Frodsham Solar

Policy Compliance Document

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TABLES

1.0 INTRODUCTION

1.1 Purpose of this Policy Compliance Document

1.1.1 This document comprises a Policy Compliance Document (PCD) to accompany the Development Consent Order (DCO) Application for Frodsham Solar ('the Proposed Development'). The purpose of this PCD is to provide an appraisal of each relevant individual national or local planning policy, and draw conclusions on whether the Proposed Development is compliant with that policy.

1.1.2 There is no statutory requirement to prepare a Policy Compliance Document as part of an application for development consent. The concept of a Policy Compliance Document was introduced by the Planning Inspectorate as part of the '*2024 Pre-Application Prospectus*', with the Planning Inspectorate stating that:

> *"The development by the applicant of a Policy Compliance Document (PCD) will establish a resource which may assist a variety of stakeholders, but it will have particular value for appointed Examining Authorities. We have heard from Examining Authorities that the presentation of policy evidence in the PCD format helps them to monitor the performance of the application against policy requirements and objectives in a systematic way, improving the post-submission experience for all. Applicants can expect that the development of a PCD may result in fewer written and oral questions to them and other Interested Parties concerning the policy case, allowing resources to be focused on other important areas of the examination."*

1.1.3 The 2024 Pre-Application Prospectus states that the PCD should include evidence for how the policy requirements established within any relevant National Policy Statement(s) (and/ or emerging drafts) and other important national and local policy documents are satisfied by the application. It should

be approached section by section/ requirement by requirement and outline the applicant's response with links to relevant evidence contained within the application.

1.1.4 This PCD therefore satisfies the Planning Inspectorate's requirements as set out in the 2024 Pre-Application Prospectus.

1.2 Scope of this Policy Compliance Document

Overview

1.2.1 This Policy Compliance Document (PCD) should be read in conjunction with the submitted **Planning Statement *[EN010153/DR/5.6]*** but is a separate document in accordance with the 2024 Pre-Application Prospectus.

1.2.2 The Planning Statement sets out the overall case for the Proposed Development, providing a description of the development, the need for the development, a summary of the main impacts, the policy context and how the project broadly relates to the requirements of national and local policy. This PCD provides a comprehensive and detailed schedule and appraisal of relevant national and local planning policy.

1.2.3 As set out in the **Planning Statement *[EN010153/DR/5.6]***, under Section 104 of the Planning Act 2008 the Secretary of State must decide the application in accordance with the relevant national policy statement, but must also have regard to any local impact report submitted by a local authority, any matters prescribed in relation to the proposed development, and any other matters which the Secretary of State considers to be important and relevant, which could include local planning policy.

National Planning Policy

National Policy Statements

1.2.4 For the Proposed Development, the relevant National Policy Statements against which the Secretary of State must make their decision were designated in January 2024 and listed as follows:

i) Overarching National Policy Statement for Energy (EN-1);
ii) National Policy Statement for Renewable Energy Infrastructure (EN-3); and
iii) National Policy Statement for Electricity Networks Infrastructure (EN-5).

1.2.5 The relevant policies from each of the above NPSs are set out in Tables 1 to 3 of this PCD. Where only part of a policy or paragraph may be of relevance to the Proposed Development an abridged version may have been provided. Policies or paragraphs of the NPSs that are not relevant to the Proposed Development have generally not been included within this PCD.

Draft National Policy Statements

1.2.6 The Department for Energy Security and Net Zero published draft updates to EN-1, EN-3 and EN-5 on the 24 April 2025. One of the most substantial changes relates to the integration of the Clean Power 2030 Action Plan into the NPSs. In this regard, the draft update highlights the essential role that renewable energy NSIPs have in achieving the target of producing at least 95% of Great Britain's generation from clean sources of power by 2030 and is therefore consistent with the need case set out above. In relation to solar energy the draft updates do not contain any material changes which affect the approach to the environmental assessments presented in this ES. As such the April 2025 draft National Policy Statements have not been considered in this PCD.

National Planning Policy Framework

1.2.7 The most recent version of the National Planning Policy Framework (NPPF) was published in December 2024 and sets out the Government's planning policies for England and how they should be applied. Paragraph 5 of the NPPF confirms that it does not contain specific policies for nationally significant infrastructure projects, which should be determined in accordance with the decision-making framework set out in the Planning Act 2008. Paragraph 5 does however state that the NPPF can be a relevant consideration in decision-making.

1.2.8 This PCD does not review the compliance of the Proposed Development with individual policies contained within the NPPF, but where material to the assessment or decision-making process these are covered in Section 7.0 of the **Planning Statement *[EN010153/DR/5.6]***.

Local Planning Policy

1.2.9 The Order limits lie within the administrative area of Cheshire West and Chester Council, which is a unitary authority. The adopted local development plan documents relevant to the Proposed Development are the following:

i) Cheshire West and Chester Local Plan (Part One) Strategic Policies;
ii) Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies;
iii) Frodsham Neighbourhood Plan; and
iv) Ince Neighbourhood Plan.

1.2.10 The relevant policies from each of the above local development plan documents are set out in Tables 4 to 7 of this PCD. Where only part of a policy or paragraph may be of relevance to the Proposed Development an abridged version may have been provided. Policies or paragraphs that are not relevant to the Proposed Development have generally not been included within this PCD.

2.0 OVERARCHING NPS FOR ENERGY (EN-1)

2.1.1 Table 1 sets out policy requirements from the Overarching National Policy Statement for Energy (EN-1).

Table 1: Overarching NPS for Energy (EN-1)

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Section 3: The Need for new Nationally Significant Energy Infrastructure Projects			
Secretary of State Decision Making	3.2.6	The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part.	The need for the Proposed Development is established in NPS EN-1 which identifies that nationally significant low carbon infrastructure is of 'Critical National Priority' (CNP). The **Planning Statement *[EN010153/DR/5.6]*** provides a summary of this need in the context of the wider statutory requirements and policy commitments made by the Government. The need for the Proposed Development is therefore clearly and well established, and as set out in paragraph 3.2.8 of EN-1, there is no need to specifically consider the need case for Frodsham Solar in isolation.
	3.2.7	In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.	
	3.2.8	The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.	
The Role of Wind and Solar	3.3.20	Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.	The Proposed Development is a new solar electricity generating station that is consistent with the objectives of Government strategy (as set out in Section 2.0 of the **Planning Statement *[EN010153/DR/5.6]***) to deliver a cleaner and more secure electricity network.
The Role of Electricity Storage	3.3.25	Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.	As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***, the Proposed Development includes a Battery Energy Storage System (BESS) with a capacity of 100 MW that would play a crucial role in enabling the Proposed Development to maximise its generation potential by storing excess electricity not required by the grid at times of low demand, and releasing it at times of peak demand. In addition to its function as an essential part of the Proposed Development, the BESS would also be available for grid-balancing services. By importing excess electricity from the grid and storing it, the BESS would be capable of capturing electricity that would otherwise be lost / unutilised during periods when production of renewable energy exceeds demand, currently managed through curtailment. During situations when generating stations are interrupted, the BESS can also be used to bridge the gap in production, thus avoiding potential blackouts.
	3.3.26	Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage.	
	3.3.27	Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases.	

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	3.3.29	The Infrastructure Planning (Electricity Storage Facilities) Order 2020 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008.	The BESS component of the Proposed Development is associated infrastructure to the nationally significant infrastructure comprising of a new solar electricity generating station that will provide significant benefits as part of the project set out above.
Section 4: Assessment Principles			
General Policies and Considerations			
Presumption in favour of development	4.1.1	This part of EN-1, Assessment Principles, sets out the general policies for the submission and assessment of applications relating to energy infrastructure.	The Proposed Development is a type of energy generation recognised in Part 3 of NPS EN-1 and therefore benefits from the starting presumption in favour of granting consent. This PCD provides a detailed appraisal of the policies contained within NPS EN-1 and demonstrates compliance with all applicable policies. In conjunction with the **Planning Statement *[EN010153/DR/5.6]***, the PCD demonstrates that the benefits of the Proposed Development clearly outweigh any adverse impacts, and that there are no relevant considerations that clearly indicate consent should be refused. The Proposed Development is compliant with each of the provisions set out in para. 1.1.4 of NPS EN-1, which mirror the requirements of Section 104 of the Planning Act 2008.
	4.1.2	The Energy White Paper and British Energy Security Strategy emphasises the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper calls on the Government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs.	
	4.1.3	Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.	
	4.1.4	The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.4 of this NPS.	
Weighing impacts and benefits	4.1.5	In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account: • its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits; and • its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy.	The **Planning Statement *[EN010153/DR/5.6]*** provides a description of the benefits and adverse impacts of the Proposed Development (which includes consideration of environmental, social and economic benefits and adverse impacts at national, regional and local levels) and sets out the planning balance (at Section 8.0), concluding that the benefits clearly outweigh any and all adverse impacts.
	4.1.6	In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports, marine plans, and other material considerations as outlined in Section 1.1).	

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	4.1.7	Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the proposed development. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.	The Applicant has undertaken an Environmental Impact Assessment (EIA) for the Proposed Development which is reported in the **Environmental Statement** (ES) ***[EN010153/DR/6.1 / 6.2 / 6.3]***. The ES identifies the residual effects of the Proposed Development following the implementation of mitigation. No residual adverse effects have been identified that present an unacceptable risk to human health and public safety, defence, irreplaceable habitats, the achievement of net zero or an unacceptable interference to offshore navigation. Furthermore, as set out in the **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** the Proposed Development would not present an unacceptable risk to or unacceptable interference with flood risk or coastal erosion risk. Accordingly, the strong presumption in favour of granting consent to CNP Infrastructure applies.
Land rights	4.1.8	Where the use of land at a specific location is required to facilitate the development by providing for mitigation and landscape enhancement, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land.	The Applicant has included compulsory acquisition powers for mitigation and landscape enhancement, as shown on the **Land and Crown Land Plans *[EN010153/DR/2.2]*.** The Applicant has demonstrated that it meets the tests for compulsory acquisition in the **Statement of Reasons *[EN010153/DR/4.1]*.**
	4.1.9	The Secretary of State will consider any such application under the usual compulsory acquisition principles, taking into account the content of the NPSs.	
Other documents	4.1.10	The policy set out in this NPS and the technology specific energy NPSs is intended to provide greater clarity around existing policy and practice of the Secretary of State in considering applications for nationally significant energy infrastructure, (or therefore the "benchmark" for what is, or is not, an acceptable nationally significant energy development).	The Applicant notes that the NPPF (December 2024) has been updated subsequent to the designation of the NPS (January 2024), and that therefore the NPS does not necessarily take account of updated Government policy within the NPPF. The thrust of the policy changes in the most recent update of the NPPF relate to increasing housing delivery, however, there are also relevant changes to Green Belt policy that are applicable to the Proposed Development. A consideration of updated Green Belt policy is addressed within Appendix A of the **Planning Statement *[EN010153/DR/5.6]***. The Proposed Development's compliance with the relevant parts of the NPPF is set out in Section 7.0 of the **Planning Statement *[EN010153/DR/5.6].*** Parts of the NPPF and the Planning Practice Guidance for England relevant to the Proposed Development are also considered in the Environmental Statement.
	4.1.11	The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance for England, and Planning Policy Wales and Technical Advice Notes (TANs) for Wales, where appropriate.	
	4.1.12	Other matters that the Secretary of State may consider both important and relevant to their decision-making may include Development Plan documents or other documents in the Local Development Framework.	An assessment of the Proposed Development against Local Development Plan policies is included within Tables 4 to 7 of this PCD. Key relevant local plan policies are also considered within the Planning Appraisal at Section 7.0 of the **Planning Statement *[EN010153/DR/5.6]***.
	4.1.13	Where the project conflicts with a proposal in a draft Development Plan, the Secretary of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented, or precluded.	The Applicant is aware that Cheshire West and Chester Council is in the early stage of preparing a new Local Plan, however, at this time there is no draft of the Local Plan and it is not expected that the Local Plan would be adopted prior to determination of this DCO Application. As such there are no draft or emerging Development Plan Documents that should carry weight in the decision-making process.

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	4.1.14	The closer the Development Plan document in England or Local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it.	
	4.1.15	In the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure.	The Applicant notes that the NPS is the basis of decision making on the Proposed Development and prevails in any policy conflicts with the Local Development Plan. This is reflected in the assessment provided in the **Planning Statement *[EN010153/DR/5.6]***.
Development consent	4.1.16	The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.	The **draft DCO *[EN010153/DR/3.1]*** sets out the proposed Requirements in Schedule 2. These are all considered to be necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.
	4.1.17	The Secretary of State should consider the guidance in the NPPF, the Planning Practice Guidance: Use of Planning Conditions, and TANs, or any successor documents, where appropriate.	
	4.1.18	The Secretary of State may consider any development consent obligations that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.	The Applicant is not proposing any development consent obligations, and neither have any been requested by the Local Planning Authority.
Early engagement	4.1.19	Early engagement both before and at the formal pre-application stage between the applicant and key stakeholders, including public regulators, Statutory Consultees (including Statutory Nature Conservation Bodies (SNCBs)), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged in line with the Government's pre-application guidance. This means that only applications which are fully prepared and comprehensive can be accepted for examination, enabling them to be properly assessed by the Examining Authority and leading to a clear recommendation report to the Secretary of State.	The Applicant has engaged constructively with key stakeholders from the outset of the project, with a detailed account of pre-application consultation and engagement set out in the **Consultation Report *[EN010153/DR/5.1]***. It evidences that the Applicant has engaged with a range of statutory consultees and other parties as relevant.
	4.1.20	This is particularly so in the case of HRA matters covered in paragraphs 5.4.25 to 5.4.31 below, which explain the onus is on the applicant to submit sufficient information to enable the Secretary of State to conduct an Appropriate Assessment if required.	The Applicant has engaged with Natural England and the Local Planning Authority with regards Habitat Regulations Assessment (HRA) matters, which is set out in the **Consultation Report *[EN010153/DR/5.1]*** and in the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]***.
Financial and technical viability	4.1.21	In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of government interventions.	The Applicant confirms that the Proposed Development is financially and technically viable in this location. The Applicant has prepared a **Funding Statement *[EN010153/DR/4.2]*** that sets out how the Proposed Development would be funded, and a **Grid Connection Statement [EN010153/DR/7.14]** that demonstrates that the solar and BESS facility can connect to the grid network. **ES Vol 1 Chapter 3: Alternatives and Design Evolution [EN010153/DR/6.1]** provides an account of how the siting and design of the Proposed Development has been developed taking into account a range of considerations including the technical and financial viability.
	4.1.22	Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt	

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		with where they arise in this, or other energy NPSs, and the reasons why financial viability or technical feasibility is likely to be of relevance explained).	
The Critical National Priority for Low Carbon Infrastructure			
The critical national priority for low carbon infrastructure	4.2.1	Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions. More than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology.	The Proposed Development comprising the solar electricity generation station, on-site substation, grid connection and the BESS is a form of renewable energy generation and therefore meets the definition of CNP Infrastructure.
	4.2.2	Ensuring the UK is more energy independent, resilient and secure requires the smooth transition to abundant, low-carbon energy. The UK's strategy to increase supply of low carbon energy is dependent on deployment of renewable and nuclear power generation, alongside hydrogen and CCUS. Our energy security and net zero ambitions will only be delivered if we can enable the development of new low carbon sources of energy at speed and scale.	
	4.2.3	With smart and strategic planning, the UK can maintain high environmental standards and minimise impacts while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions.	
	4.2.4	Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.	
	4.2.5	This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means: • for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready; • for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System; • for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution; • for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as	

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		interconnectors, Multi-Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore; and • lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects.	
	4.2.6	The overarching need case for each type of energy infrastructure and the substantial weight which should be given to this need in assessing applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications.	The **Planning Statement *[EN010153/DR/5.6]*** provides an appraisal of the CNP Policy at Section 7.3 and in relation to applicable policy tests throughout Section 7.0. Further commentary on CNP Policy is also provided against the relevant paragraphs of NPS EN-1 within this PCD. Section 2.0 of the **Planning Statement [EN010153/DR/5.6]** provides a full and comprehensive Statement of Need.
	4.2.7	The CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during Secretary of State decision making and specifically in reference to any residual impacts that have been identified. It should therefore also be given consideration by the Examining Authority when it is making its recommendation to the Secretary of State.	
	4.2.8	During decision making, the CNP policy will influence how non-HRA and non-MCZ residual impacts are considered in the planning balance. The policy will therefore also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or very special circumstances have been met by a CNP Infrastructure application. Further detail is provided in paragraphs 4.2.15 to 4.2.17, and Figure 2.	
	4.2.9	During decision making, the CNP policy also explains the Secretary of State's approach to HRA derogations and MCZ assessments. Specifically, the policy explains how the alternative solutions and IROPI tests are considered by the Secretary of State. Further detail is provided in paragraphs 4.2.18 to 4.2.22, and Figure 3.	
Applicant's Assessment	4.2.10	Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.	This PCD sets out in detail how the Proposed Development meets the requirements of NPS EN-1, NPS EN-3 and NPS EN-5. The **Planning Statement *[EN010153/DR/5.6]*** also provides an overview of the Proposed Development's compliance with other relevant policy and legislation. The Applicant has applied the mitigation hierarchy through the EIA process and reported on this within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3],*** on a topic-by-topic basis within Section 7.0 the **Planning Statement *[EN010153/DR/5.6*]**, and summarised the approach adopted within Section 7.3. The summary states that through a clear application of the mitigation hierarchy applied uniformly in the assessments of biodiversity, landscape, heritage, flood risk and other relevant topics, the Proposed Development has demonstrated a rigorous approach to reducing environmental harm at source, and that residual effects are as low as reasonably practicable. Detail of consultation with statutory environmental bodies and the LPA is provided in relevant assessment chapters of the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** as well as the **Consultation Report *[EN010153/DR/5.1]***.
	4.2.11	Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.	
	4.2.12	Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to	

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		measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.	**The Outline Construction Environmental Management Plan [EN010153/DR/7.5]; Outline Operational Environmental Management Plan [EN010153/DR/7.6]**; and **Outline Decommissioning Environmental Management Plan [EN010153/DR/7.7]** set out how mitigation and compensation measures will be monitored and reported on throughout the life of the development to ensure that the measures proposed achieve their agreed objective. The potential cumulative impacts of the Proposed Development have been assessed and reported within **ES Vol 1 Chapter 13: Cumulative and In Combination Effects *[EN010153/DR/6.1]***.
	4.2.13	Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance.	The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** concludes the Proposed Development would not result in likely significant adverse effects on European Sites, and therefore a derogation under the Habitat Regulations is not required, and a case for Imperative Reasons of Overriding Public Interest is not required.
Secretary of State Decision Making	4.2.14	The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that they have been met, the CNP presumptions set out below apply.	This PCD and the **Planning Statement *[EN010153/DR/5.6]*** set out the Proposed Development's compliance with the relevant provisions of the NPS, and that the CNP presumptions apply.
Non-HRA and non-MCZ residual impacts of Critical National Priority Infrastructure	4.2.15	Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.	No residual adverse effects have been identified that present an unacceptable risk to or unacceptable interference with human health and public safety, defence, irreplaceable habitats, the achievement of net zero, offshore navigation or present a coastal erosion risk. Furthermore, as set out in **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** the Proposed Development would not present an unacceptable risk to flood risk. Accordingly, the strong presumption in favour of granting consent to CNP Infrastructure applies, and the Secretary of State can take as a starting point that the Proposed Development meets the following applicable and relevant tests for the Frodsham Solar site: • where development within a Green Belt requires very special circumstances to justify development; • where development within or outside a SSSI requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs. The Order limits are within Green Belt, and partially within and adjacent to a SSSI. The CNP Policy applies and therefore it is taken that very special circumstances exist to justify development in the Green Belt, but regardless, the Applicant has set out in full within Appendix A of the **Planning Statement *[EN010153/DR/5.6]*** the very special circumstances which justify development in the Green Belt, along with an assessment that concludes the Site is 'grey belt' in accordance with the recently adopted (2024) NPPF. The CNP Policy applies and therefore it is taken that the benefits of the Proposed Development clearly outweigh the likely impacts on SSSIs, the likely impacts of which are reported within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]***.
	4.2.16	As a result, the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.	
	4.2.17	This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests: • where development within a Green Belt requires very special circumstances to justify development; • where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to	

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		clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs. • where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and • where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional.	As per **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** and **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology [EN010153/DR/6.1,** the Proposed Development is not located in a nationally designated landscape and would not result in substantial harm or loss of significant heritage assets. Marine Conservation Zones (MCZs) are not of relevance to the project.
HRA derogations and MCZ assessments for Critical National Priority Infrastructure	4.2.18	Any HRA or MCZ residual impacts will continue to be considered under the framework set out in the Habitats Regulations and the Marine and Coastal Access Act 2009 respectively.	The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** concludes the Proposed Development would not result in likely significant adverse effects on European Sites, and therefore a derogation under the Habitat Regulations is not required, and a case for Imperative Reasons of Overriding Public Interest is not required.
	4.2.19	Where, following Appropriate Assessment, CNP Infrastructure has residual adverse impacts on the integrity of sites forming part of the UK national site network, either alone or in combination with other plans or projects, the Secretary of State will consider making a derogation under the Habitats Regulations.	
	4.2.20	Similarly, if during an MCZ assessment, CNP Infrastructure has residual impacts which significantly risk hindering the achievement of the stated conservation objectives for the MCZ, the Secretary of State will consider making a derogation under section 126(7) of the Marine and Coastal Access Act 2009.	
	4.2.21	For both derogations, the Secretary of State will consider the particular circumstances of any plan or project, but starting from the position that energy security and decarbonising the power sector to combat climate change: • requires a significant number of deliverable locations for CNP Infrastructure and for each location to maximise its capacity. This NPS imposes no limit on the number of CNP infrastructure projects that may be consented. Therefore, the fact that there are other potential plans or projects deliverable in different locations to meet the need for CNP Infrastructure is unlikely to be treated as an alternative solution. Further, the existence of another way of developing the proposed plan or project which results in a significantly lower generation capacity is unlikely to meet the objectives and therefore be treated as an alternative solution; and • are capable of amounting to imperative reasons of overriding public interest (IROPI) for HRAs, and, for MCZ assessments, the benefit to the public is capable of outweighing the risk of environmental damage, for CNP Infrastructure.	
	4.2.22	For HRAs, where an applicant has shown there are no deliverable alternative solutions, and that there are IROPI, compensatory measures must be secured by the Secretary of State as the competent authority, to offset the adverse effects to site integrity as part of a derogation. For MCZs, where an applicant has shown there are no other means of proceeding which would create a substantially lower risk, and the benefit to the public outweighs the risk of damage to the environment, the Secretary of State must be satisfied that measures of equivalent environmental benefit will be undertaken.	

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Environmental Effects/Considerations			
Environmental Effects / Considerations	4.3.1	All proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.	In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant has undertaken an EIA for the Proposed Development which is reported in the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]***. An EIA Scoping Report was submitted to the Planning Inspectorate on 30 May 2023. The Planning Inspectorate reviewed and consulted on the EIA Scoping Report and published a Scoping Opinion on 10 July 2023 (the Scoping Opinion) which included the formal responses received by the Planning Inspectorate from consultees. The ES is based on the Scoping Opinion and includes the following chapters: • Chapter 1 - Introduction • Chapter 2 - The Proposed Development • Chapter 3 - Alternatives and Design Evolution • Chapter 4 - Environmental Impact Assessment Methodology • Chapter 5 - Climate Change • Chapter 6 - Landscape and Visual • Chapter 7 - Terrestrial Ecology • Chapter 8 - Ornithology • Chapter 9 - Flood Risk, Drainage and Surface Water • Chapter 10 - Ground Conditions • Chapter 11 - Cultural Heritage and Archaeology • Chapter 12 - Tourism and Recreation • Chapter 13 - Cumulative and In Combination Effects • Chapter 14 - Summary of Environmental Effects In addition, separate environmental assessments have been submitted setting out the effects of the Proposed Development with respect to noise, traffic and transport, construction dust, and glint and glare. The ES reports on the likely significant effects of the Proposed Development including environmental, social and economic effects, as well as the potential cumulative impacts of the Proposed Development in combination with other consented or emerging developments.
	4.3.2	The Regulations specifically refer to effects on population, human health, biodiversity, land, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them.	
	4.3.3	The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.	
	4.3.4	To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being.	
	4.3.5	For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project.	
	4.3.6	Where the NPSs use the term 'environment' they are referring to both the natural and historic environments.	
	4.3.7	In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments.	
	4.3.8	In this NPS and the technology specific NPSs, when used in relation to environmental matters the terms 'effects', 'impacts' or 'benefits' should be understood to mean likely significant effects, likely significant impacts, or likely significant benefits.	
	4.3.9	As in any planning case, the relevance or otherwise to the decision making process of the existence (or alleged existence) of alternatives to the proposed development is, in the first instance, a matter of law. This NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a	The alternatives considered by the Applicant are set out within **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]***. This includes consideration of alternative sites, alternative solar technologies, and an overview of the Proposed Development's design evolution and alternative design considerations. The chapter is supported by **ES Vol 2**

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		policy perspective. Although there are specific requirements in relation to compulsory acquisition and habitats sites, the NPS does not change requirements in relation to compulsory acquisition and habitats sites.	**Appendix 3-1: Alternative Site Assessment** ***[EN010153/DR/6.2]*** which sets out the alternative site options considered by the Applicant. Further detail on the design evolution and consideration of design alternatives is provided within the **Design Approach Document** ***[EN010153/DR/5.8]*** which sets out the framework and process followed for decision-making on design that has resulted in the Proposed Development.
Applicant's Assessment	4.3.10	The applicant must provide information proportionate to the scale of the project, ensuring the information is sufficient to meet the requirements of the EIA Regulations.	The **ES** ***[EN010153/DR/6.1 / 6.2 / 6.3]*** has been prepared pursuant to the EIA Scoping Opinion received from the Planning Inspectorate, and in accordance with the requirements of the EIA Regulations. The scope of the ES is proportionate to the scale of the project and has also been refined through pre-application engagement with the local planning authorities, statutory environmental bodies, and other stakeholders as reported in the **Consultation Report** ***[EN010153/DR/5.1]***.
	4.3.11	In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.	The precise layout of the Proposed Development and equipment selection have not been finalised. It is therefore essential to provide a degree of flexibility within the draft DCO to allow the detailed design to react to these variables. The technical assessments within the **ES** ***[EN010153/DR/6.1 / 6.2 / 6.3]*** have therefore assessed an 'envelope' within which the works will take place, defined using a parameter-based approach as set out within **ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and within the **Design Parameters Statement** ***[EN010153/DR/7.1]***. As such, the ES has been based upon maximum and, where relevant, minimum parameters and defined work areas (shown on the **Works Plans** ***[EN010153/DR/2.3]***) where development can take place. The design parameters are based on industry knowledge and best practice such that a sufficient degree of flexibility is provided within the draft DCO. These parameters are considered in detail in **ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and across the individual assessments within the ES to ensure the reasonable worst-case effects of the Proposed Development are assessed for each potential receptor. This ensures the 'likely significant effects' are identified.
	4.3.12	Where some details are still to be finalised, the ES should, to the best of the applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	
	4.3.13	To help the Secretary of State consider thoroughly the potential effects of a proposed project in cases where the EIA Regulations do not apply and an ES is not therefore required, the applicant should instead provide information proportionate to the scale of the project on the likely significant environmental, social, and economic effects.	The Proposed Development is 'EIA Development' and an **ES** ***[EN010153/DR/6.1 / 6.2 / 6.3]*** has been provided.
	4.3.14	References to an ES in this NPS and the technology specific NPSs should be taken as including a statement which provides this information, even if the EIA Regulations do not apply. Where the NPSs require specific information to be provided in the ES, such information should still be provided in this statement.	
	4.3.15	Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's	The alternatives considered by the Applicant are set out within **ES Vol 1 Chapter 3: Alternatives and Design Evolution** ***[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 3-1:**

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		choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.	**Alternative Site Assessment *[EN010153/DR/6.2]***. This includes consideration of alternative sites, alternative solar technologies, and an overview of the project's design evolution and alternative design considerations.
	4.3.16	In some circumstances, the NPSs may impose a policy requirement to consider alternatives.	
	4.3.17	Where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements.	
Secretary of State Decision Making	4.3.18	The Secretary of State should consider the worst-case impacts in its consideration of the application and consent, providing some flexibility in the consent to account for uncertainties in specific project details.	As set out above (in the statement of compliance for paragraphs 4.3.11 and 4.3.12), the Applicant's **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** reports the worst-case impacts of the Proposed Development.
	4.3.19	The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.	**ES Vol 1 Chapter 13: Cumulative and In Combination Effects *[EN010153/DR/6.1]*** provides an assessment of the likely significant cumulative effects of the Proposed Development, which includes a consideration of both the in-combination intra-project effects, and the cumulative inter-project effects. The assessment concludes that there would be no significant cumulative inter- or intra-project effects.
	4.3.20	The Government has set 13 legally binding targets for England under the Environment Act 2021, covering the areas of: biodiversity; air quality; water; resource efficiency and waste reduction; tree and woodland cover; and Marine Protected Areas. Meeting the legally binding targets will be a shared endeavour that will require a whole of government approach to delivery. The Secretary of State have regard to the ambitions, goals and targets set out in the Government's Environmental Improvement Plan 2023 for improving the natural environment and heritage. This includes having regard to the achievement of statutory targets set under the Environment Act.	The Applicant has had regard to the Environment Act 2021 in preparing the DCO Application. **The BNG Report [EN010153/DR/7.12]** provides an assessment undertaken utilising DEFRA's Statutory Biodiversity Metric Calculator to provide evidence of an achievable on-site gain in biodiversity units, equivalent to a gain of 11% in area-based habitats, 89% in linear habitats, and 13% in watercourse-based habitats when including the NBBMA. When excluding the NBBMA, the Proposed Development still achieves gains in area-based and linear habitats.
	4.3.22	Given the level and urgency of need for new energy infrastructure, the Secretary of State should, subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives: • the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner; and • only alternatives that can meet the objectives of the proposed development need to be considered.	The alternatives considered by the Applicant are set out within **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]***. This includes consideration of alternative sites, alternative solar technologies, and an overview of the project's design evolution and alternative design considerations. Further detail on the design evolution and consideration of design alternatives is provided within the **Design Approach Document *[EN010153/DR/5.8]*** which sets out the design principles and approach that has resulted in the Proposed Development. Together, **ES Vol 1 Chapter 3: Alternatives and Design Evolution [EN010153/DR/6.1]** and **Design Approach Document *[EN010153/DR/5.8]*** set out the main reasons for the Applicant's choices taking into account environmental, social, economic effects and technical and commercial feasibility. The Applicant has also addressed comments raised by members of the public with regard to potential alternatives within the **Consultation Report Appendices *[EN010153/DR/5.2]***.
	4.3.23	The Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development.	

