change in local landscape character.	
Cheshire West and Chester Council	Landscape & Visual Amenity	Visual impacts 29 viewpoints have been submitted in support of the application which include views from within the site and surrounding to the site. 5 viewpoints include for photomontages which are very helpful in understanding the magnitude of change.	The Applicant notes this comment.
Cheshire West and Chester Council	Landscape & Visual Amenity	Viewpoint Nr 9: Frodsham Hill War Memorial. The assessment is considered to underplay the effects of the proposed development. There is agreement that the sensitivity is high for which the views available will be amongst the main reasons for any visit to the listed monument. There is also agreement that the view is expansive and that the existing view is influenced by industry and infrastructure. Furthermore, from viewing the proposed photomontage, the nature of the solar development in context to the Mersey Estuary could be	Visual effects from each LVIA Viewpoint are assessed in **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]**and the Technical Appendices set out in the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]**. The **Design Approach Document ('DAD') [EN010153/DR/5.8]** and the **outline Landscape and Ecology Management Plan [EN010153/DR/7.13]** state that the proposed tree and shrub belts will includes gaps and areas of less dense planting in order to maintain longer

Respondent	Theme	Comment	Applicant response
		considered to visually correlate and represent a visual extension of the Estuary. The view from this location is panoramic; however, the size and scale of the visual impacts cannot be considered small to medium, nor can they be fully mitigated. Albeit reversable, the duration of 40 years is long term, the angle, distance and the extent of the impacted view is direct from the listed monument. As such the magnitude of change cannot be considered small to medium. Given the high sensitivity of this viewpoint, the high local value, the high magnitude of change, the assessment evaluation of Moderate/ Non-significant is considered to underplay the level of significance of effect. Irrespective of any correlation to the Mersey Estuary, the impact from this highly valued viewpoint is considered significant. In assessment of our findings, I have referred to the Methodology Chapter 6 Appendix 6.1, Figure 2 – Level of Effect Matrix (indicative). In regards to viewpoints from within the site, there is agreement that for viewpoints 17,18,20,21,23 and 25 the impacts will be significantly adverse at construction stage. There are concerns in regards to views from year 10, and how the mitigation planting will affect the viewpoint as demonstrated on photomontage Nr 25, whereby the mitigation will in itself enclose and	range views. The photomontages produced from Viewpoint 25 reflect this. The conclusion of **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** has been amended to make reference to views from Frodsham War Memorial

Respondent	Theme	Comment	Applicant response
		screen any long distance views, including views towards the sandstone ridge. For the viewpoints Nr 6 and 26 taken from the park near St Laurence Church, the assessment of moderate/ non-significant is considered underplayed. I look forward to receiving the photomontage from VP 26, which is positioned on higher ground from within the park. Finally, it appears unusual that the LVIA conclusion (6.12) makes no reference to the impacts from the Frodsham War Memorial. Given the local value and sensitivity of this viewpoint, this is considered both disconcerting and misleading in regard to providing an assessment of the Landscape and Visual Impacts."	
Cheshire West and Chester Council	Landscape & Visual Amenity	Other additional viewpoint information In addition to the Landscape Officers comments above, clarification would be welcome that the photomontage views (especially Figure 6-37ii Viewpoint 9: Frodsham Hill War Memorial is illustrative of the 'worst case' solar panel colour (2.4.26 – typically dark blue, dark grey or black). An as built photograph of a comparable solar farm using black solar panels from an equivalent long-range viewpoint would assist. It would also be beneficial to add a couple of new viewpoints along the motorway as part of the assessment. One from travelling in each direction.	**ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** along with the Technical Appendices set out in the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]** reflects a worst-case basis, assuming black panels. The **ES** includes information regarding the landscape and visual implications of different panel colours. **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** along with the Technical Appendices set out in the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]** provide additional assessment of effects on users of the M56. The approach to this was agreed with CWaCC by exchange of emails in January 2025.

Table 1.11: Noise and Vibration

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Noise & vibration	UU requests that the impact of the proposed development includes an assessment of any potential settlement and vibration on UU's assets. Similarly, any loading on UU's assets during operation or during construction requires further consideration with UU	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure UUW assets are protected.
Cheshire West and Chester Council	Noise & vibration	Environmental Protection have provided comments previously to the Applicant regarding expectations for the Noise Impact Assessment, in particular to take account of the Traveller site(s) R6.	Additional background modelling has been undertaken and an assessment of impacts on the Travellers site has been provided in **ES Vol 2 Appendix 4-1 Noise Impact Assessment [EN010153/DR/6.2].**
Cheshire West and Chester Council	Noise & Vibration	Operational Noise Further to our comments of the 23 October 2024 we have no additional points to raise. Given the existing high background levels arising predominantly from the M56, predicted levels at residential properties are unlikely to present any loss of residential amenity. The exception to this is the Traveller site located on the intersection of Moorditch Lane and Brook Furlong. The location is significantly closer to the proposed development and standard acoustic assessment criteria are not valid as the noise insulating properties of caravans are, in general, significantly lower than that of houses. There are other confounding matters at the Traveller site irrespective of its planning status as it	Additional background modelling has been undertaken and an assessment of impacts on the Travellers site has been provided in **ES Vol 2 Appendix 4-1 Noise Impact Assessment [EN010153/DR/6.2].** The noise impact assessment has been prepared in accordance with BS 4142.2014. The results show that the noise contribution from maximum site operations would be well below the representative background sound level during daytime periods. According to BS4142: 2014+A1:2019 the resultant assessment would conclude that noise from the site would result in a low impact and a neutral effect.

Respondent	Theme	Comment	Applicant response
		is possible that the noise climate already exceeds levels specified in BS8233. As previously advised, if the Traveller Site is likely to remain then specific monitoring data is required to ensure that any assessment is valid. To that end a monitoring location is required either there or at a comparable proxy location. Without this it will make predictions regarding the impact of the proposed development subject to an unacceptably high degree of uncertainty. We would advise that any application should be able to demonstrate compliance with the following conditions for operational noise. Plant / equipment - Prior to the installation of any plant / mechanical extraction for the proposed development a scheme to control noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. i) The scheme shall ensure that the rating level of noise emitted from any plant associated with the proposed development shall be 5 dB(A) below the background noise level (as measured as an LA90) at any time as measured at the nearest noise sensitive receptor. The measurement and assessment shall be made in accordance with BS 4142.2014 ‘Methods for rating and assessing industrial and commercial sound” ii) The scheme shall be implemented in full prior to operation and retained thereafter; any variation to the agreed scheme shall be agreed in	

Respondent	Theme	Comment	Applicant response
		writing with the Local Planning Authority prior to any works being undertaken. All equipment shall be maintained according to manufacturers' recommendations 44 Reason - To prevent an increase in background noise levels and to prevent a loss of amenity to the residential properties. Noise mitigation scheme validation – The approved scheme shall be implemented and completed in full and a verification report submitted to the local planning authority for written approval before the building is first occupied shall be retained at all times thereafter.	
Cheshire West and Chester Council	Noise & Vibration	Construction Noise Given the location of the proposed development it is envisaged that hours of development will be adequate to control noise. It is possible that some piling may be required given the presence of both peat, alluvial soils and dredging deposits but these can all be controlled by a condition, either individually or through a Construction Environmental Management Plan. Standard hours of construction set out in DM30 of the local plan are as follows: Hours of construction / demolition No development, including demolition and/or construction works shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local	A construction phase noise assessment has been undertaken within **ES Vol 2 Appendix 4-1 Noise Impact Assessment [EN010153/DR/6.2].** Predictions indicate no significant impacts at residential NSR and 'best practicable means' would be applied in accordance with BS5228-1:2009+A1:2014. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** includes a requirement for the contractor to prepare a Construction Noise Management Plan (CNMP) and describes a series of measures that would be used to minimise construction noise effects.

Respondent	Theme	Comment	Applicant response
		Planning Authority prior to any agreed change being implemented. Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected. Construction Delivery Hours - No construction / demolition deliveries shall be taken at or despatched from the site outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented. Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected. Piling – No operations requiring piling or subsurface vibration ground improvement techniques shall be carried out on the site unless, details of the work, monitoring and environmental controls proposed have been submitted to and agreed in writing by the Local Planning Authority. All such works to be undertaken in complete accordance with the agreed scheme unless otherwise submitted to and agreed in writing with the Local Planning Authority. Reason - To ensure that the residential amenities	

Respondent	Theme	Comment	Applicant response
		that occupiers can reasonably expect to enjoy are adequately protected.	

Table 1.12: Ornithology

Respondent	Theme	Comment	Applicant response
Natural England	Ornithology	Due to the proximity of the site to the Mersey Estuary SPA/Ramsar we advise further consideration of the potential for any dust during construction and any appropriate measures to limit dust from the development.	The Mersey Estuary SPA and Ramsar site are cited for the presence of ornithological interest; as such, impacts to these sites are addressed in this chapter**.** Appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects upon the SPA/Ramsar, including pollution (including dust) prevention measures, as detailed in Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]).** **ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]** assesses the potential for dust arisings on ecological receptors and recommends mitigation measures. These findings are included in the assessment within **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**. Incorporated Mitigation is included within the oCEMP **[EN010153/DR/7.5]**.
Cheshire Wildlife Trust	Ornithology	Must account for/mitigate for impacts on important birds at the county level, not just birds of the SPA. These include Grey Partridge, Golden Plover, Lapwing, Common Redshank, Black tailed Godwit, Curlew, Whimbrel, Woodcock, Common Snipe, Ruff, Turtle Dove, Short-eared Owl, Cuckoo, Skylark, Common Starling, Tree Sparrow, Linnet, Reed Bunting, Yellowhammer. (July 2023) - We expect mitigation and monitoring of all ornithological species on this site, even those that are not ‘qualifying species for the SPA’ but are	Potential effects on non-SPA species are considered in the ES chapter, and this includes breeding ground-nesting species, such as skylark and lapwing, and non-SPA wintering birds (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). Effects on species like skylark are considered at the county level (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). As such the assemblage is fully considered. Through the adoption of incorporated mitigation and enhancement measures effects on most breeding species

Respondent	Theme	Comment	Applicant response
		still important at a county level. Populations fluctuate, and those that are of concern today might not be the same that are of concern in a decade. The estuary is important for its assemblage of species, and monitoring only certain species is limited and short-sighted. If the NBBMA is only designed for SPA species, how might this impact other species? o 8.7 .28 "Monitoring of key ornithological species (those qualifying species of the Mersey Estuary SPA) within the Main Development Area (including within the NBBMA)" - There is a need to ensure surveying best practice is followed (beyond just BNG/habitat assessments) – especially for all relevant bird surveys. (July 2023) - It also is essential that the construction timetable maintain open space for birds as they are being displaced.	(including non-ground nesting) can be negated as detailed in Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. The incorporated mitigation and enhancement (including the NBBMA, skylark mitigation proposals and hedgerow and tree planting) will benefit a suite of species including non-SPA species. The future baseline (see Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) considers any variation in the ornithological assemblage over the course of the operation of the Proposed Development. Monitoring as part of the NBBMA (see ***OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]***) will be principally focused on SPA species (curlew, lapwing and golden plover), but all wetland species present will be recorded and included in the monitoring programme. Breeding bird monitoring will also be undertaken over the operation of the Proposed Development as summarised in Section 8.9 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. The principal focus for the NBBMA (see ***OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]***) although is lapwing, golden plover and curlew (to mirror the target species of the mitigation measures for the operational Frodsham Wind Farm), will also benefit species treated as 'target species' during the ornithology surveys, and which were recorded

Respondent	Theme	Comment	Applicant response
			during surveys (full details in the **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]**). The construction phase will be phased to ensure the availability of suitable habitat for target species. The phased approach to be adopted is detailed in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and includes the NBBMA being constructed prior to any works on Cells 1, 2 or 5.
Cheshire Wildlife Trust	Ornithology	Cell 3: Additionality must be provided to compensate for birds of the SPA and the loss of functionally linked land. Using land that is currently compensation for the wind farm in cell 3 is not additional (even if habitats are not functioning well due to drying issues /succession - this is a compliance issue). If scrapes created as mitigation for the wind farm in cell 3 are not functioning well, it is questionable that there is feasibility to create more scrapes in the same area (which would likely not function well too) as mitigation for the solar farm. (July 2023) - It is proposed that Cell 3 would be used as the ecological/bird mitigation site for the scheme. The primary issue with this approach is that Cell 3 is already being used as a mitigation area for the Frodsham Wind Farm project, therefore there is no additionality for this Solar Farm project. We understand the reasoning that the habitat itself will be improved through the engineering works to	The habitat enhancement of Cell 3, as detailed in the NBBMA (**OLMEP Appendix B - oNBBMS [EN010153/DR/7.13])** would represent 'additive mitigation' over the current baseline conditions, including the measures in place as part of the wind farm. Such additive measures are not a requirement under the wind farm consent, and it is therefore not a compliance issue. It is further relevant that there is no mechanism to deliver these additional benefits under the wind farm planning conditions. The NBBMA will provide substantial additive mitigation through the creation of substantially improved wetland habitats (and protection of breeding birds), which will involve extensive earthworks to lower ground levels and line these with clay, so that Cell 3 will hold more water and for a greater period of time (including during the spring and autumn passage periods). The total area of mitigation required (in ha) for both the wind farm and the solar development has been calculated based on a recognised

Respondent	Theme	Comment	Applicant response
		create additional ponds and scrapes and create better habitat for birds; while this is commendable, it cannot be the only mitigation done by the Solar Farm as it does not compensate for the loss of all other habitat in the footprint of the scheme.	methodology and using extensive baseline data. This area (ha) takes no account of the considerable betterment of the Cell 3 habitats, and it is therefore possible to be confident that robust mitigation will be provided. Further details on the NBBMA are provided in **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**. The enhancement works to Cell 3 are to increase the carrying capacity of the area to support higher numbers of birds including SPA-qualifying species. The works to Cell 3 as detailed in the NBBMA are not the only mitigation (or enhancement) measures to be adopted with other measures including the management of the off-site SMA, planting of hedgerows, creation of woodland and tree planting and enhancement of grassland habitat (as summarised in Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**).
Cheshire Wildlife Trust	Ornithology	Cell 2 + 5 Loss of cells 2 and 5 will require additional mitigation as these were managed to compensate for losses from the wind farm. Additionality is required. - Cells 2 & 5 are proposed to be lost as open space as they are included in the development area, which is a large loss of open space for birds. These areas were specifically set aside for birds in the planning conditions of the Wind Farm application approval: “maintenance of fields over Cells 2 and 5, for the duration of the lifetime of the development, in a condition that is favourable for wintering wader species, including golden plover, lapwing, curlew” (para. 33c of Planning	Usage of Cells 2 and 5 by target species has been considered in the appropriate mitigation proposed, principally through the works in the NBBMA (Cell 3; as detailed in the **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**). Usage of Cells 2 and 5 by target species was relatively modest based on the baseline gathering and surveys (see **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]** and also Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). This is likely at least in part due to the Cells being dry grassland (not wet) and thus of limited benefit to wading species. Accordingly, the mitigation and enhancement measures proposed for the

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		Conditions). If planning permission is granted to amend the conditions of the Wind Farm application, these areas must also be compensated for in the form of open space adjacent to the development, ideally near Cell 3, and certainly in strategic locations for birds. - The improvement of habitat does not make up for loss of open space. When populations are constrained to fragmented and reduced areas, they are more vulnerable to disease, competition for resources, and overcrowding, and are more likely to leave the area. The Mersey Estuary is nationally and internationally designated for its important bird populations, and the encroachment on their land is contrary to the spirit of these protections, particularly because: o 8.8 .39 It is relevant that there are no wetland reserves managed for SPA birds along the entire Mersey Estuary (which is highly developed). - The Wind Farm took up much of the vertical space available for flying birds, and this Solar Farm will take up much of the ground space available for breeding and foraging birds. In combination, what will be left for them?	Proposed Development will provide alternative, more optimal, habitat for target species that used Cells 2 and 5, such as relatively modest numbers of lapwing, golden plover, golden plover, teal and black-tailed godwit. Noting that Cells 2 and 5 are close to the NBBMA (Cell 3; where the main mitigation works would be adopted). Usage of the SADA outside Cells 1, 2 and 5 were very limited (as detailed *in* **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]** and also in Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**), with the habitats largely suboptimal (comprising of relatively small, enclosed fields). So, although there are considerable areas of 'ground space' potentially available for target species, bird usage is very limited, likely as a consequence of the typical poor-quality habitat at present. The mitigation measures are not solely confined to the NBBMA with other enhancement to be adopted for example off-site in the SMA and the restoration of grasslands around the solar arrays (see Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). Overcrowding of Cell 3 is not anticipated with the mitigation measures that would be adopted benefiting a variety of species through the creation of different habitats, including areas of open water and wet grassland. As such, the carrying capacity of the NBBMA (Cell 3) would be increased through the betterment of the habitats present over current conditions, providing better quality habitat, a greater variety of habitats, and sustaining a higher number of birds.

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			The SADA does not encroach into the Mersey Estuary. The NBBMA adjoins the Mersey Estuary SSSI and lies in close proximity to the Mersey Estuary SPA and Ramsar. It is acknowledged that the NBBMA adjoins the River Mersey SSSI, with the canal pools north of the NBBMA (Cell 3) at least partly within the SSSI boundary and although these canal pools are offsite they may, as an option, be used for providing a water resource into the NBBMA (see ***OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]***). It is anticipated that if Cell 3 were to be enhanced as set out in the NBBMA, then Cell 3 would function similarly to a wetland reserve.
CPRE Cheshire	Ornithology	The site is immediately adjacent to the Mersey Estuary Ramsar site and the main body of the Mersey Estuary Site of Special Scientific Interest (SSSI). The SSSI also contains a narrow strip extending slightly into the application site itself2 . The Ramsar site is described as “a large, sheltered estuary comprising large areas of saltmarsh and intertidal sand and mudflats. The site includes brackish marsh, rocky shoreline, and cliffs set in a rural and industrial environment. Internationally important numbers of various species of waterbirds feed and roost at the site in winter, or stage at the site in spring and fall” (source of data: Ramsar sites information service – https://rsis.ramsar.org/ris/715). Ramsar sites are of international significance and should therefore be given the highest level of	Noted that the Mersey Estuary Ramsar site is adjacent to the Proposed Development Site. The Mersey Estuary SSSI adjoins the NBBMA, and the canal pools (which are at least partially within the SSSI) may form part of the NBBMA proposals (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**). Effects on the integrity of the River Mersey Ramsar/SSSI/SPA are considered in this ES chapter (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) and within a HRA provided as the **HRA [EN010153/DR/5.3]**. The assessment within this ES chapter and the HRA has considered key sources of information, including a suite of field surveys and existing desk study information, with results of these detailed in **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2],** and

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		protection against harmful development. CPRE Cheshire is concerned that the proposed solar farm, by reason of its scale and nature, could have a harmful impact on the biodiversity of the Ramsar/SSSI site and its supporting habitats. With this in mind, it is crucially important that: 1 See paragraph 1.3.9 of the Frodsham Solar Preliminary Environmental Information Report. 2 Source of information - https://magic.defra.gov.uk/MagicMap.aspx • All necessary site surveys must have been undertaken before any decision is made. The views of bodies such as the RSPB and Wildlife Trusts will be crucial in establishing any shortcomings in the survey work undertaken to date, including for plant life as well as birds and mammals. • The development must be required to comply with the harm mitigation hierarchy set out in paragraph 193 a) of the National Planning Policy Framework (NPPF – December 2024). This means that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for…" then consent should be refused. CPRE Cheshire is concerned for example that the area under the proposed solar panels could suffer harm to bio-diversity due to loss of sunlight to vegetation, changes in soil structure, acidification	within Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** of this ES chapter. RSPB, Cheshire Wildlife Trust, as well as Natural England and CWAC have been consulted on the approach to baseline information gathering, field surveys and the approach to the assessment (see Section 8.4 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). The Proposed Development would comply with the harm mitigation hierarchy of the NPPF. Given the Site is established as FLL to the Mersey Estuary SPA and Ramsar (see Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) proportionate mitigation is proposed (see Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**), which is considered appropriate for providing alternative better-quality habitat for any displaced SPA and Ramsar qualifying species. The assessment within this ES chapter (Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) considers effects on the ornithological assemblage, focussing on target species (with target species defined in Section 8.5 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). The **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** addresses potential effects of the Proposed Development on habitats and bats. An Outline Soils Management Plan **[EN010153/DR/7.10]** is provided with the application to safeguard soil conditions.