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	4.3.24	The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.	The Applicants approach is in alignment with the approach in the NPS towards alternatives. The approach taken to adopting good design, developing the design to respond to feedback, and ensuring the design chosen is deliverable is proportionate, balancing the realistic prospect of the alternative alongside the need for commercial and technical feasibility.
	4.3.25	Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the Secretary of State thinks they are both important and relevant to the decision.	
	4.3.26	As the Secretary of State must assess an application in accordance with the relevant NPS (subject to the exceptions set out in section 104 of the Planning Act 2008), if the Secretary of State concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the Secretary of State's decision.	
	4.3.27	Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision.	
	4.3.28	Alternative proposals which are vague or immature can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision.	
	4.3.29	It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the Secretary of State (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the Secretary of State should not necessarily expect the applicant to have assessed it.	
Health			
Health	4.4.1	Energy infrastructure has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the construction of energy infrastructure and the production, distribution and use of energy may have negative impacts on some people's health.	A standalone chapter assessing the human health impacts of the Proposed Development was scoped out of the ES, as there would be limited impacts on human health. Aspects of human health are assessed in the ES within the following chapters: • Chapter 4 - Methodology **ES Vol 1 Chapter 4: Environmental Impact Assessment Methodology [EN010153/DR/6.1]**
	4.4.2	The direct impacts on health may include	

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		• increased traffic; • air or water pollution; • dust, odour; • hazardous waste and substances; • noise; • exposure to radiation; and • increases in pests.	• Chapter 6 - Landscape and Visual Impact **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** • Chapter 9 - Flood Risk and Drainage **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water [EN010153/DR/6.1]** • Chapter 10 - Ground Conditions **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1]** • Chapter 12 - Tourism and Recreation **ES Vol 1 Chapter 12: Tourism and Recreation [EN010153/DR/6.1]** • Chapter 13 - Cumulative Effects **ES Vol 1 Chapter 13: Cumulative and In Combination Effects [EN010153/DR/6.1]** In addition, the ES is supported by the following standalone assessments: • Noise Assessment **ES Vol 2 Appendix 4-1: Noise Impact Assessment [EN010153/DR/6.2]** • Construction Dust Assessment **ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]** • Glint and Glare Assessment **ES Vol 2 Appendix 4-3: Glint and Glare Assessment [EN010153/DR/6.2]** • Transport Assessment **Transport Assessment [EN010153/DR/7.3]** Collectively, these reports set out the very limited adverse impact of the Proposed Development on human health. The **Outline Battery Safety Management Plan [EN010153/DR/7.8]** and **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** consider the potential hazards associated with the BESS, and describe the mitigation measures imbedded into the design to ensure that the associated risks are acceptable. As set out within the **Outline Public Rights of Way Management Plan [EN010153/DR/7.9]** and **Outline Landscape and Ecology Management Plan [EN010153/DR/7.13],** the Proposed Development will result in beneficial impacts on human health through the increased recreational opportunities within the Site, with the provision of new permissive paths and enhancements to existing routes. This includes making provision for access for all on selected footpaths**.** The measures contained within the **Outline Construction Environmental Management Plan [EN010153/DR/7.5]; Outline Operational Environmental Management Plan [EN010153/DR/7.6]; Outline Decommissioning Environmental Management Plan [EN010153/DR/7.7];** and **Outline Landscape and Ecology Management Plan [EN010153/DR/7.13]** to avoid and reduce risks relating to human health (e.g. the Protection to the Public measures at Section 4.1.10 of the **Outline Operational Environmental Management Plan[EN010153/DR/7.5]**) would be secured as full Management Plans within the DCO.
	4.4.3	New energy infrastructure may also affect the composition and size of the local population, and in doing so have indirect health impacts, for example if it in some way affects access to key public services, transport, or the use of open space for recreation and physical activity.	
Applicant's Assessment	4.4.4	As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on humans, the ES should assess these effects for each element of the project, identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.	
	4.4.5	The impacts of more than one development may affect people simultaneously, so the applicant should consider the cumulative impact on health in the ES where appropriate.	
	4.4.6	Opportunities should be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society and impacts on those with protected characteristics under the Equality Act 2010, i.e. those groups which may be differentially impacted by a development compared to wider society as a whole.	
Secretary of State Decision Making	4.4.7	Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008.	
	4.4.8	However, not all potential sources of health impacts will be mitigated in this way and the Secretary of State may want to take account of health concerns when setting requirements relating to a range of impacts such as noise.	
Environmental and Biodiversity Net Gain			

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Environmental and biodiversity net gain	4.6.1	Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.	The Applicant has planned positively for the achievement of environmental gains from the outset of the Proposed Development. The design team includes Landscape Architects and Ecologists who have developed the **ES Vol 3 Figure 2-3 Illustrative Environmental Masterplan *[EN010153/DR/6.3]*** to achieve both mitigation of the Proposed Development's adverse impacts, as well as opportunities for enhancement. Such opportunities have included the retention of public rights of way, provision of new permissive paths, retention of existing trees, scrub and hedgerows as far as possible, and provision of new grassland, wetland, hedgerow and woodland habitats. The Non-Breeding Bird Mitigation Area (NBBMA) will provide direct mitigation for non-breeding birds, but also provide opportunities for breeding birds, invertebrates, water vole and bats. The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse based habitats. The biodiversity net gain (BNG) assessment has been undertaken in accordance with the Statutory Biodiversity Net Gain Metric, and the calculation is presented in full within the **Biodiversity Net Gain Report *[EN010153/DR/7.12]***. It should be noted that due to the presence of reedbeds within the baseline habitats of the Site, despite their being no loss or direct impact on the reedbed habitats, the 'trading rules' are not fully satisfied. The BNG process was discussed with both CWaCC and NE. The results of the preliminary BNG calculation was presented and consulted on as part of the PEIR process.
	4.6.2	Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.	
	4.6.3	Currently biodiversity net gain policy in England only applies to terrestrial and intertidal components of projects. Principles for Marine Net Gain are currently being rolled out by the Government, who will provide guidance in due course. There are provisions in the Environment Act 2021 to allow Marine Net Gain to be made mandatory for NSIPs in the future.	
Applicant's Assessment	4.6.6	Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.	
	4.6.7	In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.	
	4.6.8	Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.	
	4.6.10	Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain.	The Applicant has followed a mitigation hierarchy as set out in the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** and on a topic-by-topic basis within Section 7.0 of the **Planning Statement *[EN010153/DR/5.6]***. The BNG assessment has been undertaken outside of the ES within the **Biodiversity Net Gain Report *[EN010153/DR/7.12]***, as BNG is a planning matter rather than an EIA matter.
	4.6.11	Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent.	The Applicant is not proposing any off-site works for biodiversity net gain as the Proposed Development would deliver biodiversity net gain fully within the Order limits.
	4.6.12	When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service outcomes, or	

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		considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use.	
	4.6.13	In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as: • reductions in GHG emissions; • reduced flood risk; • improvements to air or water quality; • climate adaptation; • landscape enhancement; • increased access to natural greenspace; or • the enhancement, expansion or provision of trees and woodlands. The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.	The Proposed Development will deliver multiple environmental benefits which are set out in Section 5.0 of the **Planning Statement *[EN010153/DR/5.6]*** and include: • Significant reduction in greenhouse emissions over the lifetime of the project; • Improvements to habitat condition and quality within Local Wildlife Sites; • Increased access to natural greenspace; and • The enhancement, expansion or provision of trees and woodland.
	4.6.14	The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRSs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery Network (NRN), a major commitment in the government's 25 Year Environment Plan.	There is no current Local Nature Recovery Strategy (LNRS) that applies to the Order limits.
	4.6.15	Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.	The **Design Approach Document *[EN010153/DR/5.8]*** sets out how opportunities for environmental enhancement and opportunity have been considered as part of the design process. The Proposed Development includes measures to enhance public access in an ecologically sensitive manner, fostering appreciation of wildlife whilst minimising disturbance. New permissive paths through the Site will be guided to less sensitive areas, and designated wildlife viewing points with screening (such as bird hides or viewing screens) will be installed at strategic locations. Informative signage will be placed to encourage responsible behaviour (e.g. keeping dogs on leads) in the vicinity of important habitats. These measures will enhance the educational
	4.6.16	Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capital Committee's 'How to Do it: natural capital workbook', the government's guidance on Enabling a Natural Capital Approach (ENCA), and other tools that aim to enable wider benefits for people and nature.	

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	4.6.17	Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, applicants should reference that information to supplement the site-specific details.	and recreational value of the Site, turning it into a well-managed nature-rich area accessible to the public. The Proposed Development goes beyond just mitigation and compensation and delivers wider gains for biodiversity, creating a richer mosaic of habitats and long-term management commitments that will leave a positive ecological legacy on the Frodsham Marshes landscape.
Secretary of State Decision Making	*4.6.1 [sic]* 4.6.19	Although achieving biodiversity net gain is not currently an obligation on applicants, Schedule 15 of the Environment Act 2021 contains provisions which, when commenced, mean the Secretary of State may not grant an application for a Development Consent Order unless satisfied that a biodiversity gain objective is met in relation to the onshore development in England to which the application relates.	The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse based habitats. The biodiversity net gain (BNG) assessment has been undertaken in accordance with the Statutory Biodiversity Net Gain Metric, and the calculation is presented in full within the **Biodiversity Net Gain Report *[EN010153/DR/7.12]***. It should be noted that due to the presence of reedbeds within the baseline habitats of the Site, despite their being no loss or direct impact on the reedbed habitats, the 'trading rules' are not fully satisfied.
	4.6.2 [sic] 4.6.20	The biodiversity gain objective will be set out in a biodiversity gain statement (as defined under the Environment Act 2021). Normally these statements would be included within an NPS, but the Act allows for the statement to be published separately where a review of an NPS has begun before the provisions are commenced, as is the case with these energy NPSs. Under the provision of the Environment Act 2021, any such separate biodiversity gain statement will be regarded as being contained within these NPSs.	
	4.6.3 [sic] 4.6.21	The Secretary of State should give appropriate weight to environmental and biodiversity net gain, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.	
Criteria for Good Design for Energy Infrastructure			
Good design for energy infrastructure	4.7.1	The visual appearance of a building, structure, or piece of infrastructure, and how it relates to the landscape it sits within, is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important.	The Applicant has prepared a **Design Approach Document *[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed. Section 6.0 of the **Design Approach Document *[EN010153/DR/5.8]*** sets out how good design is secured as part of the **draft DCO *[EN010153/DR/3.1]*** to ensure the established design principles will be integrated with the final design post consent. The Design Principles (set out within **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]**) have been used to guide and shape the approach to the design of the Proposed Development. Principle 2: Landscape and Views aims to develop the proposals in a manner sensitive to their landscape setting, reducing visual impacts from nearby properties, recreational routes and key viewpoints.
	4.7.2	Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.	
	4.7.3	Good design is also a means by which many policy objectives in the NPSs can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise. Projects should look to use modern methods of construction and sustainable design practices such as use of sustainable timber and low carbon concrete. Where possible, projects should include the reuse of material.	

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	4.7.4	Given the benefits of good design in mitigating the adverse impacts of a project, applicants should consider how good design can be applied to a project during the early stages of the project lifecycle.	
Applicant's Assessment	4.7.5	To ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Design principles should be established from the outset of the project to guide the development from conception to operation. Applicants should consider how their design principles can be applied post-consent.	
	4.7.6	Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area. Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process.	
	4.7.7	Applicants must demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected.	The **Design Approach Document** ***[EN010153/DR/5.8]*** explains how the design process has been conducted. It presents the vision and design principles that have guided the process, how the design of the Proposed Development has evolved through each stage of the pre-application development process, how consultation feedback at each stage has guided design changes, and how the outcomes of environmental surveys and assessment have been integrated with the process.
	4.7.8	Applicants should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. Applicants should also consider any design guidance developed by the local planning authority.	The Applicant has not taken independent professional advice on the design of the Proposed Development, but has welcomed feedback from the local planning authority, statutory environmental bodies, stakeholders, and members of the public on the design of the project. The Applicant has also held a series of design workshops with local interest groups and the local planning authority to help influence the design. Feedback on the design of the Proposed Development is summarised within the **Consultation Report** ***[EN010153/DR/5.1]*** and the **Design Approach Document** ***[EN010153/DR/5.8]***. The Applicant is justified in not seeking independent design advice as the scope of potential design input on a solar development is limited. There is no architectural design input required for a solar energy generating station, and therefore the Applicant's existing project team that includes experienced Landscape Architects, Environmental Consultants, and Ecologists was considered suitable to lead on the design.
	4.7.9	Further advice on what applicants should demonstrate by way of good design is provided in the technology specific NPSs where relevant.	Relevant design guidance from NPS EN-3 and NPS EN-5 is summarised in Tables 2 and 3 of this PCD.
Secretary of State Decision Making	4.7.10	In the light of the above and given the importance which the Planning Act 2008 places on good design and sustainability, the Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other	The Applicant has prepared a **Design Approach Document** ***[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed, for example, the panels

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		constraints, are as attractive, durable, and adaptable (including taking account of natural hazards such as flooding) as they can be.	have been raised to avoid flood levels The **Design Approach Document [EN010153/DR/5.8]** has considered the design approach both from a functional perspective, and aesthetically to ensure that the impacts are minimised. Section 6.0 of the **Design Approach Document *[EN010153/DR/5.8]*** sets out how good design is secured as part of the **draft DCO *[EN010153/DR/3.1]*** to ensure the established design principles will be integrated with the final design post consent.
	4.7.11	In doing so, the Secretary of State should be satisfied that the applicant has considered both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible.	
	4.7.12	In considering applications, the Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. Many of the wider impacts of a development, such as landscape and environmental impacts, will be important factors in the design process.	The **Design Approach Document *[EN010153/DR/5.8]*** explains how the design process has been conducted. It presents the vision and design principles that have guided the process, how the design of the Proposed Development has evolved through each stage of the pre-application development process, how consultation feedback at each stage has guided design changes, and how the outcomes of environmental surveys and assessment have been integrated with the process (e.g. Paragraph 4.2.33 confirms that desk and field-based surveys have been used to gain and understanding of the landscape and visual context into which the Proposed Development would be introduced).
	4.7.13	The Secretary of State should consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period.	
	4.7.14	The Secretary of State should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects.	The Applicant notes that the Secretary of State may consider taking independent professional advice on the design of the Proposed Development. Relevant design guidance from NPS EN-3 and NPS EN-5 is summarised in Tables 2 and 3 of this PCD.
	4.7.15	Further advice on what the Secretary of State should expect applicants to demonstrate by way of good design is provided in the technology specific NPSs where relevant.	
Climate Change Adaptation and Resilience			
Climate change adaptation and resilience	4.10.1	Whilst we must continue to accelerate efforts to end our contribution to climate change by reaching Net Zero greenhouse gas emissions, adaptation is also necessary to manage the impacts of current and future climate change. If new energy infrastructure is not sufficiently resilient against the possible impacts of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS.	**ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** and supporting appendices provide an assessment of the Proposed Development in the context of climate change resilience and its potential greenhouse gas emissions. **ES Vol 1 Chapter 9: Flood Risk and Drainage *[EN010153/DR/6.1],*** which is supported by a Flood Risk Assessment **ES Vol 2 Appendix 9-1 *[EN010153/DR/6.2],*** assesses the effects of climate change in relation to flood risk. The assessments demonstrate that the Proposed Development would be resilient against the possible impacts of climate change.
	4.10.2	Climate change is already altering the UK's weather patterns and this will continue to accelerate depending on global carbon emissions. This means it is likely there will be more extreme weather events. As well as climatic and seasonal changes such as hotter, drier summers and warmer, wetter winters, there is also a likelihood of increased flooding, drought, heatwaves, and intense rainfall events, as well as rising sea levels, increased storms and coastal change. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening.	

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	4.10.3	To support planning decisions, the government produces a set of UK Climate Projections as well as hazard-specific tools and guidance like the Environment Agency's climate change allowances for flood risk assessments. In addition, the government's National Adaptation Programme and Adaptation Reporting Power will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change.	
	4.10.4	The generic impacts advice in this NPS and the technology specific advice on impacts in the other energy NPSs provide additional information on climate change adaptation and should be read alongside this section (Section 5.3 on greenhouse gas emissions, Section 5.6 on coastal change and Section 5.8 on flood risk in particular provide relevant guidance for consideration).	
Applicant's Assessment	4.10.5	In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change. In preparing measures to support climate change adaptation applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques.	**ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** and its supporting appendices provide an assessment of the Proposed Development in the context of climate change resilience and its potential greenhouse gas emissions. Consideration has been given to the use of nature-based solutions, and proposals for SuDS have been incorporated within the surface water drainage strategy. **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water [EN010153/DR/6.1]**
	4.10.6	Integrated approaches, such as looking across the water cycle, considering coordinated management of water storage, supply, demand, wastewater, and flood risk can provide further benefits to address multiple infrastructure needs, as well as carbon sequestration benefits.	
	4.10.7	In addition to avoiding further GHG emissions when compared with more traditional adaptation approaches, nature-based solutions can also result in biodiversity benefits and net gain, as well as increasing absorption of carbon dioxide from the atmosphere.	
	4.10.8	New energy infrastructure will typically need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. site flooding, limited water availability, storms, heatwave and wildfire threats to infrastructure and operations) and indirect (e.g. access roads or other critical dependencies impacted by flooding, storms, heatwaves or wildfires) impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure.	**ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** includes a climate resilience assessment at **ES Vol 2 Appendix 5-3: Climate Resilience Assessment *[EN010153/DR/6.2]*** that has considered the full lifetime of the Proposed Development. This assessment includes forecast changes to the UK climate over the lifetime of the project. **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** presents a Flood Risk Assessment for the Proposed Development which includes flood modelling that accounts for likely future changes in climate. The Proposed Development has a 'design flood level' that accounts for potential future increases in rainfall from more frequent storms, and rises in sea level. The assessments confirm the Proposed Development has been designed to be resilient to changes in climate.
	4.10.9	The ES should set out how the proposal will take account of the projected impacts of climate change, using government guidance and industry standard benchmarks such as	**ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** provides an assessment of the Proposed Development in the context of climate change resilience and its potential greenhouse

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		the Climate Change Allowances for Flood Risk Assessments, Climate Impacts Tool, and British Standards for climate change adaptation, in accordance with the EIA Regulations.	gas emissions. This has used government guidance and industry standard benchmarks in accordance with EIA Regulations. The assessment concludes that there would be significant beneficial effects as a result of a reduction in atmospheric greenhouse gas emissions from the renewable electricity generated by the Proposed Development, which would reduce fossil fuel generation from other sources within the grid. **Vol 2 Appendix 5-2: Climate Baseline Report [EN010153/DR/6.2]** has conservatively used projections for 2060-2079 for a 'high emissions scenario' to calculate the future climate baseline
	4.10.10	Applicants should assess the impacts on and from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time.	
	4.10.11	Applicants should demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections.	
	4.10.12	Where energy infrastructure has safety critical elements, the applicant should apply a credible maximum climate change scenario. It is appropriate to take a risk-averse approach with elements of infrastructure which are critical to the safety of its operation.	
Secretary of State Decision Making	4.10.13	The Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments) available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure, including any decommissioning period.	**ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** provides an assessment of the Proposed Development in the context of climate change resilience and its potential greenhouse gas emissions which covers its construction, operation and decommissioning phases. The future baseline has been calculated by the Applicant using the latest UKCP18 projections. The Applicant has taken account of future climate projects in the preparation of **ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with the EA who have advised in relation to the climate change allowances that should be used for fluvial and tidal flood modelling. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out measures that will be adopted for climate resilience through the various phases of project delivery. The Proposed Development has been designed mindful and cognisant of a changing climate, and assessed accordingly. Any further adaption measures for the project would not be likely to give rise to any consequential impacts.
	4.10.14	Should a new set of UK Climate Projections or associated research become available after the preparation of the ES, the Secretary of State (or the Examining Authority during the examination stage) should consider whether they need to request further information from the applicant.	
	4.10.15	The Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.	
	4.10.16	If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal change) the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS.	

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	4.10.17	Any adaptation measures should be based on the latest set of UK Climate Projections, the government's latest UK Climate Change Risk Assessment, when available, and in consultation with the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments.	
	4.10.18	The Secretary of State may take into account reporting authorities' reports (see paragraph 4.10.3 above) to the Secretary of State when considering adaptation measures proposed by an applicant for new energy infrastructure.	
	4.10.19	Adaptation measures should be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example coastal processes), the Secretary of State may consider requiring the applicant to keep the need for the adaptation measure under review, and ensure that the measure could be implemented should the need arise, rather than at the outset of the development (for example increasing height of existing, or requiring new, sea walls).	
Network Connection			
Network connection	4.11.1	The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend a generation plant.	The Applicant has secured a grid connection at the Scottish Power Energy Networks (SPEN) Frodsham Substation on the north side of the River Weaver. The Proposed Development would be connected to the distribution network. In addition, a Private Wire Connection is included as part of the Proposed Development to facilitate future connections to nearby businesses. Details of the grid connection are set out in the **Grid Connection Statement *[EN010153/DR/7.14]***.
	4.11.2	In the market system and in the past, it has been for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated.	
	4.11.4	Transmission network infrastructure, and related network reinforcement and upgrade works, associated with nationally significant low carbon infrastructure is considered as CNP Infrastructure. Further guidance can be found in Section 4.2 of this NPS and EN-5.	There would not be a requirement to upgrade the transmission network or provide other off-site network reinforcement as a result of the Proposed Development. There would be minor works to the SPEN Frodsham Substation to facilitate the connection, as set out under Work No. 4 within Schedule 1 of the **draft DCO *[EN010153/DR/3.1]*** and explained within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***.
Applicant's Assessment	4.11.5	The applicant must liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO or TSO to secure a grid connection.	The Applicant has secured a grid connection at the Scottish Power Energy Networks (SPEN) Frodsham Substation on the north side of the River Weaver. The Proposed Development would be connected to the distribution network. In addition, a Private Wire Connection is included as part of the Proposed Development to facilitate future connections to nearby businesses. Details of the grid connection are set out in the **Grid Connection Statement *[EN010153/DR/7.14]***.
	4.11.6	Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application. In this situation applicants should provide information as part of their	

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		application confirming that there is no obvious reason why a network connection would not be possible.	
	4.11.7	The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. The government therefore envisages that wherever reasonably possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5. This is particularly encouraged to ensure development of more co-ordinated transmission overall.	The DCO Application includes all infrastructure necessary to deliver and operate the Proposed Development. The Private Wire Connection would run from the Frodsham Solar Substation west along existing tracks used to access Frodsham Wind Farm, terminating on the eastern side of Hoolpool Gutter. The land to the west of Hoolpool Gutter includes a range of existing industrial facilities, many of which have a high-power demand, for example the Encirc glass manufacturing plant. As such there are significant opportunities for Frodsham Solar to provide a 'private wire' arrangement to businesses to the west of the Site, where renewable energy can be delivered directly to a customer from a renewable energy generating station. The principle of this element of the Proposed Development is local electricity generation meeting local demand, reducing transmission losses and further supporting grid capacity by taking load of the transmission network. The proposed Private Wire Connection is included within the DCO application but does not run directly to a business or substation. However, the proposed Private Wire Connection is considered to be an important enabler to facilitate a direct link from Frodsham Solar to nearby businesses. The onward connection from the proposed termination point by Hoolpool Gutter would be subject to a separate planning permission at the point a final user was identified and a Power Purchase Agreement was entered into.
	4.11.8	On some occasions it may not be possible to coordinate applications. For example, different elements of a project may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls) making it inefficient from a delivery perspective to submit one application. Applicants may therefore decide to submit separate applications for each element. Where this is the case, the applicant should include information on the other elements and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused.	
	4.11.9	If this option is pursued, the applicant accepts the implicit risks involved in doing so and must ensure they provide sufficient information to comply with the EIA Regulations including the indirect, secondary, and cumulative effects, which will encompass information on grid connections.	
Secretary of State Decision Making	4.11.11	The Secretary of State should consider guidance contained within EN-5.	Details of the arrangements for the grid connection are set out in the **Grid Connection Statement *[EN010153/DR/7.14]***.
	4.11.12	The Secretary of State should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.	
	4.11.13	Where the Secretary of State has decided to grant consent for one project this should not in any way fetter the Secretary of State's ability to take subsequent decisions on any related projects.	
Pollution Control and Other Environmental Regulatory Regimes			
Pollution control and other environmental	4.12.1	Issues relating to discharges or emissions from a proposed project, and which lead to other direct or indirect impacts on terrestrial, freshwater, marine, onshore, and offshore environments, or which include noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes, for	The Applicant has prepared an **Other Consents and Licences Statement *[EN010153/DR/5.5]*** that identifies any other consents and licences that would be required to construct or operate the Proposed Development.

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regulatory regimes		example local planning consent or marine licences (see paragraph 4.5.6 for more information).	An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively.
	4.12.2	The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching conditions to allow developments which would otherwise not be environmentally acceptable to proceed and preventing harmful development which cannot be made acceptable even through conditions. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the releases of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health.	
Applicant's Assessment	4.12.6	Many projects covered by this NPS will be subject to the Environmental Permitting Regulations, which also incorporates operational waste management requirements for certain activities. When an applicant applies for an Environmental Permit, the relevant regulator (usually the EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting Regulations requirements.	The Applicant has prepared an **Other Consents and Licences Statement *[EN010153/DR/5.5]*** that identifies any other consents and licences that would be required to construct or operate the Proposed Development. The Applicant made early contact with stakeholders and regulators identified within the **Other Consents and Licences Statement [EN010153/DR/5.5]** in March – May 2023 when the Applicant communicated their intention to develop proposals for the Proposed Development and subsequently the local community, as set out within the **Consultation Report [EN010153/DR/5.1]**
	4.12.7	Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licences.	
	4.12.8	Wherever possible, applicants should submit applications for Environmental Permits and other necessary consents at the same time as applying to the Secretary of State for development consent.	
Secretary of State Decision Making	4.12.9	In considering an application for development consent the Secretary of State should focus on whether the development itself is an acceptable use of the land or sea, and the impact of that use, rather than the control of processes, emissions or discharges themselves.	The Applicant has prepared an **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** that reports an assessment of the likely significant effects of the Proposed Development. **ES Vol 1 Main Report *[EN010153/DR/6.1]*** is accompanied by **ES Vol 2 Technical Appendices *[EN010153/DR/6.2]*** and **ES Vol 3 Figures *[EN010153/DR/6.3]***. In addition, the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** provides evidence to demonstrate that the Proposed Development will not have likely significant adverse effects on internationally designated sites. **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1],* ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*** and the **Design Approach Document *[EN010153/DR/5.8]*** provide evidence to justify the site selection, and the design process taken to mitigate the potential impacts of the Proposed Development.
	4.12.10	The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them.	
	4.12.13	In considering the impacts of the project, the Secretary of State may wish to consult the regulator on any management plans that would be included in an Environmental Permit application.	

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	4.12.14	The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts.	The above documents demonstrate that the Proposed Development is an acceptable use of the land in question. The Environmental Statement has assessed and taken full account of the environmental impacts of the project. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively. The Applicant has prepared an **Other Consents and Licences Statement *[EN010153/DR/5.5]*** that identifies any other consents and licences that would be required to operate the Proposed Development.
	4.12.15	Working in close cooperation with the EA or NRW and/or the pollution control authority, and other relevant bodies, such as the MMO, the SNCB, Drainage Boards, and water and sewerage undertakers, the Secretary of State should be satisfied, before consenting any potentially polluting developments, that: • the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.	
	4.12.16	The Secretary of State should not refuse consent on the basis of pollution impacts unless there is good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted. On this basis, it is reasonable for the Secretary of State to consider residual amenity issues only when considering whether the development itself is an acceptable use of the land or sea, and on the impacts of that use.	
Safety			
Safety	4.13.1	In addition to its role in the planning system, the HSE is the independent regulator for workplace health and safety and is responsible for enforcing a range of health and safety legislation, some of which is relevant to the construction, operation and decommissioning of energy infrastructure.	The Applicant consulted the Health and Safety Executive (HSE) and the UK Health Security Agency as part of their Section 42 Consultation. As reported in the **Consultation Report *[EN010153/DR/5.1]***, the HSE and the UK Health Security Agency provided a written response to the consultation which has been taken into account in the preparation of this application for development consent. No concerns have been raised in relation to the COMAH Regulations. The Proposed Development would not be within the scope of the COMAH Regulations. The Applicant has been in consultation with the operators of the pipelines that cross the Site and the design integrates the necessary buffers and easements from the pipelines required by the operators. None of the pipelines crossing the Site would be altered as a result of the Proposed Development. To mitigate and manage the risks related to the BESS, the Applicant has prepared and submitted an **outline Battery Safety Management Plan *[EN010153/DR/7.8]***.
	4.13.2	Some technologies, for example major accident hazard pipelines, will be regulated by specific health and safety legislation. The application of these regulations is set out in the technology specific NPSs where relevant.	
	4.13.3	Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations 2015. These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE or ONR (Office for Nuclear Regulation, for nuclear) and the EA acting jointly in England and by the HSE and NRW acting jointly in Wales, and the HSE and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland.	

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	4.13.4	The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes.	
Applicant Assessment	4.13.5	Applicants should consult with the HSE on matters relating to safety.	
	4.13.6	Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority.	
	4.13.7	If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents.	
Secretary of State Decision Making	4.13.8	The Secretary of State should be satisfied that a safety assessment has been prepared, where required, and that the Competent Authority has raised no safety objections.	
Hazardous Substances			
Hazardous substances	4.14.1	All establishments wishing to hold stocks of certain hazardous substances above a threshold need 'Hazardous Substances Consent.'	The Proposed Development does not currently fall within the scope of the Planning (Hazardous Substances) Regulations 2015 and as such Hazardous Substances Consent is not required.
Common Law Nuisance and Statutory Nuisance			
Common law nuisance and statutory nuisance	4.15.5	At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be identified by the applicant so that appropriate requirements can be included in any subsequent order granting development consent (see Section 5.7 on dust, odour, artificial light etc. and Section 5.12 on noise and vibration).	The Applicant has prepared a **Statutory Nuisance Statement *[EN010153/DR/5.4]*** which sets out the potential sources of nuisance as defined under Section 79(1) of the Environmental Protection Act 1990. The Statutory Nuisance Statement concludes that there would not be any sources of statutory nuisance as a result of the Proposed Development.
Security Considerations			
Security considerations	4.16.1	National security considerations apply across all national infrastructure sectors.	The Applicant is not aware of any national security considerations relating specifically to the Proposed Development.
	4.16.4	Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations.	

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Section 5: Generic Impacts			
Air Quality and Emissions			
Air quality and emissions	5.2.1	Energy infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats, or on the wider countryside and species. Air emissions include particulate matter (for example dust) up to a diameter of ten microns (PM10) and up to a diameter of 2.5 microns (PM2.5) as well as gases such as sulphur dioxide, carbon monoxide and nitrogen oxides (NOx).	Once operational, the Proposed Development will not directly result in air emissions during regular operation. There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** sets out how dust would be controlled to mitigate any potential effects. Since the Proposed Development will not significantly affect air quality and emissions, a detailed assessment of effects was scoped out of the ES, as agreed by the Planning Inspectorate in the adopted **ES Vol 2 Appendix 1-2 EIA Scoping Opinion *[EN010153/DR/6.2]***. The scope of the ES was refined through pre-application engagement with the local planning authorities, statutory environmental bodies, and other stakeholders as reported in the **Consultation Report *[EN010153/DR/5.1]***. There has been no reason to scope an assessment of air quality and emissions back into the ES as a result of consultation responses.
	5.2.2	Legal limits for pollutants in ambient air are set out in the Air Quality Standards Regulations 2010 and for England, national objectives set out in the Air Quality (England) Regulations 2000 reiterated in the Air Quality Strategy, or for Wales, the Air Quality (Wales) Regulations 2000 and the Clean Air Plan for Wales.171 In addition, two fine particulate matter (PM2.5) targets were set under the Environment Act 2021 for England – an annual mean concentration target and a population exposure target. Internationally agreed emissions commitments are set in the National Emission Ceilings Regulations 2018 and establish limits for total UK emissions of key pollutants.	
	5.2.3	For many air pollutants there is not a threshold below which there is no health impact so it is important that energy infrastructure schemes consider not just how a scheme may impact statutory air quality limits, objectives or targets but also measures to mitigate all emissions in order to minimise human exposure to air pollution, especially for those who are more susceptible to the impacts of poor air quality.	
	5.2.7	Proximity to emission sources can have significant impacts on sensitive receptor sites for air quality, such as education or healthcare sites, residential use or sensitive or protected ecosystems. Projects near a sensitive receptor site for air quality should only be proposed in exceptional circumstances if no viable alternative site is available. In these instances, substantial mitigation of any expected emissions will be required (see paragraph 5.2.12 below).	
Applicant's Assessment	5.2.8	Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.	The Proposed Development will not result in significant adverse effects on air quality, and therefore an assessment of air quality impacts was scoped out of the ES, as agreed by the Planning Inspectorate in the adopted **ES Vol 2 Appendix 1-2 EIA Scoping Opinion *[EN010153/DR/6.2]***. There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust***
	5.2.9	The ES should describe: • existing air quality concentrations and the relative change in air quality from existing levels;	

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		• any significant air quality effects, mitigation action taken and any residual effects, distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; and • the predicted absolute emissions, concentration change and absolute concentrations as a result of the proposed project, after mitigation methods have been applied; and • any potential eutrophication impacts.	***Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors. The **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]*** sets out how dust would be controlled to mitigate any potential effects.
	5.2.10	In addition, applicants should consider the Environment Targets (Fine Particulate Matter) (England) Regulations 2022 and associated Defra guidance.	
	5.2.11	Defra publishes future national projections of air quality based on estimates of future levels of emissions, traffic, and vehicle fleet. Projections are updated as the evidence base changes and the applicant should ensure these are current at the point of an application. The applicant's assessment should be consistent with this but may include more detailed modelling and evaluation to demonstrate local and national impacts. If an applicant believes they have robust additional supporting evidence, to the extent they could affect the conclusions of the assessment, they should include this in their representations to the Examining Authority along with the source.	
	5.2.12	Where a proposed development is likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy at the time of the decision, the applicant should work with the relevant authorities to secure appropriate mitigation measures to ensure that those statutory limits, objectives or targets are not breached.	The Proposed Development will not result in a breach of any relevant air quality limits, objectives or targets.
	5.2.13	The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. In doing so the Secretary of State should have regard to the Air Quality Strategy in England, or the Clean Air Plan for Wales in Wales, or any successors to these and should consider relevant advice within Local Air Quality Management guidance and PM2.5 targets guidance.	There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors.
	5.2.14	The mitigations identified in Section 5.14 on traffic and transport impacts will help mitigate the effects of air emissions from transport.	This is noted and considered against the relevant paragraphs of NPS EN-1 Section 5.14 in this PCD.
Secretary of State Decision Making	5.2.15	Many activities involving air emissions are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to policies set out in the Government's Environmental Improvement Plan 2023.	An **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan** ***[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan** ***[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively.

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	5.2.16	The Secretary of State should give air quality considerations substantial weight where a project would lead to a deterioration in air quality. This could for example include where an area breaches any national air quality limits or statutory air quality objectives. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of statutory limits, objectives or targets.	The Proposed Development would not result in any likely significant effects on air quality either directly or indirectly for any receptor, including sensitive receptor sites. The Applicant has prepared the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** that considers the potential impacts on the internationally designated sites of the Mersey Estuary, including effects arising from air quality impacts. The HRA concludes that with the adopted mitigation measures there would be no significant effect on internationally designated sites.
	5.2.17	The Secretary of State should give air quality considerations substantial weight where a project is proposed near a sensitive receptor site, such as an education or healthcare facility, residential use or a sensitive or protected habitat.	
	5.2.18	Where a project is proposed near to a sensitive receptor site for air quality, if the applicant cannot provide justification for this location, and a suitable mitigation plan, the Secretary of State should refuse consent.	
	5.2.19	In all cases, the Secretary of State must take account of any relevant statutory air quality limits, objectives and targets. If a project will lead to non-compliance with a statutory limit, objective or target the Secretary of State should refuse consent.	
Greenhouse Gas Emissions			
Greenhouse gas emissions	5.3.1	Significant levels of energy infrastructure development are vital to ensure the decarbonisation of the UK economy. The construction, operation and decommissioning of that energy infrastructure will in itself, lead to GHG emissions.	An assessment of the whole-life GHG emissions from the construction, operation and decommissioning phases of the Proposed Development is reported in **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]***, supported by **ES Vol 2 Appendix 5-1: Greenhouse Gas Assessment *[EN010153/DR/6.1]***. The assessment has been undertaken in accordance with the measures set out at 5.3.4
Applicant's Assessment	5.3.4	All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3). This should include: • A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use; • An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages; • Measurement of embodied GHG impact from the construction stage; • How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures; • How operational emissions have been reduced as much as possible through the application of best available techniques for that type of technology; • Calculation of operational energy consumption and associated carbon emissions; • Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework; and	

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		• Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed.	
Mitigation	5.3.5	A GHG assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero.	An assessment of the whole-life GHG emissions from the construction, operation and decommissioning phases of the Proposed Development is reported in **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]***. The Applicant has identified mitigation measures to reduce the GHG emissions at all stages of the project, and these are set out within Section 5.7 of **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** and secured by the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]***. As set out in **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]***, the Proposed Development would result in a significant beneficial effect on atmospheric GHG emissions, and therefore a specific GHG Reduction Strategy has not been prepared as part of this application for development consent.
	5.3.6	Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning.	
	5.3.7	Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the Development Consent Order. The GHG Reduction Strategy should consider the creation and preservation of carbon stores and sinks including through woodland creation, hedgerow creation and restoration, peatland restoration and through other natural habitats.	
Secretary of State Decision Making	5.3.8	The Secretary of State must be satisfied that the applicant has as far as possible assessed the GHG emissions of all stages of the development.	An assessment of the whole-life GHG emissions from the construction, operation and decommissioning phases of the Proposed Development is reported in **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]***. The Applicant has identified mitigation measures to reduce the GHG emissions at all stages of the project, and these are set out within Section 5.7 of **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** and secured by the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]***. As set out in **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]***, the Proposed Development would result in a significant beneficial effect on atmospheric GHG emissions, and therefore a specific GHG Reduction Strategy has not been prepared as part of this application for development consent. The significant beneficial effect on atmospheric greenhouse gas emissions is a key benefit of the project, which should be afforded significant positive weight by the Secretary of State.
	5.3.9	The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development.	
	5.3.10	The Secretary of State should give appropriate weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and decommissioning within the proposed development. However, in light of the vital role energy infrastructure plays in the process of economy wide decarbonisation, the Secretary of State must accept that there are likely to be some residual emissions from construction and decommissioning of energy infrastructure.	
Biodiversity and Geological Conservation			
Habitats Regulations	5.4.4	The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.	The Applicant has prepared the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** as part of the application to assess impacts on internationally designated sites, including the Mersey Estuary Special Protection Area (SPA) and Ramsar Site. The scope and approach to the HRA has been discussed with Natural England as part of the pre-application

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	5.4.5	As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph.	consultation, as set out in both the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** and the **Consultation Report *[EN010153/DR/5.1]***. The HRA concludes that the Proposed Development would not result in likely significant adverse effects on internationally designated sites either in isolation, or cumulatively with other projects. The Proposed Development would however result in likely significant beneficial effects on the Mersey Estuary SPA and Ramsar site as a result of the increased foraging/loafing opportunities created by the Proposed Development for qualifying ornithological features of the European Sites.
Sites of Special Scientific Interest	5.4.7	Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs.	The Order limits include part of the Mersey Estuary SSSI, which lies within the west of the Site within the Non-Breeding Bird Mitigation Area (NBBMA). The components of the Proposed Development within the SSSI relate only to environmental mitigation and enhancement to improve the condition and quality of the SSSI. An assessment of the effects of the Proposed Development on SSSIs is included within **ES Vol 1 Chapter 7: Terrestrial Ecology *[EN010153/DR/6.1]*** and **ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***.
	5.4.8	Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.	
Regional and Local Sites	5.4.12	Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution.	The Order limits include parts of several Local Wildlife Sites, with the Solar Array Development Area (SADA) extending across part of the Frodsham, Helsby and Ince Marshes Local Wildlife Site (LWS). An assessment of the effects of the Proposed Development on regional and local sites for nature conservation is included within **ES Vol 1 Chapter 7: Terrestrial Ecology *[EN010153/DR/6.1]*** and **ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***.
	5.4.13	National planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.	
Ancient woodland, ancient trees, veteran trees and other irreplaceable habitats	5.4.14	Irreplaceable habitats are habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.	**ES Vol 1 Chapter 7: Terrestrial Ecology *[EN010153/DR/6.1]*** has been informed by an extended Phase 1 habitat survey across the Site. This survey has not identified any irreplaceable habitats within the Order limits.
	5.4.15	Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh scrub, and lowland fen.	

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Protection and enhancement of habitats and species	5.4.16	Many individual species receive statutory protection under a range of legislative provisions. Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales, as well as for their continued benefit for climate mitigation and adaptation and thereby requiring conservation action.	The Applicant has undertaken comprehensive ecological surveys across the Order limits to identify ecological species and habitats that could be impacted by the Proposed Development. The ecological baseline of the site is set out in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***.
Applicant's Assessment	5.4.17	Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.	The Applicant has prepared an assessment of impacts to ecological and nature conservation receptors within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The assessment of likely impacts and effects is specifically contained within Sections 7.8 and 8.8 of these chapters respectively. In summary, during the construction phase the Proposed Development would result in likely significant adverse effects on the Frodsham, Helsby and Ince Marshes Local Wildlife Site (LWS), but there would not be likely significant effects to other sites, habitats or species. Once the construction phase is ended and the Proposed Development is operational there would be beneficial change to the Frodsham, Helsby and Ince Marshes LWS as a result of the retention of existing valuable habitats, and the creation of substantial areas of complimentary habitats to improve the integrity and function of the LWS. Furthermore, the mitigation and enhancement measures proposed across the Proposed Development (and specifically as part of the Non Breeding Bird Mitigation Area) would result in likely significant beneficial effects for non-breeding birds, and in turn designated sites that have ornithological interest such as the Mersey Estuary SSSI, SPA and Ramsar site.
	5.4.18	The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project.	
	5.4.19	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.	The Applicant has taken an environmentally-led approach to the masterplanning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. This has included identifying from the outset the specific constraints of the Site, the condition and type of habitats present, and the species that these habitats support, or could support. By retaining existing habitats and supplementing them with complimentary habitats the Proposed Development has taken a holistic approach to ecosystem enhancement and habitat connectivity. The result of the Applicant's approach is that the Proposed Development is achieving gains in habitats, complimented by further landscape enhancements such as enhanced recreational access to deliver wider environmental benefits. As set out in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]*** and *Appendix B Non Breeding Bird Mitigation Strategy* of the **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***, the proposed Non Breeding Bird Mitigation Area (NBBMA) will provide substantial betterment to the existing baseline habitats through the creation of wetland habitats (and protection of breeding birds). Measures to be adopted within the NBBMA and across the Site have been determined through consultation with Natural England, CWaCC and the RSPB, and provide a substantive opportunity to deliver a valuable habitat for SPA-qualifying species on land adjacent to the Mersey Estuary SPA.
	5.4.20	Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.	
	5.4.21	As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.	
	5.4.22	The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere	The Applicant has undertaken comprehensive ecological surveys across the Order limits to identify ecological species that could be impacted by the Proposed Development. The ecological baseline of the Site is set out in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**

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		within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.	**and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. For mobile and migratory species such as birds this has included survey effort across seasons and over multiple years in accordance with published best practice guidance.
Applicant's Assessment – Habitats Regulations	5.4.25	The applicant should seek the advice of the appropriate SNCB and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree 'Evidence Plans' with SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such information as may reasonably be required to enable the Secretary of State to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely significant effects.	The Applicant has prepared the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** which has been consulted on with Natural England as the relevant SNCB, as set out in the HRA, the **ES *[EN010153/DR/6.1 /6.2 / 6.3]***, and **Consultation Report *[EN010153/DR/5.1]***. The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** concludes that the Proposed Development would not result in likely significant adverse effects on internationally designated sites either in isolation, or cumulatively with other projects. The Proposed Development would however result in likely significant beneficial effects on the Mersey Estuary SPA and Ramsar site as a result of the increased foraging/loafing opportunities created by the Proposed Development for qualifying ornithological features of the European Sites.
	5.4.26	If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.	As set out in the **Consultation Report *[EN010153/DR/5.1]***. the Applicant has consulted Natural England throughout the pre-application stage in relation to impacts on the Mersey Estuary SPA. The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** concludes the Proposed Development would not result in likely significant adverse effects on European Sites, and therefore a derogation under the Habitat Regulations is not required, and a case for Imperative Reasons of Overriding Public Interest is not required.
	5.4.27	If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation.	
	5.4.28	Provision of such information will not be taken as an acceptance of adverse impacts and if an applicant disputes the likelihood of adverse impacts, it can provide this information as part of its application 'without prejudice' to the Secretary of State's final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.	
	5.4.29	It is vital that applicants consider the need for compensation as early as possible in the design process as 'retrofitting' compensatory measures will introduce delays and uncertainty to the consenting process.	A comprehensive mitigation strategy has been developed which involves the creation of the NBBMA within the Order Limits. This is secured via the **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*.** The Applicant has consulted Natural England and CWaCC throughout the pre-application stage in the development of the mitigation strategy. The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** concludes there will be No Significant Effects to European Sites as a result of the Proposed Development, and therefore no compensation measures are required.
	5.4.30	Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans.	

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	5.4.31	Before submitting an application, applicants should seek the views of the SNCB and Defra/Welsh Government as to the suitability, securability and effectiveness of the compensation plan to ensure the development will not hinder the achievement of the conservation objectives for the protected site. In cases where such views are provided, the applicant should include a copy of this information with the compensation plan in their application for further consideration by the Examining Authority.	
Applicant's Assessment – Ancient woodland, ancient trees, veteran trees and other irreplaceable habitats	5.4.32	Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases.	**ES Vol 1 Chapter 7: Terrestrial Ecology *[EN010153/DR/6.1]*** has been informed by an extended Phase 1 habitat survey across the Site. This survey has not identified any irreplaceable habitats within the Order limits, and therefore no mitigation measures are required.
Applicant's Assessment – Protection and enhancement of habitats and species	5.4.33	Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.	The Applicant has taken an environmentally-led approach to the masterplanning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. This has included identifying from the outset the specific constraints of the Site, the condition and type of habitats present, and the species that these habitats support, or could support. By retaining existing habitats and supplementing them with complimentary habitats the Proposed Development has taken a holistic approach to ecosystem enhancement and habitat connectivity. The result of the Applicant's approach is that the Proposed Development is achieving biodiversity gains, complimented by further landscape enhancements such as enhanced recreational access to deliver wider environmental benefits and an overall environmental net gain. A peat survey was conducted and presented as Appendix I: Peat Reconnaissance Survey of **ES Vol Appendix 10-1 Stage 1 Geo-Environmental Assessment *[EN010153/DR/6.2]*** to ensure that the Proposed Development would not impact any buried peat resources.
	5.4.34	Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023.	
Mitigation	5.4.35	Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that: • during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; • the timing of construction has been planned to avoid or limit disturbance; • during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements; • habitats will, where practicable, be restored after construction works have finished; • opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be	Specific ecological mitigation measures embedded into the Proposed Development are set out within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. Furthermore there are wider mitigation measures that protect ecology 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]***. These mitigation measures include habitat avoidance, mitigation and creation; mitigation measures for protected species; and general mitigation measures to ensure compliance with environmental legislation.

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		focused on areas where the most ecological and ecosystems benefits can be realised; and • mitigations required as a result of legal protection of habitats or species will be complied with.	
	5.4.36	Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.	The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out measures that will be adopted to manage biodiversity through the various phases of project delivery. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how the ecological proposals will be managed post implementation.
	5.4.38	To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals.	The Proposed Development will not impact on features of geological interest, and therefore a mitigation strategy is not required.
Secretary of State Decision Making	5.4.39	The government's 25 Year Environment Plan and the Environment Act 2021 mark a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the government's Environmental Improvement Plan 2023, and in Wales the objectives of the Nature Recovery Plan, and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	The **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** including **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]*** have been prepared with regards all applicable statutory environmental legislation and government objectives.
	5.4.41	The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated.	The Applicant's **Planning Statement *[EN010153/DR/5.6]*** provides a comprehensive summary of the benefits and harm caused by the Proposed Development, and concludes that the Proposed Development would result in substantial benefits that weigh heavily in favour of the Proposed Development in the planning balance.
	5.4.42	As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought.	As reported in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***, the Proposed Development would in general result in likely significant beneficial effects on features of biodiversity interest, but that there would be a significant adverse residual effect during the construction phase only for the Frodsham, Helsby and Ince Marshes LWS. **ES Vol 1 Chapter 7: Terrestrial Ecology *[EN010153/DR/6.1]*** confirms that the impacts cannot be avoided, and that mitigation measures have been proposed as far as reasonably practicable to reduce effects. Compensation measures would not be suitable in relation to these effects. It should be noted that in the longer-term through the operational phase, the Proposed Development will result in significant beneficial residual effects to the Frodsham, Helsby and Ince Marshes LWS.
	5.4.43	If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm.	

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	5.4.44	The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.	The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out measures that will be adopted to manage biodiversity through the various phases of project delivery. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how the ecological proposals will be managed post implementation for the lifetime of the Proposed Development.
	5.4.45	The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate). The Secretary of State will also need to consider whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.	The Applicant has prepared an **Other Consents and Licences Statement *[EN010153/DR/5.5]*** that identifies any other consents and licences that would be required to operate the Proposed Development.
	5.4.46	Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.	The Applicant has taken an environmentally-led approach to the masterplanning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. The **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** sets out the Proposed Development would achieve biodiversity gain of 11% in area-based habitat units, 123% in hedgerow units, and 13% in watercourse units.
	5.4.47	When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6.	The **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** sets out how the proposed landscaping and habitat creation will be managed across the lifetime of the Proposed Development. The outline Landscape and Ecology Management Plan is secured by the Requirements of the **draft DCO *[EN010153/DR/3.1]***. The Applicant does not believe that planning obligations will be required.
	5.4.48	In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.	The **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** sets out the likely significant effects of the Proposed Development, and the Applicant's opinion on the weight that should be afforded to effects is set out within the **Planning Statement *[EN010153/DR/5.6]***.
Secretary of State Decision Making – Habitats Regulations	5.4.49	The Secretary of State must consider whether the project is likely to have a significant effect on a protected site which is part of the National Site Network (a habitat site), a protected marine site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects.	The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** concludes that the Proposed Development would not result in likely significant adverse effects on internationally designated sites either in isolation, or cumulatively with other projects. The Proposed Development would however result in likely significant beneficial effects on the Mersey Estuary SPA and Ramsar site as a result of the increased foraging/loafing opportunities created by the Proposed Development for qualifying ornithological features of the European Sites.
Secretary of State Decision Making	5.4.50	The Secretary of State should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.	The **draft DCO *[EN010153/DR/3.1]*** sets out proposed Requirements to secure the mitigation set out across the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** and within the outline Landscape and Ecology Management Plan ***[EN010153/DR/7.13]***.

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– Sites of Special Scientific Interest			The Applicant does not believe that planning obligations will be required.
Secretary of State Decision Making – Regional and Local Sites	5.4.52	The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent.	The **ES** ***[EN010153/DR/6.1 / 6.2 / 6.3]*** sets out the likely significant effects of the Proposed Development, and the Applicant's opinion on the weight that should be afforded to effects is set out within the **Planning Statement** ***[EN010153/DR/5.6]***.
Secretary of State Decision Making – Ancient woodland, ancient trees, veteran trees and other irreplaceable habitats	5.4.53	The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.	The Proposed Development would not result in the loss or deterioration of any irreplaceable habitats.
Secretary of State Decision Making – Protection and enhancement of habitats and species	5.4.54	The Secretary of State should ensure that species and habitats identified as being of importance for the conservation of biodiversity are protected from the adverse effects of development by using requirements, planning obligations, or licence conditions where appropriate.	The **ES** ***[EN010153/DR/6.1 / 6.2 / 6.3]*** sets out the likely significant effects of the Proposed Development, and the Applicant's opinion on the weight that should be afforded to effects is set out within the **Planning Statement** ***[EN010153/DR/5.6]***. The **draft DCO** ***[EN010153/DR/3.1]*** sets out Requirements to secure the mitigation set out across the **ES** ***[EN010153/DR/6.1 / 6.2 /6.3]***. The Applicant does not believe that planning obligations will be required.
	5.4.55	The Secretary of State should refuse consent where harm to a protected species and relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which they consider may result from a proposed development.	
Civil and Military Aviation and Defence Interests			
Aviation	5.5.5	UK airspace is important for both civilian and military aviation interests. It is essential that new energy infrastructure is developed collaboratively alongside aerodromes, aircraft, air systems and airspace so that safety, operations and capabilities are not adversely affected by new energy infrastructure. Likewise, it is essential that aerodromes, aircraft, air systems and airspace operators work collaboratively with energy infrastructure developers essential for net zero. Aerodromes can have important economic and social benefits, particularly at the regional and local level, but their needs must be balanced with the urgent need for new energy developments, which bring about a wide range of social, economic and environmental benefits.	The Applicant consulted with the Civil Aviation Authority and National Air Traffic Services (NATS) as part of the Section 42 Consultation, as set out in the **Consultation Report** ***[EN010153/DR/5.1]***. No comments were received with respect to the Proposed Development.
Applicant's Assessment	5.5.37	Where the proposed development may affect the performance of civil or military aviation CNS, meteorological radars and/or other defence assets an assessment of potential effects should be set out in the ES (see Section 4.3).	The Applicant has prepared **ES Vol 2 Appendix 4-3 Glint and Glare Assessment** ***[EN010153/DR/6.2]***. The Glint and Glare Assessment includes an assessment of the potential effects of the Proposed Development on aviation receptors and concludes there would be no

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Secretary of State Decision Making	5.5.49	The Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicant and that any necessary assessment of the proposal on aviation, NSWWS or defence interests has been carried out.	significant adverse effects, and therefore no harm to the operational safety of nearby aerodromes. Temporary mobile task lighting may be required for maintenance during periods of low light. However, this would be brought onto Site for short periods of time and would not be used routinely. The Frodsham Solar Substation and the BESS compounds would have inward-facing security lighting installed. This would be operated with passive infrared (PIR) detectors or would be turned on manually for maintenance in low light conditions or in the event of an emergency. Lighting will be directional and designed in line with the guidance and principles set out in ILP GN01/2021 'Reduction of Obtrusive Light'. This will include use of appropriate luminaires and lighting levels for the purpose of the lighting, and hoods and cowls to reduce light spill beyond the area targeted for lighting. With reference to the above, the Proposed Development would not give rise to glare or dazzle to pilots and/or Air Traffic Control.
	5.5.50	In particular, the Secretary of State should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that realistically achievable mitigation is carried out on existing surveillance systems such as radar/tracking technologies. It is incumbent on Operators of aerodromes to regularly review the possibility of agreeing to make reasonable changes to operational procedures.	
	5.5.55	Lighting must also be designed in such a way as to ensure that there is no glare or dazzle to pilots and/or ATC, aerodrome ground lighting is not obscured and that any lighting does not diminish the effectiveness of aeronautical ground lighting and cannot be confused with aeronautical lighting. Lighting may also need to be compatible with night vision devices for military low flying purposes.	
Dust, Odour, Artificial Light, Smoke, Steam, and Insect Infestation			
Emission Impacts	5.7.1	During the construction, operation and decommissioning of energy infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990. However, they are not regulated by the environmental permitting regime, so mitigation of these impacts will need to be included in the Development Consent Order.	The Applicant has prepared a **Statutory Nuisance Statement *[EN010153/DR/5.4]*** which sets out the potential sources of nuisance as defined under Section 79(1) of the Environmental Protection Act 1990. The Statutory Nuisance Statement concludes that there would not be any sources of statutory nuisance as a result of the Proposed Development.
	5.7.2	Note that pollution impacts from some of these emissions (for example dust, smoke) are covered in the Section 5.2 on air emissions.	
	5.7.3	Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims described in Section 4.15, it is important that the potential for these impacts is considered by the applicant and Secretary of State.	
	5.7.4	For energy NSIPs of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable.	
Applicant's Assessment	5.7.5	The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES.	The Applicant has prepared a **Statutory Nuisance Statement *[EN010153/DR/5.4]*** which sets out the potential sources of nuisance as defined under Section 79(1) of the Environmental Protection Act 1990.

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	5.7.6	In particular, the assessment provided by the applicant should describe: • the type, quantity and timing of emissions • aspects of the development which may give rise to emissions • premises or locations that may be affected by the emissions • effects of the emission on identified premises or locations • measures to be employed in preventing or mitigating the emissions	The Proposed Development would not result in significant emissions of odour, dust, steam, smoke, and artificial light during the operational phase. There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors. Control of artificial light and other emissions during the construction phase would be mitigated through the implementation of the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***.
	5.7.7	The applicant is advised to consult the relevant local planning authority and, where appropriate, the EA about the scope and methodology of the assessment.	The Applicant consulted on the scope of the ES through the EIA Scoping Report which was submitted to the Planning Inspectorate on 30th May 2023. The Planning Inspectorate reviewed and consulted on the EIA Scoping Report and published a Scoping Opinion on 10th July 2023 (the Scoping Opinion) which included the formal responses received by the Planning Inspectorate from consultees which included the local planning authority and the Environment Agency. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has continued to consult with the Environment Agency and the Environmental Health Officer at CWaCC through the pre-application period.
Mitigation	5.7.8	Mitigation measures may include one or more of the following: • engineering: prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated • lay-out: adequate distance between source and sensitive receptors; reduced transport or handling of material • administrative: limiting operating times; restricting activities allowed on the site; implementing management plans	The Applicant has prepared an **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** which sets out mitigation measures (such as best practice measures) to mitigate construction phase effects. The outline Construction Environmental Management Plan is secured via a Requirement, as set out in Schedule 2 of the **draft DCO *[EN010153/DR/3.1]***. The **Outline Construction Traffic Management Plan [EN010153/DR/7.4]** lists a series of measures that will be implemented to control dust emissions (e.g. sheeting of vehicles and monitoring of the road network etc.)
	5.7.9	Construction should be undertaken in a way that reduces emissions, for example the use of low emission mobile plant during the construction, and demolition phases as appropriate, and consideration should be given to making these mandatory in Development Consent Order requirements.	
	5.7.10	Demolition considerations should be embedded into designs at the outset to enable demolition techniques to be adopted that remove the need for explosive demolition.	
	5.7.11	A construction management plan may help clarify and secure mitigation.	
	5.7.12	The Secretary of State should satisfy itself that:	

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Secretary of State Decision Making		• an assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out • that all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts	The Applicant has prepared a **Statutory Nuisance Statement *[EN010153/DR/5.4]*** which sets out the potential sources of nuisance as defined under Section 79(1) of the Environmental Protection Act 1990. The Applicant has prepared an **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** which sets out mitigation measures (such as best practice measures) to mitigate construction phase effects. The outline Construction Environmental Management Plan is secured via a Requirement, as set out in Schedule 2 of the **draft DCO *[EN010153/DR/3.1]***.
	5.7.13	If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) to be covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, the Secretary of State should disapply in whole or in part the defence through a provision in the Development Consent Order.	
	5.7.14	Where the Secretary of State believes it appropriate, the Secretary of State may consider attaching requirements to the development consent, to secure certain mitigation measures.	
	5.7.15	In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke, and artificial light from the development. The Secretary of State should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage.	
Flood Risk			
Flood Risk	5.8.3	The government's Flood and Coastal Erosion Risk Management Policy Statement sets out our ambition to create a nation more resilient to future flood and coastal erosion risk. It outlines policies and actions which will accelerate progress to better protect and better prepare the country against flooding and coastal erosion. The industry should consider any updates to government policy and apply updated approaches as a matter of priority.	The Applicant has given due regard to the government's Flood and Coastal Erosion Risk Management Policy Statement and other statutory and policy requirements in the preparation of **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface *[EN010153/DR/6.1]***, and the statutory Flood Risk Assessment at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***.
	5.8.5	Climate change is already having an impact and is expected to have an increasing impact on the UK throughout this century. The UK Climate Projections 2018 show an increased chance of milder, wetter winters and hotter, drier summers in the UK, with more intensive rainfall causing flooding. Sea levels will continue to rise beyond the end of the century, increasing risks to vulnerable coastal communities. Within the lifetime of energy projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of the occurrence of floods in some areas which are not currently thought of as being at risk. A robust approach to flood risk management is a vital element of climate change adaptation; the applicant and the Secretary of State should take account of the policy on climate change adaptation in Section 4.10.	The Applicant has taken account of future climate projects in the preparation of the Flood Risk Assessment at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with the EA which has advised in relation to the climate change allowances that should be used for fluvial and tidal flood modelling.

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	5.8.6	The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding.	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** provides an assessment of the likely significant effects on flood risk, drainage and surface water quality as a result of the Proposed Development. All potential sources of flooding have been reviewed as part of the assessment including fluvial (from rivers), tidal, surface water, sewer flooding, groundwater and artificial sources. The western half of the Site is located within Flood Zone 1, an area with a low probability of flooding. The eastern half of the Site is located within Flood Zone 3a an area at greater risk of flooding. Modelling has been undertaken for the River Weaver and the River Mersey to understand potential flood levels at various years in the future, taking into account changes that may result from climate change. The Applicant has therefore undertaken a Sequential Test that is reported within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***, and within **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. It is confirmed the Site meets the requirements of the Sequential Test. The Applicant has therefore presented evidence on the Exception Test within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***, and within **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The Exception Test sets out that the Proposed Development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. As such, the Exception Test is met.
	5.8.7	Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood.	
	5.8.9	If, following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied as defined in https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2. The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.	
	5.8.10	The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate.	
	5.8.11	Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that: • the project would provide wider sustainability benefits to the community that outweigh flood risk; and • the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.	
	5.8.12	Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques.	**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]*** present an assessment of flood risk including the potential for off-site flood risk as a result of the Proposed Development.

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			The Proposed Development would not increase flood risk off-site for any potential receptors, and modelling has been undertaken to demonstrate that any deflection or constriction of flood flow routes would be safely managed within the Site.
Applicant's Assessment	5.8.13	A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving: • sites of 1 hectare or more • land which has been identified by the EA or NRW as having critical drainage problems • land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future • land that may be subject to other sources of flooding (for example surface water) • where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems.	The Applicant has prepared a site-specific Flood Risk Assessment which can be found at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** which along with **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** assesses the impact of the Proposed Development to all forms of flooding. The Flood Risk Assessment meets all the minimum requirements set out in para. 5.8.15, and has been prepared with regard to the Planning Practice Guidance Flood Risk and Coastal Change section.
	5.8.14	This assessment should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.	
	5.8.15	The minimum requirements for Flood Risk Assessments (FRA) are that they should: • be proportionate to the risk and appropriate to the scale, nature and location of the project; • consider the risk of flooding arising from the project in addition to the risk of flooding to the project; • take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made; • be undertaken by competent people, as early as possible in the process of preparing the proposal; • 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; • consider the vulnerability of those using the site, including arrangements for safe access and escape; • consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration; • identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management;	

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		• consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes; • include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that these risks can be safely managed, ensuring people will not be exposed to hazardous flooding; • consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems. Information should include: i. Describe the existing surface water drainage arrangements for the site ii. Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates iii. Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate iv. Demonstrate how the hierarchy of drainage options has been followed.218 v. Explain and justify why the types of SuDS219 and method of discharge have been selected and why they are considered appropriate. vi. Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site vii. Describe the multifunctional benefits the sustainable drainage system will provide viii. Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system ix. Explain how run-off from the completed development will be prevented from causing an impact elsewhere x. Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development • detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development's lifetime without increasing flood risk elsewhere; • identify and secure opportunities to reduce the causes and impacts of flooding overall during the period of construction; and • be supported by appropriate data and information, including historical information on previous events.	

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	5.8.16	Further guidance can be found in the Planning Practice Guidance Flood Risk and Coastal Change section which accompanies the NPPF, TAN15 for Wales or successor documents.	
	5.8.17	Development (including construction works) will need to account for any existing watercourses and flood and coastal erosion risk management structures or features, or any land likely to be needed for future structures or features so as to ensure: • Access, clearances and sufficient land are retained to enable their maintenance, repair, operation, and replacement, as necessary • Their standard of protection is not reduced • Their condition or structural integrity is not reduced	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects on existing watercourses, and flood and coastal erosion management structures. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with the Environment Agency and CWaCC (as Lead Local Flood Authority) on maintenance and management of the existing watercourses around the Site, including the existing flood defence embankments. The design of the Proposed Development has been developed in accordance with their requirements and will not restrict future maintenance access, or affect their condition or structural integrity. The locations of flood defences are shown on the EA 'Flood Map for Planning' in *Appendix F* of **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. Visual flood defence asset inspection reports have been undertaken for the flood defences adjoining the River Weaver and are included in *Appendix H* of **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The surveys found the River Weaver flood defences to be in 'fair condition' without any major defects. Future maintenance of the defences will be required to monitor and manage vegetation growth, and monitor and manage erosion to the defence crest. Assuming maintenance actions are undertaken, the defence will be able to offer protection to the development over the 40-year design life. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out embedded mitigation measures to protect watercourses and existing structures.
	5.8.18	Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators.	As detailed in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has engaged with the Environment Agency, CWaCC (as Lead Local Flood Authority), the Canal and Rivers Trust, Marine Management Organisation, Crown Estates and Association of Inland Navigation Authorities during the pre-application period and as part of the statutory consultation. The Applicant has had regard to the advice received, as detailed within the **Consultation Report *[EN010153/DR/5.1]***. The Planning Inspectorate advised in the Scoping Response that the FRA should be based on the requirements of the Environment Agency standing advice and the EA comments to the Opinion. The EA response to the Scoping Request informed the approach taken in the PEIR, and subsequent comments used to inform **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2].**
	5.8.19	Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the Secretary of State to reach a decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed.	
	5.8.20	If the EA, NRW or another flood risk management authority has reasonable concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority's concerns.	