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		of the soil, disruption of bird and bat flight paths, and loss of foraging areas for food3 . It is essential that agreement is obtained from specialist groups such as the RSPB and Cheshire Wildlife Trust on the extent and nature of mitigation that is proposed. • Policy ENV4 of the Cheshire West and Chester Local Plan (Part 1) Strategic Policies refers to the need to avoid any net loss of natural assets, and to seek to provide net gains. The bird survey included in the consultation material refers to a wide variety of important species found in the area. CPRE Cheshire is concerned that biodiversity harm could arise due to the proposed layout of the development and the construction process. This emphasises the need for robust mitigation and net gain measures in line with Policy ENV 4.	Both the RSPB and the Cheshire Wildlife Trust have been consulted on the proposed mitigation proposals, with the RSPB, in particular, in agreement in principle with the measures. The **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** addresses biodiversity net gains associated with the Proposed Development, which is acknowledged as a key part of Policy ENV 4. The suite of bird species considered as target species for surveys was considerable and extended beyond only SPA-qualifying species of the Mersey Estuary. Potential effects on ornithology features are considered in this ES chapter (Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) with such effects on ecology features addressed in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**. Robust mitigation is set out in this ES chapter (Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) and within the oNBBMS (**OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**), which is acknowledged as in line with Policy ENV 4.
Natural England	Ornithology	We note that Cell 3 was not surveyed during Year 1 of the non-breeding bird surveys. However, in Year 2 high numbers of birds were recorded in Cell 3 including SPA/Ramsar qualifying species such as teal, golden plover and black	Discussion is provided in Section 8-6 into fluctuations in annual numbers of birds within the NBBMA (Cell 3) most notably. Potential reasons for these differences are considered, and annual changes are not uncommon. An additional year of surveys (‘Year 3’ in the non-breeding

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		tailed godwit. Year 2 surveys generally recorded higher numbers across the rest of site, although Year 1 has much fewer birds recorded (outside of Cell 6) there are still some high numbers of dunlin, curlew and black-tailed godwit towards the Northern edge of the site between September and December 2022. Year 2 sees much larger scale bird usage between Cells 3 and 6, notably teal, mallard, lapwing, curlew, snipe, golden plover and black tailed godwit. No discussion has been provided regarding the increased numbers of SPA/Ramsar birds recorded in Year 2 and the high numbers for Cell 3 during the survey. Although as an observation we consider this could possibly be due to the site being much wetter over Winter 2023/24, this has not been demonstrated however. Discussion regarding the higher baseline figures for Cell 3 is required, as is consideration of the confidence that one year of data for this area provides. If evidence is presented to suggest that the numbers recorded for Cell 3 in Year 2 could be an anomaly, then we advise that additional data is brought into the assessment to help determine an appropriate baseline for Cell 3. We note that additional desk study information is going to be gathered with information requested on both the HyNet Carbon Dioxide and Hydrogen	season of 2024/25) was undertaken to help determine an appropriate baseline for Cell 3 as recommended. The desk study from the HyNet Carbon Dioxide and Hydrogen pipelines are considered (see **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]** and also Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). Cumulative effects of the Proposed Development with the HyNet pipelines are considered in Section 8.11. Additional evidence is provided as requested including heat maps showing those parts of the SADA and NBBMA which supported greatest numbers of target species. Further discussion is also provided within Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** with regards to usage of the Site by target species. Information and details into the bird-day calculations used to determine the required amount of habitat to mitigate the loss of most of the open habitat the SADA is provided and justified in **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**. Although specifics into bird behaviour were not recorded during surveys, based on the habitats present discussion into likely behaviour/activity of target species is provided in Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. The mitigation proposals within the NBBMA will provide suitable habitat for roosting, feeding and loafing birds. The habitats (as well as the establishment of predator fencing

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		pipelines that are both proposed to run through the development site. We are aware of surveys completed for the Hydrogen pipeline during a recent statutory consultation and noted that surveys did include Cell 3 during Winter 21/22 and during 2024. We consider that additional evidence will strengthen any justification to support the measures set out within the Non-Breeding Bird Mitigation Strategy (NBBMS). Natural England advises that evidence is also required regarding how birds are using the site e.g. for roosting, feeding, loafing. This will help inform the assessment and determine the type of supporting habitat the birds rely upon and therefore what habitat type is required in terms of mitigation	around the periphery of the NBBMA) will also mean the area is improved for nesting birds, especially species like lapwing.
Natural England	Ornithology	Impacts to SPA/Ramsar features Natural England does not agree with the statement made in paragraph 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**.6 that 'the numbers and regularity that SPA qualifying species used the Main Development Area as determined during field surveys is not representative of the habitat being Functionally Linked Land ('FLL') to the Mersey Estuary SPA, with the counts of recorded species substantially below the 1 % threshold of the Mersey Estuary population'. We note that although survey results are summarised within Tables 8-12 and 8-13 that the percentage figures for the SPA population have not	Using the 1 % threshold of the Mersey Estuary population (and consideration of the frequency of use in numbers that surpass the 1 % threshold), FLL based on the survey results is not determined. However, as noted in Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** based on discussions with Natural England and with reference to the Natural England NECR483 Edition 1 report (2023), the SADA and the NBBMA is considered as FLL, and therefore appropriate mitigation measures would be adopted to ensure the site integrity of the Mersey Estuary SPA and Ramsar site are not negatively impacted. Tables 8-14 to 8-18 provide counts of target species using the SADA, the NBBMA and offsite locations. Table 8-19 has

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		been displayed, we advise these figures form an important part of the assessment as they will indicate which SPA species are present in significant numbers and so which birds need to be mitigated for. The HRA should consider any significant numbers of qualifying SPA/Ramsar bird species and the waterbird assemblage, based on the peak counts recorded across the entire site. We highlight that all 'waterbirds' form part of the waterbird assemblage and it is the assemblage as a whole that is the feature to be assessed within a HRA, with reference to the Conservation Objectives. The integrity of the assemblage (non-breeding) is generally recognised as a product of both abundance and diversity as set out within our Supplementary Advice on Conservation Objectives.	been added and provides the monthly peak number of target species over the three survey years for the SADA, with the % of the Mersey Estuary SPA that the peak count represents to provide an indication of those target SPA/Ramsar species which were reported in the most significant numbers (and to aid mitigation requirements). Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** considers the usage of the SADA and the NBBMA by target species and discusses whether these are considered significant numbers or not. The HRA (see **HRA [EN010153/DR/5.3]**) assesses whether there are likely significant effects (LSEs) on the SPA and Ramsar site. The HRA has used peak counts across the entire Site in order to assess LSEs on a worst-case scenario basis. The HRA considers LSEs on all recorded SPA/Ramsar species, and with reference to the Conservation Objectives. Bird number (abundance) is the measure that is mainly used in the assessment, but consideration is also given to effects on particular target species and mitigation that is required (Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** discusses effects on target species, with the HRA addressing specifically LSEs on the site integrity of the Mersey Estuary SPA and Ramsar, and its qualifying species).
Natural England	Ornithology	As it is impractical to list all the waterbird species and assess each one individually, and as some constituent species contribute more towards the	Effects on all target species are considered, although some species (such SPA qualifying species like lapwing, golden plover and curlew) are given the highest regard given these

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		integrity of the overall assemblage than others we advise the assessment should therefore focus on the 'main component species'. The 'main component species' should include those species that are: • Present in nationally important numbers • Migratory species present in internationally important numbers (where qualifying features are assessed individually, there is no requirement to repeat for the assemblage assessment) • In numbers >2000 individuals • A named component species otherwise listed on SPA citation	were the species which were targeted for the mitigation area in Cell 3 for the operational Frodsham Wind Farm. These were also three target species that were recorded in typically the highest numbers within the SADA and the NBBMA, although it is noted that teal and black-tailed godwit were also recorded sporadically in relatively high numbers in the NBBMA.
Natural England	Ornithology	Natural England disagrees with the conclusions regarding noise disturbance and the statement made in paragraph 8.8.7 'Noise Impact Assessment (PEIR Volume 2 Appendix 4- 1) reveals that all anticipated activities that have potential to cause higher levels of noise associated with the Proposed Development (including CFA piling and movement and activity of HGVs associated with the BESS, works within the NBBMA such as activity of dump trucks, excavators and dozer, and plant installing the solar arrays) would result in predicted noise levels which are consistently within the acceptable range in relation to potential disturbance to waterbirds according to the (TIDE) assessment criteria'. The Noise Impact Assessment relies upon the thresholds taken from the Waterbird Disturbance Mitigation/ TIDE Toolkit to rule out significant noise impacts on SPA birds.	Background noise monitoring (see **ES Vol 2 Appendix 4-1: Noise Impact Assessment [EN010153/DR/6.2]** for full details) and a noise assessment has been undertaken which predicts that construction and operational noise levels are consistently within the acceptable range in relation to potential disturbance, including that specified in the Natural England guidance. The noise assessment has considered different works and activities (including piling and movement of plant and the installation of solar arrays) within the Site, so it is considered that this is captured the Site-specific activity and disturbance that is predicted. Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and the HRA (**HRA [EN010153/DR/5.3]**) considers the baseline noise levels and the fact that target species will already be habituated to a level of disturbance (noise and visual) due to the industrialised nature of the locality and considers this in

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		However Natural England advise that the thresholds set out within the Toolkit are not applicable in individual developments as each development site is different with different background levels and existing patterns of disturbance. As any disturbance is likely to be site and species specific the use of thresholds is not appropriate. We advise the ES and HRA considers the baseline noise levels at bird and a comparison is made with the expected peak noise levels (LAmax) during each stage of the construction works (including the use of multiple types of machinery at the same time). Where there is an increase of 3dB or above then further assessment is required and appropriate mitigation provided. Consideration of the effects of noise and the increased use of the access routes to the development site should also be included in any assessment. We note that construction noise maps for the expected LAeq levels have been included within the Noise Impact Assessment (Appendix 3) which is welcomed however we advise maps are also produced for the LAmax levels, and that further detail on the works being assessed for each map would also be useful. We similarly advise caution when considering distance thresholds (paragraph 8.8.5), and the application of the buffer distances set out within the	relation to potential effects on birds of increased noise levels during the construction works. Noise management measures would be secured via the oCEMP and no further mitigation is deemed necessary. Effects of noise and increase use of the access routes are considered in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. The noise monitoring also discusses LAmax levels with no predicted significant effects on birds on those areas considered potentially most sensitive (see **ES Vol 2 Appendix 4-1: Noise Impact Assessment [EN010153/DR/6.2]** for full details). Goodship and Furness (2022) is considered as the standard guidance for disturbance limits for target species. However, within the assessment (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) the reported disturbance distances are not only considered in terms of determining effects, but other factors are also regarded, such as topography/ presence of bunds buffering noise/visual intrusion and current activity at the locality. This chapter (Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) and the HRA (in **HRA [EN010153/DR/5.3]**) considers effects of plant and machinery during the construction phase, and it is acknowledged that some of the machinery that would be used is novel to the locality. Accordingly, effects of all

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		Goodship and Furness (2022) Disturbance Distances Review report. Although these distances can be used as guidelines when considering disturbance from human activity, they may not be appropriate for construction activities. We acknowledge that whilst there may be habituation to existing levels and types of disturbance by birds using both the designated site and development site the construction period however will involve the use of machinery that is not typically in use within the development area and so further consideration will be needed within the ES and HRA regarding disturbance levels and impacts for SPA/Ramsar birds.	possible activities and machinery/plant expected within the Site is considered on SPA/Ramsar birds is considered.
Natural England	Ornithology	Natural England has already provided initial advice on the NBBMS and continues to support the development of a robust NBBMS. We welcome sight of the Illustrative Environmental Masterplan (Figure 2-3b) which provides further detail on the planned habitat creation and extent of the mitigation area. The proposed habitat creation within the Non-Breeding Bird Mitigation Area (NBBMA) is expected to provide a continued connection between the Mersey Estuary SPA/Ramsar and the area of high bird usage known as Cell 6, and as such represents a key location within the development site. We acknowledge that the proposals within the NBBMS represent strategic mitigation as it	Acknowledged that given Cell 6's location it is a key location within the Site. The oNBBMS sets out the specific management details for the NBBMA, and that future monitoring of the Site is undertaken as part of the oLEMP in years 1, 2 and 5, then every 5 years (see also Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). The monitoring for the NBBMA would be more frequent as recommended and as set out in **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**.

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		provides mitigation for both the Frodsham Wind Farm and the Frodsham Solar developments. We note that specific management details for the NBBMA will be set out within the outline Landscape and Ecological Management Plan (oLEMP) (paragraph 8.7.26) and that future monitoring of the development area is to be undertaken as part of the oLEMP is stated to take place in years 1,2 and 5, then every 5 years (paragraph 8.7.29). We advise the frequency of any monitoring specifically for the NBBMA is increased above this level to ensure that sufficient data is available to measure the success of the mitigation package and so any adaptive measures that are required can be implemented within appropriate timescales. We welcome further engagement on both the oLEMP and proposed monitoring schedule for the NBBMA	
Natural England	Ornithology	We note that construction works are to be phased to allow different parts of the main development area to be worked on at different times to minimise effects on birds, including qualifying species of the Mersey Estuary SPA, Ramsar and SSSI (paragraph 8.7.23) and that the timing and phasing of works is to be agreed prior to construction. Works to the NBBMA are stated to be planned prior to the commencement of construction, along with the screening works (which is welcomed). The NBBMA is stated to be created and functional prior to construction works commencing, we advise	Works to the NBBMA would be timed so that the NBBMA is substantially created and functional in advance of construction of the solar PV array areas on the MSC Dredging Deposit Ground cells (see Sections 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). This would be a condition of the mitigation, to ensure target species (most notably the River Mersey SPA, Ramsar site and SSSI) have alternative suitable habitat during the works to the NBBMA.

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		this is a requirement of the mitigation and that consideration must be given to the time taken for the mitigation area to be fully functional prior to considering how the timing and phasing of works is to be carried out. It is noted in paragraph 8.8.9 that lower numbers of SPA birds use the Eastern part of the site and so consideration should be given to commencing construction works in this area ahead of the Western part of the site as this will allow additional time for the mitigation area and newly created habitats to be both functional and in use by SPA birds. We note that an Indicative Construction Phasing and Resource Schedule has been provided within Appendix 2.2, it is not clear from this document regarding the timing of works, and the details appear to conflict with the statements made in Chapter 8. Once further information is developed regarding the timing and phasing of works, we expect this document will be updated. We advise that the phasing plans are made clear within the ES and HRA, and that they align with text elsewhere in the ES.	The oCEMP [EN010153/DR/7.5] sets out that the construction of the NBBMA must be undertaken in advance of construction of the solar PV array areas on the MSC Dredging Deposit Ground cells. This is secured via a Requirement in Schedule 2 of the draft DCO **[EN010153/DR/3.1].**
Cheshire West and Chester Council	Ornithology	Work No. 6 – works to create, enhance and maintain green infrastructure including the creation of Skylark Mitigation Plots and a Non Breeding Bird Mitigation Area 2.4.121 c) Provision of improvements to existing public rights of way and the creation of	The new permissive paths have been designed to be sensitive to the key areas where mitigation and enhancement of habitats for birds is to be adopted, most notably the NBBMA. The adoption of bird screening would also minimise visual disturbance on birds using key habitats. It is also noted that the Site is already subject to some

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		approximately 4.7 km of permissive paths to provide improved access across the Site; d) Development of a car park to enhance access to the Site and the recreational assets delivered as part of the Proposed Development; There are concerns that this will increase disturbance from the public in terms of increased footfall, footfall in different areas than currently and subsequent disturbance to non-breeding and breeding birds and other protected species on site.	recreational activity, and thus the Site is already subject to a level of disturbance (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** for further discussion).
Cheshire West and Chester Council	Ornithology	Work No. 6c - Creation and management of a Non-Breeding Bird Mitigation Area 2.2.133 In summary Cell 3 would be re-engineered to deliver the following components: i)Existing scrapes which have been created as part of the Frodsham Windfarm mitigation works would be temporarily removed and then re-instated as part of a wider network of wetland features. ii)Additional scrapes would be created, substantially increasing the amount of 'muddy edge' to provide foraging habitat for SPA species. iii)Islands would be created to provide safe roosting locations for SPA species and nesting birds. iv)The entire area of Cell 3 would be managed as grassland, with approximately 9.5 ha of managed wet grassland created in the centre of the cell by lowering ground levels so that the necessary conditions to allow wet grassland to establish are created.	It is considered that the extensive enhancement works within the NBBMA would improve the grassland composition for the benefit of target species, especially wading species. The current grassland is not wet grassland (and at least for part of the year has a high coverage of tall ruderals), and thus the enhancement measures would create 'wet' grassland. This is considered a considerable improvement over the existing grassland within Cell 3, and as such point iv would also be considered as additive mitigation, as well as points ii, iii and v (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13*]*** for further details).