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	5.8.21	The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.	The Applicant has undertaken a Sequential Test that is reported within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***, and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. It is confirmed the Site meets the requirements of the Sequential Test.
	5.8.22	The technology specific NPSs set out some exceptions to the application of the Sequential Test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test.	
	5.8.23	Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.3 above. All projects should apply the Sequential Test to locating development within the site.	
Mitigation	5.8.24	To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.	**ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** sets out the measures that will be adopted to manage surface water flood risk and drainage of the Proposed Development. The Proposed Development will be drained using sustainable drainage techniques that have been designed with regard to climate change allowances. The proposed drainage will ensure that surface water run-off from the Proposed Development does not exceed the existing run-off rates prior to the proposed project being constructed. The proposed drainage would be delivered within the Order limits and would not require the need of planning obligations. No ground modification is proposed, and the existing runoff / overland flow regime will not change. In the event of a drainage system exceedance (applicable to the BESS and substation drainage systems), flooding would be controlled in the form of shallow depth above ground flooding within the BESS and substation compounds. This is addressed in detail in **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2].**
	5.8.25	In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate: • source control measures including rainwater recycling and drainage • infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities • filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns • filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed • basins, ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding • flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding	
	5.8.26	Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.	
	5.8.27	The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that	

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		the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.	
	5.8.28	It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.	
	5.8.29	The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.	As set out in **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** and the supporting **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***, the layout of the Proposed Development has followed a sequential approach to avoid placing vulnerable aspects of the development within areas at greater flood risk. As an example, the BESS and Frodsham Solar Substation have been located in the west of the site, within Flood Zone 1, as they would be vulnerable to flooding. Where it has not been possible to avoid placing vulnerable infrastructure within areas at a higher risk of flooding i.e. in Flood Zone 3a, the sensitive or vulnerable aspects of the infrastructure components have been raised above a design flood level informed by hydraulic modelling and agreed with the Environment Agency.
	5.8.30	Where a development may result in an increase in flood risk elsewhere through the loss of flood storage, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided.	**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]*** present an assessment of flood risk including the potential for off-site flood risk as a result of the Proposed Development. The Proposed Development would not increase flood risk off-site for any potential receptors, and modelling has been undertaken to demonstrate that any deflection or constriction of flood flow routes would be safely managed within the site. This is set out further within **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]***.
	5.8.31	Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked. Where development may cause the deflection or constriction of flood flow routes, these will need to be safely managed within the site.	
	5.8.32	Where development may contribute to a cumulative increase in flood risk elsewhere, the provision of multifunctional sustainable drainage systems, natural flood management and green infrastructure can also make a valuable contribution to mitigating this risk whilst providing wider benefits.	An assessment of the potential cumulative effects of the Proposed Development in combination with other emerging or consented developments is provided within **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water** and **ES Vol 1 Chapter 13: Cumulative and In Combination Effects *[EN010153/DR/6.1]***. The assessment concludes the Proposed Development would not contribute to a cumulative increase in flood risk elsewhere.
	5.8.33	The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding.	The Applicant has prepared a Flood Risk Assessment as **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** that identifies required mitigation measures to manage flood risk and ensure appropriate response planning. Mitigation measures to manage the response to flood risk for all phases of the Proposed Development are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan**
	5.8.34	The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any	

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		emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.	***[EN010153/DR/7.7]***. These control documents are secured by a Requirement of the DCO, as set out in Schedule 2 of the **draft DCO *[EN010153/DR/3.1]***.
	5.8.35	Flood resistant and resilient materials and design should be adopted to minimise damage and speed recovery in the event of a flood.	The Proposed Development has been designed to be resilient to flood risk, as set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]***.
Secretary of State Decision Making	5.8.36	In determining an application for development consent, the Secretary of State should be satisfied that where relevant: • the application is supported by an appropriate FRA • the Sequential Test has been applied and satisfied as part of site selection • a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk • the proposal is in line with any relevant national and local flood risk management strategy • SuDS (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate • in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42) • the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development • land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** provides an assessment of the likely significant effects on flood risk, drainage and surface water quality as a result of the Proposed Development. The assessment is supported by a standalone Flood Risk Assessment and Drainage Strategy which forms **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The Applicant has undertaken a Sequential Test that is reported within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***, and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. It is confirmed the Site meets the requirements of the Sequential Test. The Applicant has therefore presented evidence on the Exception Test within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*** and within **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The Exception Test sets out that the Proposed Development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. As such, the Exception Test is met. The use of SUDS (including their treatment and maintenance) is addressed in Section 9.8 of this ES Chapter and **ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]** As set out in **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** and the supporting **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***, the layout of the Proposed Development has followed a sequential approach to avoid placing vulnerable aspects of the development within areas at greater flood risk. **Appendix M of ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2]** is an Outline Flood Warning and Evacuation Plan which sets out how to prepare for and respond to Flood Events. A full plan will be secured by requirement of the DCO, as set out in Schedule 2 of the **draft DCO [EN010153/DR/3.1].** Mitigation measures to manage the response to flood risk for all phases of the Proposed Development are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]***. These control documents are secured by a requirement of the DCO, as set out in Schedule 2 of the **draft DCO *[EN010153/DR/3.1]***.
	5.8.37	For energy projects which have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent	**ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** sets out how the Proposed Development will be drained.

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		issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.	
	5.8.38	In addition, the Development Consent Order, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted.	The Site Operator will be responsible for the safe operation and maintenance of the SuDS for the lifetime of the Proposed Development. Once operational, the SuDS will be maintained in accordance with the provisions of the **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***.
	5.8.39	Where relevant, the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. Responsible bodies could include, for example the landowner, the relevant lead local flood authority or water and sewerage company (through the Ofwat-approved Sewerage Sector Guidance), or another body, such as an Internal Drainage Board.	
	5.8.40	If the EA, NRW or another flood risk management authority continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the authority to try to resolve the concerns.	The Applicant has consulted with the Environment Agency and CWaCC (as Lead Local Flood Authority) through the pre-application period as set out in the **Consultation Report *[EN010153/DR/5.1]***.
	5.8.41	Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.	The Proposed Development is not located within Flood Zone 3b.
	5.8.42	Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.	As set out in **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]***, the Proposed Development would not increase flood risk off-site for any potential receptors. The Applicant's opinion on the weight that should be afforded to effects is set out within the **Planning Statement *[EN010153/DR/5.6]***.
Historic Environment			
Applicant's Assessment	5.9.9	The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA, and describe these along with how the mitigation hierarchy has been applied in the ES (see Section 4.3). This should include	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage

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		consideration of heritage assets above, at, and below the surface of the ground. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. The assessment should include reference to any historic landscape or seascape character assessment and associated studies as a means of assessing impacts relevant to the proposed project.	and Archaeology. This includes above and below ground heritage assets, designated and non-designated assets, and the potential for cumulative effects on the wider historic environment.
	5.9.10	As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.	The Applicant has consulted the Cheshire Historic Environment Record as part of the assessment process, as well as the National Heritage List for England (maintained by Historic England), and Cheshire West and Cheshire Council. A list of data sources is provided in Section 4.2 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***. A comprehensive gazetteer of heritage assets and events is provided as **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events *[EN010153/DR/6.2]***. A description of the significance of relevant heritage assets and an assessment of their settings is provided within **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]***, **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***, and **ES Vol 2 Appendix 11-5: Setting Assessment *[EN010153/DR/6.2]***.
	5.9.11	Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 11-1 Cultural Heritage Baseline *[EN010153/DR/6.2]*** provides an appropriate desk-based assessment of the known archaeology at the Site, and the potential for as yet undiscovered archaeology to be impacted by the Proposed Development. As summarised in Section 6 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***, the desk-based assessment concludes that the potential for direct impacts on archaeological remains from the Proposed Development is limited as Frodsham Marsh (which includes the Site) has historically been used and managed for purposes that would typically be expected to leave little archaeological evidence. A field evaluation has been undertaken in the form of a site walkover, with a photographic record from the walkover presented in **ES Vol 2 Appendix 11-4: Photographic Plates *[EN010153/DR/6.2]***.
	5.9.12	The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology.
	5.9.13	The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible: • enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected • considering where required the development of archive capacity which could deliver significant public benefits	As set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]***, the Proposed Development would not result in likely significant effects on the historic environment. A programme of geoarchaeological investigation is proposed to enhance the current levels of knowledge regarding the survival and composition of the peat deposits across the Helsby Marshes. Interpretation boards are also proposed across the Site which will include information on the history of the Site and the surrounding area.

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		• considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme	
	5.9.14	Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary, or permanent.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. The assessment concludes that there would be no significant effects as a result of the Proposed Development.
	5.9.15	Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.	The Applicant's assessment of heritage assets in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** has not identified any potential opportunities to enhance the significance of heritage assets or their settings as part of the Proposed Development.
Mitigation	5.9.16	A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted, and whether or not consent should be given.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. The assessment concludes that there would be no significant effects as a result of the Proposed Development. The possible ventilation shafts within the Site (Asset 316 in **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events** ***[EN010153/DR/6.2]***) would be subject to a programme of recording (likely a photographic survey) if they require demolition. This would allow for the partial mitigation of their demolition via preservation by record. The exact scope of any recording would be agreed and secured through an appropriately worded Written Scheme of Investigation (WSI), as set out in the **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]***. The following measures set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** would also ensure appropriate investigation and mitigation prior to construction: • 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. This will allow for the identification and sampling of deposits which have the potential to preserve paleoenvironmental proxies and thus allow for investigation of past environmental conditions and provide opportunities for scientific dating. The completion of this investigation would allow for an enhancement of the current levels of knowledge regarding the survival and composition of the peat deposits across the Helsby Marshes. The exact scope of the geoarchaeological investigation would be secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to a DCO Requirement. • An additional programme of archaeological investigation would be undertaken within the land east of Brook Furlong in the form or archaeological trenches to ascertain the level of preservation of the ridge and furrow recorded across the area, and to investigate whether that ridge and furrow could be obscuring any earlier archaeological features. The completion of this investigation would allow for the archaeological potential within areas of potential impact to be assessed further and for any encountered remains to be investigated and
	5.9.17	Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the asset's importance and significance and the impact. The applicant should be required to publish this evidence and to deposit copies of the reports with the relevant Historic Environmental Record. They should also be required to deposit the archive generated in a local museum or other public repository willing to receive it.	
	5.9.18	Where appropriate, the Secretary of State will impose requirements on the Development Consent Order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy in this NPS and which has been agreed in writing with the relevant local authority, and to ensure that the completion of the exercise is properly secured.	

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			recorded and for the requirements for any further stages of mitigation to be determined. On completion of any works the potential impacts upon any archaeological remains identified would be mitigated via their recording and addition to the archaeological record. The exact scope of any archaeological investigation would be agreed by consultation with the CAPAS and secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to a DCO Requirement.
	5.9.19	Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider: • imposing a requirement in the Development Consent Order • requiring the applicant to enter into an obligation	The Applicant has included Requirement 17 of the **draft DCO *[EN010153/DR/3.1]*** that relates to the provision of an archaeological mitigation strategy, including any required written scheme of archaeological investigation(or multiple written schemes of archaeological investigation) prior to work commencing on Site.
	5.9.20	That will prevent the loss occurring until the relevant part of the development has commenced, or it is reasonably certain that the relevant part of the development is to proceed.	
	5.9.21	Where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction.	With reference to Section 6 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***, there is: • A High potential for buried peat deposits to underlie the Site that may have the potential to contain palaeoenvironmental information and/or archaeological (most likely early or late prehistoric) remains, albeit it is noted that these deposits are anticipated to be located beneath the foundation levels of the Proposed Development. • A High potential for currently unknown remains relating to post-medieval or modern agriculture and/or land improvement/reclamation to survive within the Site. The following measures set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** would ensure appropriate investigation prior to construction: • 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. This will allow for the identification and sampling of deposits which have the potential to preserve paleoenvironmental proxies and thus allow for investigation of past environmental conditions and provide opportunities for scientific dating. The completion of this investigation would allow for an enhancement of the current levels of knowledge regarding the survival and composition of the peat deposits across the Helsby Marshes. The exact scope of the geoarchaeological investigation would be secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to DCO Requirement. • An additional programme of archaeological investigation would be undertaken within the land east of Brook Furlong in the form or archaeological trenches to ascertain the level of preservation of the ridge and furrow recorded across the area, and to investigate whether that ridge and furrow could be obscuring any earlier archaeological features. The completion of this investigation would allow for the archaeological potential within areas of potential

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			impact to be assessed further and for any encountered remains to be investigated and recorded and for the requirements for any further stages of mitigation to be determined. On completion of any works the potential impacts upon any archaeological remains identified would be mitigated via their recording and addition to the archaeological record. The exact scope of any archaeological investigation would be agreed by consultation with the CAPAS and secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to DCO Requirement.
Secretary of State Decision Making	5.9.22	In determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset (including assets whose setting may be affected by the proposed development), taking account of: • relevant information provided with the application and, where applicable, relevant information submitted during the examination of the application • any designation records, including those on the National Heritage List for England, or included on Cof Cymru for Wales • historic landscape character records • the relevant Historic Environment Record(s), and similar sources of information • representations made by interested parties during the examination process • expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it	The Applicant has consulted the Cheshire Historic Environment Record as part of the assessment process, as well as the National Heritage List for England (maintained by Historic England), and Cheshire West and Cheshire Council. A list of data sources is provided in Section 4.2 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***. A comprehensive gazetteer of heritage assets and events is provided as **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events *[EN010153/DR/6.2]***. A description of the significance of relevant heritage assets and an assessment of their settings is provided across **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]***, **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***, and **ES Vol 2 Appendix 11-5: Setting Assessment *[EN010153/DR/6.2]***.
	5.9.23	The Secretary of State must also comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010.	
	5.9.24	In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. This includes above and below ground heritage assets, designated and non-designated assets, and the potential for cumulative effects on the wider historic environment. The assessment concludes that there would be no significant effects as a result of the Proposed Development.
	5.9.25	The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets.	
	5.9.26	The Secretary of State should also consider the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).	

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	5.9.27	When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** concludes that there would be no significant effects as a result of the Proposed Development. Where harm exists to the significance of a heritage asset, the level of harm experienced would be 'less than substantial', and at the lower end of the scale in every case. In accordance with paragraph 5.9.32 of NPS EN-1, this harm must be weighed against the public benefits of the proposal. As set out in the **Planning Statement *[EN010153/DR/5.6]***, the Proposed Development is CNP infrastructure that would deliver substantial public benefits. This is supported by paragraph 4.2.16 of NPS EN-1 which confirms that CNP infrastructure should be treated as meeting any test which requires a clear outweighing of harm.
	5.9.28	The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.	
	5.9.29	Substantial harm to or loss of significance of a grade II Listed Building or a grade II Registered Park or Garden should be exceptional.	
	5.9.30	Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional.	
	5.9.31	Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply: • the nature of the heritage asset prevents all reasonable uses of the site • no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation • conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible • the harm or loss is outweighed by the benefit of bringing the site back into use	
	5.9.32	Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.	
	5.9.33	In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** concludes that there would be no significant effects as a result of the Proposed Development. Where harm exists to a non-designated heritage asset, the level of harm experienced would be 'less than substantial', and at the lower end of the scale in every case.

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			The possible ventilation shafts within the Site (Asset 316 in **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events *[EN010153/DR/6.2]***) would be subject to a programme of recording (likely a photographic survey) if they require demolition. This would allow for the partial mitigation of their demolition via preservation by record. The exact scope of any recording would be agreed and secured through an appropriately worded Written Scheme of Investigation (WSI), as set out in the **Outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. As set out above and in Section 11.9 of **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]***, further archaeological and geoarchaeological investigation will also be undertaken prior to construction, as secured by the **outline Construction Environmental Management Plan *[EN010153/DR/7.5].***
	5.9.34	Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 5.9.30 or less than substantial harm under paragraph 5.9.32, as appropriate, considering the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.	As set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]***, the Proposed Development will not result in direct effects to a Conservation Area or World Heritage Site.
	5.9.35	Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision.	The Applicant is not aware of any deliberate neglect of, or damage to, a heritage asset. As set out in the **Consultation Report *[EN010153/DR/5.1]***, there were no concerns to this effect raised during statutory consultation.
	5.9.36	When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** concludes that there would be no significant effects as a result of the Proposed Development. The Proposed Development would result in minor adverse levels of effect to the setting of the following designated heritage assets: • The Promontory Fort On Helsby Hill 250 m North West Of Harmers Lake Farm Scheduled Monument; • The Grade II Listed War Memorial; • Frodsham Conservation Area; • Castle Park (Frodsham) Conservation Area and the Castle Park Grade II Listed Registered Park and Garden; and the • Overton, St Lawrence's (Frodsham) Conservation Area. The level of harm experienced would be 'less than substantial', and at the lower end of the scale in each case.
Landscape and Visual			
	5.10.1	The landscape and visual effects of energy projects will vary on a case by case basis according to the type of development, its location and the landscape setting of the	The Applicant has prepared a Landscape and Visual Impact Assessment (LVIA) at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared

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Landscape and Visual		proposed development. In this context, references to landscape should be taken as covering seascape and townscape where appropriate.	in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*, and distinguishes between landscape effects and visual effects separately.
	5.10.4	Landscape effects arise not only from the sensitivity of the landscape but also the nature and magnitude of change proposed by the development, whose specific siting and design make the assessment a case-by-case judgement.	
	5.10.5	Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation.	
	5.10.6	Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.	The approach to the siting and design of the Proposed Development is set out in the **Design Approach Document *[EN010153/DR/5.8]***. The primary and secondary mitigation measures that have been embedded into the Proposed Development are set out in Section 6.7 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***.
	5.10.7	National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty. Each of these designated areas has specific statutory purposes. Projects should be designed sensitively given the various siting, operational, and other relevant constraints. For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.	The Site is not located within a National Park or a National Landscape (formerly 'AONBs'), or located within the setting of a statutory designated landscape. The Applicant is aware of the aspiration and ongoing work to support a designation of the 'Cheshire Sandstone Ridge National Landscape', which could extend to include Frodsham Hill and Helsby Hill to the east of the Site. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with both CWaCC and Natural England with regards the potential Cheshire Sandstone Ridge National Landscape. It has been agreed that a specific assessment in relation to the emerging National Landscape is not required, but that the LVIA should recognise the sensitivities of the area.
	5.10.8	The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.	
	5.10.12	Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention. However, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.	The Site is not located within a local landscape designation. CWaCC do however maintain a local landscape designation policy for 'Areas of Special County Value' (ASCV) which are designated through their Local Development Plan. The ASCVs are assessed as part of the LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The closest ASCVs to the Site are the Helsby & Frodsham Hills ASCV and the Weaver Valley ASCV. The LVIA has had regard to the designations, and in particular the Statement of Importance for each and details of the specific landscape qualities. Viewpoints have been identified from within the ASCVs to assess impacts on their setting. The LVIA concludes that the Proposed Development would have no influence on the special qualities identified by CWaCC for which the ASCV is designated.

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	5.10.13	All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.	**ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** presents a LVIA for the Proposed Development and is supported by viewpoints and verifiable visualisations to inform the assessment of visual effects. The visual effects of the Proposed Development have been assessed from a series of thirty viewpoints located along public rights of way, other routes or land with public access, along roads, and within settlements. Two of the viewpoints are located along the access road for the Weaver Navigation and reflect the views available to canal users in boats. Viewpoint locations were agreed in advance with CWaCC and the Canal and River Trust (CRT).The LVIA concludes that there would be residual significant adverse effects for users of the existing public right of way network through the Site. As set out in the LVIA, mitigation has been identified to reduce these effects as far as possible. Visual effects from the Sandstone Way which runs across Frodsham Hill, and from boats using the Weaver Navigation would be very limited and would not be significant. Visual effects experienced by local residents in their properties would be limited and would not be significant. Views from properties already include prominent features such as the M56, wind turbines, electricity pylons and large industrial buildings, and the addition of the Proposed Development would not greatly change the nature of these views looking out across Frodsham Marshes. Existing views from Frodsham War Memorial comprise a large-scale panorama looking across the Mersey Estuary and include a wide range of development including prominent industrial structures and other infrastructure. The Proposed Development would be clearly visible from the War Memorial but given the scale of the existing view would only result in limited change to the overall view experienced from this location. Effects would not be significant. Measures that have been embedded into the design of the Proposed Development to minimise and reduce effects are set out in Section 6.7 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** and within the **Design Approach Document *[EN010153/DR/5.8]***.
	5.10.14	The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.	
	5.10.15	Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.	The Site is located adjacent to a tidal but inland part of the Mersey Estuary, but is not a stretch of undeveloped coastline. The LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** provides a description of the Site and the site context, and assesses the landscape and visual impacts of the Proposed Development on the Mersey Estuary estuarine landscape. As a solar development, the Proposed Development is relatively low-lying compared to other forms of energy development such as wind, which limits the extent of visual intrusion on the skyline. The Proposed Development is also sited beneath an existing wind farm development along a section of the estuary where other tall industrial developments are prominent. The LVIA therefore concludes that there would be no residual significant adverse effects from beyond the Site boundary.
Applicant's Assessment	5.10.16	The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.3). Several guides have been produced to assist in addressing landscape issues.	The Applicant has prepared a LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set

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	5.10.17	The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.	out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*, and includes an assessment of cumulative effects with other projects. The LVIA has had regard to published landscape character assessments as detailed within Section 6.6 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***.
	5.10.18	For seascapes, applicants should consult the Seascape Character Assessment and the Marine Plan Seascape Character Assessments, and any successors to them.	The Proposed Development is not located within a marine management area. As set out within the LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***, the scope of the landscape character assessment has been agreed with consultees.
	5.10.19	The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design principles are being established. This will allow the applicant to demonstrate in the ES how negative effects have been minimised and opportunities for creating positive benefits or enhancement have been recognised and incorporated into the design, delivery and operation of the scheme.	**ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]*, ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*** and the **Design Approach Document *[EN010153/DR/5.8]*** provide evidence to justify the site selection. The Design Approach Document sets out the design process that has been followed, which has been informed by design principles, and how this has sought to mitigate the adverse effects of the Proposed Development. The Design Approach Document also sets out how opportunities for environmental enhancement and opportunity have been considered as part of the design process.
	5.10.20	The assessment should include the effects on landscape components and character during construction and operation. For projects which may affect a National Park, The Broads or an AONBs the assessment should include effects on the natural beauty and special qualities of these areas'.	As set out in **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***, the Proposed Development would not impact on a statutory designated landscape.
	5.10.21	The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on dark skies, local amenity, and nature conservation.	The LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** includes an assessment of the Proposed Development at both the construction and operational phases. The LVIA is supported by digitally mapped zones of theoretical visibility for the Proposed Development, and verifiable visualisations that include photomontages. The night-time effects of the construction phase have been assessed as part of the LVIA, and would be limited and not significant with control measures set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. The Proposed Development would not be routinely lit during the operational phase.
	5.10.22	The assessment should also address the landscape and visual effects of noise and light pollution, and other emissions (see Section 5.2 and Section 5.7), from construction and operational activities on residential amenity and on sensitive locations, receptors and views, how these will be minimised.	The LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** considers the tranquillity of the landscape as part of the assessment of landscape effects. Residential receptors are identified as part of the assessment of visual effects. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate pollution and emission impacts during the construction phase. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental**

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			Management Plan *[EN010153/DR/7.7]* have been prepared to cover the operational and decommissioning phases respectively.
	5.10.24	Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality.	The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how the landscape proposals will be managed post implementation for the lifetime of the Proposed Development.
	5.10.25	In considering visual effects it may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on equally sensitive receptors. This may assist the Secretary of State in judging the weight they should give to the assessed visual impacts of the proposed development.	The **Planning Statement *[EN010153/DR/5.6]*** sets out the planning balance for the Proposed Development. Cleeve Hill is located adjacent to The Swale SPA, which supports a very similar assemblage of species to the Mersey Estuary SPA. Effects arising from the Cleeve Hill development and the Proposed Development, i.e. loss of FLL due to the development of a solar farm, are also the same. As such, the Proposed Development is comparable to Cleeve Hill and so reference has been made to how this considered effects on qualifying features of the SPA and mitigated those effects.
Mitigation	5.10.26	Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function – for example, electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.	**ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]*** and the **Design Approach Document *[EN010153/DR/5.8]*** provide evidence to justify the site selection, the scale of the development, and alternatives considered. The LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** concludes that there would be residual significant adverse landscape and at visual effects for receptors within and around the boundary of the Site. As noted at paragraph 5.10.13 of NPS EN-1, this is not uncommon for proposed energy infrastructure. As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and in the **Planning Statement *[EN010153/DR/5.6]***, the Applicant has followed the mitigation hierarchy to avoid and reduce effects as far as practicable in the context of the operational requirements of the development. The Applicant does not believe that there are any exceptional circumstances in relation to this project, where mitigation could have a very significant benefit and warrant a small reduction in function. As such the Applicant does not consider there are any further reductions in the development area that are required to make the Proposed Development acceptable.
	5.10.27	Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within its development site and wider setting. The careful consideration of colours and materials will support the delivery of a well-designed scheme, as will sympathetic landscaping and management of its immediate surroundings.	**ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1],* ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*** and the **Design Approach Document *[EN010153/DR/5.8]*** provide evidence to justify the site selection, the scale of the development, and alternatives considered.
	5.10.28	Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines may mitigate the impact when viewed from a more distant vista.	The Applicant is not proposing any off-site landscaping outside of the Order Limits.
Secretary of State Decision Making	5.10.29	The Secretary of State should take into consideration the level of detailed design which the applicant has provided and is secured in the Development Consent Order, and the extent to which design details are subject to future approvals.	The Applicant has prepared a **Design Approach Document *[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed.

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	5.10.30	The Secretary of State should be satisfied that local authorities will have sufficient design content secured to ensure future consenting will meet landscape, visual and good design objectives.	Section 6.0 of the **Design Approach Document** ***[EN010153/DR/5.8]*** sets out how good design is secured as part of the **draft DCO** ***[EN010153/DR/3.1]*** to ensure the established design principles will be integrated with the final design post consent. Requirement 6 of the draft DCO ***[EN010153/DR/3.1]*** secures the further detailed design of the Proposed Development, in line with outline parameters and design principles set out in the **Outline Design Parameters Statement** ***[EN010153/DR/7.1]*** and the **Design Approach Document** ***[EN010153/DR/5.8]***
	5.10.34	The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas, which may have impacts within them. The aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for the Secretary of State to refuse consent.	As set out in **ES Vol 1 Chapter 6: Landscape and Visual Amenity** ***[EN010153/DR/6.1]***, the Proposed Development would not impact on a statutory designated landscape.
	5.10.35	The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.	The Applicant has prepared a LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity** ***[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*. The LVIA has considered effects upon the landscape fabric of the Order Limits, upon the landscape character of the Study Area, and upon views. Effects have been assessed during the construction, operational and decommissioning phases of the Proposed Development. The LVIA concludes that whilst there would be some likely significant adverse effects due to the change experienced from parts of the footpath network, in the majority of cases these would last for a limited period only, with longer-term effects not significant. These adverse effects would be balanced by the benefits of the overall improved experience of the landscape brought about by the enhanced access proposals. The **Planning Statement** ***[EN010153/DR/5.6]*** sets out the need and benefits of the Proposed Development.
	5.10.36	In reaching a judgement, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.	
	5.10.37	The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.	**ES Vol 1 Chapter 3: Alternatives and Design Evolution** ***[EN010153/DR/6.1]*** and the **Design Approach Document** ***[EN010153/DR/5.8]*** provide evidence to justify the site selection. The Design Approach Document sets out the design process that has been followed, which has been informed by design principles, and how this has sought to mitigate the adverse effects of the Proposed Development. The Design Approach Document also sets out how opportunities for environmental enhancement and opportunity have been considered as part of the design process. Section 6.0 of the **Design Approach Document** ***[EN010153/DR/5.8]*** sets out how good design is secured as part of the **draft DCO** ***[EN010153/DR/3.1]*** to ensure the established design principles will be integrated with the final design post consent.
	5.10.38	The Secretary of State should consider whether requirements to the consent are needed requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements for landscape and visual impacts.	
Land Use, Including Open Space, Green Infrastructure, and Green Belt			

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Applicant's Assessment	5.11.5	Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum.	The Applicant has undertaken an assessment of the existing ground conditions, which is provided as **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]***. The assessment is supported by **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment *[EN010153/DR/6.2]***. The Stage 1 Geo-Environmental Assessment has involved a walkover of the Site, comprehensive review of historic mapping, review of historic site investigations and data from site investigations undertaken by the Applicant. It also includes a review of environmental information from CWaCC, the Environment Agency and other publicly available records. There is sufficient Site information available to characterise the risks presented in conjunction with the Proposed Development and define the mitigation measures that would be required that is proportionate to the contamination and land instability risks presented. Whilst some contamination sources have been identified on Site, they have remained historically in place over a period of between 60 and 80 years with soils in hydraulic continuity with perched groundwater. Construction, operation and decommissioning of the Proposed Development will not introduce additional contaminants, but it is recognised that construction works could re-mobilise existing contaminants in the absence of suitable mitigation or design measures and potentially cause short term contaminant impacts. The risk of contaminant mobilisation is largely associated with ground disturbance during construction of the NBBMA and foundation works (piles and excavations) across the Solar Array Development Area. The required mitigation measures to be employed during the construction, operational and decommissioning phases are set out in **outline Soil Management Plan *[EN010153/DR/7.10]***, as well as the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*,** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]***. These are secured by a Requirement of the DCO and be subject to approval by the Local Planning Authority (LPA). Through the implementation of incorporated and additional mitigation measures there would be no significant residual effects on human health, groundwater, surface water, ecology, land and livestock receptors or buildings/ground stability during the construction phase.
	5.11.8	The ES (see Section 4.3) should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors. For developments on previously developed land, the applicant should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.	As set out in the **Planning Statement *[EN010153/DR/5.6]*** the Order Limits are predominantly not allocated for any use in the Local Development Plan. Part of the Order Limits covering the access road at Grinsome Road and Marsh Lane is allocated for employment uses at Ince Park under Policies Strat 4, Econ 1, and ENV 8 of the CWaCC Local Plan Part One, and Policy EP 6 of the CWaCC Local Plan Part Two. The Proposed Development within this part of the Order Limits relates only to providing and maintaining access to the Proposed Development, and therefore the Proposed Development would not preclude delivery of the employment allocations. Part of the Order Limits covering the emergency access at Weaver Lane south of the M56 motorway is within a mineral safeguarding area for sand and gravel, covered by Policy ENV 9 of the CWaCC Local Plan Part One. The Proposed Development within this part of the Order Limits relates only to providing and maintaining access to the Proposed Development, and therefore the Proposed Development would not sterilise the mineral reserve or prevent its future extraction.

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			Marsh Farm (agricultural use) and the Frodsham Wind Farm (energy generation use) are each located within or partly within the Order Limits. The Proposed Development would not prevent these uses from continuing as they do currently. As shown on **ES Vol 3 Figure 1-6 Utilities *[EN010153/DR/6.3]***, a number of utilities cross the Site. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with utility undertakers and its **Works Plans *[EN010153/DR2.3]*** have made allowance for easement strips to protect the assets. Protective Provisions to safeguard utilities crossing the Site have been included within the draft DCO ***[EN010153/DR/3.1]***. The draft DCO also includes drafting which deals with the overlap between the Proposed Development and the existing planning permission for Frodsham Wind Farm. The Applicant has also been in dialogue with Cadent, the developers of the HyNet Hydrogen pipeline (also a NSIP), which is proposed to cross the Site and also the proposed Runcorn Spur Carbon Dioxide pipeline (TCPA application) which would cross the Site and connect the Runcorn Energy Recovery Carbon Capture Plant to the Liverpool Bay Carbon and Capture Storage project. The Proposed Development has been designed cognisant of the potential requirements of these projects and negotiations are on-going with their promoters. An assessment of the cumulative effects of the Proposed Development in combination with other emerging developments has been undertaken and is reported in individual assessment chapters of the environmental statement, as well as **ES Vol 1 Chapter 13: Cumulative and In Combination Effects *[EN010153/DR/6.1]***.
	5.11.9	Applicants will need to consult the local community on their proposals to build on existing open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green and blue infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. When considering proposals for green infrastructure, Applicant's should refer to the Green Infrastructure Framework.	As set out in the **Planning Statement *[EN010153/DR/5.6]*** part of the eastern extent of the Site lies within the Salt Works Play Area & Skateboard Park Local Green Space designation of the Frodsham Neighbourhood Plan. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with regards the Local Green Space designation and the Proposed Development would not harm the purpose of this designation. As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3 Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed Development is looking to create new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase.
	5.11.11	During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements.	As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with CWaCC and no concerns have been raised with regards the existing Local Plan allocations that cover parts of the Order Limits.
	5.11.12	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).	As set out in the **Planning Statement *[EN010153/DR/5.6]***, the Applicant has undertaken an Agricultural Land Classification survey for the Site that has established the land is predominantly grade 4, with some areas of grade 3b land in the west. The Site is therefore not best and most versatile agricultural land.
	5.11.13	Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed.	As set out in the **Planning Statement *[EN010153/DR/5.6]***, the Site is not best and most versatile agricultural land.