Respondent	Theme	Comment	Applicant response
		v)The entire mitigation area would be predator fenced with the aim of assisting breeding wader productivity. Point iv is partially already in place under the existing windfarm mitigation strategy, leaving points ii, iii and v as additional.	
Cheshire West and Chester Council	Ornithology	Appendix 2.2 – Construction programme This requires full reconsideration. NBBMA – This should be fully functional prior to any works on the western solar array. Currently the timetable shows the NBBMA works happening at the same time as the other works and only slight staggering. The Skylark mitigation area is not included within the timetable – this may be because there are no construction works as such, but as “creation of skylark plots” are elements referred to in other documents, it is inferred that some works are required. This should be in place prior to any works on area that Skylarks are currently breeding in. Seasonality needs to be factored into the timetable, in terms of impacts on breeding and non-breeding birds, and other protected species.	The construction programme has been fully considered, and reference is made to timing of construction in Sections 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. The mitigation measures that would be adopted in the NBBMA would be undertaken prior to any works on the western solar array, as confirmed in Sections 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**, and within the **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**. The updated **ES Vol 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule [EN010153/DR/6.2]** provides clarity on the indicative timing of works, which accords with the statements with regards to timings within this chapter (particularly Sections 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). The oCEMP [EN010153/DR/7.5] sets out that the construction of the NBBMA must be undertaken in advance of construction of the solar PV array areas on the MSC

Respondent	Theme	Comment	Applicant response
			Dredging Deposit Ground cells. This is secured via a Requirement in Schedule 2 of the draft DCO **[EN010153/DR/3.1].** The SMA plots would be established and / or meadow grassland planted prior to construction works onsite to ensure that any skylarks unable to nest in suitable habitat onsite has alternative nesting habitat adjacent to the Site (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). Seasonality is factored into the construction phase timetable with embedded mitigation and standard good practice guidance to be followed as detailed in Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. This includes carrying out nesting bird checks if works are undertaken during the breeding bird season and works being largely undertaken during daylight hours as standard.
Cheshire West and Chester Council	Ornithology	Table 8-10 Non-Statutory Designated Sites for Nature Conservation Frodsham, Helsby and Ince Marshes LWS; Birds; (considered likely to be wetland species given the listed habitats are specific wetland habitats). 30 This indicates that the citation of the LWS has not been assessed, as it is clear in the citation what the ornithological element of the designation is for: “The site is of county, national and international ornithological importance for breeding, wintering and passage species, many of which are also qualifying features of the Mersey	Effects on the Frodsham, Helsby and Ince Marshes LWS are assessed in Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** (Table 8-12).

Respondent	Theme	Comment	Applicant response
		Estuary SPA and Ramsar site. There are comprehensive records which include Schedule 1 and UK red listed species such as skylark, yellow wagtail, song thrush, linnet, yellowhammer, starling, lapwing, black-tailed godwit, dunlin and green sandpiper. The site also attracts a number of raptor species."	
Cheshire West and Chester Council	Ornithology	Indicative Environmental Masterplan including the NBBMA 8.7.2 The design of the Proposed Development includes a range of inherent incorporated elements which avoid or reduce the potential for adverse ornithological impacts, including retaining identified higher value habitat features such as hedgerows, ditches, and woodlands, and focusing the large majority of the built development proposals within lower ecological value agricultural land. This section does not acknowledge the open areas required by some bird species and this is required.	The Indicative Environmental Masterplan (**ES Vol 3 Figure 2-3: (a-e) Illustrative Environmental Masterplan [EN010153/DR/6.3]**) and the **Outline Landscape and Ecological Management Plan [EN010153/DR/7.13]** sets out measures that would be adopted to minimise the potential for adverse ornithological impacts. These include the creation of botanically diverse grassland outside the solar /infrastructure areas. Furthermore, measures in the NBBMA include enhancement of open areas and creation of wet grassland which will benefit roosting, foraging, loafing, as well as some ground-nesting target species (like lapwing, especially with the adoption of predator fencing around the NBBMA) (see Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**).
Cheshire West and Chester Council	Ornithology	8.7.4 The NBBMA covers an area of 64 ha. It is managed as part of the Habitat Management and Monitoring Plan (HMMP) for the operational Frodsham Wind Farm, but has limited capacity to deliver notable benefits for SPA-qualifying species because it is not 'wet' grassland. There are further limitations in terms of when the scrapes hold water (typically are dry during the passage periods, noting that the Mersey Estuary SPA is also designated for some species during	Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** provides information on the current usage of Cell 3 (the NBBMA) by target species. With the bird usage of the Site determined from up to three years of survey (two years of survey for Cell 3). **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]** provides full results. The mitigation for the operational Frodsham Wind Farm does not report any specific number of curlew, lapwing and

Respondent	Theme	Comment	Applicant response
		the passage period), and due to a lack of active water management. As such, the optimum condition for waterbirds that Cell 3 could achieve under the existing wind farm management requirements, even when implemented fully, is substantially less than optimal conditions for waterbirds could achieve with the additional actions proposed for the NBBMA. This is dependent on the requirement of birds using it now, as well as mitigation cells 2 and 5 which are to be lost, and the uplift that can be achieved over and above the windfarm mitigation obligations.	golden plover that the area is intending to support. However, as noted, given the current habitats, there are limits on the number of these species that can be supported. The extent of the NBBMA (64 ha) and the betterment of the habitats within the NBBMA (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**) is considered appropriate, and robust, for supporting the target species that are currently using the SADA (including the typically modest number using Cells 2 and 5). Bird-day calculations have been used to determine an appropriate amount of mitigation land that would be required, but other information has also been considered into determining the parts of the SADA and NBBMA which supported the highest numbers of target species (to ensure that any particular areas which support high numbers of birds are considered with respect to appropriate mitigation and the most suitable areas for enhancement).
Cheshire West and Chester Council	Ornithology	8.7.5 The proposed NBBMA will provide substantial betterment to the existing baseline, through the creation of wetland habitats (and protection of breeding birds). It is predicted that the enhancement habitats in the NBBMA will improve conditions substantially over the baseline conditions, increasing the carrying capacity of the Cell. This is considered to accommodate wetland (SPA-qualifying) species that may be displaced from the Main Development Area as the result of the Proposed Development, in addition to other SPA species not currently or regularly using the Cell.	The response above is also considered relevant here, with respect to usage of the NBBMA by target species has been established through a suite of surveys, and the details of the mitigation that would be adopted to ensure that any displaced target species including those using Cells 2 and 5, would have suitable alternative habitat within an ecologically enhance NBBMA (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**).

Respondent	Theme	Comment	Applicant response
		This is dependent on the requirement of birds using it now, as well as mitigation cells 2 and 5 which are to be lost, and the uplift that can be achieved over and above the windfarm mitigation obligations.	
Cheshire West and Chester Council	Ornithology	8.7.23. It is anticipated that NBBMA would be substantially created in advance of construction of the solar PV array areas on the former MSC Dredging Deposit Ground cells, as these are the areas of the SADA more commonly used by wetland birds, compared to the eastern part of the Main Development Area. This is not currently the case with the construction timetable presented in Appendix 2.2. Further, completion of the NBBMA before works commence on the western array should be the case, to ensure the wind farm mitigation is replaced and that the displacement from cells 2 and 5 is compensated for; the birds have no alternative land within the DCO limits in terms of mitigation during construction of the NBBMA, due to the mitigation strategy proposed of using existing mitigation cells for mitigation and for development.	The updated ES Vol 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule [EN010153/DR/6.2] provides clarity on the indicative timing of works, which accords with the statements with regards to timings within this chapter and particularly with regards to the NBBMA being substantially created and functional in advance of construction works in the western Cells (see Sections 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). The oCEMP [EN010153/DR/7.5] sets out that the construction of the NBBMA must be undertaken in advance of construction of the solar PV array areas on the MSC Dredging Deposit Ground cells. This is secured via a Requirement in Schedule 2 of the draft DCO **[EN010153/DR/3.1].** The measures within the NBBMA have provided mitigation for any target species (albeit typically modest numbers were recorded) that would be displaced from Cells 2 and 5 (see ***OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]***).
Cheshire West and	Ornithology	8.8.5 The baseline data gathering including non-breeding field surveys revealed the NBBMA (Cell	The assessment of disturbance from construction on target species in terms of visual disturbance and noise is provided

Respondent	Theme	Comment	Applicant response
Chester Council		3) supported the highest (albeit relatively modest) numbers of SPA qualifying species, with other parts of the Main Development Area supporting far fewer numbers of these SPA qualifying species (and less frequently). It is predicted that disturbance to SPA qualifying species within the SPA/ Ramsar site boundary itself from the Proposed Development is unlikely given the spatial separation between the Main Development Area and the SPA and Ramsar site (at least 115 m). The SPA qualifying birds will also be habituated to a level of baseline potentially disturbing activities including boat traffic using the adjacent Manchester Ship Canal, and vehicles using the road which passes north of the NBBMA and runs parallel to the Manchester Ship Canal, as well as member of the public being present, using the pools within the Mersey Estuary SSSI to fish. Accordingly, no additional disturbance to SPA qualifying species within the SPA/Ramsar site itself are predicted. Further analysis on disturbance from construction of the solar farm in terms of visual disturbance and noise is required (can machinery be seen by birds in the RAMSAR, does the topography give some visual protection for birds etc.).	in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**, with embedded mitigation and good practice measures including noise management measures during construction considered in Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. A noise monitoring assessment has also been undertaken on potential effects on birds using key areas (including the NBBMA) at the locality (**ES Vol 2 Appendix 4-1: Noise Impact Assessment [EN010153/DR/6.2]**).
Cheshire West and Chester Council	Ornithology	8.8.10 Eastern area of the site won't result in any displacement of SPA species. As such, construction of the Proposed Development is anticipated to result in temporary	Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** provides information on usage of the SADA by target species with very limited numbers using the eastern part of the SADA. Within this chapter (see Section

Respondent	Theme	Comment	Applicant response
		minor adverse effects upon international/ national statutory designated sites for nature conservation (Mersey Estuary SPA, Ramsar and SSSI), which are of high sensitivity, which is not significant. Detail is needed here to support this conclusion.	8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**.) the effects of the Proposed Development by displacing SPA species from the SADA (including the eastern part) are assessed.
Cheshire West and Chester Council	Ornithology	8.8.14 Ground-nesting species of open habitats like skylark (peak of 21 pairs from during field surveys, see Table 8-15) and lapwing (peak of nine pairs) that use the LWS may be displaced permanently from the SADA. Effects on these species is considered separately below, particularly given the LWS does not specifically listed these species. The citation of the LWS does refer to skylark and lapwing, so the approach here is incorrect.	Clarification is provided in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** in this regard, and justification is provided into assessing effects on skylark and lapwing alone as ground-nesting species. As opposed to specifically in the context of the LWS, where they are listed as records, and rather than being qualifying species, are a component part of a large ornithological assemblage that the LWS supports.
Cheshire West and Chester Council	Ornithology	8.8.16 There is considered to be sufficient land within, and adjacent to, the Site which would provide alternative habitat for any birds displaced during construction. This infers that the impacts cannot be mitigated for within the DCO limits and should not be the approach used.	Within Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** it is clarified that there would be sufficient land within the Site to support any displaced birds using the Frodsham, Helsby and Ince Marshes LWS, particularly given the construction phase would be phased, and the LWS is extensive. Furthermore, mitigation and enhancement measures including within the NBBMA would benefit birds that the LWS supports.
Cheshire West and Chester Council	Ornithology	8.8.17 The construction of the Proposed Development is therefore anticipated to result in temporary minor adverse effects on non-statutory designated sites for nature conservation (Helsby and Ince Marshes LWS, Upper Mersey Estuary LWS and Clifton Lagoon LWS), which are of	Clarification has been provided above, which is considered to justify the conclusions drawn.

Respondent	Theme	Comment	Applicant response
		medium sensitivity, which is not significant. Due to the reasons previously mentioned, this conclusion is not concurred with.	
Cheshire West and Chester Council	Ornithology	8.8.22 Areas of suitable nesting habitat will however remain available in the wider agricultural landscape. This infers that the impacts cannot be mitigated for within the DCO limits and should not be the approach used. 'Skylark plots' will also be created within two areas of combined 28 ha (accounting for 50 m offset from hedgerows and a pylon). Does this account for the area of wires across the proposed Skylark area? A plan should be provided.	This statement regarding suitable nesting habitat in the wider landscape has been clarified in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**.
Cheshire West and Chester Council	Ornithology	8.8.30 The construction of the Proposed Development is therefore anticipated to result in minor adverse effects on non-breeding birds, which are of up to high sensitivity, which is not significant. Due to the reasons previously mentioned, including construction timings, baselines and uplift, this conclusion is not concurred with.	As stated above clarity is provided into construction timings, baseline usage by target species, uplift as a result of betterment and improvements on habitats within the NBBMA (see Sections 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** for further details). With the clarify provided the conclusions drawn are considered robust.
Cheshire West and Chester Council	Ornithology	8.8.32 ii) behavioural changes/disturbance of ornithological species associated with the presence of panels and other infrastructure associated with the Proposed Development; It	This has been clarified in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**, with effects on target species as a result of potential increased public use of new paths considered.

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		should be clarified that Increased public use due to ne and improved footpaths is considered under the above point.	
Cheshire West and Chester Council	Ornithology	8.8.52 The potential for the operation phase of the Proposed Development to result in the displacement of some of the breeding skylark (peak of 21 pairs) and lapwing (peak of nine pairs) recorded during field surveys within the Main Development Area cannot be entirely discounted. This is particularly as both species nest in open fields and will nest away from edge habitats (in the case of lapwing, like other ground-nesting waders, potentially out to 500 m; see Defra, 2024) xxiv, which are likely to include solar arrays. If the displacement of Lapwing is up to 500m as suggested, this should be taken into account in the proposals. There has been no specific mitigation suggested for lapwing on this basis and this is required.	Potential displacement of up to nine pairs of lapwing is considered in the assessment in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. However, it is considered that mitigation measures, particularly those that would be adopted in the NBBMA would benefit nesting lapwing and would be expected to increase the breeding success of the species, through the betterment of habitat above baseline levels (creation of wet grassland) and deployment of predator-proof fencing around the NBBMA (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]** for further details into the mitigation measures in NBBMA).
Cheshire West and Chester Council	Ornithology	8.8.54 It is proposed that with the enhancement of the NBBMA (which is 64 ha), the Skylark Mitigation Area (which is 28 ha) and creation of other botanical-rich grassland around the solar arrays, breeding skylark and lapwing displaced by the Proposed Development are likely to be supported by alternative suitable habitats. Breeding lapwing require >2 ha of suitable habitat (Natural England, 2011)xxv and thus the wetland grassland and associated habitat to be created and enhanced in the 64 ha NBBMA will provide optimal	The Skylark Mitigation is provided in addition to habitat management measures which will be beneficial for the species within the NBBMA and across the wider SADA; it is not the case that skylark populations will be limited to the Skylark Mitigation Area. It is the Applicants position that the overall approach will represent at least ‘no net loss’ of habitat for skylarks, especially when habitat quality (in particular prey availability and removal of crop management) is considered.

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		nesting habitat for well in excess of nine lapwing pairs in the event that all are displaced from the Main Development Area. See comment above in terms of edge habitats and assessment in terms of the proposals. The Skylark mitigation area was not surveyed for breeding birds and there are no specific works detailed as to how it will be improved, if they are not using the fields 35 currently. If they are not using the fields currently how can it be demonstrated that this area will compensate for the displaced Skylark?	Optimal breeding conditions for lapwing, which are currently absent throughout the Site (Order Limits) comprise short sward vegetation in open land and with wet areas which support invertebrate food species. The NBBMA will provide such habitats, with the considerable additional benefit of predator fencing and so is considered likely to improve breeding conditions and productivity for the species. For both skylarks and lapwings, the management measures proposed will be implemented for a forty-year period which is considered to be a substantial improvement on any other likely future management scenarios.
Cheshire West and Chester Council	Ornithology	8.8.23 The Main Development Area supported a peak of 21 breeding pairs of skylark and nine breeding pairs of lapwing (thus respectively 42 and 18 birds). There is no commentary about how many pairs of Skylark and Lapwing the NBBMA provides currently and if there is further space for some of the pairs displaced from the main development area. 8.8.60 Furthermore, although new permissive paths through the Site will be provisioned, it is considered that no greater such effects will be expected from increased usage by the public, given that the Site is already subject to some recreational activity (public right of way), and because bird screening fencing is to be provisioned in those ornithologically sensitive areas (by the NBBMA and along the side of the River Weaver).	Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** provides a summary of the survey results and the number of breeding pairs of lapwing and skylark, with further details in the **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]** and indicative breeding territory locations provided in Figures 8-11 and 8-11b. Note, the NBBMA was surveyed in Year 2 (not Year 1) so increased numbers of both species in Year 2 is, at least likely partly, due to the NBBMA being included in the survey area. Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** discusses the predicted effects on any displaced skylark and lapwing pairs. As detailed in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** new permissive paths have been designed to be sensitive to key areas for birds, particularly NBBMA and also along the River Weaver. It is considered that these measures will ensure that disturbance

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		No evidence has been given to demonstrate this; 4.5km of new permissive paths will cut across areas not currently used for access, or that have different types of uses. Existing PROW will be enhanced for use and a carpark provided.	to birds using these key areas is minimised to a level where no increased disturbance effects to birds are predicted. The expected types of use would be expected to be comparable with current usage of paths (by walkers). The existing PRoW will be enhanced (and carpark provisioned) but the route is considered not to conflict with the key areas for birds, in that any increased public usage of the PRoW is not predicted to result in increased disturbance in key bird areas.
Cheshire West and Chester Council	Ornithology	1.2.2 The Proposed Development has the potential to impact on 'Functionally Linked Land' (FLL), through: • Displacement of Mersey Estuary SPA wetland bird species due to the presence of solar panels and other infrastructure; and/or, • Increased disturbance to Mersey Estuary SPA wetland bird species, during construction or operation of the Proposed Development. 1.2.3 The likely requirement for mitigation of both of these possible effects is acknowledged; however, this report considers only displacement, as this is most relevant to the proposed use of Cell 3 for mitigation purposes. It is accepted that the potential for disturbance will require detailed assessment and this will be included in the detailed ecological assessment presented in due course. This is not accepted, as disturbance during operation due to improvement and addition to the footpath network in and around the site, is a likely	Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** considers effects of disturbance on target species as a result of likely increased public usage by permissive paths during the operation phase of the Proposed Development.

Respondent	Theme	Comment	Applicant response
		factor.	
Cheshire West and Chester Council	Ornithology	2.1.3 For the purposes of the Cell 3 NBBMS, mitigation is considered in relation to grassland wader species only, namely golden plover, curlew and lapwing. Other SPA species are only very rarely found on arable farmland (i.e., areas affected by the Proposed Development) and therefore a demonstrable effect is not anticipated. This view is borne out by survey data, which will be fully presented in the application PEIR and subsequent Environmental Statement (ES) for review. It is anticipated that such species will benefit from the proposed Cell 3 NBBMS and therefore the proposed mitigation strategy represents an enhancement. In section 3.2.2 of Appendix 8.1 it states that the highest number of Target Species recorded in Cell 3 were 1,411 black-tailed godwit, 800 lapwing, 433 golden plover and 291 teal, so further SPA species than considered above. These species will be affected by the NBBMA enhancement works. Furthermore, survey data shows that Black tailed godwit were present on Cell 2 in Jan 2024, Redshank and Teal on Cell 5 in Feb 2024 and Teal on Cell 5 March 2024. Therefore, the NBBMS should be expanded to account for all SPA/RAMSAR species, rather than	Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** considers effects on all target species (including SPA species such as curlew, golden plover, lapwing, black-tailed godwit and teal). The mitigation measures that would be adopted in the NBBMA would benefit all target species that were recorded in the NBBMA, and elsewhere in the SADA. Outside the NBBMA, the SADA supported limited numbers of SPA qualifying species, especially species other than lapwing, golden plover and curlew (as detailed in Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**). It is therefore considered that an enhanced NBBMA would support the birds it already supports, plus any displaced from the SADA. The NBBMA after works would provide areas of wet grassland for the benefit of species like curlew, golden plover and lapwing, 'muddy' edge/margins for species like black-tailed godwit and redshank, and open water for waterfowl like teal. The islands to be created would also benefit all of these species and provide additive roosting sites (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]** for further details).

Respondent	Theme	Comment	Applicant response
		the limited range above. All impacts have not been considered otherwise.	
Cheshire West and Chester Council	Ornithology	2.3.8 Peak and mean counts of pertinent SPA bird species are presented in Table 2.1, derived from bird surveys as summarised in Section 1.3. Table 2.1: SPA Bird Species Recorded on the Cell 3 Wind Farm Management Area 2023/24. This is not the case, as only some SPA species have been considered, so the full impacts have not been considered.	Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** provides the counts of all target species (including all SPA qualifying species) derived from bird surveys, with further details provided in **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]**. As noted above usage of the SADA and the NBBMA by all SPA qualifying species is considered in the assessment (see Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**) and effects on all SPA qualifying species (which were recorded in notable numbers) has been considered, with appropriate mitigation measures to be adopted.
Cheshire West and Chester Council	Ornithology	2.3.10 Whilst Cell 3 attracts waterbirds in the winter months (when thistles / ruderal vegetation dies-off), it is evidently not used by passage birds (which are also a SPA feature), particularly in the autumn months as scrapes dry-up and ruderal vegetation is at maximum height. This is not quantifiable, there look to still be reasonable numbers of birds in Feb/March/Oct.	The ***ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]*** provides the raw survey data for all the surveys and months. It is apparent that usage of the NBBMA during the passage periods are typically sporadic for most target species, and this is likely a reflection on rainwater levels experienced, given the current NBBMA is dependent on rainwater inundation. As detailed in the **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]** water management of the NBBMA is a fundamental aspect of the enhancement measures keeping the area wetter for longer periods including over the passage periods when the NBBMA is considered likely to be an important habitat for at least some SPA qualifying species.

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Cheshire West and Chester Council	Ornithology	2.3.11 Visits to Site in summer 2024 by Avian Ecology again confirmed the extensive presence of ruderal vegetation. A site visit was made in September 2024 by Avian Ecology and CWAC, where it was noted that vegetation management has been carried out. With the continued cutting of vegetation in the cells, the planning condition is met however, it has been agreed with the HCMG that management needs to be reviewed, including grazing levels. Continued monitoring will be carried out in years 6-9 to ensure compliance with planning conditions. Note that HCMG have agreed to review management and so further improvements may be able to be made. Note that the Cell 3 mitigation is only in year 5 and issues with the scrapes have been met, so it is early on in the mitigation strategy implementation to fully assess the level of success. As this development depends on this baseline, it is uncertain where the level of additionality begins and how much can be achieved, fi the cells are not yet at optimal levels possible under the Windfarm mitigation scheme	As detailed in the **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**, the current mitigation programme for Cell 3 for the operational Frodsham Wind Farm has a 'ceiling' in terms of what benefits to target species it provides given the area is not wet grassland, and the scrapes are entirely dependent on rainwater inundation, so during periods of dry weather (which are considered more likely due to a warming climate). It is considered that the current baseline condition in terms of usage by target species is indicative of a best-case scenario given the management measures agreed by the HCMG. Accordingly, additive mitigation would be considered based on the current usage of the NBBMA by target species, and with the carrying capacity increased above current levels through the betterment of habitats therein.
Cheshire West and Chester Council	Ornithology	2.4.1 Cell 2 and Cell 5 comprise grazed pasture, with patches of extensive arable weed cover at times. They are managed specifically for species associated with grassland, namely golden plover, lapwing and curlew in accordance with the HCMP. Note that the species present on these cells also	Target species (including golden plover, lapwing and curlew) using Cells 2 and 5 are considered with respect to determining the appropriate level of mitigation required. The **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]** details the aim of Cell 3 (the NBBMA), with a summary also

Respondent	Theme	Comment	Applicant response
		need to be taken into account, as well as the species that the Cell 2 and 5 mitigation was originally targeted at. The aim of Cell 3 should also be discussed here. Table 2.3: SPA Bird Species Recorded on the Cells 2 and 5 in 2022/2023 and 2023/24 combined. This table should include all SPA birds recorded on the cells to get the full picture, even though that is all that Cell 2/5 are managed for. Birds on cell 3 should also be included in the table.	provided in Section 8.7 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**. Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** provides the peak and average numbers of all SPA qualifying species that used Cells 2, 3 and 5, as well as frequency of usage. The **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]** provides a further breakdown of the survey results and bird usage across the SADA (including Cells 2 and 5), and Cell 3 (the NBBMA).
Cheshire West and Chester Council	Ornithology	2.5 Wider site Wider Site: Current Management and Use by SPA Birds This should include all SPA birds recorded on site, not just those targeted by the Windfarm mitigation.	As discussed in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**, usage by the Site by all SPA qualifying species is considered and not just those targeted by the operational Frodsham Wind Farm mitigation. The mitigation that would be adopted provides appropriate levels of enhancement for those SPA qualifying species which were recorded onsite in the most notable numbers. It is noted that the number of other SPA qualifying species (excluding lapwing, golden plover and curlew) using the SADA was limited (and sporadic), as detailed in Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])**.
Cheshire West and Chester Council	Ornithology	2.6.7 Following the Cleeve Hill approach the amount of mitigation area that would be required to provide sufficient grassland habitat for golden plover, lapwing and curlew is calculated to be 47.8ha. A hectarage has not been calculated for any other SPA species recorded on Site e.g., Black tailed godwit on Cell 2 in Jan 2024, Redshank and Teal,	The approach focuses on those three species (curlew, golden plover and lapwing) for which were the target for the operational Frodsham Wind Farm mitigation. Given this is the area that would be subject to betterment it is considered robust that these are three key species for consideration in terms of determining appropriate levels of mitigation. Other SPA qualifying species which were recorded in relatively high numbers (at least sporadically) within the NBBMA was

Respondent	Theme	Comment	Applicant response
		Cell 5 Feb 2024, Teal Cell 5 March 2024.	black-tailed godwit and teal. The NBBMA after enhancement would support the godwits and teal it currently supports and more, with the carrying capacity of the NBBMA increased, also for these two species. This would therefore provide alternative (optimal) habitat for those small numbers of godwits and teal displaced from the SADA (see Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** which confirms very low usage of the SADA for these two species). The creation of different habitats within the NBBMA which would be created (see **OLMEP Appendix B - oNBBMS [EN010153/DR/7.13]**) would enhance the habitat for species like black-tailed godwit and teal, with these two species respectively benefiting from the creation of more areas of exposed 'muddy' edge/margins and open water. Curlew, golden plover and lapwing would also benefit from the increase in 'muddy' edge/ margins and open water, but these species would be most benefitted by the creation of wet grassland. As such through the creation of a more varied wetland habitat in the NBBMA the carrying capacity of the area for supporting all SPA qualifying species that were recorded in notable numbers, and that have the potential to be displaced by the Proposed Development will be markedly increased.
Cheshire West and Chester Council	Ornithology	3.1.13 Bird-day calculations demonstrate that at least 47.8 ha of grassland would be required to support existing levels of use (Appendix 1); however, this does not account for higher quality wet grassland (i.e. improved habitats7).	Baseline gathering (see Section 8.6 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** and **ES Vol 2 Appendix 8-1: Ornithology Survey Report [EN010153/DR/6.2]**) revealed that usage of the Site by SPA qualifying species was principally concentrated in Cell 3 (the NBBMA), with typically very low, and sporadic numbers across the SADA.

Respondent	Theme	Comment	Applicant response
		The NBBMS provides for a total of 44.64 ha of grassland, of which 9.5 ha will be actively managed as wet grassland. It should also be factored in that the approach does not account for increased risk due to a smaller area which can be sued by the SPA species, e.g. in terms of predator vulnerability and inability to move to other fields if disturbed, disease if a large amount of birds are concentrated in one area etc.	Baseline gathering revealed that Cell 6 (offsite) regularly supports high numbers of SPA qualifying species, principally as a consequence of the large extent of open water in the east of Cell 6. Note, Cell 6 would not be affected by the Proposed Development. As such, the two areas identified as supporting the highest concentrations of SPA qualifying species (Cell 3 and Cell 6) would be either retained (Cell 6) or enhanced (Cell 3). It is thus considered that large numbers of birds would not only be concentrated in one area but instead would also continue to use other habitats, like Cell 6. An enhanced NBBMA would also represent a key habitat between Cell 6 and the River Mersey Estuary and promoting the safe passage of SPA qualifying species between the two distinct turbine clusters of the operational Frodsham Wind Farm, as well as an important foraging, loafing and roosting site.
Cheshire West and Chester Council	Ornithology	12.8.35 Measures to mitigate and enhance the user experience on-site are proposed including improved surfacing, landscape screening, educational displays, improved bird viewing opportunities, and better maintenance of existing footpaths. The Proposed Development also includes the provision of 4.7km of additional permissive paths and a new car park on Moorditch Lane which would help improve access to the Site, increasing user levels. This should be assessed in detail in terms of impacts on the protected species on site and the mitigation proposed.	As detailed in Section 8.8 **(ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1])** new permissive paths have been designed to be sensitive to key areas for birds, particularly NBBMA and also along the River Weaver. It is considered that these measures will ensure that disturbance to birds using these key areas is minimised to a level where no increased disturbance effects to birds are predicted. The existing PRoW will be enhanced (and carpark provisioned) but the route is considered not to conflict with the key areas for birds, in that any increased public usage of the PRoW is not predicted to result in increased disturbance in key bird areas.

Table 1.13: Project Description and DCO Process

Respondent	Theme	Comment	Applicant response
SP Energy Networks	Project Description & DCO Process	SPM must ensure the avoidance of any adverse impact on its assets to maintain a network that is capable of meeting the increase in demand from an all-electric economy. Respondent added that the next decade will be crucial in preparing the grid for these changes and this is why we are very interested in being able to comment on the proposals which may undermine maintaining, operating and developing a suitable future grid network. There is a significant amount of SPN equipment falls within the boundaries of the project.	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure SPEN can continue to maintain and operate their existing network.
SP Energy Networks	Project Description & DCO Process	SPM requires there are measures in place to protect network assets and ensure safe working around the affected SPM network. It is suggested the application plans and Environmental Impact Assessment Report (EIAR) include a plan showing all of the SPM network and an assessment of the impact of the proposals on this network. SPEN would be able to assist with this in sharing network data. There also need to be included in the proposals reference to draft protective provisions being prepared which protect SPMs statutory undertakers' rights.	**ES Figure 1-6 Utilities [EN01053/DR/6.3]** illustrates the location of all known on-site utility infrastructure, including assets operated by SPEN. Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure SPEN can continue to maintain and operate their existing network. The Applicant has prepared an **outline Construction Environmental Management Plan [EN010153/DR/7.5]** which includes measures to protect the existing SPEN assets.

Respondent	Theme	Comment	Applicant response
		The SPM network is critical 132kV, 33kV and 11kV infrastructure that must not be impacted on. As part of the application and related to the EIAR, there should also be a draft construction management plan which has a section on utilities and explains how impacts on the existing network is to be managed and mitigated. SPM requires there to be adequate space to maintain and operate its network in accordance with statutory obligations.	
SP Energy Networks	Project Description & DCO Process	It is suggested that a crossing schedule showing SPM assets in relation to the solar panel cells parcels e.g. CO4 and a minimum clearance distance for the section of overhead line and the solar array cell referred to is prepared and shared with SPEN so it is possible to see which assets are affected. This schedule should include the proposed 132kV wood pole line and distance from this to the existing overhead lines. Mitigation proposals will also need to take account of SPM assets and the operational requirements. It is noted the proposed Skylark Mitigation area is in an area where SPEN has overhead line assets comprising 132kV steel tower and 11kV wood pole assets which SPEN does not want to see impacted on by these proposals.	Easements that have been applied to the SPEN assets are set out in Table 2-11 of **ES Chapter 2 The Proposed Development [EN010153/DR/6.1]** and are secured as set out in the **Commitments Register [EN011053/DR/7.2]**. Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure SPEN can continue to maintain and operate their existing network. The Skylark Mitigation Area proposals involve minor changes to agricultural land management as set out in the **outline Landscape and Ecological Management Plan [EN010153/DR/7.13]** and will not impact on the overhead line assets that SPEN has in the area.

Respondent	Theme	Comment	Applicant response
SP Energy Networks	Project Description & DCO Process	SPM requires there are measures in place to protect network assets and ensure safe working around the affected SPM network. It is suggested the application plans and Environmental Impact Assessment Report (EIAR) include a plan showing all of the SPM network and an assessment of the impact of the proposals on this network. SPEN would be able to assist with this in sharing network data. There also need to be included in the proposals reference to draft protective provisions being prepared which protect SPMs statutory undertakers' rights.	**ES Figure 1-6 Utilities [EN01053/DR/6.3]** illustrates the location of all known on-site utility infrastructure, including assets operated by SPEN. Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to protect SPEN's rights and ensure SPEN can continue to maintain and operate their existing network.
Health and Safety Executive (HSE)	Project Description & DCO Process	With reference to the redlined Site Boundary shown on Figure 1.1 The Site Location [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010153/EN010153- 000007-EN010153%20-%20Scoping%20Report.pdf] sections of the proposed development fall within HSE public safety consultation zones associated with a number of Major Accident Hazard Pipeline(s) and Major Accident Hazard Installation(s).	The Site Boundary in the **Scoping Report ES Vol 2 Appendix 1-1 [EN010153/DR/6.2]** included land within four COMAH sites to the north of the River Weaver / Weaver Navigation. The Site Boundary was modified after scoping and the draft Order Limits does not now cover the four COMAH sites. The Applicant has been liaising with the Pipeline operators that cross the Site and Schedule 13of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure these pipelines are not harmed by the Proposed Development. The **outline Construction Environmental Management Plan [EN010153/DR/7.5]**, **outline Operational Environmental Management Plan [EN010153/DR/7.5]** and the **outline Decommissioning Environmental Management Plan [EN010153/DR/7.5]** include measures to account for any specific safety requirements relating to the nearby COMAH installations and pipelines.
Health and Safety	Project Description	It would appear that the location of Control Room(s), Construction Compound(s) and the	The **outline Construction Environmental Management Plan [EN010153/DR/7.5]**, **outline Operational Environmental**

Respondent	Theme	Comment	Applicant response
Executive (HSE)	& DCO Process	like are yet to be fixed, consequently HSE is currently not in a position to provide an indication of its' statutory Land Use Planning advice. However, as a general point HSE will not advise against a proposed development, providing the proposed development does not introduce populations, either permanent or temporary, into any of HSE's public safety consultation zones which are assigned to individual Major Accident Hazard Installation(s) and/or Major Accident Hazard Pipeline(s). For more information, please refer to HSE's Land Use Planning Methodology, which can be found at https://www.hse.gov.uk/landuseplanning/methodology.htm	**Management Plan [EN010153/DR/7.6]** and the **outline Decommissioning Environmental Management Plan [EN010153/DR/7.7]** include measures to account for any specific safety requirements relating to the nearby COMAH installations and pipelines.
Health and Safety Executive (HSE)	Project Description & DCO Process	Please note if at any time a new Major Accident Hazard Pipeline, is introduced or existing Pipeline(s) are modified prior to the determination of a future application, then the HSE reserves the right to revise its advice.	Comment noted.
Health and Safety Executive (HSE)	Project Description & DCO Process	If prior to the determination of a future application, a Hazardous Substances Consent is granted for a new Major Hazard Installation or a Hazardous Substances Consent is varied for an existing Major Hazard Installation in the vicinity of the proposed project, again the HSE reserves the right to revise its advice.	Comment noted.

Respondent	Theme	Comment	Applicant response
Health and Safety Executive (HSE)	Project Description & DCO Process	The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in both The Planning (Hazardous Substances) Regulations 2015. Hazardous Substances Consent would be required if the proposed development site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.	No hazardous substances at or above set threshold quantities which require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended are proposed to be stored at the Site.
Canal & River Trust	Project Description & DCO Process	The proposal is sited in proximity to the Weaver Navigation (a canal), which runs to the north of the Proposed Development site. Respondent noted that the Weaver Navigation runs parallel to the River Weaver at this point and the Trust is neither owner nor navigation authority for the River Weaver at this point. However, the Trust own the Weaver Navigation to the north of the site, its towpath on the north side of the Navigation, and sections of the bank along the south of the Navigation, and sections of the bank along the south of the Navigation.	Comment noted. The Proposed Development does not include any development within or immediately adjacent to the Weaver Navigation.

Respondent	Theme	Comment	Applicant response
		Additionally, the Trust own and manages Sutton Swing bridge to the east of the site and the Daniel Adamson Mooring and associated moorings, located on north bank of the Weaver Navigation. Respondent added that our records identify the embankment along the Weaver Navigation, for the extent of the north boundary of the site, as a principal cutting. Finally, an embankment and retaining wall separates the Weaver Navigation from the River Weaver to the north of the SPEN Frodsham substation.	
Canal & River Trust	Project Description & DCO Process	Respondent noted that the PEIR does not refer to any grid connection across the Weaver Navigation, noting that such a crossing was included in earlier consultations.	Comment noted. The Proposed Development does not include a grid connection over, or under, the Weaver Navigation.
Cheshire Constabulary	Project Description & DCO Process	A visitor car parking area is proposed, which means there be an area for people to park up. This will obviously benefit visitors; however, it will also benefit criminals. They may be able to park up and commit offences on the site, transporting materials back to vehicles. I would be interested to see further details around this car park. How close to the site will it be? Will there be CCTV/ANPR covering the car park? Will height barriers be put in place?	As set out in **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]**, the proposed visitor's car park would only be delivered if the recreational improvements proposed as part of Frodsham Solar increase the number of cars informally parking along Moorditch Lane and following agreement with the local community and CWaCC. Height barriers and a gate would be installed to secure the car park. If the car park leads to anti-social behaviour, such as fly-tipping, the operator would reserve the right to remove it.