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	5.11.14	Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination.	The Applicant has nonetheless prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The outline Soil Management Plan and the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the Construction Phase.
	5.11.15	Developments should contribute to and enhance the natural and local environment by preventing new and existing developments from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.	An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively.
	5.11.16	Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.	
	5.11.17	Applicants should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.	**ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]*** presents an assessment of the Proposed Development on ground conditions, and considers the risks of land instability and contamination.
	5.11.18	For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination, and where contamination is present, applicants should consider opportunities for remediation where possible. It is important to do this as early as possible as part of engagement with the relevant bodies before the official pre-application stage.	The Site is not previously developed land. **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]*** presents an assessment of the Proposed Development on ground conditions, and considers the risks of land instability and contamination.
	5.11.19	Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.	As set out in the **Planning Statement *[EN010153/DR/5.6]***, part of the Order Limits covering the emergency access at Weaver Lane south of the M56 motorway are within a mineral safeguarding area for sand and gravel, covered by Policy ENV 9 of the CWaCC Local Plan Part One. The Proposed Development within this part of the Order Limits relates only to providing and maintaining access to the Proposed Development, and therefore the Proposed Development would not sterilise the mineral reserve or prevent its future extraction.
	5.11.20	The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy (see paragraph 5.11.36 below).	The Proposed Development is located entirely within the Liverpool, Manchester and West Yorkshire Green Belt (also referred to as the 'North Cheshire Green Belt'). The Applicant has prepared a detailed Green Belt Assessment which is contained within *Appendix A: Green Belt Assessment* of the **Planning Statement *[EN010153/DR/5.5]***. The Green Belt Assessment concludes that the area of the Green Belt occupied by the Proposed Development comprises grey belt, and the Proposed Development would not represent inappropriate development when considered against the tests set out in Paragraph 155 of the NPPF. In summary, the Applicant's position in relation to Green Belt is therefore that:
	5.11.21	However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for energy infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt or offer the	

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		opportunity for environmental improvement. Applicants should refer to relevant criteria on such developments in Green Belts.	i. The Site meets the tests of NPPF Paragraph 155 and therefore the Proposed Development consequently is not inappropriate development. The Applicant considers that the Proposed Development is excluded from the policy requirement to give substantial weight to any harm to the Green Belt including to its openness and is not required to demonstrate very special circumstances. ii. Should there be disagreement with point (i) and the Secretary of State concludes that it is inappropriate development, the Proposed Development is CNP Infrastructure and therefore should be taken as meeting the test of very special circumstances in accordance with EN-1 paragraph 4.2.17. iii. Should the Secretary of State conclude that the Proposed Development is required to demonstrate very special circumstances, that very special circumstances do exist to justify development in the Green Belt.
	5.11.22	Moreover an applicant may be able to demonstrate that particular energy infrastructure, such as an underground pipeline, may be considered an "engineering operation" and regarded as not inappropriate in Green Belt. This is provided it preserves the openness of the Green Belt and does not conflict with the purposes of Green Belt designation. It may also be possible for an applicant to show that the physical characteristics of a proposed overhead line in a particular location would not have so harmful an impact as to conflict with the purposes of Green Belt designation, or with other protections of rural landscape.	
Mitigation	5.11.23	Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.	The existing land use of the Site is predominantly a mixture of arable agricultural land, rough grazing pasture, and rough grazing pasture used for wildfowling. The eastern cluster of the Frodsham Wind Farm also sits within the Order Limits, as does Marsh Farm. The arable agricultural land uses within the Order Limits would not be able to continue once the Proposed Development is operational, however the Proposed Development will extend the areas of rough grazing pasture present within the Site by establishing it within the solar development areas. As set out in the **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***, the Applicant is proposing to continue grazing of the grasslands within the solar fenceline. Marsh Farm (agricultural use) and the Frodsham Wind Farm (energy generation use) are each located within or partly within the Order Limits. The Proposed Development would not prevent these uses from continuing as they do currently. As shown on **ES Vol 3 Figure 1-6 Utilities *[EN010153/DR/6.3]***, a number of utilities cross the Site. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with utility undertakers and its **Works Plans *[EN010153/DR/2.3]*** have made allowance for easement strips to protect the assets. Protective Provisions to safeguard utilities crossing the Site have been included within the draft DCO. The Applicant has also been in dialogue with the developers of the HyNet Hydrogen pipeline which is proposed to cross the Site and also the proposed Carbon Dioxide pipeline which would cross the Site and connect the Runcorn Energy Recovery Carbon Capture Plant to the Liverpool Bay Carbon and Capture Storage project. The Proposed Development has been designed cognisant of the potential requirements of these projects. The Applicant has prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The **outline Soil Management Plan** and the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the construction phase, and are secured by a Requirement of the **draft DCO *[EN010153/DR/3.1]***.
	5.11.24	Where green infrastructure is affected, the Secretary of State should consider imposing requirements to ensure the functionality and connectivity of the green infrastructure	As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3 Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed

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		network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space including appropriate access to National Trails and other public rights of way and new coastal access routes.	Development maintains the functionality and connectivity of the existing green infrastructure network. The Proposed Development includes new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase.
	5.11.25	The Secretary of State should also consider whether any adverse effect on green infrastructure and other forms of open space is adequately mitigated or compensated by means of any planning obligations, for example exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness and quality, and accessibility.	As set out in the **Planning Statement** ***[EN010153/DR/5.6]*** part of the eastern extent of the Site lies within the Salt Works Play Area & Skateboard Park Local Green Space designation of the Frodsham Neighbourhood Plan. As set out in the **Consultation Report** ***[EN010153/DR/5.1]***, the Applicant has consulted with regards the Local Green Space designation and the Proposed Development would not harm the purpose of this designation. The Applicant has prepared an **outline Landscape and Ecology Management Plan** ***[EN010153/DR/7.13]*** that sets out how existing and proposed green infrastructure will be managed for the lifetime of the Proposed Development. Sections 131 and 132 of the Planning Act 2008 do not apply to the Proposed Development.
	5.11.26	Alternatively, where sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections.	
	5.11.27	Existing trees and woodlands should be retained wherever possible. In the EIP, the Government committed to increase the tree canopy and woodland cover to 16.5% of total land area of England by 2050. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured.	The Applicant has undertaken an **Arboricultural Assessment** ***[EN010153/DR/7.15]*** of the existing trees and woodlands within the Site. Mitigation measures to avoid and minimise adverse effects to trees and woodland are set out in the **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]***. Similarly, an **outline Operational Environmental Management Plan** ***[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan** ***[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively. The Applicant has prepared an **outline Landscape and Ecology Management Plan** ***[EN010153/DR/7.13]*** that sets out how existing and proposed trees and woodland will be managed for the lifetime of the Proposed Development.
	5.11.28	Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.	As set out in the **Planning Statement** ***[EN010153/DR/5.6]***, part of the Order Limits covering the emergency access at Weaver Lane south of the M56 motorway are within a mineral safeguarding area for sand and gravel, covered by Policy ENV 9 of the CWaCC Local Plan Part One. The Proposed Development within this part of the Order Limits relates only to providing and maintaining access to the Proposed Development, and therefore the Proposed Development would not sterilise the mineral reserve or prevent its future extraction.
	5.11.29	Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land for nature conservation or wildlife corridors or for parking and storage in employment areas.	
	5.11.30	Public Rights of way, National Trails, and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way.	As set out in the **Design Approach Document** ***[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3 Illustrative Environmental Masterplan** ***[EN010153/DR/6.3]***, the Proposed Development maintains the functionality and connectivity of the existing green infrastructure network. The Proposed Development includes new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase.

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	5.11.31	The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements or other provisions in respect of these measures should be included in any grant of development consent.	There would be temporary diversions and closures of public rights of way during the construction phase. Public rights of way would be managed in accordance with the **outline Public Right of Way Management Plan *[EN010153/DR/7.9]***, which will be developed into a detailed Public Right of Way Management Plan post consent, and is secured by a requirement of the DCO.
Secretary of State Decision Making	5.11.32	The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the Secretary of State determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.	As set out in the **Planning Statement *[EN010153/DR/5.6]*** part of the eastern extent of the Site lies within the Salt Works Play Area & Skateboard Park Local Green Space designation of the Frodsham Neighbourhood Plan. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with regards the Local Green Space designation and the Proposed Development would not harm the purpose of this designation. The land covered by the designation is privately owned, and is not being developed as part of the Proposed Development, rather is subject to landscaping and long term management. The Proposed Development will not result in the loss of playing fields or other sports or community facilities.
	5.11.33	The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location.	
	5.11.34	The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.	As set out in the **Planning Statement *[EN010153/DR/5.6]***, the Applicant has undertaken an Agricultural Land Classification survey for the Site that has established the land is predominantly grade 4, with some areas of grade 3b land in the west. The Site is therefore not best and most versatile agricultural land.
	5.11.35	In considering the impact on maintaining coastal recreation sites and features, the Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the Secretary of State should consider the implications for development of the creation of a continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009.	The Site is located adjacent to the tidal Mersey Estuary. As set out in the **Design Approach Document *[EN010153/DR/5.8]***, the Applicant has ensured the Proposed Development retains access to the existing public rights of way along the banks of the Mersey Estuary. In addition, new permissive paths are proposed along the bank to provide additional access alongside the estuary to the north-west of the solar array development area.
	5.11.36	When located in the Green Belt, energy infrastructure projects may comprise 'inappropriate development'. Inappropriate development is by definition harmful to the Green Belt. The NPPF makes clear that most new building is inappropriate in Green Belt and should be refused permission unless in very special circumstances.	The Proposed Development is located entirely within the Liverpool, Manchester and West Yorkshire Green Belt (also referred to as the 'North Cheshire Green Belt'). The Applicant has prepared a detailed Green Belt Assessment which is contained within *Appendix A: Green Belt Assessment* of the **Planning Statement *[EN010153/DR/5.5]***. The Green Belt Assessment concludes that the area of the Green Belt occupied by the Proposed Development comprises grey belt, and the Proposed Development would not represent inappropriate development when considered against the tests set out in Paragraph 155 of the NPPF. In summary, the Applicant's position in relation to Green Belt is therefore that: i. The Site meets the tests of NPPF Paragraph 155 and therefore the Proposed Development consequently is not inappropriate development. The Applicant considers that the Proposed Development is excluded from the policy requirement to give
	5.11.37	Very special circumstances are not defined in national planning policy as it is for the individual decision maker to assess each case on its merits and give relevant circumstances their due weight. However, when considering any planning application affecting Green Belt land, the Secretary of State should ensure that substantial weight is given to any harm to the Green Belt when considering any application for such development, while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation. Very special circumstances may include	

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		the wider environmental benefits associated with increased production of energy from renewables and other low carbon sources.	substantial weight to any harm to the Green Belt including to its openness and is not required to demonstrate very special circumstances. ii. Should there be disagreement with point (i) and the Secretary of State concludes that it is inappropriate development, the Proposed Development is CNP Infrastructure and therefore should be taken as meeting the test of very special circumstances in accordance with EN-1 paragraph 4.2.17. iii. Should the Secretary of State conclude that the Proposed Development is required to demonstrate very special circumstances, that very special circumstances do exist to justify development in the Green Belt.
	5.11.38	In England, Local Green Spaces may be designated locally in Local Plans and Neighbourhood Plans. These enjoy the same protection as Green Belt in England and the Secretary of State should adopt a similar approach.	As set out in the **Planning Statement** ***[EN010153/DR/5.6]*** part of the eastern extent of the Site lies within the Salt Works Play Area & Skateboard Park Local Green Space designation of the Frodsham Neighbourhood Plan. As set out in the **Consultation Report** ***[EN010153/DR/5.1]***, the Applicant has consulted with regards the Local Green Space designation and the Proposed Development would not harm the purpose of this designation.
Noise and Vibration			
Noise and Vibration	5.12.4	Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the Secretary of State in accordance with the Biodiversity and Geological Conservation section of this NPS at Section 5.4. This should consider underwater noise and vibration especially for marine developments. Underwater noise can be a significant issue in the marine environment, particularly in regard to energy production.	The Applicant has prepared a Noise Impact Assessment which is submitted as **ES Vol 2 Appendix 4-1: Noise Impact Assessment** ***[EN010153/DR/6.1]***. The Noise Impact Assessment includes an assessment of noise and vibration impacts on human and ecological receptors. The **Information to Inform Habitats Regulations Assessment** ***[EN010153/DR/5.3]*** has had regard to the impacts and effects identified within the Noise Impact Assessment.
	5.12.5	Factors that will determine the likely noise impact of a proposed development include: • the inherent operational noise from the proposed development, and its characteristics • the proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces) • the proximity of the proposed development to quiet places and other areas that are particularly valued for their soundscape or landscape quality • the proximity of the proposed development to sites where noise may have an adverse impact on protected species or other wildlife, including migratory species • the potential presence of unexploded ordnance on the seabed	
Applicant's Assessment	5.12.6	Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment: • a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal characteristics, if the	A specific assessment of noise and vibration effects was scoped out of the ES, as agreed by the Planning Inspectorate in the adopted **ES Vol 2 Appendix 1-2 EIA Scoping Opinion** ***[EN010153/DR/6.2]***.

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		noise is impulsive, whether the noise contains particular high or low frequency content or any temporal characteristics of the noise
		• identification of noise sensitive receptors and noise sensitive areas that may be affected
		• the characteristics of the existing noise environment
		• a prediction of how the noise environment will change with the proposed development
		  ○ in the shorter term, such as during the construction period
		  ○ in the longer term, during the operating life of the infrastructure
		  ○ at particular times of the day, evening and night (and weekends) as appropriate, and at different times of year
		• an assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and quality of life / well-being where appropriate, particularly among those disadvantaged by other factors who are often disproportionately affected by noise-sensitive areas
		• if likely to cause disturbance, an assessment of the effect of underwater or subterranean noise
		• all reasonable steps taken to mitigate and minimise potential adverse effects on health and quality of life
			The scope of the ES was refined through pre-application engagement with the local planning authorities, statutory environmental bodies, and other stakeholders as reported in the **Consultation Report *[EN010153/DR/5.1]***. There has been no reason to scope an assessment of air quality and emissions back into the ES as a result of consultation responses.
			The Applicant has nonetheless prepared a Noise Impact Assessment which is submitted as **ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.1]*** for the purpose of giving reassurance as to the noise and vibration effects of the Proposed Development, and to inform the **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]***.
			ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]* concludes that the Proposed Development has been designed to operate such that it complies with all appropriate and relevant noise standards and guidance.

	5.12.7	The nature and extent of the noise assessment should be proportionate to the likely noise impact.	
	5.12.8	Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation.	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** considers the noise and vibration effects of construction activities, and ancillary activities such as increased traffic movements through the construction period. The assessment concludes that these effects would be negligible and not significant.
	5.12.9	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** concludes that the Proposed Development has been designed to operate such that it complies with all appropriate and relevant noise standards and guidance, which includes the relevant British Standards.
	5.12.10	Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e. physical design and location of development). The applicant should consult the EA and/or the SNCB, and other relevant bodies, such the MMO or NRW, as necessary, and in particular regarding assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological	**The Other Consents and Licences Statement *[EN010153/DR/5.5]*** outlines the additional consents, licenses, and permits that may be necessary for carrying out the works authorised under the DCO.

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		assessment. The seasonality of potentially affected species in nearby sites may also need to be considered.	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** concludes that the Proposed Development has been designed to operate such that it complies with all appropriate and relevant noise standards and guidance. The Noise Impact Assessment includes an assessment of noise and vibration impacts on ecological receptors. The **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** has had regard to the impacts and effects identified within the Noise Impact Assessment. The Applicant has consulted with Natural England and the Environment Agency, as set out in the **Consultation Report *[EN010153/DR/5.1]***.
	5.12.12	Applicants should submit a detailed impact assessment and mitigation plan as part of any development plan, including the use of noise mitigation and noise abatement technologies during construction and operation.	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** provides a Noise Impact Assessment and sets out mitigation measures that have been embedded into the project to reduce the impacts of the Proposed Development. Ambient noise levels from traffic using the M56 motorway and other nearby land uses like the wind farm are such that the Proposed Development would result in very limited noise impact. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate noise impacts during the construction phase. These measures include but are not limited to controlling construction hours of work, maintenance of equipment, and good site management.
Mitigation	5.12.13	The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and the Planning Practice Guidance on Noise.	
	5.12.14	Mitigation measures may include one or more of the following: • engineering: reducing the noise generated at source and/or containing the noise generated • lay-out: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings • administrative: using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise limits/noise levels, differentiating as appropriate between different times of day, such as evenings and late at night, and taking into account seasonality of wildlife in nearby designated sites • insulation: mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.	
	5.12.15	The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might cause (e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission).	As set out in **ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]***, the Proposed Development is not located in a tranquil or noise sensitive area; whilst the Applicant has given due regard to avoiding and mitigating noise impacts, there are no specific design constraints at the Site in relation to noise. The Applicant's approach to good design is set out in the **Design Approach Document *[EN010153/DR/5.8]***.
	5.12.16	A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** concludes that the Proposed Development has been designed to operate such that it complies with all appropriate

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		England, the NPPF, and the government's associated planning guidance on noise. In Wales the relevant policy will be PPW and the TANs, as well as the Welsh Government's Noise and Soundscape Action Plan.	and relevant noise standards and guidance, which includes the Noise Policy Statement for England, the NPPF, and associated planning guidance.
Secretary of State Decision Making	5.12.17	The Secretary of State should not grant development consent unless they are satisfied that the proposals will meet the following aims, through the effective management and control of noise: • avoid significant adverse impacts on health and quality of life from noise • mitigate and minimise other adverse impacts on health and quality of life from noise • where possible, contribute to improvements to health and quality of life through the effective management and control of noise	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** concludes that the Proposed Development will result in no significant noise effects, and that the Proposed Development has been designed to operate such that it complies with all appropriate and relevant noise standards and guidance. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate noise impacts during the construction phase, and is secured by a Requirement of the **draft DCO *[EN010153/DR/3.1]***.
	5.12.18	When preparing the Development Consent Order, the Secretary of State should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development.	
Socio-Economic Impacts			
Applicant's Assessment	5.13.2	Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.3).	A complete assessment of socio-economic impacts and effects was scoped out of the ES, as agreed by the Planning Inspectorate in the adopted **ES Vol 2 Appendix 1-2: EIA Scoping Opinion *[EN010153/DR/6.2]***. However, a specific assessment of the Tourism and Recreation impacts of the Proposed Development was scoped into the ES, and has been included as **ES Vol 1 Chapter 12: Tourism and Recreation *[EN010153/DR/6.1]***. The scope of the Tourism and Recreation Impact Assessment at **ES Vol 1 Chapter 12: Tourism and Recreation *[EN010153/DR/6.1]*** was refined through pre-application engagement with the local planning authorities, statutory environmental bodies, and other stakeholders as reported in the **Consultation Report *[EN010153/DR/5.1]***.
	5.13.3	The applicant is strongly encouraged to engage with relevant local authorities during early stages of project development so that the applicant can gain a better understanding of local or regional issues and opportunities.	
	5.13.4	The applicant's assessment should consider all relevant socio-economic impacts, which may include: • the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero • the contribution to the development of low-carbon industries at the local and regional level as well as nationally • the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities • any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains • effects (positive and negative) on tourism and other users of the area impacted	

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		• the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development • cumulative effects - if development consent were to be granted for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region	
	5.13.5	Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.	**ES Vol 1 Chapter 12: Tourism and Recreation *[EN010153/DR/6.1]*** sets out the existing baseline for the assessment of tourism and recreation impacts, and identifies the scale of the tourism industry within the Cheshire West and Chester area, observing that Frodsham town centre is a thriving local retail centre with a well-used weekly market. As the starting point for the Sandstone Trail, Frodsham also attracts visitors looking to walk this long-distance recreational route across Cheshire. Due to the scale of industrial characteristics of the landscape around the Site, the area north of the M56 is identified as being unlikely to attract visitors where beauty and tranquillity are a priority. However, this area does provide opportunities for recreation and enjoyment of the outdoors, within a diverse landscape which includes views of the estuary, the sandstone ridge to the south of Frodsham and various industrial features which are present within and close to the Site. Local planning policy is considered in both **ES Vol 1 Chapter 12: Tourism and Recreation *[EN010153/DR/6.1]*** and within this Policy Compliance Document.
	5.13.6	Socio-economic impacts may be linked to other impacts, for example visual impacts considered in Section 5.10 but may also have an impact on tourism and local businesses. Applicants are encouraged, where possible, to demonstrate that local suppliers have been considered in any supply chain.	The potential for inter-project cumulative effects have been assessed and are set out in **ES Vol 1 Chapter 13: Cumulative and In Combination Effects *[EN010153/DR/6.1]***. In relation to tourism and recreation effects, this has included the effect on receptors visiting Frodsham Hill or Helsby Hill, people within Frodsham, and users of public rights of way. The Applicant has prepared an **outline Skills, Supply Chain and Employment Plan *[EN010153/DR/7.11]*** that considers accommodation requirements and sets how local supply chains would be engaged to maximise local economic benefits.
	5.13.7	Applicants should consider developing accommodation strategies where appropriate, especially during construction and decommissioning phases, that would include the need to provide temporary accommodation for construction workers if required.	The Site is located adjacent to the M56 motorway with significant population centres within an hours' drive of the Site, and more than sufficient potential worker accommodation. The Applicant has prepared an **outline Skills, Supply Chain and Employment Plan *[EN010153/DR/7.11]*** that sets how local supply chains could be engaged to maximise local economic benefits.
Mitigation	5.13.8	The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high	Measures to mitigate adverse impacts to tourism and recreation receptors are set out in Section 12.7 of **ES Vol 1 Chapter 12: Tourism and Recreation *[EN010153/DR/6.1]***.

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		quality design can improve the visual and environmental experience for visitors and the local community alike.	The Proposed Development includes new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase. There would be temporary diversions and closures of public rights of way during the construction phase. Public rights of way would be managed in accordance with the **outline Public Right of Way Management Plan *[EN010153/DR/7.9]***, which will be developed into a detailed Public Right of Way Management Plan post consent, and is secured by a Requirement of the **draft DCO *[EN010153/DR/3.1]***. Sufficient height clearance across the River Weaver would be maintained to allow boats to continue to operate with particular reference to overhead cabling between the Site and Frodsham substation. The cabling would be no lower than the nearest existing headroom limitation. There would be a need to temporarily prevent access along the River Weaver whilst the cables are strung onto the pylons. This activity is anticipated to take less than one week and access would only be prevented during the working day whilst the stringing activity is occurring. Measures to manage construction traffic to avoid routing through Frodsham Town Centre are set out in the **outline Construction Traffic Management Plan *[EN010153/DR/7.4]***. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** commits to the establishment of a Community Liaison Group which will liaise with local businesses, residents and the town council to keep them informed of progress, and to allow them to raise any queries or concerns. The Applicant has prepared an **outline Skills, Supply Chain and Employment Plan *[EN010153/DR/7.11]*** that sets how local supply chains could be engaged to maximise local economic benefits.
Secretary of State Decision Making	5.13.9	The Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision.	The assessment of tourism and recreation impacts is set out in **ES Vol 1 Chapter 12: Tourism and Recreation *[EN010153/DR/6.1]***, and concludes that there would be no likely significant adverse effects as a result of the Proposed Development.
	5.13.10	The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS).	
	5.13.11	The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.	Mitigation that the Applicant has embedded into the Proposed Development is set out above under NPS EN-1 paragraph 5.13.8.The measures to increase access across the Site, as well as providing measures to understand and appreciate the natural and historic heritage of the Site will make a positive contribution to the local community, as described within the **Design Approach Document *[EN010153/DR/5.8]***. The Applicant is also proposing a Community Benefit Fund as part of the proposals, although this is not provided as mitigation for the Proposed Development, or as a planning benefit of the project, and as such it sits outside of the planning balance as set out in the **Planning Statement *[EN010153/DR/5.6]***.

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	5.13.12	The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted.	The Applicant has prepared an **outline Skills, Supply Chain and Employment Plan *[EN010153/DR/7.11]*** that sets how local supply chains could be engaged to maximise local economic benefits. This will be developed into a detailed Skills, Supply Chain and Employment Plan post consent, and is secured by a Requirement of the **draft DCO *[EN010153/DR/3.1]***.
Traffic and Transport			
Applicant's Assessment	5.14.5	If a project is likely to have significant transport implications, the applicant's ES (see Section 4.3) should include a transport appraisal. The DfT's Transport Analysis Guidance (TAG) and Welsh Governments WelTAG provides guidance on modelling and assessing the impacts of transport schemes.	A specific assessment of traffic and transport impacts was scoped out of the ES, as agreed by the Planning Inspectorate in the adopted **ES Vol 2 Appendix 1-2: EIA Scoping Opinion *[EN010153/DR/6.2]***. The scope of the ES was refined through pre-application engagement with the local planning authorities statutory environmental bodies, and other stakeholders as reported in the **Consultation Report *[EN010153/DR/5.1]***. There has been no reason to scope an assessment of traffic and transport impacts back into the ES as a result of consultation responses. The Applicant has prepared a **Transport Assessment *[EN010153/DR/7.3]*** which is submitted as part of the wider application for development consent.
	5.14.6	National Highways and Highways Authorities are statutory consultees on NSIP applications including energy infrastructure where it is expected to affect the strategic road network and / or have an impact on the local road network. Applicants should consult with National Highways and Highways Authorities as appropriate on the assessment and mitigation to inform the application to be submitted.	As set out in the **Transport Assessment *[EN010153/DR/7.3]*** and the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with both National Highways and the Local Highway Authority with regard to the Proposed Development.
	5.14.7	The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to: • reduce the need for parking associated with the proposal • contribute to decarbonisation of the transport network • improve user travel options by offering genuine modal choice	The **Transport Assessment *[EN010153/DR/7.3]*** sets out the access arrangements that would be put in place for the construction and operational phases of the Proposed Development. The anticipated traffic generation is provided, with staff trips expected to be made by a combination of cars and minibuses. Temporary parking would be provided within the Order Limits for the duration of the construction phase. An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase.
	5.14.8	The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports).	
	5.14.9	If additional transport infrastructure is needed or proposed, it should always include good quality walking, wheeling and cycle routes, and associated facilities (changing/storage etc.) needed to enhance active transport provision.	The Proposed Development would not require additional transport infrastructure. The Proposed Development includes for the improvement of existing footpaths and cycle routes, creation of new permissive paths for walking and cycling, provision of wayfinding signage and information, and interpretative material. These measures are set out in the **Design Approach Document *[EN010153/DR/5.8]*** and **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***.
	5.14.10	Applicants should discuss with network providers the possibility of co-funding by government for any third-party benefits. Guidance has been issued which explains the circumstances where this may be possible, although the government cannot guarantee in	

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		advance that funding will be available for any given uncommitted scheme at any specified time.	
Mitigation	5.14.11	Where mitigation is needed, possible demand management measures must be considered. This could include identifying opportunities to: • reduce the need to travel by consolidating trips • locate development in areas already accessible by active travel and public transport • provide opportunities for shared mobility • re-mode by shifting travel to a sustainable mode that is more beneficial to the network • retime travel outside of the known peak times • reroute to use parts of the network that are less busy	An **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase.
	5.14.12	If feasible and operationally reasonable, such mitigation should be required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts. All stages of the project should support and encourage a modal shift of freight from road to more environmentally sustainable alternatives, such as rail, cargo bike, maritime and inland waterways, as well as making appropriate provision for and infrastructure needed to support the use of alternative fuels including charging for electric vehicles.	The Proposed Development would not require additional transport infrastructure.
	5.14.13	Regard should always be given to the needs of freight at all stages in the construction and operation of the development including the need to provide appropriate facilities for HGV drivers as appropriate.	An **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. Parking and welfare facilities would be provided on Site within the temporary construction compounds, and would be used by HGV drivers as required. Forecast HGV movements during the construction phase are set out within the **Transport Assessment** ***[EN010153/DR/7.3]***, and the impact of the Proposed Development on the adopted highway network would be not significant.
	5.14.14	The Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that: • control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements • make sufficient provision for HGV parking, and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions • ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.	
	5.14.15	The Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.	An **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. The Proposed Development would not require additional transport infrastructure.

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	5.14.16	Applicants should consider the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their application.	Delivery of abnormal indivisible loads via water is not considered appropriate given the low number of AILs required for the development. AIL movements are set out in the **Transport Assessment *[EN010153/DR/7.3]***.
	5.14.17	If an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the Secretary of State of any obligations or requirements needed to secure the mitigation.	The mitigation measures set out in the **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** are economically viable, and feasible to deliver. The outline Construction Traffic Management Plan will be developed into a detailed Construction Traffic Management Plan prior to construction, and is secured by a requirement of the DCO.
Secretary of State Decision Making	5.14.18	A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility.	The **Transport Assessment *[EN010153/DR/7.3]*** sets out that the Proposed Development will result in no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development. An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. The Proposed Development would not require additional transport infrastructure.
	5.14.19	Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below.	
	5.14.20	Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impacts. In this situation the Secretary of State should apply appropriately limited weight to residual effects on the surrounding transport infrastructure.	
	5.14.21	The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.	
Resource and Waste Management			
Applicant's Assessment	5.15.6	Applicants must demonstrate that development proposals are in line with Defra's policy position on the role of energy from waste in treating residual waste.	The Proposed Development will adopt the waste hierarchy (prevention, preparing for reuse, recycling, other recovery, and disposal as a last resort) during all phases. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** sets out measures to minimise and recycle construction waste, prioritising reuse and recycling in line with the waste hierarchy. Any site-generated waste will be tracked and disposed of via licensed waste operators, ensuring compliance with local and national waste regulations. It is expected that panels and other equipment would need to be replaced during the operational phase of the Proposed Development, and measures in relation to recycling or recovering
	5.15.7	The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW or similar processes for the treatment of residual waste at a national or local level.	
	5.15.8	The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and	

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		use of resources throughout any relevant demolition, excavation and construction activities.	materials from panels and other equipment are set out within the **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***. When the operational phase ends, the Proposed Development would be decommissioned. All solar PV modules, mounting poles, cabling, inverters, transformers, BESS equipment, the Frodsham Solar Substation, and fencing would be removed from the Site and recycled or disposed of in accordance with good practice and market conditions at that time, as set out in the **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]***. The Applicant would demonstrate that processes are in place to meet relevant Environmental Permit requirements, should a regime relating to hazardous or non-hazardous waste be required for the Proposed Development.
	5.15.9	The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation.	
	5.15.10	The applicant is encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste and 'Towards Zero Waste: Our Waste Strategy for Wales' and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome.	
	5.15.12	The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.	
	5.15.13	Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused.	
Secretary of State Decision Making	5.15.14	The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development.	The Proposed Development will adopt the waste hierarchy (prevention, preparing for reuse, recycling, other recovery, and disposal as a last resort) during all phases. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** sets out measures to minimise and recycle construction waste, prioritising reuse and recycling in line with the waste hierarchy. Any site-generated waste will be tracked and disposed of via licensed waste operators, ensuring compliance with local and national waste regulations. It is expected that panels and other equipment would need to be replaced during the operational phase of the Proposed Development, and measures in relation to recycling or recovering materials from panels and other equipment are set out within the **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***. When the operational phase ends, the Proposed Development would be decommissioned. All solar PV modules, mounting poles, cabling, inverters, transformers, BESS equipment, the Frodsham Solar Substation, and fencing would be removed from the Site and recycled or
	5.15.15	The Secretary of State should be satisfied that: • any such waste will be properly managed, both on-site and off-site. • the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area. • adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent for recovery or disposal, except where that is the best overall environmental outcome.	

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	5.15.16	Where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied.	disposed of in accordance with good practice and market conditions at that time, as set out in the **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]***. The Applicant would demonstrate that processes are in place to meet relevant Environmental Permit requirements, should a regime relating to hazardous or non-hazardous waste be required for the Proposed Development.
	5.15.17	The Secretary of State may wish to include a condition on revision of waste management plans at reasonable intervals when giving consent.	
	5.15.18	Where the project will be subject to the Environmental Permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.12 will apply.	
	5.15.19	The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 or wider goals set out in the government's Environmental Improvement Plan 2023.	
Water Quality and Resources			
Applicant's Assessment	5.16.3	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10).	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** provides an assessment of the likely significant effects on the water environment, taking account the potential impacts of climate change. A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment *[EN010153/DR/6.2]***. As set out in the above assessments, and in **ES Vol 2 Appendix 9-4: Consultation Responses *[EN010153/DR/6.2]***, and in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with the Environment Agency and the Lead Local Flood Authority throughout the pre-application process.
	5.16.4	The applicant should make early contact with the relevant regulators, including the local authority, the Environment Agency and Marine Management Organisation, where appropriate, for relevant licensing and environmental permitting requirements.	
	5.16.5	Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation.	The Flood Risk Assessment and Drainage Strategy at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** sets out drainage measures that will be adopted at the detailed design stage for the Proposed Development. The drainage strategy utilises Sustainable Drainage Systems principles across the Site. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively.
	5.16.6	Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones – this could include, for example, the use of protective barriers.	
	5.16.7	The ES should in particular describe: • the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** provides an assessment of the likely significant effects on the water environment, taking account the potential impacts of climate change.

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		• existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Abstraction Licensing Strategies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance • existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics • any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and source protection zones (SPZs) around potable groundwater abstractions • how climate change could impact any of the above in the future • any cumulative effects	A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment *[EN010153/DR/6.2]***. The assessments conclude that the Proposed Development will result in no significant effects on water quality and water resources.
Mitigation	5.16.8	The Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.	An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively.
	5.16.9	The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.	
	5.16.10	The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. If a development needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the EA or NRW.	As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***, the Proposed Development will only require a limited supply of water which can be provided by existing water mains which run through the Site. The Applicant has consulted with United Utilities regarding water supply, as set out in the **Consultation Report *[EN010153/DR/5.1]***.
Secretary of State Decision Making	5.16.11	Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under controlled waters.	The Applicant has responded with regard Section 4.12 of NPS EN-1 in this Policy Compliance Document. As set out in **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]***, the EA's 'Source Protection Zones' data indicates that the Site is not located within a Groundwater Source Protection Zone. There are no EA registered or private water abstractions located on the Site. The Proposed Development does not involve groundwater abstraction.
	5.16.12	The Secretary of State will need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.	A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment *[EN010153/DR/6.2]***. The assessment concludes the Proposed Development is WFD compliant and will support the achievement of the environmental objectives set out in the North West River Basin Management Plan.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
	5.16.13	The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023.	The relevant legislation is set out within **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water** ***[EN010153/DR/6.1]*** and its supporting appendices.
	5.16.14	The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19). The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State must refuse development consent where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met. A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential.	A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment** ***[EN010153/DR/6.2]***. The assessment concludes the Proposed Development is WFD compliant and will support the achievement of the environmental objectives set out in the North West River Basin Management Plan. There are no Water Resources Management Plans or Shoreline Management Plans applicable to the Order Limits.
	5.16.15	The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline Management Plans.	
	5.16.16	The Secretary of State should consider proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary.	An **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts from pollution during the construction phase. Similarly, an **outline Operational Environmental Management Plan** ***[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan** ***[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively.

3.0 NPS FOR RENEWABLE ENERGY INFRASTRUCTURE (EN-3)

3.1.1 Table 2 sets out policy requirements from the National Policy Statement for Renewable Energy Infrastructure (EN-3).

Table 2: NPS for Renewable Energy Infrastructure (EN-3)

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Section 2.3: Factors Influencing Site Selection			
Factors influencing site selection	2.3.1	Factors influencing site selection by applicants for renewable energy generating stations are set out below.	The Applicant has set out the approach taken to site selection and consideration of potential alternative sites within Section 3.3 of **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]***, and within **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***.
	2.3.2	The specific criteria considered by applicants and the weight they give to them will vary from project to project.	
	2.3.4	The choices which applicants make in selecting sites reflect their assessment of the risk that the Secretary of State, following the general points set out in Section 4.1 of EN-1, will not grant consent in any given case.	
National designations	2.3.6	When considering applications for CNP Infrastructure in sites with nationally recognised designations (such as SSSIs, National Nature Reserves, National Parks, the Broads, Areas of Outstanding Natural Beauty, Registered Parks and Gardens, and World Heritage Sites), the Secretary of State will take as the starting point that the relevant tests in Sections 5.4 and 5.10 of EN-1 have been met, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the urgent need for this type of infrastructure.	In accordance with NPS EN-1, the Proposed Development is classified as CNP infrastructure. The Order Limits include part of the Mersey Estuary SSSI, which lies within the west of the site within the Non-Breeding Bird Mitigation Area (NBBMA). The components of the Proposed Development within the SSSI relate only to environmental mitigation and enhancement to improve the condition and quality of the SSSI. An assessment of the effects of the Proposed Development on SSSIs is included within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. There are no other nationally recognised designations within the Order Limits. **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.
	2.3.8	In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether the Secretary of State is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** provides an assessment of impacts on the historic environment, and concludes that there would be no significant adverse effects as a result of the Proposed Development, and at worst, less than substantial harm to the significance of any designated asset. The **Planning Statement *[EN010153/DR/5.6]*** provides a Statement of Need for the Proposed Development, setting out the substantial project benefits. As the Proposed Development is classified as CNP infrastructure it is considered that in accordance with paragraph 4.2.16 of NPS EN-1, the harm to the historic environment is clearly outweighed by the project benefits.

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Other locational considerations	2.3.9	As most renewable energy resources can only be developed where the resource exists and where economically feasible, and because there are no limits on the need established in Part 3 of EN-1, the Secretary of State should not use a consecutive approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments).	**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 **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***. In accordance with the government requirement to urgently deploy large scale ground-mounted solar across the UK, the Applicant wishes to utilise the available capacity at the SPEN Frodsham substation. The Alternative Site Assessment (ASA) at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*** identified sites or areas within a viable distance (5km) of the substation, and then appraised those areas of land that are undeveloped (i.e. not urban) against the '*Factors Influencing Site Selection*' set out in Section 2.10 of NPS EN-3. The ASA concludes that there are no sites or areas that offer a realistic prospect of delivering the same infrastructure capacity within the same timescales as that proposed by the Applicant.
Section 2.4: Climate Change Adaptation and Resilience			
Solar photovoltaic	2.4.11	Solar photovoltaic (PV) sites may also be proposed in low lying exposed sites. For these proposals, applicants should consider, in particular, how plant will be resilient to: • increased risk of flooding; and • impact of higher temperatures.	**ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** includes a climate resilience assessment that has considered the full lifetime of the Proposed Development. This assessment includes forecast changes to the UK climate over the lifetime of the project. **ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** presents a Flood Risk Assessment for the Proposed Development which includes flood modelling that accounts for likely future changes in climate. The Proposed Development has a 'design flood level' that accounts for potential future increases in rainfall from more frequent storms, and rises in sea level. The assessments confirm the Proposed Development has been designed to be resilient to changes in climate.
Section 2.5: Consideration of Good Design for Energy Infrastructure			
Good design	2.5.1	Section 4.7 of EN-1 sets out the criteria for good design that should be applied to all energy infrastructure.	The Applicant has prepared a **Design Approach Document *[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed. The **Design Approach Document *[EN010153/DR/5.8]*** explains how the design vision and design principles have guided the design process, how the design of the Proposed Development has evolved through each stage of the pre-application development process, how consultation feedback at each stage has guided design changes, and how the outcomes of environmental surveys and assessment have been integrated with the process.
	2.5.2	Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.	
Section 2.6: Flexibility in the Project Details			

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Flexibility	2.6.1	Where details are still to be finalised, applicants should explain in the application which elements of the proposal have yet to be finalised, and the reason why this is the case.	The precise layout of the Proposed Development and equipment selection has not been finalised. It is therefore essential to provide a degree of flexibility within the DCO to allow the detailed design to react to these variables. The technical assessments within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** have therefore assessed an 'envelope' within which the works will take place, defined using a parameter-based approach as set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and within the **Design Parameters Statement *[EN010153/DR/7.1]***. As such, the ES has been based upon maximum and, where relevant, minimum parameters and defined work areas where the types of development can take place. The design parameters are based on industry knowledge and best practice such that a sufficient degree of flexibility is provided within the DCO. These parameters are considered in detail in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and across the individual assessments within the ES to ensure the reasonable worst-case effects of the Proposed Development are assessed for each potential receptor. This ensures the 'likely significant effects' are identified.
	2.6.2	Where flexibility is sought in the consent as a result, applicants should, to the best of their knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	
Section 2.10: Solar Photovoltaic Generation			
Introduction	2.10.9	The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector.	The Applicant has prepared a Statement of Need which is provided in the **Planning Statement *[EN010153/DR/5.6]*** and sets out how the Proposed Development supports the Government's objectives to achieve net zero emissions in accordance with the Clean Power 2030 plan. The Proposed Development is recognised as CNP infrastructure by NPS EN-1 and would deliver substantial environmental, economic and social benefits. The Proposed Development would be financed by private capital, and would be entirely subsidy-free.
	2.10.10	Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is "co-located with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use".	
	2.10.11	The Powering Up Britain: Energy Security Plan states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.	
	2.10.13	Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation.	

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	2.10.14	Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to deploy subsidy-free.	
	2.10.15	Solar farm proposals are currently likely to consist of solar panel arrays, mounting structures, piles, inverters, transformers and cables.	Schedule 1 of the **draft DCO *[EN010153/DR/3.1]*** sets out the works for which consent is being applied for. A description of the Proposed Development is provided in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***.
	2.10.16	Associated infrastructure may also be proposed and may be treated, on a case by case basis, as associated development, such as energy storage, electrolysers associated with the production of low carbon hydrogen, or security arrangements (which may encompass flood defences, fencing, lighting and surveillance).	
	2.10.17	Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. A typical 50MW solar farm will consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. However, this will vary significantly depending on the site, with some being larger and some being smaller. This is also expected to change over time as the technology continues to evolve to become more efficient. Nevertheless, this scale of development will inevitably have impacts, particularly if sited in rural areas.	The Order Limits cover an area of 337.5 hectares, which is equivalent to 833.9 acres. The generating capacity of the Proposed Development is 147 MW, which equates to approximately 5.67 acres per MW of output. Whilst this is above the typical estimates set out in paragraph 2.10.17 of NPS EN-3, there are specific constraints and requirements at the Site that justify the land take required. These include: • Land constrained by existing utilities and where the **Works Plans *[EN010153/DR/2.3]*** have made allowance for easement strips to protect the assets; • Land retained or proposed as part of the on-site green infrastructure network of habitats, green spaces and recreational access, as set out in the Design Approach Document ***[EN010153/DR/5.8]***; • Land included for the Non-Breeding Bird Mitigation Area, which is required to mitigate impacts on ecological receptors; and • Land included for the Skylark Mitigation Area, which is required to mitigate impacts on ecological receptors. Taking the above factors into account, the Proposed Development remains an efficient use of land. The locational requirements that justify the site selection are set out in **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***. The precise layout of the Proposed Development and equipment selection has not been finalised. It is therefore essential to provide a degree of flexibility within the DCO to allow the detailed design to react to these variables.
Factors influencing site selection	2.10.18	The key considerations involved in the siting of a solar farm are likely to be influenced by factors set out in the following paragraphs, in addition to considerations specific to individual projects.	**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 **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***.
	2.10.19	Irradiance will be a key consideration for the applicant in identifying a potential site as the amount of electricity generated on site is directly affected by irradiance levels. Irradiance of a site will in turn be affected by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-	The Applicant has considered irradiance and topography within Table 2.1 of the Alternative Site Assessment provided at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***.

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		round irradiance levels. This in turn affects the carbon emission savings and the commercial viability of the site.	
	2.10.20	In order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order further to maximise the solar resource.	
	2.10.21	Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. In particular, and where appropriate, applicants should proceed in a manner consistent with the regulatory regime for offshore transmission networks established by Ofgem, details of which are set out in EN-5.	As set out in the Planning Statement ***[EN010153/DR/5.6]***, the Proposed Development would be connected into the distribution network at the SPEN Frodsham Substation. There is capacity within the substation to accept the connection and the Applicant has an agreement with the Distribution Network Operator (DNO) to generate and supply electricity. This Policy Compliance Document confirms the Applicant has had regard to Section 4.11 of NPS EN-1, and NPS EN-5. The Applicant is not proposing to connect into the transmission network.
	2.10.22	Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.	
	2.10.23	Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure.	
	2.10.24	In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.	The Applicant has considered the network connection within Table 2.1 of the Alternative Site Assessment provided at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***.
	2.10.25	To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity.	
	2.10.26	Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.	The Site is located in proximity to the SPEN Frodsham Substation and already features other energy generating stations and infrastructure, including the eastern cluster of the Frodsham Wind Farm, overhead pylons and power lines, and other existing and proposed utilities. The Site is therefore in an area which has a well-established history of energy infrastructure. The impact of the Proposed Development alongside existing land uses is set out in the assessment of likely significant effects within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]***. The cumulative impact of the Proposed Development alongside other emerging or consented land uses is set out within the environmental assessments in the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]***, and summarised within **ES Vol 1 Chapter 13: Cumulative and In Combination Effects *[EN010153/DR/6.1]***.
	2.10.27	Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare. These are considered in Landscape, Visual	The approach taken to avoiding and minimising the visual and glint and glare impacts of the Proposed Development is set out in Sections 7.5 and 7.23 of the Planning Statement ***[EN010153/DR/5.5]***.

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		and Residential Amenity (paragraphs 2.10.93-2.10.101) and Glint and Glare (paragraphs 2.10.102 – 2.10.106) impact sections below.	The Applicant has prepared a Landscape and Visual Impact Assessment at **ES Vol 1 Chapter 6: Landscape and Visual Amenity** ***[EN010153/DR/6.1]***, and **ES Vol 2 Appendix 4-3: Glint and Glare Assessment** ***[EN010153/DR/6.2]***.
	2.10.28	Solar is a highly flexible technology and as such can be deployed on a wide variety of land types.	The existing land use of the Site is predominantly a mixture of arable agricultural land, rough grazing pasture, and rough grazing pasture used for wildfowling. The eastern cluster of the Frodsham Wind Farm also sits within the Order Limits, as does Marsh Farm. As set out in the **Planning Statement** ***[EN010153/DR/5.6]***, the Applicant has undertaken an Agricultural Land Classification survey for the Site that has established the land is predominantly grade 4, with some areas of grade 3b land in the west. The Site is therefore not best and most versatile agricultural land. The Applicant has considered the agricultural land classification within Table 2.1 of the Alternative Site Assessment provided at **ES Vol 2 Appendix 3-1: Alternative Site Assessment** ***[EN010153/DR/6.2]***.
	2.10.29	While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.	
	2.10.30	Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 – 92 and 2.10.107 – 2.10.126.	
	2.10.31	It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land.	
	2.10.32	Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, storage, hydrogen electrolysers) to maximise the efficiency of land use.	The arable agricultural land uses within the Order Limits would not be able to continue once the Proposed Development is operational, however the Proposed Development will extend the areas of rough grazing pasture present within the Site by establishing it within the solar development areas. As set out in the **outline Landscape and Ecology Management Plan** ***[EN010153/DR/7.13]***, the Applicant is proposing to continue grazing of the grasslands within the solar fenceline. Marsh Farm (agricultural use) and the Frodsham Wind Farm (energy generation use) are each located within or partly within the Order Limits. The Proposed Development would not prevent these uses from continuing as they do currently. The Proposed Development also includes co-located energy storage to maximise the efficiency of the on-site generation, and increase the efficiency of the land use.
	2.10.33	The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.	As set out in the **Planning Statement** ***[EN010153/DR/5.6]***, the Applicant has undertaken an Agricultural Land Classification survey for the Site that has established the land is predominantly grade 4, with some areas of grade 3b land in the west. The Site is therefore not best and most versatile agricultural land.

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	2.10.34	Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030.	The Applicant has prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The outline Soil Management Plan and the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the construction phase.
	2.10.35	Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.	The Applicant has considered the potential access routes within Table 2.1 of the Alternative Site Assessment provided at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***.
	2.10.36	Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.	
	2.10.37	Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.	The Applicant has included the full extent of the required access routes necessary for the construction, operation and maintenance of the Proposed Development within the Order Limits. This includes the Main Access Road along Grinsome Road and Marsh Lane, the access into the SPEN Frodsham Substation, and the emergency access routes along Weaver Lane and Moorditch Lane. There are no new access routes proposed to be connected with the public road network.
	2.10.38	In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network.	
	2.10.39	Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.	
	2.10.40	Proposed developments may affect the provision of public rights of way networks.	As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed Development maintains the functionality and connectivity of the existing green infrastructure network. The Proposed Development includes new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase. There would be temporary diversions and closures of public rights of way during the construction phase. Public rights of way would be managed in accordance with the **outline Public Right of Way Management Plan *[EN010153/DR/7.9]***, which will be developed into a detailed Public Right of Way Management Plan post consent, and is secured by a requirement of the DCO. Design measures to mitigate impacts on users of the public right of way network are set out in the **Design Approach Document *[EN010153/DR/5.8]***. However, these include a 10m buffer between fencing surrounding solar PV modules and public rights of way, planting of vegetation along sections of public rights of way to screen views of the development, improvement of surfacing and waymarking and provision of amenity resources such as interpretation boards, viewing areas and bird hides.
	2.10.41	Public rights of way may need to be temporarily closed or diverted to enable construction, however, applicants should keep, as far as is practicable and safe, all public rights of way that cross the proposed development site open during construction and protect users where a public right of way borders or crosses the site.	
	2.10.42	Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation of the site.	
	2.10.43	Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.	
	2.10.44	Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites	

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		(whether via the adoption of new public rights of way or the creation of permissive paths), taking into account, where appropriate, the views of landowners.	
	2.10.45	Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan.	
	2.10.46	Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences such as steep gradients, hedging and rivers but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis.	The Applicant has considered security and lighting within Table 2.1 of the Alternative Site Assessment provided at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***. 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 impacts of site security measures have been fully considered as part of the Landscape and Visual Impact Assessment at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The Applicant has consulted with regards site security, as set out in the **Consultation Report *[EN010153/DR/5.1 / 5.2]***.
	2.10.47	Applicants should assess the visual impact of these security measures, as well as the impacts on local residents, including for example issues relating to intrusion from CCTV and light pollution in the vicinity of the site.	
	2.10.48	Applicants should consider the need to minimise the impact on the landscape and the visual impact of security measures.	
Technical considerations	2.10.49	Applications for solar farms are likely to comprise a number of elements including solar panel arrays, piling, inverters, mounting structures, cabling, earthworks, and measures associated with site security, and may also include associated infrastructure such as energy storage and electrolysers associated with the production of low carbon hydrogen.	Schedule 1 of the **draft DCO *[EN010153/DR/3.1]*** sets out the works for which consent is being applied for. A description of the Proposed Development is provided in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***.
	2.10.50	Solar panels generate electricity in direct current (DC) form. A number of panels feed an external inverter, which is used to convert the electricity to alternating current (AC). After inversion a transformer will step-up the voltage for export to the grid. Because the inverter is separate from the panels, the total capacity of a solar farm can be measured either in terms of the combined capacity of installed solar panels (measured in DC) or in terms of combined capacity of installed inverters (measured in AC).	The Proposed Development has a generating capacity that exceeds 50 MW (AC) and is therefore classified as a Nationally Significant Infrastructure Project under Section 14(1)(a) and Section 15(1) and 15(2) of the Planning Act 2008. The Proposed Development would exceed the 50 MW threshold whether measured in DC or AC.
	2.10.51	For the purposes of determining the capacity thresholds in Section 15 of the 2008 Act, all forms of generation other than solar are currently assessed on an AC basis, while a practice has developed where solar farms are assessed on their DC capacity.	
	2.10.52	Having reviewed this matter, the Secretary of State is now content that this disparity should end, particularly as electricity from some other forms of generation is switched between DC and AC within a generator before it is measured.	
	2.10.53	From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in	

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		alternating current (AC)) should be used for the purposes of determining solar site capacity.	
	2.10.54	The capacity threshold is 50MW (AC) in England and 350MW (AC) in Wales.	
	2.10.55	The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays.	**ES Vol 3 Figure 2-2: Indicative Operational Site Layout *[EN010153/DR/6.3]*** illustrates an appropriate level of overplanting to allow for the degradation of panels over time, and in order to maximise the grid connection across the lifetime of the project.
	2.10.56	AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application.	The approach to assessing the impacts of the Proposed Development is set out within **ES Vol 1 Chapter 4: EIA Methodology *[EN010153/DR/6.1]***. The technical assessments within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** have assessed an 'envelope' within which the works will take place, defined using a parameter-based approach as set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and within the **Design Parameters Statement *[EN010153/DR/7.1]***. As such, the ES has been based upon maximum and, where relevant, minimum parameters and defined work areas where the types of development can take place. The design parameters are based on industry knowledge and best practice such that a sufficient degree of flexibility is provided within the DCO. These parameters are considered in detail in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and across the individual assessments within the ES to ensure the reasonable worst-case effects of the Proposed Development are assessed for each potential receptor. This ensures the 'likely significant effects' are identified.
	2.10.57	Nothing in this section should be taken to change any development consent or other planning permission granted prior to the designation of this NPS. Any such permission should be interpreted on the basis upon which it was examined and granted.	This is noted, but does not apply to the Proposed Development.
	2.10.58	In particular, any permissions granted on the basis of a DC installed generating capacity should be built on that basis, unless an amendment is made to that permission and the difference in impacts is considered.	
	2.10.59	Applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects.	The Applicant has prepared a **Design Approach Document *[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed. The **Design Approach Document *[EN010153/DR/5.8]*** explains how the design vision and design principles have guided the design process, how the design of the Proposed Development has evolved through each stage of the pre-application development process, how consultation feedback at each stage has guided design changes, and how the outcomes of environmental surveys and assessment have been integrated with the process.
	2.10.60	As set out above applicants will consider several factors when considering the design and layout of sites, including proximity to available grid capacity to accommodate the scale of generation, orientation, topography, previous land–use, and ability to mitigate environmental impacts and flood risk.	

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	2.10.61	For a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site. The type, spacing and aspect of panel arrays will depend on the physical characteristics of the site such as site elevation.	A description of the Proposed Development is provided in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***, which includes the design parameters that will apply to the solar arrays. In relation to the orientation of the panels, the solar PV modules would be orientated with an azimuth angle of between 180° and 200°. The angle would be up to 200° within Solar PV Array Areas B15.3, C02, C04, C05, C06, and 210° within Solar PV Array Area B18 (see **ES Vol 3 Figure 2-1: Indicative Construction Site Layout *[EN010153/DR/6.3]*** for Solar PV Array Area references) Alternative layouts and technologies that have been considered are summarised in **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]***.
	2.10.62	In terms of design and layout, applicants may favour a south-facing arrangement of panels to maximise output although other orientations may be chosen. For example, an east-west layout, whilst likely to result in reduced output compared to south-facing panels on a panel-by-panel basis, may allow for a greater density of panels to compensate and therefore for generation to be spread more evenly throughout the day.	
	2.10.63	It is likely that underground and overhead cabling will be required to connect the electrical assets of the site, such as from the substation to the panel arrays or storage facilities.	As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***, the Proposed Development would utilise both underground and overhead cabling. Underground cabling would be used within the Solar Array Development Area to connect the solar arrays to the on-site inverters and transformers, and on to the BESS and Frodsham Solar Substation. The proposed private wire electricity export cable to local businesses would also be an underground cable. Overhead cabling would be used for the grid connection between the Frodsham Solar Substation and the SPEN Frodsham Substation. This connection would comprise electric cabling strung on wooden pylons. The construction, installation and maintenance method for the proposed cabling is set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***.
	2.10.64	In the case of underground cabling, applicants are expected to provide a method statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime.	
	2.10.65	Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation.	The Applicant is applying for the Proposed Development with a time-limited consent of 40 years for the operational phase, as secured by a Requirement of the **draft DCO *[EN010153/DR/3.1]***. Decommissioning activities would commence at the end of the operational phase. The Proposed Development is therefore considered to be temporary development.
	2.10.66	Time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed.	
	2.10.67	Solar panel efficiency deteriorates over time and applicants may elect to replace panels during the lifetime of the site.	The assumed operational lifespan of different components of the Proposed Development are provided in Table 2-12 of **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***. It is expected that panels and other equipment would need to be replaced during the operational phase of the Proposed Development, and measures in relation to recycling or recovering materials from panels and other equipment are set out within the **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***.
	2.10.68	Solar panels can be decommissioned relatively easily and cheaply. The nature and extent of decommissioning of a site can vary. Generally, it is expected that the panel arrays and	

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		mounting structures will be decommissioned, and underground cabling dug out to ensure that prior use of the site can continue.	The approach to decommissioning is set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***. When the operational phase ends, the Proposed Development would be decommissioned. All solar PV modules, mounting poles, cabling, inverters, transformers, BESS equipment, the Frodsham Solar Substation, and fencing would be removed from the Site and recycled or disposed of in accordance with good practice and market conditions at that time. The Site would be returned to a condition suitable for return to its original use after decommissioning. 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 cannot be guaranteed. Similarly, following decommissioning the landowner may or may not retain the permissive footpaths created across the Site. Land within the solar PV array areas would likely be returned to agriculture. Decommissioning is expected to take between 12 and 24 months and would be undertaken in phases. An **outline Decommissioning Environmental Management Plan** (oDEMP) ***[EN010153/DR/7.7]*** has been prepared as part of the DCO application. It provides a framework for the management of environmental impacts during the decommissioning phase of the Proposed Development. The oDEMP will also set out monitoring and auditing activities which would be used to ensure mitigation measures are carried out, recorded and effective.
	2.10.69	Applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure, for example underground cabling, and where there may be socio-economic benefits in retaining site infrastructure after the operational life, such as retaining pathways through the site or a site substation.	
	2.10.70	In many cases, not all aspects of the proposal may have been settled in precise detail at the point of application. Such aspects may include: • the type, number and dimensions of the panels; • layout and spacing; • the type of inverter or transformer; and • whether storage will be installed (with the option to install further panels as a substitute).	The precise layout of the Proposed Development and equipment selection has not been finalised. It is therefore essential to provide a degree of flexibility within the DCO to allow the detailed design to react to these variables. The technical assessments within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** have therefore assessed an 'envelope' within which the works will take place, defined using a parameter-based approach as set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and within the **Design Parameters Statement *[EN010153/DR/7.1]***. As such, the ES has been based upon maximum and, where relevant, minimum parameters and defined work areas where the types of development can take place. The design parameters are based on industry knowledge and best practice such that a sufficient degree of flexibility is provided within the DCO. These parameters are considered in detail in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and across the individual assessments within the ES to ensure the reasonable worst-case effects of the Proposed Development are assessed for each potential receptor. This ensures the 'likely significant effects' are identified.
	2.10.71	Applicants should set out a range of options based on different panel numbers, types and layout, with and without storage.	
	2.10.72	Guidance on how applicants should manage flexibility is set out at Section 2.6 of this NPS.	
Impacts	2.10.74	Applicants should provide information on relevant impacts as directed by this NPS and the Secretary of State.	In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant has undertaken an EIA for the Proposed Development which is reported in the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]***.

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			An EIA Scoping Report was submitted to the Planning Inspectorate on 30th May 2023. The Planning Inspectorate reviewed and consulted on the EIA Scoping Report and published a Scoping Opinion on 10th July 2023 (the Scoping Opinion) which included the formal responses received by the Planning Inspectorate from consultees. The ES reports on the likely significant effects of the Proposed Development including environmental, social and economic effects, as well as the potential cumulative impacts of the Proposed Development in combination with other consented or emerging developments.
Biodiversity, ecological, geological conservation and water management	2.10.75	Generic environmental, biodiversity, ecology, geological and water management impacts are covered in section 4.3 (Environmental Principles), section 4.6 (Environmental and Biodiversity Net Gain), section 5.4 (Biodiversity and Geological Conservation) and section 5.8 (Flood Risk) of EN-1.	The Applicant has had regard to the relevant sections of NPS EN-1 in Table 1 of this Policy Compliance Document.
	2.10.76	The applicant's ecological assessments should identify any ecological risk from developing on the proposed site.	The Applicant has undertaken comprehensive ecological surveys across the Order Limits to identify ecological species and habitats that could be impacted by the Proposed Development. The ecological baseline of the site is set out in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The scope of ecological surveys and assessment has been agreed through the EIA Scoping Opinion at **ES Vol 2 Appendix 1-2: EIA Scoping Opinion *[EN010153/DR/6.2]*** and through further consultation with relevant consultees as set out in the **Consultation Report *[EN010153/DR/5.1]***.
	2.10.77	Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers.	
	2.10.78	The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised.	The Applicant has taken an environmentally-led approach to the masterplanning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. This has included identifying from the outset the specific constraints of the Site, the condition and type of habitats present, and the species that these habitats support, or could support. By retaining existing habitats and supplementing them with complimentary habitats the Proposed Development has taken a holistic approach to ecosystem enhancement and habitat connectivity. The result of the Applicant's approach is that the Proposed Development is achieving landscape enhancements such as enhanced recreational access to deliver wider environmental benefits.
	2.10.79	The assessment may be informed by a 'desk study' of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features, and should specify mitigation to avoid or minimise these impacts, and any further surveys required.	The assessment of impacts on ecological receptors is provided in **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The assessment has been informed by desk study and field work. Specific ecological mitigation measures embedded into the Proposed Development are set out within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. Furthermore there are wider mitigation measures that protect ecology 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]***.