Respondent	Theme	Comment	Applicant response
Cheshire Constabulary	Project Description & DCO Process	I notice there are paths running through the site, making it permeable. On the plus side, this may help to encourage passive surveillance of the site, with people walking through it who may see suspicious activity. However, permeability also allows offenders to legitimately enter the site and commit crime. How accessible are the areas where substations, batteries and solar panels will be? Are the fenced off from these paths and if so, what fencing will be used?	The operational areas of the SADA would be enclosed by fencing which would comprise a 2.0m high wire-mesh deer fence. Additional security fencing, weldmesh or palisade, up to 2.4m in height, would surround the Frodsham Solar Substation and BESS. This is set out in **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** and the **Design Parameters [EN010153/DR/7.1]**
Cheshire Constabulary	Project Description & DCO Process	How easily can the site be accessed by vehicles? The closer a van can get to the site, the more vulnerable it is to crime. Will bollards and barriers be in place to restrict unauthorised vehicular access and if so, how are they operated and secured. Concrete blocks can also be used to restrict access to certain areas. The greater the distance offenders have from their vehicle to where they are committing an offence, the more chance they have of being detected and caught. A shorter distance lowers this risk and makes a more attractive target.	Gates would be provided at the Frodsham Solar Substation and BESS Facility typically 6m wide double swing gates or automated sliding gates. Post-mounted internal facing closed-circuit television (CCTV) systems would be installed around the perimeter fence. The CCTV cameras, that would incorporate daytime and night-vision cameras, as well as Perimeter Intrusion Detection Systems, would be mounted on posts up to 4 m high and would be set back from the perimeter fence. This is set out in **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** and the **Design Parameters [EN010153/DR/7.1]**
Cheshire Constabulary	Project Description	Will there be a monitored CCTV scheme on site, and will it have a response? As this site is	As set out above there would be a CCTV system in pace. This would be monitored, and a response plan is a requirement of the

Respondent	Theme	Comment	Applicant response
	& DCO Process	national infrastructure, the assumption would be that CCTV as described will be in place.	**Outline Operational Environmental Management Plan [EN010153/DR/7.6]**
Cheshire Constabulary	Project Description & DCO Process	How often will there be a staffed presence on site, or will it generally be unmanned? When there is staff on site, it introduces a level of formal surveillance and guardianship. I would assume that for the most part it will be unmanned, so will there be areas which require a Perimeter Intruder Detection system?	As set out above there would be a CCTV system in pace.
Cheshire Constabulary	Project Description & DCO Process	Forensic marking should be considered on site to help deter crime. There are a variety of options which can be used such as grease, trespass beads and tags. These help to devalue an asset to an offender as it can be traced back to this site. It can also increase the chances of them being caught as some products transfer onto the offender, which helps to link them to a crime.	The **Outline Operational Environmental Management Plan [EN010153/DR/7.6]** sets out the need to consider the need for additional security measures such as forensic marking and the use of established crime prevention principles.

Respondent	Theme	Comment	Applicant response
Cheshire Constabulary	Project Description & DCO Process	1-Physical protection – This is the application of physical security measures to prevent or deter unauthorised access. 2- Surveillance opportunity – Ensuring there are multiple surveillance opportunities (natural, formal, and informal) ensures there is an increased chance of an offender being detected and evidence being gathered. 3- Access control – Both natural and man-made access control measures can be applied in this context to create single, clearly identifiable points of entry to the site or site buildings. 4- Territoriality – This can be the actual definition or subconscious assertion that the development belongs to a legitimate user group. 5- Maintenance – Ensuring an area remains well-maintained will reduce the likelihood of crime and anti-social behaviour. I would urge that the above crime prevention principles are considered throughout the design and planning process for Frodsham Solar Farm.	The **Outline Operational Environmental Management Plan [EN010153/DR/7.6]** sets out the need to consider the need for additional security measures such as forensic marking and the use of established crime prevention principles.
United Utilities Water Ltd (UUW)	Project Description & DCO Process	UU will not allow building over or in close proximity to a water main. UU will not allow a new building or permanent structure to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure UUW assets are protected.

Respondent	Theme	Comment	Applicant response
		circumstances. You should not assume that our assets can be diverted. Diversions must be agreed in advance in writing with UU. We would expect to see plans showing the proposals in relation to any existing UU assets and infrastructure as part of the planning application. We would be grateful if you can provide the latest information for Frodsham Solar Farm in a shp file format.	
United Utilities Water Ltd (UUW)	Project Description & DCO Process	A number of providers offer a paid for mapping service, including UU (see 'Contacts' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to UU's assets, the proven location of pipelines should be confirmed by site survey; an extract of	The **outline Construction Environmental Management Plan [EN010153/DR/7.5]** includes a requirement for pre-construction surveys of utilities on the site.

Respondent	Theme	Comment	Applicant response
		asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See 'Contacts' Section below. UU will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps	
United Utilities Water Ltd (UUW)	Project Description & DCO Process	Developers should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure UUW assets are protected. The **outline Construction Environmental Management Plan [EN010153/DR/7.5]** includes a requirement for pre-construction surveys of utilities on the site.

United Utilities Water Ltd (UUW)	Project Description & DCO Process	Any agreement to divert our underground assets will be subject to a diversion application, made directly to UU. This is a separate matter to the determination of a Development Consent Order (DCO). We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to UU and subsequently rejected (either before or after the determination of a DCO), applicants should be aware that they may need to amend their proposed layout to accommodate UU's assets. Where UU's assets exist, the level of cover to UU's pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from UU. This would include sustainable drainage features, ecological proposals, earth movement and the transport and position of construction equipment and vehicles. Any construction activities in the vicinity of UU's assets, including any assets or infrastructure that may be located outside the applicant's Order Limits, must comply with national building and construction standards and where applicable, our 'Standard	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure UUW assets are protected. Including compounds. **ES Figure 1-6 Utilities [EN01053/DR/6.3]** illustrates the location of all known on-site utility infrastructure, including UUW assets. Easements that have been applied to the UUW assets are set out in Table 2-11 of **ES Chapter 2 The Proposed Development [EN010153/DR/6.1]** and are secured as set out in the **Commitments Register [EN011053/DR/7.2]**.

		Conditions for Works Adjacent to Pipelines'. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational. It is the applicant's responsibility to ensure that UU's required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to UU's assets resulting from their activity UU has not undertaken a detailed assessment of where equipment and/or materials are proposed to be stored within a UU easement / area required for access and maintenance. As a general requirement, UU does not usually allow the easement area, easement width or the necessary offset distance from our assets to be obstructed or impeded in any way. This is due to, but not limited to: - loading implications of the asset and probability of asset failure; - implications on access and maintenance of the asset, especially for critical assets; - security of supply; and - health and safety implications. UU reserves the right to instruct the removal of equipment and materials located within any	

		easement / access and maintenance offset area. UU requires further consultation and supplementary information to discuss any affected assets We wish to emphasise that construction compounds should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties. Similarly, detailed consideration will need to be given to any proposed construction traffic routes to assess the impact on our assets. It will be necessary to ensure that any approach to construction is the subject of a construction management plan to address a range of issues including the protection of our assets as well as any wider impact on our operations.	

Respondent	Theme	Comment	Applicant response
United Utilities Water Ltd (UUW)	Project Description & DCO Process	UU wishes to emphasise that ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties	The BNG relied upon in **BNG Report [EN010153/DR/7.12]** does not include landscaping proposed within UUW easements relating to UUW assets.
United Utilities Water Ltd (UUW)	Project Description & DCO Process	Within the scoping area boundary, a number of legal easements cross the site which are in addition to our statutory rights for inspection, maintenance and repair. It is the applicant's responsibility to obtain a copy of the easement documents, available from UU Legal Services or Land Registry. The applicant must comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipes or the legal right of UU to 24 hour access. The applicant should contact our Property team to discuss how the proposals affect our land interests and to ensure no detrimental impact. Please note that within our wider asset base there are a number of assets, which although owned and operated by UU, are not always in our land ownership.	Schedule 13 of the **draft DCO [EN010153/DR/3.1]** sets out Protective Provisions to ensure UUW assets are protected.

Respondent	Theme	Comment	Applicant response
		For example, assets transferred under private sewers legislation.	
United Utilities Water Ltd (UUW)	Project Description & DCO Process	Given the importance of surface water discharging to an alternative to the public sewer, we request that all land/ rights that are necessary to facilitate a discharge to a watercourse is fully identified within the limits of the DCO. This will ensure the site benefits from the requisite rights to discharge to more sustainable alternatives than the public sewer for the management of clean surface water, e.g., a right to discharge to a watercourse or other water body. For clarity, the extent of land should be sufficient to facilitate a surface water discharge to a watercourse / water body for all elements of your proposal. Ensuring that the extent of land within the Order Limits is sufficient for the purposes of the discharge of surface water is important as a sewerage company has limited powers to acquire the right to discharge surface water to a water body under the Water Industry Act. Therefore you will need to ensure that this right is acquired via your proposed DCO.	The right of the operator to discharge surface water to a water body is secured within the **Draft Development Consent Order [EN010153/DR/3.1]**

NGET (National Grid Electricity Transmission PLC)	Project Description & DCO Process	Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 5 (2019)”, which publicly available.. If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines, then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above. Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation	Schedule 13 of the **draft DCO *[EN010153/DR/3.1]*** sets out Protective Provisions to ensure NGET assets are protected.

		(“pillar of support”) drawings can be obtained using the contact details above National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence, we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place. Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented	

Respondent	Theme	Comment	Applicant response
Environment Agency	Project Description & DCO Process	Crossing Point Installations (Chapters 2,7 and 9 plus figures and appendices) Issue Inappropriate design and installation of new crossing points. Impact Damage to the integrity of embankments, channel bed and reduced mammal passage. Solution For the design and installation of new crossing points, abutments should be set back at-least 8m from the top of the bank, not embedded in the bank as is illustrated in Figure 2-5j. This approach would avoid the necessity of over-pumping to ensure a dry environment for construction (PEIR, Chapter 7; Section 7.7; paragraph 7.7.36). This would not damage the integrity of the banks and channel bed. Setback abutments would also allow the bridge deck to be constructed at a higher level, reducing areas of deep shade and allowing free mammal passage.	Given the nature of the watercourses proposed to be crossed, which consist of a series of field drainage ditches, it is not deemed necessary to set the abutments back by 8m from the top of the bank. However, the Applicant is now proposing the use of open span crossings for all new and replacement crossings, which in some instances will result in the removal of existing culverts. The PEIR only proposed an open span design for new ditch crossings. The proposed design is intended to allow free passage for mammals and includes measures to enhance the biodiversity value of the existing ditches. The impact of the ditch crossings on biodiversity is assessed in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1],** and measures to improve ditch habitats are secured via the **Outline Landscape and Ecological Management Plan [EN010153/DR/7.13].**
Environment Agency	Project Description & DCO Process	River Weaver Crossing (PEIR Chapter 2 & 10) Issue The scoping report referred to the use of horizontal directional drilling (HDD) to navigate beneath the River Weaver. The PEIR report makes no reference to this	Horizontal directional drilling (HDD) is not being proposed for the crossing of the River Weaver. Only overhead line crossing is prescribed within the **Design Parameters [EN010153/DR/7.1].**

Respondent	Theme	Comment	Applicant response
		technique. Impact HDD could involve the use of drilling muds, and their use will require risk assessment to ensure they do not pose a risk to controlled waters. Solution We require confirmation that HDD will not be used, or information included in the CEMP detailing how risks to controlled waters from this activity will be managed. In future documents, we request consistent levels of information are given for all aspects of the scheme where relevant.	
Marine & Coastguard Agency	Project Description & DCO Process	We note that the DCO boundary for the location of the works in the marine environment falls partly within Weaver Navigation (for the River Weaver) and the DCO boundary appears to follow the Manchester Ship Canal for which Peel Ports Ltd (a Statutory Harbour Authority) has jurisdiction. It would be useful for the applicant to confirm if any works within the project fall below the Mean High Water Springs allowing the MCA to risk assess relevant parts of the construction and operation. Although the overhead crossing of the River Weaver may be located in an area of river with lower levels of vessel traffic than the nearby canals (according to the PEIR), the MCA would like to ensure that the worst-case scenario for shipping and safe navigation has been	The Order Limits do not fall within the Weaver Navigation but do cross the River Weaver. The River Weaver is locked from the tide due to its confluence with the Manchester Ship Canal. As such none of the works fall within the Mean High Water Springs. The overhead line crossing will be set to be no lower than the sofit of the bridge located approximately 260m downstream of the proposed SPEN Grid Connection crossing point. As such navigation would not be limited by virtue of the Proposed Development. Temporary impacts on users of the River Weaver may be experienced during construction (for a maximum period of two weeks) but measures are proposed within the **outline Construction Environmental Management Plan [EN010153/DR/7.5]** to limit this impact.

Respondent	Theme	Comment	Applicant response
		assessed considering the impacts of the project on river users.	
Marine & Coastguard Agency	Project Description & DCO Process	We note that in Volume 2:Technical Appendix 2-3 Table 5.7, the potential impact of disruption to river traffic is listed and that the sufficient height clearance over the river will be maintained. However, it would be useful to know how sufficient height clearance will be assessed and which vessel datasets were used to make this decision as well as what other impacts or closures to the river are envisaged. The overhead clearance arrangements must be undertaken in accordance with a fuller assessment of vessel traffic data including seasonal variations to ensure the safety of the largest vessels operating in the area; emergency response must also be considered to ensure access for search and rescue assets during the river closures and how this will be managed. A review of the vessel traffic data should be undertaken to ensure that the current vessel traffic levels, type and maximum size of vessel transiting the area has been considered.	The overhead line crossing will be set to be no lower than the sofit of the bridge located approximately 260m downstream of the proposed SPEN Grid Connection crossing point. As such navigation would not be limited by virtue of the Proposed Development. Temporary impacts on users of the River Weaver may be experienced during construction (for a maximum period of two weeks) but measures are proposed within the **outline Construction Environmental Management Plan [EN010153/DR/7.5]** to limit this impact.

Table 1.15: Public Rights of Way

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Public Rights of Way	Public Rights of Way The provision of an Outline Public Rights of Way Management Plan (12.7.6) is welcome. Further discussion regarding proposals improvements to the existing PROW network shown for the 4.7km of proposed permissive paths (2.4.121 and Figure 2-4) to provide improved access across the site would be welcomed. Opportunity for improvement to the surfacing of the PROW network (including restrictive byways) suitable for all users is noted. The restricted byways around this area are currently stone and many contain a lot of potholes. The PROW Officer recommends inclusion into the plans for improving the surfaces of the current paths to improve the area for users (filling in potholes etc). Details of improved drainage of routes is also recommended Refinement of proposals for the permissive paths is required e.g. to establish whether they are proposed/suitable to permit cyclists and equestrians as well as walkers? More circular	Additional detail has been added in relation to the anticipated users of the permissive paths and therefore the design measures which would be provided to allow the access anticipated on different paths across the site. The **Design Approach Document [EN010153/DR/5.8], Outline Public Rights of Way Management Plan [EN010153/DR/7.9] and ES Vol 1 Chapter 2: Proposed Development [EN010153/DR/6.1]** provides further details of the access strategy.

Respondent	Theme	Comment	Applicant response
		routes would be welcomed in the area for all users. The permissive paths have the potential to make good multiuser loops off the restricted byways. The current network is fragmented for anyone other than pedestrians and adding in multiuser loops could enhance the area as an asset to the local community. Signage for the PROW network and the longer distance paths will need revision / renewal to account for the proposed permissive paths. Consideration of the needs for off-site highway / PROW improvements requires further investigation/discussion. Confirmation of the height of overhead cables across the public rights of way has been requested by the PROW Officer.	

Table 1.16: Site Selection and Alternatives

Respondent	Theme	Comment	Applicant response
Frodsham wind farm (Osborne Clarke)	Site selection & alternatives	We understand from the documents included with your consultation materials that the project within the proposed Order Land has the potential to have a serious detrimental impact on FWF, most notably through the installation of solar PV panels in close proximity to the wind turbines or from the laying of underground cables close to and/or overlapping with those from the wind farm. Any physical interference during construction and the operational phase of the development, even to a small area of the wind farm, could have a significant impact on the operation overall and give rise to financial loss for which the Company would seek to be compensated for. We do not yet have a full understanding of the level of interaction and amount of assets affected by the proposed Frodsham Solar development.	The Applicant has engaged with the operator of Frodsham Wind Farm in respect of their concerns and has included Protective Provisions for their benefit within the **draft DCO [EN010153/DR/3.1]**.
Frodsham wind farm (Osborne Clarke)	Site selection & alternatives	The respective set back distances of the solar panels and apparatus from the wind turbines	As set out in Table 2-11 of **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]**, the following easements have been applied to the wind turbines:

Respondent	Theme	Comment	Applicant response
Frodsham wind farm (Osborne Clarke)	Site selection & alternatives	The location of the cable routes and the methods of working in proximity to FWF's underground cables	• No dig within 10m diameter • No extraction or excavation within 75m diameter • No extraction or excavation deeper than 5m within 75 to 100m diameter • No buildings or infrastructure taller than 35m height within 125m diameter In addition, the following easements have been applied to the associated wind farm cabling: • 10.0m centred on the cable, although the 132 kV Private Wire Connection will lie within this easement
NGET (National Grid Electricity Transmission PLC)	Site selection & alternatives	Due to the proximity of some of our existing or future assets, NGET wishes to express their interest in further consultation while the impact on our assets is still being assessed. Where the Promoter intends to acquire land, extinguish rights, or interfere with or work within close proximity to any of NGET's apparatus and land, this will require appropriate protection and further discussion on the impact to its apparatus and rights. NGET assets form an essential part of the electricity transmission network in England and Wales. Please continue to consult NGET in regards to this development.	The **Works Plans [EN010153/DR/2.3]** have made allowance for easement strips to protect assets. Protective Provisions to safeguard utilities crossing the Site have been included within the **draft DCO [EN010153/DR/3.1]**.