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			These mitigation measures include habitat avoidance, mitigation and creation; mitigation measures for protected species; and general mitigation measures to ensure compliance with environmental legislation. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how the ecological proposals will be managed post implementation for the lifetime of the Proposed Development.
	2.10.80	Applicants should consider earthworks associated with construction compounds, access roads and cable trenching.	The works required to construct the Proposed Development are set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***. The Applicant has prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The outline Soil Management Plan and the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the construction phase. **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** sets out the earthworks operations undertaken on Cell 3 to create the NBBMA, and the measures taken to mitigate any impacts. It also confirms the approach adopted to protect designated sites and habitats during the enabling works, earthworks and construction stages of the project. Further details on the approach to construction of the NBBMA is provided **in ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** and the outline **Construction Environmental Management Plan [EN010153/DR/7.5]**
	2.10.81	Where soil stripping occurs, topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 2.10.33 and 2.10.34.	
	2.10.82	Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.	The Applicant has considered security and lighting within Table 2.1 of the Alternative Site Assessment provided at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]***. 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 impacts of site security measures have been fully considered as part of the Ecological Impact Assessment at **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out measures that will be adopted to manage impacts to biodiversity through the various phases of project delivery.
	2.10.83	Applicants should consider how site boundaries are managed. If any hedges/scrub are to be removed, further surveys may be necessary to account for impacts. Buffer strips between perimeter fencing and hedges may be proposed, and the construction and design of any fencing should account for enabling mammal, reptile and other fauna access into the site if required to do so in the ecological report.	As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***, the following buffers have been adopted as a design parameter: • A 10m buffer between fencing surrounding solar PV modules and non-tidal watercourses; • An 8 m buffer surrounding retained ponds and reedbeds; • A 16m buffer between fencing surrounding solar PV modules and tidal watercourse defence structures;

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			• A 6m buffer between fencing surrounding solar PV modules and hedgerows / areas of substantial vegetation; • A 10m buffer between fencing surrounding solar PV modules and public rights of way; and • A 10m buffer from the toe of existing earth bunds surrounding the MSC Dredging Deposit Ground cells to safeguard the stability of these structures. The gauge of all site fencing would allow small mammals to pass. All habitats proposed for removal have been appropriately assessed and the impacts reported within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how the existing and proposed habitats will be managed post implementation for the lifetime of the Proposed Development.
	2.10.84	Where a Flood Risk Assessment has been carried out this must be submitted alongside the applicant's ES. This will need to consider the impact of drainage. As solar PV panels will drain to the existing ground, the impact will not, in general, be significant.	The Applicant has prepared a Flood Risk Assessment and Drainage Strategy as **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The Flood Risk Assessment and Drainage Strategy at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** sets out drainage measures that will be adopted at the detailed design stage for the Proposed Development. The drainage strategy utilises Sustainable Drainage Systems principles across the Site. In relation to the access tracks, they will be constructed of a porous stone material with lateral ditches / swales provided adjacent to control surface water run-off as required.
	2.10.85	Where access tracks need to be provided, permeable tracks should be used, and localised Sustainable Drainage Systems (SuDS), such as swales and infiltration trenches, should be used to control any run-off where recommended.	
	2.10.86	Given the temporary nature of solar PV farms, sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses.	The land within the Order Limits is currently drained by a network of ditches and watercourses that form field boundaries, and therefore it is essential that suitable access is provided between parcels. In addition, cabling will need to be provided connecting the Solar PV Array Areas back to the on-site Frodsham Solar Substation. **ES Vol 2 Appendix 2-1: Indicative Watercourse Crossing Schedule *[EN010153/DR/6.2]*** is an Indicative Watercourse Crossing Schedule with supporting figures showing the proposed locations of new and existing watercourse crossings. **ES Vol 2 Appendix 2-1: Indicative Watercourse Crossing Schedule *[EN010153/DR/6.2]*** confirms that there will be no new culverts proposed as part of the watercourse crossings, with all new crossings to be open span structures. Where existing watercourse crossings need to be widened or are considered to not be capable of supporting the construction vehicles, new open span crossings will be installed.
	2.10.87	Culverting existing watercourses/drainage ditches should be avoided.	
	2.10.88	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.	
	2.10.89	Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged.	The Applicant has taken an environmentally-led approach to the masterplanning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. This has included identifying from the outset the specific constraints of the Site, the condition and type of habitats present, and the species that these habitats support, or could support. By retaining existing habitats and supplementing them with complimentary habitats the Proposed Development has taken a holistic approach to ecosystem enhancement and habitat connectivity. The result of the Applicant's approach is that the Proposed
	2.10.90	For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental	

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		Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	Development is achieving landscape enhancements such as enhanced recreational access to deliver wider environmental benefits. The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse-based habitats.
	2.10.92	Applicants should consider whether they need to provide geotechnical and hydrological information (such as identifying the presence of peat at each site) including the risk of landslide connected to any development work.	The Applicant has undertaken desk study supported by ground investigation to identify and assess the presence of peat within the Order Limits, which is presented in **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment *[EN010153/DR/6.2]***. British Geological Survey mapping identifies the full Solar Array Development Area to be underlain by peat and organic material strata of the Tidal Flat Deposits and specifically, with the presence of the Downholland 2 soil association. The Applicant has undertaken ground investigation work and whilst peat was found at depth beneath the Manchester Ship Canal Dredging Deposit Grounds (depths in excess of 10m BGL), peat has not been encountered beneath the eastern half of the Site (the Frodsham and Helsby Marshes area), which involved drilling to a maximum depth of 5.5m below ground level. A Peat Reconnaissance Survey was also completed on this area of the Site and concluded that there is no evidence of peat occurrence. The reconnaissance survey has also concluded that any fen peat which may have developed on site historically is likely to have been wasted in light of the current usage of the Site for agriculture. **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]*** concludes that risks from landslides are very low across most of the Site and low within the north-eastern site corner. Risks from shrinking and swelling clays and collapsible ground are very low; and no hazard risk from collapsible deposits and ground dissolution is recorded.
Landscape, visual and residential amenity	2.10.94	The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure.	The Applicant has prepared a LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*, and includes an assessment of cumulative effects with other projects. The LVIA includes an assessment of the Proposed Development at both the construction and operational phases. The LVIA is supported by digitally mapped zones of theoretical visibility for the Proposed Development, and verifiable visualisations that include photomontages.
	2.10.95	However, whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography, the area of a zone of visual influence could be appropriately minimised.	
	2.10.96	Landscape and visual impacts should be considered carefully pre-application. Potential impacts on the statutory purposes of nationally designated landscapes should form a part of the pre- application process.	The Site is not located within a National Park or a National Landscape (formerly 'AONBs'), or located within the setting of a statutory designated landscape. The Applicant is aware of the aspiration and ongoing work to support a designation of the 'Cheshire Sandstone Ridge National Landscape', which could extend to include Frodsham Hill and Helsby Hill to the east of the Site. As set out in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has consulted with both CWaCC and Natural England with regards the potential Cheshire Sandstone Ridge National Landscape. It has been agreed that a specific assessment in relation to the emerging

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			National Landscape is not required, but that the LVIA should recognise the sensitivities of the area.
	2.10.97	Applicants should carry out a landscape and visual assessment and report it in the ES. Visualisations may be required to demonstrate the effects of a proposed solar farm on the setting of heritage assets and any nearby residential areas or viewpoints.	The Applicant has prepared a LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*. The LVIA includes an assessment of the Proposed Development at both the construction and operational phases. The LVIA is supported by digitally mapped zones of theoretical visibility for the Proposed Development, and verifiable visualisations that include photomontages.
	2.10.98	Applicants should follow the criteria for good design set out in Section 4.7 of EN-1 when developing projects and will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays especially within nationally designated landscapes.	The approach to the siting and design of the Proposed Development is set out in the **Design Approach Document *[EN010153/DR/5.8]***. The mitigation measures that have been embedded into the Proposed Development are set out in Section 6.7 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The **Design Approach Document *[EN010153/DR/5.8]*** sets out the design process that has been followed, which has been informed by design principles, and how this has sought to mitigate the adverse effects of the Proposed Development. The Design Approach Document also sets out how opportunities for environmental enhancement and opportunity have been considered as part of the design process.
	2.10.99	Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to minimise the impact on the landscape and visual impact (see paragraphs 2.10.46 – 2.10.48 above).	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 impacts of site security measures have been fully considered as part of the Landscape and Visual Impact Assessment at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***.
	2.10.100	The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity.	The Applicant has undertaken an **Arboricultural Assessment *[EN010153/DR/7.15]*** of the existing trees and woodlands within the Site ***[EN010153/DR/7.15]***. Mitigation measures to avoid and minimise adverse effects to trees and woodland are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how existing and proposed trees and woodland will be managed for the lifetime of the Proposed Development.
	2.10.101	The impact of the proposed development on established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate.	
Glint and glare	2.10.102	Solar panels are specifically designed to absorb, not reflect, irradiation. However, solar panels may reflect the sun's rays at certain angles, causing glint and glare. Glint is defined as a momentary flash of light that may be produced as a direct reflection of the sun in the solar panel. Glare is a continuous source of excessive brightness experienced by a stationary observer located in the path of reflected sunlight from the face of the panel. The	**ES Vol 2 Appendix 4-3: Glint and Glare Assessment *[EN010153/DR/6.2]*** is based on quantitative analysis where geometric modelling of the Proposed Development has been undertaken for all mapped receptors to identify the potential for impacts, considering the angle and duration of incidence, and the intensity of the reflection.

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		effect occurs when the solar panel is stationed between or at an angle of the sun and the receptor.	The Glint and Glare Assessment has assessed impacts on residential, road, and aviation receptors, and identifies the required mitigation to avoid or reduce impacts to an acceptable level. The identified mitigation is secured by the **outline Landscape and Ecology Management Plan** ***[EN010153/DR/7.13]***.
	2.10.103	Applicants should map receptors qualitatively to identify potential glint and glare issues and determine if a glint and glare assessment is necessary as part of the application.	
	2.10.104	When a quantitative glint and glare assessment is necessary, applicants are expected to consider the geometric possibility of glint and glare affecting nearby receptors, and provide an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection.	
	2.10.105	The extent of reflectivity analysis required to assess potential impacts will depend on the specific project site and design. This may need to account for 'tracking' panels if they are proposed as these may cause differential diurnal and/or seasonal impacts.	The Proposed Development is utilising 'fixed' arrays and not 'tracking' arrays. The extent of reflectivity analysis in **ES Vol 2 Appendix 4-3: Glint and Glare Assessment** ***[EN010153/DR/6.2]*** is proportionate to the area in which likely significant adverse effects could occur.
	2.10.106	When a glint and glare assessment is undertaken, the potential for solar PV panels, frames and supports to have a combined reflective quality may need to be assessed, although the glint and glare of the frames and supports is likely to be significantly less than the panels.	
Cultural Heritage	2.10.107	The impacts of solar PV developments on the historic environment will require expert assessment in most cases and may have effect both above and below ground.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. This includes above and below ground heritage assets, designated and non-designated assets, and the potential for cumulative effects on the wider historic environment.
	2.10.108	Above ground impacts may include the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.	
	2.10.109	Below ground impacts, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes etc.	
	2.10.110	Equally, solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated.	
	2.10.111	Generic historic environment impacts are covered in Section 5.9 of EN-1.	
	2.10.112	Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority.	The Applicant has consulted the Cheshire Historic Environment Record as part of the assessment process, as well as the National Heritage List for England (maintained by Historic England), and Cheshire West and Cheshire Council. A list of data sources is provided in Section 4.2 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment** ***[EN010153/DR/6.2]***.

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			A comprehensive gazetteer of heritage assets and events is provided as **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events** ***[EN010153/DR/6.2]***.
	2.10.113	Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation. These should be carried out using expertise where necessary and in consultation with the local planning authority, and should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment** ***[EN010153/DR/6.2]*** provides an appropriate desk-based assessment of the known archaeology at the Site, and the potential for as yet undiscovered archaeology to be impacted by the Proposed Development. As summarised in Section 6 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment** ***[EN010153/DR/6.2]***, the desk-based assessment concludes that the potential for direct impacts on archaeological remains from the Proposed Development is limited as Frodsham Marsh (which includes the Site) has historically been used and managed for purposes that would typically be expected to leave little archaeological evidence. A field evaluation has been undertaken in the form of a site walkover, with a photographic record from the walkover presented in **ES Vol 2 Appendix 11-4: Photographic Plates** ***[EN010153/DR/6.2]***. With reference to Section 6 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment** ***[EN010153/DR/6.2]***, there is: • A High potential for buried peat deposits to underlie the Site that may have the potential to contain palaeoenvironmental information and/or archaeological (most likely early or late prehistoric) remains. • A High potential for currently unknown remains relating to post-medieval or modern agriculture and/or land improvement/reclamation to survive within the Site. The following measures set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** would ensure appropriate investigation prior to construction, and are secured by a Requirement of the **draft DCO** ***[EN010153/DR/3.1]***: • 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. This will allow for the identification and sampling of deposits which have the potential to preserve paleoenvironmental proxies and thus allow for investigation of past environmental conditions and provide opportunities for scientific dating. The completion of this investigation would allow for an enhancement of the current levels of knowledge regarding the survival and composition of the peat deposits across the Helsby Marshes. The exact scope of the geoarchaeological investigation would be secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to a DCO Requirement. • An additional programme of archaeological investigation would be undertaken within the land east of Brook Furlong in the form or archaeological trenches to ascertain the level of preservation of the ridge and furrow recorded across the area, and to investigate whether that ridge and furrow could be obscuring any earlier archaeological features. The completion of this investigation would allow for the archaeological potential within areas of potential impact to be assessed further and for any encountered remains to be investigated and recorded and for the requirements for any further stages of mitigation to be determined. On completion of any works the potential impacts upon any archaeological remains identified would be mitigated via their recording and addition to the archaeological record. The exact scope of any archaeological investigation would be agreed by consultation with the CAPAS
	2.10.114	In some instances, field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets.	
	2.10.115	The extent of investigative work should be proportionate to the sensitivity of, and extent of, proposed ground disturbance in the associated study area.	

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			and secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to a DCO Requirement.
	2.10.116	Applicants should take account of the results of historic environment assessments in their design proposal.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. The **Design Approach Document** ***[EN010153/DR/5.8]*** sets out the design process that has been followed, which has been informed by design principles, and how this has sought to mitigate the adverse effects of the Proposed Development. The Design Approach Document also sets out how opportunities for environmental enhancement and opportunity have been considered as part of the design process.
	2.10.117	Applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** concludes that there would be no significant effects as a result of the Proposed Development. The Proposed Development would result in minor adverse levels of effect to the setting of the following designated heritage assets: • The Promontory Fort On Helsby Hill 250 m North West Of Harmers Lake Farm Scheduled Monument; • The Grade II Listed War Memorial; • Frodsham Conservation Area; • Castle Park (Frodsham) Conservation Area and the Castle Park Grade II Listed Registered Park and Garden; and the • Overton, St Lawrence's (Frodsham) Conservation Area. The level of harm experienced would be 'less than substantial', and at the lower end of the scale in each case.
	2.10.118	As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design, and prominence, may cause substantial harm to the significance of the asset.	
	2.10.119	Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets.	**ES Vol 1 Chapter 6: Landscape and Visual Amenity** ***[EN010153/DR/6.1]*** is supported by viewpoints and verifiable visualisations to inform the assessment of visual effects; many of these viewpoints relate to heritage assets and have informed the assessment of impacts on the setting of heritage assets.
Construction including traffic and transport noise and vibration	2.10.120	Modern solar farms are large sites that are mainly comprised of small structures that can be transported separately and constructed on-site, with developers designating a compound on-site for the delivery and assemblage of the necessary components.	The **Transport Assessment** ***[EN010153/DR/7.3]*** sets out the access arrangements that would be put in place for the construction and operational phases of the Proposed Development. The anticipated traffic generation is provided, with staff trips expected to be made by a combination of cars and minibuses. Temporary parking would be provided within the Order Limits for the duration of the construction phase. The **Transport Assessment** ***[EN010153/DR/7.3]*** sets out that the Proposed Development will result in no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development.
	2.10.121	Many solar farms will be sited in areas served by a minor road network. Public perception of the construction phase of solar farms will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.	

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	2.10.122	Generic traffic and transport impacts are covered Section 5.14 of EN-1.	An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. The Proposed Development would not require additional transport infrastructure.
	2.10.123	Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application, and select the route that is the most appropriate.	
	2.10.124	Where the exact location of the source of construction materials, such as crushed stone or concrete is not be known at the time of the application, applicants should assess the worst-case impact of additional vehicles on the likely potential routes.	
	2.10.125	Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles. Although unlikely, where modifications to roads and/or bridges are required, these should be identified, and potential effects addressed in the ES.	The Site is located proximate to the Strategic Road Network and the proposed site access has been previously used by 'abnormal indivisible load' (AIL) traffic during the construction of the Frodsham Wind Farm and continues to be used for maintenance of the Wind Farm. The routing for AILs is set out within the **outline Construction Traffic Management Plan *[EN010153/DR/7.5]***.
	2.10.126	Where a cumulative impact is likely because multiple energy infrastructure developments are proposing to use a common port and/or access route and pass through the same towns and villages, applicants should include a cumulative transport assessment as part of the ES. This should consider the impacts of abnormal traffic movements relating to the project in question in combination with those from any other relevant development. Consultation with the relevant local highways authorities is likely to be necessary.	The **Transport Assessment *[EN010153/DR/7.3]*** includes an assessment of the potential highway impacts of the Proposed Development in combination with other committed developments. The **outline Construction Traffic Management Plan *[EN010153/DR/7.5]*** also includes provisions to create a working group that will facilitate liaison between the various infrastructure projects being constructed in the local area, the local highways authority and National Highways.
Agricultural land classification and land type	2.10.127	The Defra Construction code of practice for the sustainable use of soils on construction sites provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter- minimising compaction and adding soil organic matter.	The Applicant has prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The outline Soil Management Plan and the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the construction phase.
Biodiversity and ecological conservation	2.10.128	In England, proposed enhancements should take account of the above factors and as set out in Sections 4.6 and 5.4 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	The Applicant has taken an environmentally-led approach to the masterplanning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. This has included identifying from the outset the specific constraints of the Site, the condition and type of habitats present, and the species that these habitats support, or could support. By retaining existing habitats and supplementing them with complimentary habitats the Proposed Development has taken a holistic approach to ecosystem enhancement and habitat connectivity. The result of the Applicant's approach is that the Proposed Development is achieving a biodiversity net again well above the mandatory requirement, complimented by further landscape enhancements such as enhanced recreational access to deliver wider environmental benefits and an overall environmental net gain.
	2.10.129	This might include maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, and wild bird seed mixes.	

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	2.10.130	Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.	The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** which sets out a programme for monitoring and review of the proposed ecological management actions. The outline Landscape and Ecology Management Plan is supported by an outline Non-Breeding Bird Mitigation Strategy at *Appendix B* which contains additional requirements in relation to monitoring of the Non-Breeding Bird Mitigation Area.
Landscape, visual and residential amenity	2.10.131	Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands.	The LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** concludes that there would be residual significant adverse landscape and visual effects for receptors within and around the boundary of the Site. As noted at paragraph 5.10.13 of NPS EN-1, this is not uncommon for proposed energy infrastructure. As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and in the Planning Statement ***[EN010153/DR/5.6]***, the Applicant has followed the mitigation hierarchy to avoid and reduce effects as far as practicable in the context of the operational requirements of the development. **ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan *[EN010153/DR/6.3]*** has been produced, which incorporates measures to achieve the relevant design principles for the Proposed Development, including the following mitigation measures: • Retention of existing vegetation cover that defines character and provides visual screening. • Containment of development within established field boundaries to retain the existing landscape pattern. • Provision of generous development-free buffers alongside existing landscape features, including public rights of way. • Retention of open vistas looking across Frodsham Marshes and the wider estuary, where feasible. • Retention of open vistas towards Frodsham Hill and Helsby Hill, where feasible. • New planting of trees and hedgerows that is consistent with the landscape character of the Order Limits and that provides further screening. The proposed planting would be managed in accordance with the **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***.
	2.10.132	Applicants should aim to minimise the use and height of security fencing. Where possible applicants should utilise existing features, such as hedges or landscaping, to assist in site security, or screen security fencing.	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 impacts of site security measures have been fully considered as part of the Landscape and Visual Impact Assessment at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***.
	2.10.133	Applicants should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact.	

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Glint and glare	2.10.134	Applicants should consider using, and in some cases the Secretary of State may require, solar panels to comprise of (or be covered with) anti-glare/anti-reflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission.	Table 2-1 of **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** includes a design parameter that requires the solar PV modules to have an anti-reflective coating.
	2.10.135	Applicants may consider using screening between potentially affected receptors and the reflecting panels to mitigate the effects.	The Glint and Glare Assessment has assessed impacts on residential, road, and aviation receptors, and identifies the required mitigation to avoid or reduce impacts to an acceptable level. The identified mitigation is secured by the **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***.
	2.10.136	Applicants may consider adjusting the azimuth alignment of, or changing the elevation tilt angle of, a solar panel within the economically viable range, to alter the angle of incidence. In practice this is unlikely to remove the potential impact altogether but in marginal cases may contribute to a mitigation strategy.	Table 2-1 of **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** includes a design parameter in relation to the orientation of the panels to avoid and reduce glint and glare impacts for road users of the M56 motorway. The azimuth angle would be up to 200° within Solar PV Array Areas B15.3, C02, C04, C05, C06, and 210° within Solar PV Array Area B18 (see **ES Vol 3 Figure 2-1: Indicative Construction Site Layout *[EN010153/DR/6.3]*** for Solar PV Array Area references)
Cultural Heritage	2.10.137	The ability of the applicants to microsite specific elements of the proposed development during the construction phase should be an important consideration by the Secretary of State when assessing the risk of damage to archaeology.	The precise layout of the Proposed Development and equipment selection has not been finalised. It is therefore essential to provide a degree of flexibility within the DCO to allow the detailed design to react to these variables. The technical assessments within the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]*** have therefore assessed an 'envelope' within which the works will take place, defined using a parameter-based approach as set out within **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and within the **Design Parameters Statement *[EN010153/DR/7.1]***. As such, the ES has been based upon maximum and, where relevant, minimum parameters and defined work areas where the types of development can take place. The design parameters are based on industry knowledge and best practice such that a sufficient degree of flexibility is provided within the DCO. These parameters are considered in detail in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and across the individual assessments within the ES to ensure the reasonable worst-case effects of the Proposed Development are assessed for each potential receptor. This ensures the 'likely significant effects' are identified. **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. The assessment concludes that there would be no significant effects as a result of the Proposed Development.
	2.10.138	Where requested by the applicant, the Secretary of State should consider granting consents which allow for the micrositing within a specified tolerance of elements of the permitted infrastructure, so that precise locations can be amended during the construction phase if unforeseen circumstances, such as the discovery of previously unknown archaeology, arise.	
Construction including traffic and transport noise and vibration	2.10.139	In some cases, the local highway authority may request that the Secretary of State impose controls on the number of vehicle movements to and from the solar farm site in a specified period during its construction and, possibly, on the routeing of such movements particularly by heavy vehicles.	An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. Forecast vehicle movements during the construction phase are set out within the **Transport Assessment *[EN010153/DR/7.3]***, and the impact of the Proposed Development on the adopted highway network would be not significant.
	2.10.140	Where the Secretary of State agrees that this is necessary, requirements could be imposed on development consent.	

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	2.10.141	Where cumulative effects on the local road network or residential amenity are predicted from multiple solar farm developments, it may be appropriate for applicants for various projects to work together to ensure that the number of abnormal loads and deliveries are minimised, and the timings of deliveries are managed and coordinated to ensure that disruption to residents and other highway users is reasonably minimised.	The **Transport Assessment** ***[EN010153/DR/7.3]*** includes an assessment of the potential highway impacts of the Proposed Development in combination with other committed developments. The other committed developments are not solar farms. However, an **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. This includes provisions to create a working group that will facilitate liaison between the various infrastructure projects being constructed in the local area, the local highways authority and National Highways. The **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** also sets out routing plans and timings for deliveries to minimise impacts on the local highway network.
	2.10.142	It may also be appropriate for the highway authority to set limits for, and coordinate these deliveries through, active management of the delivery schedules through the abnormal load approval process.	
	2.10.143	Once consent for a scheme has been granted, applicants should liaise with the relevant local highway authority (or other coordinating body) regarding the start of construction and the broad timing of deliveries. Applicants may need to agree a planning obligation to secure appropriate measures, including restoration of roads and verges.	An **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. The outline Construction Traffic Management Plan will be developed into a final Construction Traffic Management Plan (CTMP) as a requirement of the DCO, and this CTMP will require approval of the Local Highway Authority prior to construction.
	2.10.144	Further, it may be appropriate for any non-permanent highway improvements carried out for the development (such as temporary road widening) to be made available for use by other subsequent solar farm developments.	The Applicant is not proposing any temporary or permanent improvements to the public highway.
Agriculture land classification and land type	2.10.145	The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.	As set out in the **Planning Statement** ***[EN010153/DR/5.6]***, the agricultural land within the Order Limits is not best and most versatile land. The Applicant has prepared an **outline Soil Management Plan** ***[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The outline Soil Management Plan and the **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the construction phase.
Project lifetime and decommissioning	2.10.146	The Secretary of State should ensure that the applicant has put forward outline plans for decommissioning the generating station when no longer in use and restoring the land to a suitable use (taking into account paragraphs 2.10.68 and 2.10.69).	The Applicant has prepared an **outline Decommissioning Environmental Management Plan** ***[EN010153/DR/7.7]*** which sets out the principles that will be followed in the decommissioning of the Proposed Development. The outline Decommissioning Environmental Management Plan will be developed into a final detailed Decommissioning Environmental Management Plan (DEMP) as a requirement of the DCO, and the DEMP will require approval of the Local Planning Authority prior to commencement of decommissioning works.
	2.10.147	Where the consent for a solar farm is to be time-limited, the DCO should impose a requirement setting that time-limit from the date the solar farm starts to generate electricity.	The Applicant is applying for the Proposed Development with a time-limited consent of 40 years for the operational phase.

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	2.10.148	Such a requirement should also secure the decommissioning of the generating station after the expiration of its permitted operation to ensure that inoperative plant is removed after its operational life.	Requirement 18 of the **draft DCO** ***[EN010153/DR/3.1]*** states that decommissioning of the Proposed Development must commence "no later than 40 years following the date of the final commissioning of Work No 1…".
	2.10.149	An upper limit of 40 years is typical, although applicants may seek consent without a time period or for differing time-periods for operation.	
	2.10.150	The time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State.	
	2.10.151	The Secretary of State should consider the period of time the applicant is seeking to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes.	**ES Vol 1 Chapter 4: EIA Methodology** ***[EN010153/DR/6.1]*** sets out that the assessment of effects is structured around the construction, operational and decommissioning phases. The temporal scope of potential impacts and effects is therefore considered as part of the EIA.
Biodiversity, ecological, geological conservation and water management	2.10.154	Water management is a critical component of site design for ground mount solar plants. Where previous management of the site has involved intensive agricultural practice, solar sites can deliver significant ecosystem services value in the form of drainage, flood attenuation, natural wetland habitat, and water quality management.	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water** ***[EN010153/DR/6.1]*** provides an assessment of impacts and effects on the water environment, and is supported by **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy** ***[EN010153/DR/6.2]***. The **outline Landscape and Ecology Management Plan** ***[EN010153/DR/7.13]*** sets out the measures by which the land and habitats will be managed for the lifetime of the Proposed Development.
	2.10.155	The Secretary of State must consider the worst-case effects in its consideration of the application and consent.	The precise layout of the Proposed Development and equipment selection has not been finalised. It is therefore essential to provide a degree of flexibility within the DCO to allow the detailed design to react to these variables. The technical assessments within the **ES** ***[EN010153/DR/6.1 / 6.2 / 6.3]*** have therefore assessed an 'envelope' within which the works will take place, defined using a parameter-based approach as set out within **ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and within the **Design Parameters Statement** ***[EN010153/DR/7.1]***. As such, the ES has been based upon maximum and, where relevant, minimum parameters and defined work areas where the types of development can take place. The design parameters are based on industry knowledge and best practice such that a sufficient degree of flexibility is provided within the DCO. These parameters are considered in detail in **ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and across the individual assessments within the ES to ensure the reasonable worst-case effects of the Proposed Development are assessed for each potential receptor. This ensures the 'likely significant effects' are identified.
	2.10.156	Where developments are proposed on peat, to ensure the development will result in minimal disruption to the ecology, or release of CO_2, and that the carbon balance savings of the scheme are maximised, the Secretary of State should be satisfied that the solar farm layout and construction methods have been designed to minimise soil disturbance during construction and maintenance of roads, tracks, and other infrastructure and in	The Applicant has undertaken desk study supported by ground investigation to identify and assess the presence of peat within the Order Limits, which is presented in **ES Vol 1 Chapter 10: Ground Conditions** ***[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment** ***[EN010153/DR/6.2]***.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		England should take into account the policies set out in the England Peat Action Plan 2021. Where developments are located in Wales, the Secretary of State may take into account the policies set out in the National Peatlands Action Programme, 2020-2025 (cyfoethnaturiol.cymru) and Future Wales the National Plan 2040 - Policy 18.	British Geological Survey mapping identifies the full Solar Array Development Area to be underlain by peat and organic material strata of the Tidal Flat Deposits and specifically, with the presence of the Downholland 2 soil association. The Applicant has undertaken ground investigation work and whilst peat was found at depth beneath the Manchester Ship Canal Dredging Deposit Grounds (depths in excess of 10m BGL), peat has not been encountered beneath the eastern half of the Site (the Frodsham and Helsby Marshes area), which involved drilling to a maximum depth of 5.5m below ground level. A Peat Reconnaissance Survey was also completed on this area of the Site and concluded that there is no evidence of peat occurrence. The reconnaissance survey has also concluded that any fen peat which may have developed on site historically is likely to have been wasted in light of the current usage of the Site for agriculture.
Landscape, visual and residential amenity	2.10.157	The Secretary of State will consider the landscape and visual impact of any proposed solar PV farm, taking account of any sensitive visual receptors, and the effect of the development on landscape character, together with the possible cumulative effect with any existing or proposed development. Nationally designated landscapes (National Parks, The Broads and Areas of Outstanding Beauty) are afforded extra protection due their statutory purpose. Development in these areas needs to satisfy policy as set out in EN-1 Section 5.10.	The Applicant has prepared a LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*. The LVIA has considered effects upon the landscape fabric of the Order Limits, upon the landscape character of the Study Area, and upon views. Effects have been assessed during the construction, operational and decommissioning phases of the Proposed Development. The LVIA concludes that whilst there would be some likely significant adverse effects due to the change experienced from parts of the footpath network, in the majority of cases these would last for a limited period only, with longer-term effects not significant. These adverse effects would be balanced by the benefits of the overall improved experience of the landscape brought about by the enhanced access proposals. The **Planning Statement *[EN010153/DR/5.6]*** sets out the need and benefits of the Proposed Development.
Glint and glare	2.10.158	Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths).	**ES Vol 2 Appendix 4-3: Glint and Glare Assessment *[EN010153/DR/6.2]*** has assessed impacts on residential, road, and aviation receptors, and identifies the required mitigation to avoid or reduce impacts to an acceptable level. The identified mitigation is secured by the **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***.
	2.10.159	Whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms.	
Cultural Heritage	2.10.160	Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.	**ES Vol 1 Chapter 4: EIA Methodology *[EN010153/DR/6.1]*** sets out that the assessment of effects is structured around the construction, operational and decommissioning phases. The temporal scope of potential impacts and effects is therefore considered as part of the EIA.

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Construction including traffic and transport, noise and vibration	2.10.161	Once solar farms are in operation, traffic movements to and from the site are generally very light, in some instances as little as a few visits each month by a light commercial vehicle or car. Should there be a need to replace machine components, this may generate heavier commercial vehicle movements, but these are likely to be infrequent.	The **Transport Assessment** ***[EN010153/DR/7.3]*** sets out that the Proposed Development will result in no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development. An **outline Construction Traffic Management Plan** ***[EN010153/DR/7.4]*** has been prepared that sets out measures to mitigate transport impacts during the construction phase. **ES Vol 2 Appendix 4-1: Noise Impact Assessment** ***[EN010153/DR/6.2]*** considers the noise and vibration effects of construction activities, and ancillary activities such as increased traffic movements through the construction period. The assessment concludes that these effects would be negligible and not significant.
	2.10.162	The Secretary of State is unlikely to give any more than limited weight to traffic and transport noise and vibration impacts from the operational phase of a project.	

4.0 NPS FOR ELECTRICITY NETWORKS INFRASTRUCTURE (EN-5)

4.1.1 Table 3 sets out policy requirements from the National Policy Statement for Electricity Networks Infrastructure (EN-5).

Table 3: NPS for Electricity Networks Infrastructure (EN-5)

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Section 1: Introduction			
Infrastructure covered by this NPS	1.6.4	In addition, this NPS will apply to other kinds of electricity networks infrastructure including offshore transmission of any type (defined at section 2.12.4), underground cables at any voltage, associated infrastructure as referred to above and lower voltage overhead lines, where that infrastructure becomes subject to the 2008 Act in the following circumstances: i. if it constitutes associated development for which consent is sought along with an NSIP such as an offshore wind generating station or relevant overhead line[4]; or ii. if the Secretary of State gives a direction under Section 35 of the 2008 Act (for developments which, when completed, will be wholly in one or more of the areas specified in subsection 35(3)) that it should be treated as an NSIP and requires a development consent order (DCO). *[4] If an associated development, applicants should also refer to the relevant technology specific NPS, for example EN-3 should also be referred to when a project is associated with an offshore wind generating station.*	Work No. 5 of Schedule 1 of the **draft DCO** ***[EN010153/DR/3.1]*** allows for the construction of a 132 kV overhead electrical cable connection between the Frodsham Solar Substation and the SPEN Frodsham Substation. A description of the proposed connection is provided in ***Chapter 2 The Proposed Development*** of the ES ***[EN010153/DR/6.1]***. Work No. 5 therefore meets the definition set by paragraph 1.6.4(i) of NPS EN-5, and as such NPS EN-5 applies to this component of the Proposed Development.
Section 2: Assessment and Technology-Specific Information			
Factors influencing site selection and design	2.2.7	The connection between the initiating and terminating points of a proposed new electricity line will often not be via the most direct route. Siting constraints, such as engineering, environmental or community considerations will be important in determining a feasible route.	The Site is located proximate to the point of connection at the SPEN Frodsham Substation, with the Solar Array Development Area separated from the SPEN Frodsham Substation by the River Weaver. The routing of Work No. 5 has therefore been dictated by the positioning of the on-site Frodsham Solar Substation. The factors influencing the site selection of the Frodsham Solar Substation and the alternatives considered are set out in Table 3-1 of **ES Vol 1 Chapter 3 Alternatives and Design Evolution** ***[EN010153/DR/6.1]***, and in the **Design Approach Document** ***[EN010153/DR/5.8]***. Consideration was given to providing either an underground or overhead grid connection, and the advantages and disadvantages of each are set out within Table 3-1 of **ES Vol 1 Chapter 3 Alternatives and Design Evolution** ***[EN010153/DR/6.1]***. The overhead grid connection was selected as the preferred option. The main disadvantage of the overhead grid connection would be visual impact. Work No. 5 has therefore been sited between the existing 400kV and 132kV overhead line connections, both of which are supported on metal lattice tower structures up to 50m in height. There are other above ground electricity connections which also connect into the SPEN Frodsham Substation.
	2.2.8	There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their location, as well as their design.	
	2.2.9	In particular, the applicant should consider such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts.	