Respondent	Theme	Comment	Applicant response
NGET (National Grid Electricity Transmission PLC)	Site selection & alternatives	There are no known new Infrastructure projects that interact with Frodsham Solar at this time, however, NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK.	
CPRE Cheshire	Site selection & alternatives	CPRE's approach is that solar power projects should preferably utilise rooftops or previously developed land. Policy DM52 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies also follows this approach, stating that such proposals "…must be sited on previously developed land wherever possible". The consultation documents indicate that whilst part of the site contains wind turbines and former dredging grounds for the Manchester Ship Canal, much of the site is either currently agricultural land (61 hectares), former agricultural land which has been left fallow and managed to encourage use by wildfowl (36 hectares) or restored agricultural land (152 hectares) There is therefore a tension between the project proposals and the "brownfield/rooftop first" approach set out in CPRE and Local Plan policy.	**ES Vol 1 Chapter 3: Alternatives and Design Evolution [EN010153/DR/6.1]** sets out the approach taken to site selection and consideration of potential alternative sites, and is supported by an Alternative Site Assessment (ASA) at **ES Vol 2 Appendix 3-1: Alternative Site Assessment [EN010153/DR/6.2]**. Policy DM52 is also considered within Table 5 of the **Policy Compliance Document [EN010153/DR/7.6]**.

Respondent	Theme	Comment	Applicant response
Cheshire West and Chester Council	Site Selection & Alternatives	The site location for the PEIR (Fig 1-1) now excludes the Ineos Inovyn deposit ground and the private wire connections to Ineos Inovyn Runcorn Site as previously shown on Figure 1.4 to the EIA Scoping Report (May 2023) (and as illustrated in Fig 3-1). The current proposed site location also now includes Cell 3 (as well as the land to the north of Cell 2 (as Non-Breeding Bird Mitigation Area)) and additional land south east of the Cell 6 Canal Deposit Ground and the M56 (as a Skylark Mitigation Area). Access routes across the M56 from i) the SPEN and National Grid Substation site alongside Sutton FP13, ii) along Frodsham FP81 to Ship Street and iii) using Brook Furlong are also included.	The Applicant notes this comment.
Cheshire West and Chester Council	Site Selection & Alternatives	Appendix 3-1 Alternative Site Assessment 1.1.8 Flood Risk sequential assessment. Policy DM40 of LP2 refers to carrying out a borough wide sequential test. It is acknowledged that the alternative site assessment presented provides important reasoning to support the site selection. A borough wide presentation of other potential connection points and appraisal of the constraints e.g. with 5km zones from the	As set out in **ES Vol 2: Appendix 3-1 Alternative Site Assessment [EN010153/DR/6.2]** the alternative site assessment has been centred on the available grid connection where capacity to export to the grid is available. Other sites beyond the established search area would not meet the project objectives and so have not been considered.

Respondent	Theme	Comment	Applicant response
		connection points would better address Policy DM40 of LP2.	
Cheshire West and Chester Council	Site Selection & Alternatives	The methodology for alternative site assessment has merit, in that it considers pros and cons across a wide range of topic areas e.g. Table 2.1. However, in doing so, the sequential assessment in terms of flood risk is subsumed to an extent by other considerations. The Council would normally expect a more focussed flood risk sequential assessment dealing with a site's suitability in terms of flood risk. Para 2.3.7 identifies that in terms of flood risk, Option A (i.e. the proposed site) fails to perform as the superior option.	Flood Risk is included as part of the ASA selection criteria and weighted appropriately with the other determinative factors, however a stand-alone Flood Risk Sequential Assessment is provided separately from the rest of the ASA which follows the relevant Flood Risk Policy.
Cheshire West and Chester Council	Site Selection & Alternatives	Table 2.1 Review of Option Areas etc. The assessment in the review of options areas is open to alternative assessment/conclusion e.g. in relation to Green Belt the assessment is open to professional judgement, and the Council's Planning Officer's views on the degree of harm to actual and perceived openness differs from that set out.	The Applicant notes this comment and a full assessment of impacts in relation to Green Belt planning policy, including openness, is provided in the **Planning Statement [EN010153/DR/5.6]**.
Cheshire West and	Site Selection & Alternatives	In terms of ecology and the search for alternative site areas, as with flood risk, Paragraph 2.3.9 indicates that Option Area A	The comments are noted, and the 'scoring' has been amended such that Option Areas B and C are now scored Significantly Less Constrained in that criterion

Respondent	Theme	Comment	Applicant response
Chester Council		is judged less preferential in terms of the mitigation hierarchy.	
Cheshire West and Chester Council	Site Selection & Alternatives	3.3.17 Due to the proximity of Area A to the Mersey Estuary SSSI and SPA, and since part of Area A lies in Flood Zone 3a, Option Area A failed to perform as the superior option under these criteria only. The magnitude of these negative elements has not been weighed up against the positive elements. It could be that the other sites have less impact overall on more elements and therefore should have been the better choice. See comments on Appendix 3.1.	The Summary Review (paras 2.4.6 – 2.4.15) has been amended to provide a clearer assessment and weighting of the relevant criteria used to determine the most appropriate area.
Cheshire West and Chester Council	Site Selection & Alternatives	Table 2.2 Ecological designations 24 Options B and C would only potentially impact SSSI's and can in fact avoid them. Should Options B and C have been given the "Significantly Less Constrained" rating? 2.3.9 Consequently, whilst Option Area A is adjudged as less preferential than B and C in respect of ecology because of the direct proximity to the designated assets within the Mersey Estuary, through the implementation of the mitigation hierarchy, it would in fact provide significant ecological benefits.	The comments are noted, and the 'scoring' has been amended such that Option Areas B and C are now scored Significantly Less Constrained in that criterion

Table 1.17: Socioeconomics, Tourism and Recreation

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Socioeconomics, tourism & recreation	Respondent welcome users of the Weaver Navigation have been included in the assessment regarding potential disturbance to tourism, leisure and recreational businesses and organisations using the adjacent watercourses. Respondent added that the Weaver Navigation is a recognised corridor for recreational pursuits, contributing to local economy, tourism and health/well-being as an opportunity for outdoor activities and sustainable active travel.	The Applicant notes this comment.
Canal & River Trust	Socioeconomics, tourism & recreation	Respondent noted that the PEIR concludes that adjacent watercourse users can operation unhindered, during construction and operation and as such no mitigation is required.	The Applicant notes this comment. The Weaver Navigation falls outside the Order Limits and would not be directly impacted by the Proposed Development.
Canal & River Trust	Socioeconomics, tourism & recreation	Respondent stated that there is a commercial mooring agreement with the Daniel Adamson Preservation Society for The Danny (a steam powered passenger boat) at a mooring near Sutton Swing bridge. Respondent added that any potential impact of the Proposed Development upon the above mooring should be considered and the Trust note that the impact of the Danny is in the process of further investigation.	The Proposed Development will have no impact on the commercial mooring of the Danny Steamship given that the mooring is located approximately 1.8 kilometres from the extremity of the Site. Road access to the mooring is from the A56 to the north east of Frodsham.

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Socioeconomics, tourism & recreation	Respondent stated that the Trust owns and is navigation authority for the Weaver Navigation. Respondent adds that any development should not compromise the safe operation or navigation of the Weaver Navigation. The navigational safety and use of the Weaver Navigation should not be prejudiced by any phase of the Proposed Development. Respondent added that the proposed development presented in the PEIR does not appear to impact navigational safety or the operation of the Navigation.	The Applicant notes this comment. The Weaver Navigation falls outside the Order Limits and would not be directly impacted by the Proposed Development.
Natural England	Socioeconomics, tourism & recreation	Connecting People with nature Natural England welcomes the proposals to enhance the public rights of way network within the development site to help people to better access the countryside for quiet enjoyment and create opportunities to connect with nature. The multifunctional benefits of enhanced green infrastructure across the site will contribute not only to biodiversity but also health and wellbeing. We welcome the upgrading of existing footpaths and cycle paths and creation of new footpaths (with links to longer routes) that allow a close connection with the surrounding areas that are important for wildlife, representing a strong commitment to health	The Applicant notes this comment. The Design Approach Document (DAD) [EN010153/DR/5.8] describes the approach to provision of improved access across the Site and how this forms one of the Design Principles for the Proposed Development.

Respondent	Theme	Comment	Applicant response
		and wellbeing The proposed screening and viewing areas together with interpretation boards will allow people to visit the site without detrimental effects on wildlife and we are supportive of these measures.	

Table 1.18: Soils and Agriculture

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Soils & agriculture	Respondent noted that there is potential that the Proposed Development could introduce new pathways for contamination migration during construction, operation and decommissioning phases, including through hydraulic continuity. Respondent added that a particular risk of contaminant mobilisation is associated with ground disturbance during foundation works (piles and excavations) across the Solar Array Development Area (SADA) however it is considered that mitigation techniques could reduce the risk to a low or negligible level, with which the Trust concur. The mitigation practices outlined (in chapter 10 for Ground Conditions and in the Outline Construction Environmental Management Plan (OCEMP) including silt traps near to surface watercourses as per a Surface Water management Plan, and dewatering practices, are considered appropriate.	The Applicant notes this comment and appreciates the importance of mitigation of contaminant mobilisation during ground disturbance. The Incorporated Mitigation included within Tables 10-14 and 10-15 of **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1]** is included within the provisions of the Application via the **oCEMP [EN010153/DR/7.5]**.
Canal & River Trust	Soils & agriculture	Respondent noted additional detailed investigation and assessment is recommended to be undertaken to inform the detailed design, which would focus on proposed areas of piling and ground disturbance. This includes a Foundation Works Risk	The Applicant notes this comment and appreciates the importance of mitigation of contaminant mobilisation during areas of piling and ground disturbance which will be provided at Detailed Design and comprise a FWRA which will incorporate a PRA. Such proposals are included within Section 10.9.1 and the **oCEMP [EN010153/DR/7.5]**.

Respondent	Theme	Comment	Applicant response
		Assessment, and a Piling Risk Assessment (PRA) to inform the most suitable piling technique to reduce the likelihood of contaminant remobilisation, which the Trust consider to be an appropriate approach.	
Canal & River Trust	Soils & agriculture	Respondent stated that as the proposed development involves work to connect the solar array to the SPEN Frodsham station, there is potential for ground disturbance and foundation works in proximity to the Weaver Navigation on the north bank of the River Weaver. Respondent added that the Trust would seek that appropriate best practice and mitigation measures to safeguard the River Weaver and Weaver Navigation against potential contamination is employed throughout this process.	The Applicant notes this comment and appreciates the importance of mitigation of contaminant mobilisation during areas of piling and ground disturbance which will be provided at detailed Design and comprise a FWRA which will incorporate a PRA. Such proposals are included within Section 10.9.1. Mitigation of contaminant mobilisation during ground disturbance which is included within Section 10.9.1 and the **oCEMP [EN010153/DR/7.5]**.
Canal & River Trust	Soils & agriculture	Respondent stated that it is understood that protective measures for waterways would be employed during all phases of the Proposed Development through the guiding documents. If that is the case, the respondent would be reassured that the Navigation should not be adversely affected. The Trust request to be kept informed of mitigation measures and working practices relating to ground conditions, contaminated land and land instability as further detail emerges through the consenting process.	Comment noted.

Respondent	Theme	Comment	Applicant response
CPRE Cheshire	Soils & agriculture	CPRE Cheshire notes the statement in the consultation documents that the site mainly comprises a mix of grade 3B and 4 agricultural land and that as a result the proposal would avoid loss of “best and most versatile” agricultural land. We have not been able to independently assess this finding and therefore have no reason to doubt its accuracy. However, in our view the loss of any farmland (irrespective of grade) is nevertheless a material factor which should be weighed in the planning balance. I would be pleased if this letter could be recorded as the formal response of CPRE Cheshire to the current consultation on the Frodsham Solar scheme, and thereby taken into account in any future statutory steps that may be taken to progress the project.	Comment noted. Para 5.11.12 of EN1 states “Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5). “. In this respect the Proposed Development complies with the National Policy Statement.
Environment Agency	Soils & agriculture	Mobilisation of contaminants (PEIR Chapter 10, Section 10.9, Paragraph 10.9.2 and Appendix 10.1, table 9.5) Issue Further risk assessment and monitoring has not been proposed for the Private Wire Connection and proposed SADA within MSCDDG, although it has been proposed for the NBBMA area of the scheme. Impact Excavation works across the areas of dredging infill could mobilise contaminants that could migrate into ground and surface	The Applicant confirms that a detailed risk assessment and proposed monitoring strategy to cover all areas of the scheme where dredging infill material is to be excavated and disturbed will be provided at Detailed Design Stage. The Environment Agency will be consulted on the strategy and this is secured within the Requirements of the draft DCO. Detailed site investigation and development of mitigation measures is secured via the **oCEMP [EN010153/DR/7.5]**.

Respondent	Theme	Comment	Applicant response
		waters. Solution Include risk assessments and monitoring for all areas of the scheme where the dredging infill material will be excavated and disturbed. The proposed monitoring strategy should be submitted to the Environment Agency for approval.	
Environment Agency	Soils & agriculture	Unexpected Contamination Protocol (Chapter 10, Sections 10.7, Paragraphs 10.7.3 (v) and 10.7.7 (iv)) Issue A discovery strategy protocol for unexpected contamination is proposed to be included in the CEMP and the Decommissioning Environment Management Plan (DEMP). Impact If works in the affected area continue while the potential contamination is investigated, there is a potential for contamination to be spread further before its extent and severity is identified, and appropriate remediation is agreed. Solution We request the addition of an unsuspected contamination requirement for the construction works. The unsuspected contamination requirement should mention stopping works in the affected area, while further investigation is carried out. Additional comment The inclusion of this protocol in the DEMP is satisfactory, but we	An unsuspected contamination protocol (using the required wording as specified by the Environment Agency) has been included within the **oCEMP [EN010153/DR/7.5]** and **oDEMP [EN010153/DR/7.7]**.

Respondent	Theme	Comment	Applicant response
		prefer a requirement for the reporting of unsuspected contamination during the main construction works. Unsuspected Contamination Requirement Wording: (1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the local planning authority, and where necessary, the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the local planning authority, and where necessary, the Environment Agency. (2) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the local planning authority, following consultation with the Environment Agency.	

Respondent	Theme	Comment	Applicant response
		(3) Remediation must be carried out in accordance with the approved scheme under sub paragraph (2). (4) Following the implementation of the remediation strategy approved under subparagraph (2), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency.	
Environment Agency	Soils & agriculture	Risk Assessment Clarity (Chapter 10, section 10.9, Paragraph 10.9.1 (i) & (ii)) Issue The report mentions that a Foundation Works Risk Assessment (FWRA) will be produced to support the construction phase and will be agreed in consultation with the Environment Agency. It also states that a PRA will be produced and included in the oCEMP. It is not clear how these assessments will differ. Impact Lack of clarity about the content and scope of these documents. Solution For the avoidance of confusion, we expect all works relating to foundations and any potential mobilisation of contamination associated with those foundations (including piling), to be covered by a FWRA, that will be	The Applicant confirms that the PRA will be included within the FWRA which will form part of the CEMP once detailed design is finalised. This is secured within the **oCEMP [EN010153/DR/7.5]**.

Respondent	Theme	Comment	Applicant response
		included in the CEMP, with the EA as a named consultee for approval.	
Environment Agency	Soils & agriculture	Inclusion of Private Pipelines (Chapter 10, Section 10.9) Issue The scoping report identified that several utilities pass beneath the site, including 'private pipelines associated with nearby petrochemical plants.' They have not been mentioned in the PEIR report. Impact Disturbance or damage to these pipelines could lead to pollution of the underlying aquifers. Solution Extreme care should be taken during construction to ensure that these. This matter should be included in the CEMP.	The pipelines are recognised in paragraph 10.6.26 of **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1]** and **Stage 1 Geo-Environmental Assessment Report which is provided in ES Vol 2 - Technical Appendices [EN010153/DR/6.2].** Effects are considered within Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Embedded Mitigation Applied **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1].** Measures to safeguard existing services crossing the site are secured within the **oCEMP [EN010153/DR/7.5]**.
Environment Agency	Soils & agriculture	Boreholes (Chapter 10, Section 3, Paragraph 10.3.3 (xii), Section 6, Paragraphs 10.6.22 - 58) Issue Two active permitted sites lies adjacent to the site boundary. The INEOS Inovyn Deposit Ground (ref EPR/KC3591CN/V004) and Cell 6 of the MSCDDG (ref WML53719 & EPR/XP3196CU/V003). Both permits have associated leachate and groundwater monitoring boreholes. The locations of these boreholes in relation to the site boundary of the proposed	Locations of the three monitoring wells for the Inovyn Deposit Ground and four monitoring wells surrounding MSCDG Cell have been included within the Site Features Plan (Figure D01 of the **Stage 1 Geo-Environmental Assessment Report which is provided in ES Vol 2 - Technical Appendices [EN010153/DR/6.2]).** All of these monitoring wells are located outside of the Order Limits and won't be disturbed during construction works.

Respondent	Theme	Comment	Applicant response
		development is not made clear in Chapter 10. Impact Lack of clarity around the location of monitoring boreholes could result in them being destroyed or disturbed during development. Solution Provide a plan showing the development boundary with the monitoring boreholes clearly shown.	
Natural England	Soils & agriculture	We are supportive of the measures that have been included within the outline Construction Environmental Management Plan (CEMP), and welcome further engagement on the outline Operational Management Plan as work on this document progresses. With regards to the CEMP we advise information on the watching brief to be carried out during construction should be set out within the detailed CEMP, specifying when the watching brief would be deployed and how any actions as a result would be carried out. We note the inclusion of a Soil Management Plan as part of the CEMP and so signpost the following soil resources which you may wish to refer to: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and The British Society of Soil Science Guidance Note - Benefitting from Soil Management in Development and Construction.	Comment noted. The Applicant will continue to work with Natural England throughout the determination, construction and operational phases. The **oCEMP [EN010153/DR/7.5]** retains provision for a watching brief to be conducted by the Ecological Clerk of Works (ECoW) who will review and monitor all works on Site. The oCEMP requires that the ECoW records surveys and actions/activities arising from them. The **Outline Soils Management Plan [EN010153/DR/7.10]** makes reference to the documents specified.

Respondent	Theme	Comment	Applicant response
Natural England	Soils & agriculture	Developments should secure long-term land use, beneficial soil re-use, management, monitoring and restoration. This should cover the lifetime of the development. Any actions which compromise options for the future use of the land, or which undermine its inherent capability should be avoided. Soil health should be protected and enhanced.	The Applicant acknowledges the requirements to secure the long-term land use, beneficial soil re-use, soils management and restoration for the lifetime of the development. An outline Soil Management Plan **[EN010153/DR/7.10]** has been provided with the application to seek to achieve these aims where practicable.
Cheshire West and Chester Council	Soils & agriculture	CWCC's Environmental Protection previous comments (email dated 04/07/2024) relating to the scoping request 23/01780/SCO and the Smith Grant Environmental Consultancy (May 2024) Stage 1 Geo-Environmental Assessment. Frodsham Solar, Frodsham Marshes WA6 SN. Ref: R3091-R01-v3 are noted: "Smith Grant conclude that further detailed investigation and assessment will be required at the detailed design phase which will focus on proposed areas of piling and ground disturbance and the areas of the site where there is the potential for localised contamination. Design of the buildings onsite will also consider potential gas risk. We concur with this recommendation. The submission of the Phase 2 site	The Application notes that the submission of the Phase 2 site investigation report focused on proposed areas of piling and ground disturbance where there is the potential for localised contamination will be produced once DCO approval is received and will be submitted to the LPA and other statutory consultees for their approval and comments. A Site Investigation has been performed upon the footprint area of two options for the BESS within MSCDDG Cell 5. The assessment is provided within **Appendix J of Appendix 10.1 Stage 1 Geo-Environmental Assessment ES Vol 2 - Technical Appendices [EN010153/DR/6.2].** The Stage 1 Geo-Environmental Assessment has also reviewed results from other site investigation across the Site.

Respondent	Theme	Comment	Applicant response
		investigation report will be a requirement of any DCO application. We also advise that the Environment Agency should be consulted regarding controlled waters." The Stage 1 Geo-Environmental Assessment has now been submitted within the Preliminary Environmental Information Report Appendix 10-1:Stage 1 Geo-Environmental Assessment. The information has been updated to include a letter from Smith Grant Environmental Consultancy (15 July 2024) Re: Frodsham Solar MSCDG Cell 3 – Summary of Chemical Test Results Recorded During Third Party Ground Investigation (February 2024 & June 2024). Environmental Protection has not been able to provide a detailed response to the latest site investigation undertaken by Wardell Armstrong in time for this PEIR response. However, it is expected that this will be reviewed in January 2025 and comments provided prior to the DCO application submission. See Appendix 3 for Environmental Protection comments.	
Cheshire West and	Soils & agriculture	Contamination Following our comments of 04 July 2024, the Environmental Protection Team have no additional comments to make.	If unsuspected or unexpected contamination is identified during Site preparation, demolition, clearance and construction then

Respondent	Theme	Comment	Applicant response
Chester Council		To reiterate the following report has been reviewed: • Smith Grant Environmental Consultancy (May 2024) Stage 1 Geo-Environmental Assessment. Frodsham Solar, Frodsham Marshes WA6 7SN. Ref: R3091-R01-v3 Smith Grant conclude that further detailed investigation and assessment will be required at the detailed design phase which will focus on proposed areas of piling and ground disturbance and the areas of the site where there is the potential for localised contamination. Design of the buildings onsite will also consider potential gas risk. We concur with this recommendation. The submission of the Phase 2 site investigation report will be a requirement of any DCO application. We also advise that the Environment Agency should be consulted regarding controlled waters. We would however recommend that any approval be subject to the following condition to ensure contamination is adequately addressed. 1. No development (except demolition and site clearance works) shall take place until the following components (a to d) of a structured	works will stop in the affected area, while further investigation is carried out. The LPA will be notified promptly in writing confirming approved investigation, remediation and validation measures and approval to undertake such measures will be sought. For any new contaminant sources, substances and contaminant linkages, works will stop in the area and the area will be secured until the LPA has agreed the proposed investigation, remediation and associated validation measures. A verification completion report will be provided and subject to approval by the LPA prior to Site occupation A protocol for dealing with unexpected contamination is secured by DCO Requirement via the OCEMP **[EN010153/DR/7.5]** and **oDEMP [EN010153/DR/7.7]**. A protocol to deal with unsuspected contamination is referenced within Section 10.7.2 and the **oCEMP [EN010153/DR/7.5]**.

Respondent	Theme	Comment	Applicant response
		scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to and approved in writing by the Local Planning Authority (LPA): a. A preliminary risk assessment which identifies: - all previous uses on or within influencing distance of the site - potential contaminants associated with those uses - a conceptual model indicating the sources, pathways and receptors of contamination - actual or potentially unacceptable risks arising from contamination. - initial remediation options. b. A detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, will be derived. c. A remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken. d. A verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set	

Respondent	Theme	Comment	Applicant response
		out in (c) are complete and effective and identifying any requirements for longer-term: - monitoring of pollutant linkages; maintenance, contingency actions and reporting. 46 The pre-development structured scheme shall be implemented as approved unless revision is agreed with the LPA in writing. 2. If during site preparation, demolition or development works contamination is encountered or is suspected in areas where it had not been anticipated: - - being from an existing risk assessed source and - containing comparable risk assessed substances and - affecting an already risk assessed pathway or receptor that could be addressed by simple extension of the approved measures to a larger area, then the LPA shall be notified promptly in writing confirming: - the areas affected, the approved investigation, remediation and validation measures to be applied and the anticipated completion timescale. However, if the contamination is: - - from a different source or - contains a new contaminative substance or - affects a new pathway or receptor then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the LPA	

Respondent	Theme	Comment	Applicant response
		prior to all but urgent remediation works necessary to secure the area and control pollution risks. 3. No part of the development site approved by this permission shall be occupied until: a) all components of the pre-approved or revised remediation measures to deal with the risks associated with actual or potential contamination of the site, relevant to that part, have been completed and b) written evidence of satisfactory remediation completion and of the suitability of that part of the site for occupation has been submitted to and accepted by the LPA. REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised together with those to controlled waters, property, and ecological systems and to ensure that the development can be carried out safely without unacceptable risks.	

Table 1.19: Traffic, Transport and Access

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Traffic, transport & access	Respondent stated that the details of the Transport Assessment included in the PEIR indicate that the Main Access Route to the Site would be from the south west, leading from Pool Lane and Grinsome Road, which would serve the proposed solar farm and ecological mitigation areas in construction, operational and decommissioning phases. It is also noted that vehicular access in possible from Weaver Lane in the south-east and Brook Furlong to the south-west however the PEIR indicates that no construction traffic would be routed along these accesses and these would not be used to access the scheme, other than in the event of an emergency.	The Applicant notes this comment.
Canal & River Trust	Traffic, transport & access	Respondent stated that the Sutton Swing bridge to the north east of the site (on the A56) is owned and managed by the Trust and it has height, width and weight restrictions which may affect any proposed construction traffic routes. Respondent added that the trust requires 24/7 access to the access route which connects to the A56 and Sutton Swing bridge (Access Track).	The proposed construction traffic access strategy does not require any full closures of the access routes to the swing bridge. The proposed construction traffic access routes are described in the Transport Assessment **[EN010153/DR/7.3]**. The proposed approach to managing access to the PRoW network is set out in the **outline Public Rights of Way Management Plan [EN010153/DR/7.9]**.

Respondent	Theme	Comment	Applicant response
Canal & River Trust	Traffic, transport & access	Respondent referenced the Transport Assessment and stated that provided no more trucks than specified are used, they have no comment on the plans.	The Applicant notes this comment.
Canal & River Trust	Traffic, transport & access	Respondent cited the Transport Assessment referring to the potential transport of abnormal loads, which the trust would have to be notified of in advance. The respondent added that there is no indicated that the Weaver Navigation would be required to be closed in any phase of the Proposed Development and the Trust seeks confirmation that this is the case. Respondent added that in the event of any temporary canal stoppages or towpath closures will have to be discussed with the trust.	At this stage it is assumed that any abnormal loads would be transported by road, as described in the **outline Construction Traffic Management Plan [EN010153/DR/7.4]**.
Canal & River Trust	Traffic, transport & access	Respondent referenced paragraph 8.5.3 of the Transport Assessment which states that the Proposed Development would also provide a new carpark off Moorditch Lane. The respondent then cited paragraph 3.2.3 of the Transport Assessment which states that there would be no use of Brook Furlong and Moorditch Road for vehicular Access during the operational phase, other than a possible emergency access route. Respondent requested clarification.	The proposed new car park off Moorditch Lane would be a potential additional enhancement for visitor use during the operational phase, as per the **Illustrative Environmental Masterplan Figure 2-3d**, included within the **Environmental Statement ('ES') Volume 3 [EN010153/DR/6.3]**. There would be no use of Moorditch Lane or the southern end of Brook Furlong for construction traffic to access the Site from Frodsham, as set out in the **Transport Assessment [EN010153/DR/7.3]**.

Respondent	Theme	Comment	Applicant response
			There would be a requirement for construction traffic to use a section of the northern end of Brook Furlong. Safe access to the PRoW would be managed as per the measures set out within the **outline Public Rights of Way Management Plan [EN010153/DR/7.9]**.
Frodsham wind farm (Osborne Clarke)	Traffic, transport & access	Nevertheless, with the operation of Frodsham Solar proposed to be located in such close proximity to FWF, we have specific concerns at the outset in relation to: 1. The need to maintain access at all times for operational and emergency purposes;	Proposed construction traffic access strategy does not require any full closures of the access routes to the swing bridge. The proposed construction traffic access routes are described in the Transport Assessment **[EN010153/DR/7.3]**.
National Highways	Traffic, transport & access	It is anticipated that the assessment methodology and supporting traffic modelling tools for development sites may involve all tiers of traffic models: • Strategic Modelling (such as SATURN). • Micro-Simulation Modelling (such as PARAMICS or VISSIM). • Local Junction Modelling (ARCADY, PICADY and LINSIG). Early engagement with National Highways is therefore important and should be undertaken to agree the approach to traffic assessment so that key parameters and assumptions for elements can be agreed such as, but not limited to: • The traffic Data being used. • The type(s) of traffic modelling tools being used and their location. • The Calibration / Validation of any Base Traffic Models/Modelling.	Additional engagement has been undertaken with the respondent to agree the approach used to undertake the assessment presented within the **Transport Assessment [EN010153/DR/7.3]**.

Respondent	Theme	Comment	Applicant response
		• The traffic forecasting Methodology and Local Plan scenarios that are to be tested. National Highways highlight the need for the Applicant to ensure that sufficient time is allowed for the evaluation of the transport evidence given the need for iteration throughout its development	
National Highways	Traffic, transport & access	DfT Circular 01/2022 and Sustainable Development The Circular, published December 2022, is national policy which sets out the framework for working with National Highways on the SRN that emphasises the need for developments to come forward in a sustainable manner. Paragraph 11 states: The company [National Highways] will act in a manner which conforms to the principles of sustainable development. In this context, the company's licence agreement defines sustainable development as encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations. Paragraph 15 goes on to state a shift in policy from the traditional 'predict and provide' approach to transport planning, to planning for the outcomes that communities want to achieve in terms of sustainability and providing transport solutions for those	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		outcomes. With this in mind, National Highways seeks to encourage new developments that facilitate a reduction in the need to travel by private car and focussed on locations that are or can be made sustainable. In the first instance, new developments should give priority to walking, wheeling and cycle movements and facilitate access to high-quality public transport where possible. Sustainable travel should be encouraged for staff movements, both during the construction phase of the development and throughout its operational lifecycle.	
National Highways	Traffic, transport & access	Net-Zero Carbon Transition The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption. These considerations should be taken into account within any relevant Local Plan policies to ensure that future planning decisions are in line with the necessary transition to net zero carbon	
National Highways	Traffic, transport & access	Strategic Road Network The most relevant SRN routes are the M53 and M56 motorways. The M53 is the primary north-south route through Wirral, carrying vehicles from its connection with the M56 in Cheshire to the Kingsway Tunnel into Liverpool City Centre. The M56 is an east-west route connecting Manchester with North Wales, providing a vital link for commuters and goods movements. It is the context of these routes that this response has been written. In particular our focus in reviewing the evidence presented so far has been on the following junctions: • M56 Junction 14 • M53 Junction 10 • M56 Junction 12 We have also considered the impact of development traffic on the following local route: • A5117 M56 Junction 14 This junction provides access to the A5117, which leads to the proposed solar farm site.	The Applicant notes this comment. Further engagement has been undertaken with respondent to provide additional information relating to these queries, and this information has been presented within the **Transport Assessment [EN010153/DR/7.3]** and the **outline Construction Traffic Management Plan [EN010153/DR/7.4]**.

Respondent	Theme	Comment	Applicant response
		The Transport Assessment (TA) identifies this junction as a potential point of congestion, especially during peak hours and weekends due to traffic associated with the nearby Cheshire Oaks retail park. The cumulative impact assessment forecasts a significant increase in traffic at this junction if the construction of Frodsham Solar Farm coincides with other large-scale projects like Protos, Hynet, and Encirc. M53 Junction 10 Another key junction connecting to the A5117 and the proposed solar farm site. Similar to M56 J14, this junction could experience increased traffic during the construction phase, particularly during peak periods and weekends due to the proximity of Cheshire Oaks. The TA highlights the potential for congestion at this junction, especially with the added traffic from the solar farm construction and other developments. M56 Junction 12 Although this junction is not directly connected to the proposed solar farm site, it is relevant as the access point for construction traffic related to the grid connection works. However, the TA scopes out a detailed assessment of this junction due to the anticipated minimal traffic impact from the	

Respondent	Theme	Comment	Applicant response
		grid connection works. A5117 Although not part of the SRN, this major road connects M56 J14 and M53 J10, and provides the primary access route to the proposed solar farm site. The TA acknowledges the potential for increased HGV traffic on this road during the construction phase, particularly in relation to the cumulative impact of other developments. Given the potential for increased traffic flows during the construction phase, there is the possibility of an adverse safety impact at these junctions and routes which the Applicant will need to demonstrate are mitigated through the implementation of active and sustainable methods of transport for staff, appropriate timing of movements so that they do not interfere with peak hours or other new developments in the area, or as a last resort the implementation of physical highway improvements to facilitate the development of the Project. Further information is therefore requested regarding the following points: • Detailed breakdown of construction traffic volumes to assess the impact on the SRN, particularly during the weekday peaks as well as Saturdays, considering the existing weekend traffic associated with Cheshire Oaks. • Clearer information on worker travel plans,	

Respondent	Theme	Comment	Applicant response
		especially the use of minibuses and measures to mitigate traffic congestion resulting from staff vehicle movements. • Comprehensive data on the anticipated number and timing of Abnormal Indivisible Load (AIL) deliveries to evaluate their impact on SRN traffic flow.	
National Highways	Traffic, transport & access	While the TA suggests the construction traffic generated by the Project will be relatively low, as stated above, we have concerns about the cumulative impact of construction traffic from other developments in the area, including Protos, Hynet, and Encirc. These projects, especially if their construction phases overlap, could lead to significant traffic increases on the SRN, notably at M56 J14 and M53 J10. Below are specific comments regarding the assessment work so far undertaken by the Applicant. • The TA acknowledges that the cumulative impact assessment considers the impact of peak construction traffic associated with Protos, Hynet and Encirc all occurring at the same time as the proposed development. This scenario shows impacts of greater than 10% in terms of overall vehicles at both junctions, and a 30-50% increase in HGVs at M56 J14 during peak periods. • It should be noted that National Highways	The Protos HGV movement cap is independent of any HGV movements associated with the CF Fertilisers site. Further engagement has been undertaken with respondent to provide additional information relating to these queries, and this information has been presented within the **Transport Assessment [EN010153/DR/7.3]** and the **outline Construction Traffic Management Plan [EN010153/DR/7.4]**.

Respondent	Theme	Comment	Applicant response
		does not accept a percentage difference between the base and the impacts of development as a suitable measure to determine safety or congestion implications. Further details are given below under Junction Assessments. • Additionally, the TA states that the overall cap on HGV movements for the Protos site was established when the CF Fertilizers site was operational. This site ceased operation in 2022 and the TA doesn't clarify whether the traffic cap has been revised. If the former CF Fertilizers site is re-occupied, it is highly likely to generate substantial HGV traffic, further compounding the cumulative impact on the SRN. • Further information is needed regarding the volume of construction traffic on Saturdays, considering the potential for congestion at M53 J10 due to traffic associated with the Cheshire Oaks retail park. This is particularly relevant because the proposed construction schedule includes work on Saturdays. The TA acknowledges the potential for weekend congestion but does not provide specific data on the expected traffic volumes on Saturdays. • The TA notes limited sustainable travel	

Respondent	Theme	Comment	Applicant response
		options for construction workers. This raises concerns as the proposed car park capacity appears insufficient for the projected workforce. More information is required on the number of staff vehicle trips and the potential use of minibuses, including routing and pick-up arrangements. • The TA indicates a peak workforce of approximately 290 staff per weekday during months 12-18 of the construction phase. However, it also suggests a maximum of 308 two-way staff vehicle movements per day during the same period. This discrepancy needs clarification, especially considering that the two proposed car parks at the main compounds provide only 208 spaces in total. • Therefore, a more detailed explanation of how worker travel will be managed is crucial, including a clear breakdown of anticipated vehicle trips and any strategies to mitigate the impact on local roads and the SRN. • We request further details about the anticipated number and timing of AIL deliveries to the site to assess potential impacts on the SRN. The TA mentions the need for AIL deliveries for items such as transformers and cranes, noting that the proposed access route has	

Respondent	Theme	Comment	Applicant response
		been used for similar deliveries in the past. However, it lacks details about the number of deliveries, their timing, and proposed routes, making it challenging to evaluate their impact on SRN traffic flow. • We request consultation on the development of the Outline Construction Traffic Management Plan (OCTMP) and the Construction Worker Travel Plan during the pre-application stage to provide input and address any potential concerns. This will allow us to proactively engage in the planning process and understand the potential mitigation for any adverse effects on the SRN.	
National Highways	Traffic, transport & access	As stated above, the initial review focused on percentage changes in traffic flow due to the development. National Highways does not accept a percentage difference between the base and the impacts of development as a suitable measure to determine safety or congestion implications. Any increase in traffic, specifically at locations which already see high volumes of peak hour vehicles, could have safety implications beyond which a percentage increase might convey. We therefore require operational assessments of the relevant junctions to fully	Additional analysis of the impact of Proposed Development on queue lengths at the M56 J14 and M53 J10 roundabouts has been undertaken. This information has been presented within the **Transport Assessment [EN010153/DR/7.3]**.

Respondent	Theme	Comment	Applicant response
		understand the implications of development traffic. It is recommended that local junction modelling should be conducted to demonstrate the full impact of construction traffic, taking into consideration both the Project and cumulative development trips. This modelling could potentially be developed in collaboration with consultants for other applications in the area. The assessment should include information on baseline conditions at the relevant junctions, including turning flows and queue lengths. We would welcome further discussion with the Applicant to determine the most suitable methods for undertaking the necessary junction assessments.	
National Highways	Traffic, transport & access	The application refers to the construction of a Battery Energy Storage System (BESS) alongside the solar power generation system. This is a novel technology that has safety implications should there be a failure within the batteries, leading to unexpected consequences. In particular we have concerns that BESS sites placed in close proximity to the SRN and its structures may have detrimental effects to both the network and motorists. Given the potential close proximity of this site	The BESS will not be located close to M56, as set out in **ES Volume 3 Figure 2-2 Indicative Operational Site Layout [EN010153/DR/6.3]**.

Respondent	Theme	Comment	Applicant response
		to the Weaver Viaduct, we must ensure that all safety concerns have been addressed and that there is no risk to National Highways' assets or customers from the construction. We therefore recommend that BESS are located as far from the SRN as possible, bearing in mind the need for them to remain accessible for operational and maintenance purposes. This would help to mitigate the impact on traffic and SRN structures should there be a failure of the BESS systems. In determining the safety implications for the SRN for sites outside the network boundary, the Design Manual for Roads and Bridges (DMRB) – the design standards by which the SRN is constructed and maintained – requires the production of site-specific safety risk assessments within GG104 Requirements for Safety Risk Assessment. This guide outlines how risk assessments should be undertaken for all populations affected by an activity, defined as something that does or can have an impact on the safety of National Highways' customers, workers or other parties, either directly or indirectly. Furthermore, GG104 requires all users and parties to think about the consequences of actions and manage these in accordance with National Highways' imperatives, delegated	

Respondent	Theme	Comment	Applicant response
		responsibilities and statutory obligations. It must identify all of the possible risks associated with the site that may pose a danger to the SRN and demonstrate how those risks would be mitigated. Depending upon the siting of the BESS and the local conditions in terms of ground types or geotechnical features, the Applicant may also need to undergo the Road Restraint Risk Assessment Process (RRRAP) to identify, assess and mitigate risks associated with any current road restraint system in the area and whether it would be sufficient to assist in mitigating the possibility of vehicles leaving the motorway and entering the site. In terms of fire safety, we must ensure that relevant safety measures having been taken into account and that the correct guidance has been followed. It is advised that Fire and Rescue Services are engaged in this process, paying particular attention to the National Fire Chiefs Council Guidance on BESS, and the requirements for allowing access by emergency services onto the site. The site should be designed in such a way as to allow that without need for access directly from the SRN.	

Respondent	Theme	Comment	Applicant response
National Highways	Traffic, transport & access	We have been engaged with the Applicant for some time on the production of a Glint and Glare assessment for the site to ensure that there are no safety implications for motorists along with M56 motorway. We can confirm that should the Project be developed in line with the design and proposed mitigation within the assessment, there should not be a glint and glare impact to motorists.	Impact on Glint and Glare is appraised within **ES Volume 2 Appendix 4-3 Glint and Glare Assessment [EN010153/DR/6.2]**, including on relevant parts of the M56.
National Highways	Traffic, transport & access	Policy DfT Circular 01/2022 No reference is made to compliance with DfT Circular 01/2022 in the TA, despite this being requested in the NH review of the TA Scoping Report. Any development that may impact the SRN should consider the Circular and be developed in line with its policies. STATS19 Data As previously requested, a review of STATS19 data with causality factors would provide a better basis for assessment of the safety implications of the Project. It is noted that accident rates at M56 Junction 14 appear to have reduced since 2018, however no reason is given for this. NPPF (December 2024 Update) Since this consultation began, the NPPF has been updated and further strengthens the need for a ‘vision-based’ approach to planning.	Additional analysis of accident data has been undertaken and presented within the **Transport Assessment [EN010153/DR/7.3]**.

Respondent	Theme	Comment	Applicant response
		This should be considered by the applicant as the process continues.	
National Highways	Traffic, transport & access	National Highways is supportive of developments that aim to focus on sustainable travel ahead of private vehicle use. This is best achieved through promoting development sites that are already in sustainable locations, or sites that can be made sustainable through the use of travel planning and the delivery of public transports and active travel measures. Importantly for National Highways, the vision-led approach to planning, as outlined in the Circular, requires that applicants consider this sustainability at the earliest stages. This vision would then form part of both the Transport Assessment and the Travel Plan. Paragraph 33 of National Highways' Planning for the Future guide states: 33. In broad terms, a vision-led approach can be summarised as follows: 1. Establish a vision - understand the relevant national and local policy context; identify the drivers of change/key external factors acting on the plan or proposed development; set-out a place-based vision statement with associated outcomes that supports the principles of sustainable development. 2.	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		Develop scenarios - develop plausible future scenarios that help to understand the uncertainties that may impact on the ability to deliver the vision. 3. Generate options – generate, sift and prioritise options that can help achieve the vision. 4. Test options – test how the prioritised options perform in each of the plausible future scenarios (for example, is every option effective in all scenarios or are some less resilient and have some significant risks?). 5. Produce a vision strategy – produce a strategy for realising the vision that accounts for the identified uncertainty and includes a 'monitor and manage' approach to identify and address when the vision is unlikely to be achieved. The 'vision strategy' for an application should feed into the Travel Plan, be specific to the site, and include wherever possible clarity on the funding and deliverability of proposed measures. For example, National Highways would be more supportive of applications and Travel Plans that contained fully costed and approved transport measures, than one which	

Respondent	Theme	Comment	Applicant response
		simply highlighted a future need without clarity of funding. This should include an element of monitoring the site to ensure that the proposed measures had the desired effect of reducing single occupancy vehicle travel, and that impacts to the SRN had been minimised.	
St Helens Borough Council	Traffic, transport and access	In relation to your proposals, the LPA does not have any fundamental objections or concerns in relation to your development proposal, specifically in terms of potential impacts to the Borough of St Helens. The Highway Engineer was consulted (response contained at Appendix I) and no concerns were raised from a transport impact perspective.	The Applicant notes this comment.
St Helens Borough Council	Traffic, transport and access	The Transport Assessment (TA) which is included at Appendix 4.2 of the PEIR advises that construction is expected to commence in 2027 and would take approximately 30 months. The TA advises that there would be an average of 3 two-way HGV movements per hour (peaking to 7 two-way peak hour HGV movements) plus trips associated with around 380 staff at peak, which is expected to result in an average of 112 daily staff trips two-way, (308 two way movements per day at peak). Once operational, there would be nominal flows each day which are not expected to	The Applicant notes this comment.

Respondent	Theme	Comment	Applicant response
		exceed 16 movements per day. Bearing in mind the location of the proposals in relation to St Helens Council boundary and the low number of peak hour trips expected, there is unlikely to be any impact on the highways within St Helens control.	
Cheshire West and Chester Council	Traffic, transport and access	Appendix 4-2 Transport Assessment The Highway Officer has considered the Transport Assessment (TA), and it is considered that the Transport Assessment submitted follows the requirements set out previously and it is considered to be acceptable for the intended purpose. The TA provides details of PRoW Management Measures (Section 8.5 PRoW Network and Table 8.1) and references the new parking area off Moorditch Lane. Further discussion is expected with Highway and PRoW Officers regarding details of proposals for public rights of way and the proposed permissive paths referred to elsewhere in the PEIR. Additional comments on PRoW etc are provided under Chapter 12 Tourism and Recreation section of this response.	The Applicant notes this comment.

2 Section 44 Applicant Response

Respondent	Theme	Comment	Applicant response
Georgie Lee (rep. Mr and Mrs Warburton)	Consultation & engagement	Prior to their letter as mentioned above, the Applicant has failed to consult or even approach Mrs Warburton regarding their proposals which directly affect our clients' land interest. No representative from Cubico or any associated parties have had the courtesy to engage with our clients directly regarding their proposed project and potential affects on our clients land.	This land is no longer included within the order limits, as is reflected in the **Land and Crown Plans [EN010153/DR/2.2]** and **Book of Reference [EN010153/DR/4.3].**
Georgie Lee (rep. Mr and Mrs Warburton)	Site selection	The plans put forward for the Non-Statutory Consultation did not include our clients' land or refer to Land Titles CH360107, CH240476, CH382335 and CH371621. The Non-Statutory Consultation provided the basis for meaningful engagement and discussion in preparation for the Statutory Consultation. As our clients' land was not originally identified to be included we strongly believe it's simple addition to the proposal is not justified.	
Georgie Lee (rep. Mr and Mrs Warburton)	Site selection	It is understood that the proposed use of our clients' land is for environmental mitigation purposes only. This further reinforces our clients' position to not be included in the proposed Frodsham Solar development.	

Respondent	Theme	Comment	Applicant response
Georgie Lee (rep. Mr and Mrs Warburton)	Project Description & DCO Process	Our clients have an exclusivity agreement with another developer, which prohibits entering into any discussions or agreements with Cubico or any other parties regarding the development of their land at present. In light of the above, we kindly request on behalf of our clients that their land is removed from the consultation process and going forward they are not associated with the development proposal for Frodsham Solar. We trust that our clients' position will be fully respected, and we look forward to receiving written confirmation that their land is no longer included in the consultation process.	
Georgie Lee (Representing Mr Robert Fletcher)	Consultation & engagement	Prior to their letter as mentioned above, the Applicant has failed to consult or even approach Mr Rob Fletcher or Fletcher Family Discretionary Trust regarding their proposals which directly affect our clients' land interest. No representative from Cubico or any associated parties have had the courtesy to engage with our clients directly regarding their proposed project and potential affects on our clients land.	
Georgie Lee (Representing Mr Robert Fletcher)	Site selection	The plans put forward for the Non-Statutory Consultation did not include our clients' land or refer to Land Titles CH360107, CH240476, CH382335 and CH371621. The Non-Statutory Consultation provided the basis for meaningful engagement and discussion in preparation for the Statutory Consultation. As our clients' land	

Respondent	Theme	Comment	Applicant response
		was not originally identified to be included we strongly believe it's simple addition to the proposal is not justified.	
Georgie Lee (Representing Mr Robert Fletcher)	Site selection	It is understood that the proposed use of our clients' land is for environmental mitigation purposes only. This further reinforces our clients' position to not be included in the proposed Frodsham Solar development.	
Georgie Lee (Representing Mr Robert Fletcher)	Project Description & DCO Process	Our clients have an exclusivity agreement with another developer, which prohibits entering into any discussions or agreements with Cubico or any other parties regarding the development of their land at present. In light of the above, we kindly request on behalf of our clients that their land is removed from the consultation process and going forward they are not associated with the development proposal for Frodsham Solar. We trust that our clients' position will be fully respected, and we look forward to receiving written confirmation that their land is no longer included in the consultation process.	
Georgie Lee (rep. Mr Sam and Vanessa Williams	Consultation & engagement	Prior to their letter as mentioned above, the Applicant has failed to consult or even approach Mr Rob Fletcher or Fletcher Family Discretionary Trust regarding their proposals which directly affect our clients' land interest. No representative from Cubico or any associated parties have had the courtesy to engage with our clients directly regarding their	

Respondent	Theme	Comment	Applicant response
		proposed project and potential effects on our clients land.	
Georgie Lee (rep. Mr Sam and Vanessa Williams	Site selection	The plans put forward for the Non-Statutory Consultation did not include our clients' land or refer to Land Titles CH360107, CH240476, CH382335 and CH371621. The Non-Statutory Consultation provided the basis for meaningful engagement and discussion in preparation for the Statutory Consultation. As our clients' land was not originally identified to be included we strongly believe it's simple addition to the proposal is not justified.	
Georgie Lee (rep. Mr Sam and Vanessa Williams	Site selection	It is understood that the proposed use of our clients' land is for environmental mitigation purposes only. This further reinforces our clients' position to not be included in the proposed Frodsham Solar development.	
Georgie Lee (rep. Mr Sam and Vanessa Williams	Project Description & DCO Process	Our clients have an exclusivity agreement with another developer, which prohibits entering into any discussions or agreements with Cubico or any other parties regarding the development of their land at present. In light of the above, we kindly request on behalf of our clients that their land is removed from the consultation process and going forward they are not associated with the development proposal for Frodsham Solar. We trust that our clients' position will be fully respected, and we look forward to receiving	

Respondent	Theme	Comment	Applicant response
		written confirmation that their land is no longer included in the consultation process.	
Georgie Lee (Mr P Hanks trading as Hover Force Ltd)	Traffic, Transport and Access	The plans put forward for Phase One Consultation did not include access from Marsh Lane within the red line boundary or make clear which access routes were factored into the proposals. The Non-Statutory Consultation provided the basis for meaningful engagement and discussion in preparation for the Statutory Consultation. As our clients' right of access was not originally identified to be included, we strongly believe it's simple addition to the proposal is not justified.	The Applicant is proposing the use of Marsh Lane as the construction access to minimise impacts on residential areas. Marsh Lane is the access route used for the construction of the wind farm and links to Protos and the strategic highway network via roads designed to accommodate HGV traffic. It is, therefore, the most suitable and appropriate route to access the Site for construction. The construction traffic would be lower than that required to construct the wind farm, and the Applicant has committed to liaise with local businesses during the construction period to minimise disturbance. It should be noted that construction would be limited to Saturday 08:00-13:00 and no construction on Sundays., which would limit disturbance over the weekend period. Measures to manage traffic and work with local business and the community are documented in the **outline Construction Traffic Management Plan [EN010153/DR/7.4]** and the **Outline Construction Environmental Management Plan [EN010153/DR/7.5]**. It is not considered that access to the Hover Force will be affected by the Proposed Development, and the Hover Force land itself is not within the Order limits. During each phase of the
Georgie Lee (Mr P Hanks trading as Hover Force Ltd)	Traffic, Transport and Access	Mr Hanks' planning application 16/03520/FUL was approved subject to several stringent conditions including the condition that access to and egress from the Hover Force site was limited to only Marsh Lane and not from Straight Length entrance off Godscroft Lane in the interest of highway safety. Hover Force welcomes approximately 16,000 visitors annually via Marsh Lane, which is set to increase in line with business growth. Marsh Lane is a single-track road leading to an area that floods frequently with limited passing places for vehicles. Marsh Lane will not sustain	

Respondent	Theme	Comment	Applicant response
		both heavy construction traffic and increased general public access long term as Frodsham Solar proposes. We note that the Environmental Impact Assessment Scoping Report arrived at the same conclusion.	Proposed Development the Applicant will ensure that the requirements of the Proposed Development do not prevent access being available at all times to Hover Force Limited land.
Georgie Lee (Mr P Hanks trading as Hover Force Ltd)	Traffic, Transport and Access	We wholly object to Frodsham Solar's proposal to erect a general public access car park at the site for visitors as the access track and surrounding environment will not support increased vehicular movements. Currently Frodsham Marshes is frequented by walkers, cyclists and recreational users who can access the marshes largely by foot to enjoy the public footpaths and access tracks running adjacent to the areas of wetland. Access via Marsh Lane leads to a narrow access ramp on both sides of the bridge across the M56 which would need to be substantially improved to support the increased vehicular traffic Frodsham Solar proposes to welcome.	The potential visitor car park on Moorditch Lane will only be provided if the proposed access enhancements to the site result in a demonstrable increase in cars informally parking along Moorditch Lane, and if this creates access/egress issues for other users of Moorditch Lane. Its provision will be agreed upon with CWaCC. The Applicant commits to addressing any unforeseen access/egress issues on Moorditch Lane caused by the Proposed Development, either by constructing the car park or through alternative measures. The improvements to access across the Site have been proposed following clear requests from the local community to deliver enhanced access to Frodsham Marshes. The Applicant proposed the potential provision of a car park as part of the package of measures to provide additional benefits to the community from this infrastructure project. The **oLEMP [EN010153/DR/7.13]** commits the applicant to agreeing the approach to parking on Moorditch Lane following further discussion and agreement with CWaCC.

Respondent	Theme	Comment	Applicant response
Georgie Lee (Mr P Hanks trading as Hover Force Ltd)	Traffic, Transport and Access	Subject to Secretary of State approval, Frodsham Solar anticipates construction to commence in 2027 and continue for a period of two years. At the same time, Cadent expect to start construction of their Hynet NorthWest project which also plans to access Frodsham marshes from Marsh Lane across the M56 bridge with heavy construction vehicles, drilling rigs and plant machinery. In light of the above, we object to the proposal that Frodsham Solar is to use Marsh Lane, Moorditch Lane and Lordship Lane as access points during both construction and thereafter, due to the width of the single track and feasibility of existing businesses being able to operate at full capacity without any losses incurred as a result of Frodsham Solar's construction and operation. We trust that our clients' position will be fully respected, and we look forward to receiving written confirmation that their objection has been taken into consideration as part of the Phase Two Consultation.	Further engagement has been undertaken with respondent to provide additional information relating to the HyNet project, and this information has been presented within the **Transport Assessment [EN010153/DR/7.3]** and the **outline Construction Traffic Management Plan [EN010153/DR/7.4]**. Furthermore, there would be no use of Moorditch Lane or the southern end of Brook Furlong for construction traffic to access the Site from Frodsham, as set out in the **Transport Assessment [EN010153/DR/7.3].** There would be a requirement for construction traffic to use a section of the northern end of Brook Furlong. Safe access to the PRoW would be managed as per the measures set out within the **outline Public Rights of Way Management Plan [EN010153/DR/7.9]**. The Applicant has committed to working with HyNet North West to manage any cumulative highways matters as set out in the **outline Construction Traffic Management Plan [EN010153/DR/7.4]**.

3 Feedback received during consultation with land interests under Section 44 between April and May 2025

Respondent	Comment	Applicant Response
National Highways Ltd	From the information currently provided we do not yet know the purpose of the included land, nor whether the DCO would be seeking permanent acquisition, temporary possession or acquiring rights over this area. We therefore request a copy of the draft DCO and Book of Reference at your earliest convenience so that we can understand the implications for National Highways' asset and for the safety of our road users. The land in question is a small area at the foot of the Weaver Lane accommodation bridge, which includes the junction of a track to the north of the M56 motorway which leads to the Frodsham Pump Station and an access beneath the Weaver Viaduct. It is understood that this land will remain a track in the future when it does form part of the Frodsham Solar Farm application site, however an understanding of how that track is to be used is requested as it may have implications for the adjoining structure. Additionally, we would welcome sight of information relating to the types of vehicles expected to utilise the M56 overbridges within the redline boundary of the development. Whilst it is understood these bridges will be used only as emergency accesses, their nature as accommodation bridges constructed for the sole purpose of allowing access for farming vehicles	The Applicant will continue to engage with National Highways on this matter. Whilst the land proposed is to be compulsorily acquired, it does not form part of the strategic road network. The track in question is proposed to be used for maintenance access and for a permissive path but will have no impact to the adjoining structure. The M56 overbridges are proposed to be used only for emergency access, in the same fashion that they are able to be utilised now. No structural assessment is therefore required.

Respondent	Comment	Applicant Response
	and pedestrians may mean that further structural assessments are required if that use changes. Furthermore, there is a weight limit on each of the bridges which will need to be considered. Confirmation of the weight limits on the local bridges are given below. For the sake of clarity, all bridges have been included in the list below, though confirmation is requested on specifically which bridges will be utilised. Brook Furlong, carriageway 40 tonne, 31 HB loading. **Accommodation Bridges** Weaver Lane, designed for 0.5HA loading, 32tonne Gross Vehicle Weight, single vehicle restriction Hare's Lane, designed for 0.5HA loading, 32tonne Gross Vehicle Weight, single vehicle restriction Straight Length, designed for 0.5HA loading, signed for 32tonne Gross Vehicle Weight, single vehicle restriction Could you please confirm the specific bridges to be used and the types of vehicles that will be using them to enable our structural engineers to comment on the suitability.	