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
			Furthermore, the presence of the wind turbine, M56 viaduct and other large-scale infrastructure in the locality such as the INEOS Inovyn Runcorn Works and the SPEN Frodsham Substation, mean that existing above ground electrical connections and other large scale vertical infrastructure is conspicuous within, and in in close proximity to, the Site. Engagement with SPEN has also confirmed that wooden trident poles could be used for the connection which would be lower and less visually intrusive than the existing metal lattice electricity pylons which cross the Site. Given the context of the Site the visual impact of the overhead grid connection was considered to be negligible and did not outweigh the benefits of an underground cable solution.
Land Rights and Land Interests	2.6.1	In order to be lawfully able to install, inspect, maintain, repair, adjust, alter, replace or remove an electricity line (above or below ground), its related equipment (such as monopoles, pylons/transmission towers, transformers and cables), and/or its associated mitigation or enhancement schemes, applicants must: i. own the land on, over, or under which the relevant activity is to take place; or ii. hold sufficient rights over or interests in that land (typically in the form of an easement); or iii. have permission for the activity from the present owner or occupier of that land (typically in the form of a wayleave).	Aside from the River Weaver and the land at the SPEN Frodsham Substation, all of the land required to deliver Work No. 5 will be able to be within the control of the Applicant through the options it has progressed with landowners. The Applicant is seeking to reach voluntary agreements in respect of the Crown Land at the River Weaver, and for National Grid land at and around SPEN Frodsham Substation. The Applicant has nonetheless included for compulsory acquisition of rights within the **draft DCO *[EN010153/DR/3.1]*** to ensure that Work No. 5 is deliverable.
	2.6.2	Where the applicant does not own or wish to own the land in question, it should try to reach a voluntary agreement giving it sufficient rights and/or permissions to undertake the relevant work.	
	2.6.3	As a last resort, where it does not succeed in reaching the agreement that it requires, the network company may, as part of its application to the Secretary of State, seek to acquire rights compulsorily over the land in question by means of a provision in the DCO.	
	2.6.4	In such cases (i.e. where the compulsory acquisition of rights is sought) permanent arrangements are strongly preferred over voluntary wayleaves (which could, for example, be terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency and reflecting the importance of the relevant infrastructure to the nation's net zero goals.	
	2.6.5	The applicant may also seek the compulsory acquisition of land. This will not normally be necessary where lines and cables are installed but may be sought where other forms of electricity networks infrastructure (such as new substations) are required.	
	2.6.6	As detailed in Section 4.1.8 of EN-1, where the use of land at a specific location is required to facilitate the development by providing for mitigation, landscape enhancement and biodiversity net gain, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land. The Secretary	The Applicant has included compulsory acquisition powers for mitigation and landscape enhancement, as shown on the **Land and Crown Land Plans *[EN010153/DR/2.2]*.** The Applicant has demonstrated that it meets the tests for compulsory acquisition in the **Statement of Reasons *[EN010153/DR/4.1]*.**

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		of State will consider any such application under the provisions of the Planning Act 2008 and any associated guidance.	
Holistic Planning	2.7.1	EN-1 explains in Section 4.10 that the Planning Act 2008 aims to create a holistic planning regime, such that the cumulative effects of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact.	As set in the **Planning Statement** ***[EN010153/DR/5.6]***, this application for development consent includes for all infrastructure required to construct and operate the Proposed Development.
	2.7.2	Accordingly, the government envisages that, wherever reasonably possible, applications for new generating stations and their related infrastructure should be contained in a single application to the Secretary of State. However, a consolidated approach of this kind may not always be possible, nor represent the most efficient strategy for delivery of new infrastructure.	
Noise and Vibration	2.9.38	Transformers are installed at many substations, and generate low frequency hum. Whether the noise can be heard outside a substation depends on a number of factors, including transformer type and the level of noise attenuation present (either engineered intentionally or provided by other structures).	**ES Vol 2 Appendix 4-1: Noise and Vibration Assessment** ***[EN010153/DR/6.2]*** concludes that the Proposed Development has been designed to operate such that it complies with all appropriate and relevant noise standards and guidance.
	2.9.39	For the assessment of noise from substations, standard methods of assessment and interpretation using the principles of the relevant British Standards are satisfactory.	
Electric and Magnetic Fields (EMFs)	2.9.44	Power frequency EMFs arise from generation, transmission, distribution and use of electricity and will occur around power lines and electric cables and around domestic, office or industrial equipment that uses electricity.	**ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** provides a description of the typical electric magnetic fields produced by overhead electrical lines. This confirms that 132 kV electrical lines as proposed within Work No. 5 do not present a risk in relation to electric magnetic fields. On this basis, users of the Site, both in relation to members of the public and operatives, would not be exposed to levels of EMF above the relevant exposure limits. The Proposed Development will comply with the Electricity Safety, Quality and Continuity Regulations 2002.
	2.9.45	EMFs comprise electric and magnetic fields. Electric fields are the result of voltages applied to electrical conductors and equipment. Fences, shrubs and buildings easily block electric fields. Magnetic fields are produced by the flow of electric current; however, unlike electric fields, most materials do not readily block magnetic fields. The intensity of both electric fields and magnetic fields diminishes with increasing distance from the source.	
	2.9.46	All overhead power lines produce EMFs. These tend to be highest directly under a line and decrease to the sides at increasing distance. Although putting cables underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable. EMFs can have both direct and indirect effects on human health, aquatic and terrestrial organisms.	
	2.10.11	The applicant should consider the following factors: • height, position, insulation and protection (electrical or mechanical as appropriate) measures subject to ensuring compliance with the Electricity Safety, Quality and Continuity Regulations 2002;	

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• that optimal phasing of high voltage overhead power lines is introduced wherever possible and practicable in accordance with the Code of Practice to minimise EMFs; and • any new advice emerging from the Department of Health and Social Care relating to government policy for EMF exposure guidelines.	
	2.10.12	Where it can be shown that the line will comply with the current public exposure guidelines and the policy on phasing, no further mitigation should be necessary.	
	2.11.13	Undergrounding of a line would reduce the level of EMFs experienced, but high magnetic field levels may still occur immediately above the cable. It is the government's policy that power lines should not be undergrounded solely for the purpose of reducing exposure to EMFs.	
Sulphur Hexafluoride	2.10.14	The climate-warming potential of SF6 is such that applicants should, as a rule, avoid the use of SF6 in new developments.	The Proposed Development will require 132 kV circuit breakers at the Frodsham Solar Substation and at the SPEN Frodsham Substation. It is possible that these components would require SF6 in line with current standards set by Distribution Network Operators. Manufacturers are however now increasingly able to offer SF6-free components, and those that do continue to use SF6 are sealed-for-life with extremely low leakage rates. For this reason, as set out in **ES Vol 2 Appendix 5-1: Greenhouse Gas Assessment *[EN010153/DR/6.2]***, it is assumed that emissions of SF6 from the Proposed Development will be minimal and not material to the assessment of greenhouse gas emissions for the Proposed Development.
	2.10.15	Where no proven SF6-free alternative is commercially available, and where the cost of procuring a bespoke alternative is grossly disproportionate, the continued use of SF6 is acceptable, provided that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place.	
	2.11.17	The Secretary of State should grant consent for an electricity networks development only if the applicant has demonstrated either: i. that the development will not use SF6; or ii. (a) that there is no proven commercially available alternative to the use of SF6; and (b) that a bespoke SF6-free alternative would be grossly disproportionate in terms of cost; and (c) that emissions monitoring and control measures compliant with the Fgas Regulation and/or its successors are in place.	

5.0 CHESHIRE WEST AND CHESTER LOCAL PLAN (PART ONE) STRATEGIC POLICIES

5.1.1 Table 4 sets out policy requirements from the Cheshire West and Chester Local Plan (Part One) Strategic Policies.

Table 4: Cheshire West and Chester Local Plan (Part One) Strategic Policies

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Spatial Strategy	STRAT 1 Sustainable development	The Local Plan seeks to enable development that improves and meets the economic, social and environmental objectives of the borough in line with the presumption in favour of sustainable development. Proposals that are in accordance with relevant policies in the Plan and support the following sustainable development principles will be approved without delay, unless material considerations indicate otherwise: • Mitigate and adapt to the effects of climate change, ensuring development makes the best use of opportunities for renewable energy use and generation. • Provide for mixed-use developments which seek to provide access to homes, employment, retail, leisure, sport and other facilities, promoting healthy and inclusive communities whilst reducing the need to travel. • Locate new housing, with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport • Protect, enhance and improve the natural and historic environment whilst enhancing and restoring degraded and despoiled land, seeking opportunities for habitat creation. • Encourage the use and redevelopment of previously developed land and buildings in sustainable locations that are not of high environmental value. • Minimise the loss of greenfield land and high-grade agricultural land. • Support regeneration in the most deprived areas of the borough and ensure those reliant on non-car modes of transport can access jobs and services. • Ensure the prudent use of our natural finite resources whilst promoting the re-use, recovery and recycling of materials. The Council will always work proactively with applicants where proposals are not in accordance with the Plan to find solutions which mean that proposals can be made sustainable and approved wherever possible. However, proposals that fundamentally conflict with the above principles or policies within the Local Plan will be refused. Where there are no Local Plan policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework, or specific policies in the Framework indicate that development should be refused.	The Proposed Development is a new solar electricity generating station that would contribute to a cleaner and more secure electricity network. The Local Plan (Part One) Strategic Policies sets out strategic objectives for new development in the borough. These are sub-divided into economic, social, and environmental objectives which act as the 'pillars' on which the policies of the plan sit in delivering sustainable development. These objectives are then achieved through ensuring compliance with the other policies of the plan. The **Planning Statement** ***[EN010153/DR/5.6]*** provides a summary of the need for the Proposed Development and demonstrates that the benefits of the Proposed Development clearly outweigh any adverse impacts. The **Planning Statement** ***[EN010153/DR/5.6]*** sets out the Proposed Development's compliance with the relevant provisions and policies of the Local Plan, and consequently meets the economic, social and environmental objectives of relevance to the development. The Applicant has prepared a **Design Approach Document** ***[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed. Section 6.0 of the **Design Approach Document** ***[EN010153/DR/5.8]*** sets out how good design is secured as part of the **draft DCO** ***[EN010153/DR/3.1]*** to ensure the established design principles will be integrated with the final design post consent. Section 7.2 (Good Design for Energy Infrastructure) of the **Planning Statement** ***[EN010153/DR/5.6]*** sets out the wider policy requirements in terms of delivering good design and construction, and confirms the approach adopted by the Applicant to design principles, evolution and mitigation.
	STRAT 2 Strategic development	The Local Plan will promote strong, prosperous and sustainable communities by delivering ambitious development targets whilst protecting the high-quality environment	The purpose of the Local Plan is to set out the levels and location of new development to meet future needs, and the infrastructure to support this growth and create sustainable communities. The Policy is focused on delivering the required number of dwellings and employment

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		that contributes to the attractiveness and success of Cheshire West and Chester as a place to live and work. Over the period of 2010 to 2030 the Plan will deliver at least: • 22,000 new dwellings • 365 hectares of land for employment development to meet a range of types and sizes of site Development will be brought forward in line with the following settlement hierarchy: 1. The majority of new development will be located within or on the edge of the city of Chester and towns of Ellesmere Port, Northwich and Winsford to maximise the use of existing infrastructure and resources and allow homes, jobs and other facilities to be located close to each other and accessible by public transport. 2. To maintain the vitality and viability of rural areas, an appropriate level of new development will be brought forward to support new homes and economic and social development. Development will be focused in the key service centres of Cuddington and Sandiway, Farndon, Frodsham, Helsby, Kelsall, Malpas, Neston and Parkgate, Tarporley, Tattenhall and Tarvin, which represent the most sustainable rural locations. 3. An appropriate level of development will also be brought forward in smaller rural settlements which have adequate services and facilities and access to public transport. These local service centres will be identified in the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. To deliver the levels of development outlined a number of key sites have been identified and further sites will be identified through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan and/or neighbourhood plans.	development, and then to locate the majority of that new development within and on the edge of the main urban areas and rural key service centres to enable the maximum use of existing infrastructure and allow homes, jobs and other facilities to be located close to each other. The Policy does not preclude development beyond the main urban areas, key service centres and rural settlements, but rather requires most development to be targeted to these areas. Irrespective, the Proposed Development does not represent one of the types of new development that the policy is seeking to provide for (dwellings and employment development). **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*** identifies the rationale for the selection of the Site for the Proposed Development, and the rationale for why the settlement hierarchy set out within STRAT 2 is not appropriate in the way that it may be for dwellings and employment development.
	STRAT 4 Ellesmere Port	Development in Ellesmere Port has the potential to deliver substantial economic growth through the availability of significant sites for industrial, manufacturing and distribution purposes. Further housing is planned to complement the town's role as a key employment location. The Local Plan makes provision for at least 4,800 new dwellings in Ellesmere Port. To meet this requirement the following land is identified: • Ledsham Road is identified on the Policies Map for up to 2,000 dwellings providing for a range and mix of housing types, including affordable housing in line with Policy 'SOC 1 Delivering affordable housing', together with essential community infrastructure including the provision of a new primary school. Development should be brought forward in line with an agreed development brief for the site to ensure the delivery of a high quality urban extension to Ellesmere Port. The Council will maintain a portfolio of employment land and premises available within Ellesmere Port and the surrounding area, to meet a range of sizes and types of business needs to 2030 and contribute to the overall employment land requirement. Key sites with considerable potential to achieve future economic growth are identified as follows:	The Proposed Development would not prevent other development coming forward as envisaged by Policy STRAT 4. The Proposed Development would utilise an existing access route located within the Ince Park allocation under STRAT 4, and subject of EP6 of Local Plan Part Two (Ince Park). The access route also abuts the Stanlow Special Policy Area subject of EP3 of Local Plan Part Two. A private wire connection is proposed to Ince Park which would enable renewable energy generated by the Proposed Development to be utilised by businesses. This may help the growth of existing and new businesses within the local area, helping to deliver the policy aims of STRAT 4.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		A. New Bridge Road: land to the east of the Shropshire Union Canal and west of New Bridge Road is a regeneration priority area and has the potential for industrial and business development. B. Stanlow: this area remains important for the petrochemical and related industries. Further assessment of the availability and suitability of employment land for future development in this location will be undertaken through the preparation of the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. C. Ince Park: The land is safeguarded as a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials in line with Policy 'ENV 8 Managing waste'. The detailed nature and extent of employment land allocations will be reviewed through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. The Council will look to facilitate the development of land for employment uses in this area, and will make provision for transport and other infrastructure improvements required to unlock the development potential of some sites. Land at Hooton Park is identified as an important sub-regional employment location and is safeguarded for continued office, industrial and warehousing use. Any opportunities for new employment development in connection with the automotive or related industries will be supported. Opportunities for freight transport on the rail network or via the Manchester Ship Canal should be maximised. New links to these networks will be encouraged where appropriate. Proposals to enhance the historic canal port as a major tourism facility will be supported, providing the development complements existing uses on site and the adjoining Conservation Area.	
	STRAT 8 Rural Area	Within the rural area the Council will support development that serves local needs in the most accessible and sustainable locations to sustain vibrant rural communities. Within the rural area provision will be made for at least 4,200 new dwellings and 10ha of additional land for employment development. Development should be appropriate in scale and design to conserve each settlement's character and setting. The settlements listed below are identified as key service centres for surrounding areas which provide a good range of facilities and services and will be the focus for new development in the rural area. The key service centres will accommodate at least the amount of residential development set out below. Cuddington and Sandiway 200 dwellings Farndon 200 dwellings Frodsham 250 dwellings Helsby 300 dwellings Kelsall 200 dwellings	The Plan aims to support thriving communities whilst protecting the intrinsic character and beauty of the countryside. STRAT 8 apportions the residential development assumed to the rural area by key service centre. The Proposed Development would not affect or conflict with the delivery of the apportioned residential development as set out within STRAT 8. To deliver the substantial renewable energy generation capacity that the Proposed Development would provide, a large area of land in relatively close to the available grid connection. **ES Vol 2 Appendix 3-1: Alternative Site Assessment** ***[EN010153/DR/6.2]*** identifies the rationale for the selection of the Site for the Proposed Development, and the justification for the location within the countryside. The Proposed Development is co-located with other renewable energy development to maximise land use efficiency in accordance with national policy objectives as described in Section 5.4 the **Planning Statement** ***[EN010153/DR/5.6]*** and Table 1 of this Policy Compliance Document. The Proposed Development would not conflict with the aims and objectives of Policy STRAT 8.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		Malpas 200 dwellings Neston (including Parkgate) 200 dwellings Tarvin 200 dwellings Tattenhall 250 dwellings Tarporley 300 dwellings New development will also be accommodated at local service centres. These local service centres will be identified through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. The amount of development in each local service centre will reflect the scale and character of the settlement concerned and the availability of services, facilities and public transport. At least 10ha of land for business and industrial development in the rural area will enable small scale expansion of existing employment sites, and new sites within or on the edge of key service centres outside of Green Belt locations. The retention of rural shops and community facilities, and the provision of new facilities at an appropriate scale to the settlement, will be supported. Development should not exceed the capacity of existing services and infrastructure unless the required improvements can be made.	
	STRAT 9 Green Belt and countryside	The intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. Within the countryside the following types of development will be permitted; • Development that has an operational need for a countryside location such as for agricultural or forestry operations. • Replacement buildings. • Small scale and low impact rural / farm diversification schemes appropriate to the site, location and setting of the area. • The reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction. • The expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting. Development must be of an appropriate scale and design to not harm the character of the countryside. The general extent of the North Cheshire Green Belt will be maintained. Policy 'STRAT 3 Chester' sets out the proposed release of Green Belt to meet the development needs of Chester. In settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the National Planning Policy Framework.	The Proposed Development is that which requires a countryside location and cannot be accommodated within identified settlements in accordance with Policy STRAT 9. The Proposed Development is located entirely within the North Cheshire Green Belt. The Applicant has prepared a detailed Green Belt Assessment which is contained within *Appendix A: Green Belt Assessment* of the **Planning Statement *[EN010153/DR/5.5]***. The Green Belt Assessment concludes that the area of the Green Belt occupied by the Proposed Development comprises grey belt, and the Proposed Development would not represent inappropriate development when considered against the tests set out in Paragraph 155 of the NPPF. In summary, the Applicant's position in relation to Green Belt is therefore that: i. The Site meets the tests of NPPF Paragraph 155 and the Proposed Development is not inappropriate development. The Applicant considers that the Proposed Development is excluded from the policy requirement to give substantial weight to any harm to the Green Belt including to its openness and is not required to demonstrate very special circumstances. ii. Should the Secretary of State disagree with the Applicants conclusions under (i) above, and conclude that it is inappropriate development, the Proposed Development is nonetheless CNP Infrastructure and therefore should be taken as meeting the test of very special circumstances in accordance with EN-1 paragraph 4.2.17. iii. Should the Secretary of State disagree with the applicants' conclusions under (ii) above and conclude that the Proposed Development is not CNP Infrastructure, and consequently that very special circumstances are needed to be, the Applicant has demonstrated that they do exist to justify development in the Green Belt.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
			The Proposed Development has been designed so that it would not harm the character of the countryside in accordance with STRAT 9 as set out in the **Design Approach Document [EN010153/DR/5.8].** The Site would be restored to a condition suitable for return to its original use after decommissioning.
	STRAT 10 Transport and accessibility	In accordance with the key priorities for transport set out in the Local Transport Plan, development and associated transport infrastructure should: • Provide and develop reliable and efficient transport networks that support sustainable economic growth in the borough and the surrounding area • Reduce carbon emissions from transport and take steps to adapt our transport networks to the effects of climate change • Contribute to safer and secure transport and promote forms of transport that are beneficial to health • Improve accessibility to jobs and key services which help support greater equality of opportunity • Ensure that transport helps improve quality of life and enhances the local environment In order to minimise the need for travel, proposals for new development should be located so as they are accessible to local services and facilities by a range of transport modes. New development will be required to demonstrate that: • Additional traffic can be accommodated safely and satisfactorily within the existing, or proposed, highway network • Satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use • Appropriate provision is made for access to public transport and other alternative means of transport to the car • Measures have been incorporated to improve physical accessibility and remove barriers to mobility, especially for disabled and older people. The safety of all road users should be taken into account in the design and layout of new developments. Opportunities to improve public transport facilities will be taken wherever possible, through improved services, interchange facilities and parking at railway stations. Proposals for new industrial and warehousing development should maximise opportunities to transport products by non-road modes of transport. Sites alongside the Manchester Ship Canal, Weaver Navigation and rail network may be particularly suitable for freight use and these opportunities should be integrated into development proposals where feasible. Existing or potential freight movement opportunities will be safeguarded from development which could preclude continued or future freight use.	The impact of the Proposed Development in terms of transport and accessibility has been assessed through a **Transport Assessment *[EN010153/DR/7.3]*.** The Transport Assessment concludes that there would be no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development. The Proposed Development is not a road development and consequently the first limb of the policy is not relevant. Sustainable transportation has been implemented into the design of the Proposed Development where possible, as seen by the measures in the **Outline Construction Traffic Management Plan [EN010153/DR/7.4]**. The GHG emissions associated with the Proposed Development (including transport emissions) have been calculated in **ES Vol 2 Appendix 13-1: GHG Assessment [EN010153/DR/6.2].** The strategy and approach to skills, supply chain and local employment is set out within the **outline Construction Traffic Management Plan [EN010153/DR/7.4]** which includes measures to help support equal opportunities **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and the **Design Approach Document *[EN010153/DR/5.8]*** describe that permissive footpaths have been proposed to create additional opportunities for recreational access, along with a potential small visitor car park to reduce informal parking along Moorditch Lane which should enhance the experience of using the National Cycle Network. In addition, new bird viewing areas and educational displays should enhance the visitor experience. An **outline Public Right of Way Management Plan *[EN010153/DR/7.9]*** sets out the approach to managing the PRoW impacted by the Proposed Development. An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts on the highway network resulting from the construction phase of the Proposed Development. It is demonstrated within the **Transport Assessment [EN010153/DR/7.3]** that the traffic generated by the Proposed Development can be accommodated safely and satisfactorily within the existing highway network. Car parking will be made available for approximately 208 staff at the main compounds within the Western Array and Eastern Array. The Applicant has also proposed the potential construction of a visitor car park on land north of Moorditch Lane (see Section 2.4 of the **Transport Assessment [EN010153/DR/7.3]**). Measures will be incorporated within the detailed design to ensure that any barriers to mobility are removed.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		Current and disused transport corridors and infrastructure, including roads, railway lines, sidings and stations, will be safeguarded from development which would preclude their future transport use. *Improvements to the Transport Network* Improvements to the transport network will be supported through schemes and strategies including the following: • Chester Transport Strategy (Phase 1) • Chester Bus Interchange as shown on the Policies Map • New Bridge Road / A5117 link, Ellesmere Port as shown on the Policies Map	
	STRAT 11 Infrastructure	To ensure the delivery of infrastructure improvements, to secure the future of sustainable communities throughout Cheshire West and Chester, and meet the wider sustainability objectives of the borough, the Council will: • support the provision of appropriate new infrastructure, including schemes intended to mitigate and adapt to climate change and any cross-boundary schemes necessary to deliver the priorities of the Local Plan where this will have no significant adverse impact upon recognised environmental assets. • support measures to protect, enhance or improve access to existing facilities, services and amenities that contribute to the quality of life of residents, businesses and visitors, including access to information and communication technologies (ICT). • facilitate the timely provision of additional facilities, services and infrastructure to meet identified needs, whether arising from new developments or existing community need, in locations that are appropriate and accessible. To facilitate the delivery of the above, new development will, where appropriate, be required to contribute towards the Council's identified infrastructure priorities in accordance with Circular 5/2005, Community Infrastructure Levy regulations or successor regulations/guidance. Other planning obligations will be directly related to the nature and potential impact of a development taking into account material considerations including viability of a development. The timing of provision of infrastructure and facilities will be carefully considered in order to ensure that appropriate provision is in place before development is occupied.	Policy STRAT 11 adopts a positive approach towards provision of new infrastructure by actively supporting development necessary to deliver the priorities of the plan where this will have no significant adverse impacts upon recognised environmental assets. The policy is worded positively (providing support) as opposed to negatively (restricting development) that has no significant impact on recognised assets. The Proposed Development would have significant impact on a recognised environmental asset in the form of the LWS, albeit for a temporary period during construction. The Proposed Development would result in a positive impact on the LWS in the medium to long-term **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** The Proposed Development is a new solar electricity generating station that is consistent with the objectives of Government strategy (as set out in Section 2.0 of the **Planning Statement *[EN010153/DR/5.6]***) to deliver a cleaner and more secure electricity network. The need and benefits of the Proposed Development in the context of national and local policy are set out within the **Planning Statement *[EN010153/DR/5.6]***. Despite the limited conflict with the policy insofar as the Proposed Development cannot benefit from the support it affords where there are no significant adverse impacts, the Proposed Development accords with the objectives of the Policy as a whole over the duration of the development, and it does not conflict with the Development Plan taken as a whole.
Economic	ECON 1 Economic growth, employment and enterprise	The Council will promote sustainable economic growth in the borough and wider sub-region, supporting existing businesses, encouraging indigenous business growth and attracting new inward investment. The creation of new job opportunities across a range of sectors will be supported. The Council will promote competitive town centre environments and bring forward sites to meet a range of town centre uses including commercial, retail, leisure, culture and office uses.	The Proposed Development will assist in providing a stable, clean electricity source, supporting local and regional economic objectives by facilitating sustainable economic growth; low-carbon power is integral to attracting inward investment in modern, green-focused industries as set out in Section 2.5 of the **Planning Statement *[EN010153/DR/5.6]***. The Proposed Development will provide new job opportunities as outlined in the **Outline Skills, Supply Chain and Employment Plan *[EN010153/DR/7.11]***. The Proposed Development would utilise an existing access route located within the Ince Park employment land allocation under ECON 1. An employment development at Ince Park would not

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		A flexible supply of land for industrial and business use (falling within use classes B1, B2 and B8) will be provided to meet a range of types and sizes of site in locations across the borough. This supply will be met through existing planning commitments and new sites allocated for employment use. In reviewing the continued suitability of existing employment allocations and in releasing new sites to meet future economic development needs, the following will be considered: • Proposals having the potential to support the growth and expansion of key business sectors as identified in sub-regional and local economic growth strategies. • Proposals supporting the delivery of major regeneration programmes in Cheshire West and Chester. • Proposals should be in accessible locations by a range of transport modes and compatible with neighbouring land uses. • Where sustainable and viable town centre sites for new office uses are not available, suitable edge of centre sites will be brought forward that are well connected to town centres and by public transport. • There should be a reasonable prospect of the site being developed for employment (B1, B2 and B8 use) within the Plan period. Key employment locations are identified and safeguarded as essential to meeting the future economic growth in the area: • Chester Business Quarter • Chester Business Park • Hooton Park • Ince Park • New Bridge Road • Stanlow The refurbishment and enhancement of existing sites and premises for continued employment use will be supported. Redevelopment to non-employment uses will be permitted where the proposed use is compatible with existing retained employment uses in the locality and where: • the proposal would not limit the range, choice and quality of employment sites available to meet future employment needs; or • it can be demonstrated that the continued use of the premises for employment use is no longer commercially viable or environmentally acceptable. The Council will support initiatives and accessibility to further/higher education facilities in the borough including the University of Chester, West Cheshire College and Mid-Cheshire College, improving skills and links to main employers. The Council will support the delivery of high speed broadband infrastructure across the borough, particularly in the rural area, and the provision of adequate telecommunications.	be prevented by the Proposed Development. The private wire connection proposed towards Ince Park would enable renewable energy generated by the Proposed Development to be utilised by businesses. This may help the growth of existing and new businesses within the local area.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Social	SOC 4 Gypsy and Traveller and Travelling Showpersons accommodation	The Council will work with its partners to ensure appropriate provision for Gypsies, Travellers and Travelling Showpersons accommodation needs. Development proposals will be permitted for private and public Gypsy, Traveller and Travelling Showpersons accommodation provided that they meet the following criteria. Proposals should: • not be affected by pollution, contamination, flooding or other environmental factors that would result in unacceptable living conditions • not have unacceptable environmental effects • be well located in relation to the highway network with adequate vehicular and pedestrian access, and have provision for parking and circulation • be accessible to local services and facilities by walking and/or public transport • be supplied with essential services such as water, sewerage, electricity, drainage and waste disposal • be well related to existing settlements, and have regard to residential amenity • not be disproportionate to the scale of the existing settlement whether singly or cumulatively with other sites in the area • be located outside the Green Belt except in very special circumstances • with regard to sites for Travelling Showpersons, the development should include appropriate provision for the safe storage and maintenance of equipment The above criteria will be used to guide the site allocation process. There will be a presumption against the loss of existing permanent consented Gypsy, Traveller or Travelling Showpersons sites leading to, or exacerbating an identified shortfall unless suitable replacement provision of equal or enhanced value are provided.	Two residential caravan sites are located off Brook Furlong to the north-west of Frodsham (north of the M56). These lie adjacent to the Order Limits. Both sites have been developed without planning permission. In September 2022 CWaCC took enforcement action against the southerly of the two sites. At the same time planning applications for the two sites were submitted to CWaCC (Refs: 22/03308/FUL & 22/02292/FUL) for change of use of the land to a residential caravan site. An appeal against the enforcement notice was submitted by the occupants of the Site. On 26th July 2024 the Inspector appointed for the appeal upheld the enforcement notice and planning permission 22/03308/FUL was refused. Planning application Ref: 22/02292/FUL has not been determined as of 21st March 2025. At the time of writing, both of the caravan sites remain in use. The Proposed Development would not affect the continued occupation of the residential caravan sites located off Brook Furlong. The **Statement of Reasons** ***[EN010153/DR/4.1]*** contains a section where equalities impacts, including on the traveller community, are considered in detail. Section 8.1.7 summarises the protection afforded to the traveller communities and the approach adopted by the Applicant to ensure compliance with the Local Plan Policy.
	SOC 5 Health and well-being	In order to meet the health and well-being needs of our residents proposals will be supported that: • provide new or improved health facilities across the borough, particularly in areas of recognised need • support improved links to healthcare in rural areas • promote safe and accessible environments and developments with good access by walking, cycling and public transport • support opportunities to widen and strengthen the borough's cultural, sport, recreation and leisure offer • consider the specific requirements of different groups in the community (e.g. families with children, older people, people with disabilities, service families) in all relevant development • work to reduce poverty and deprivation across the borough, particularly in areas of identified need	The Applicant has undertaken an EIA for the Proposed Development which is reported in the ES ***[EN010153/DR/6.1 / 6.2 /6.3]***. The EIA considered topics including noise, ground conditions, construction dust and flood risk. The ES identifies the residual effects of the Proposed Development following the implementation of mitigation. No residual adverse effects have been identified that present an unacceptable risk to human health, public safety or residential amenity. The Applicant has prepared a **Design Approach Document** ***[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project. **ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and the **Design Approach Document** ***[EN010153/DR/5.8]*** describe that permissive footpaths have been proposed to create additional opportunities for recreational access, along with a potential small visitor car park to reduce informal parking along Moorditch Lane which should enhance the experience of using the National Cycle Network. In addition, new bird viewing areas and educational displays should enhance the visitor experience. An **outline Public Right of Way Management Plan** ***[EN010153/DR/7.9]*** sets out the approach to managing the PRoW impacted by the Proposed Development during both the construction and operational phases.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• promote high quality greenspace, and access to this across the borough, particularly in areas of recognised need. Development that gives rise to significant adverse impacts on health and quality of life (e.g. soil, noise, water, air or light pollution, and land instability, etc) including residential amenity, will not be allowed.	An **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts, including on health and residential amenity, from pollution during the construction phase.
	SOC 6 Open space, sport and recreation	The Council will seek to protect, manage and enhance existing open spaces, sport and recreation facilities to provide a network of diverse, multi-functional open spaces. Proposals will be supported that: • Improve the quality and quantity of accessible open space, sport and recreation facilities in the local area. • Provide innovative solutions to improving the network of existing open spaces, increase accessibility to green corridors, and enhance biodiversity. • Improve access to open space for disabled people, pedestrians and children's play facilities. Proposals on existing open space, sport and recreation facilities will only be permitted where: A. Equivalent or better replacement quality and quantity open space, sport or recreation facilities will be provided in a suitable location; or B. An assessment has clearly demonstrated the site to be surplus for its current open space, sport or recreation function; And C. It could not fulfil other unsatisfied open space, sport or recreation needs; And D. In circumstances where the open space, sport or recreation facility has been demonstrated to be surplus to need for that function in accordance with part C of this policy any proposed replacement will remedy a deficiency in another type of open space, sport or recreation facility in the local area; or E. The development will be incidental to the use of the open space, sport or recreation facility. Development will be required to incorporate or contribute towards the provision of an appropriate level and quality of open space, sport and recreation provision.	The Proposed Development does not adversely impact on designated open space, sport, or recreational sites, nor does it displace existing sporting or recreational facilities. Where new permissive paths are provided, these may enhance local recreation in line with the Proposed Development's mitigation and community benefit commitments. There are multiple PROWs located within the Order Limits. An **outline Public Right of Way Management Plan** ***[EN010153/DR/7.9]*** sets out the approach to managing the PRoW impacted by the Proposed Development during both the construction and operational phases. **ES Vol 1 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and the **Design Approach Document** ***[EN010153/DR/5.8]*** describes that the Proposed Development includes measures to enhance public access in an ecologically sensitive manner, fostering appreciation of wildlife whilst minimising disturbance. New permissive paths through the Site will be guided to less sensitive areas, and designated wildlife viewing points with screening (such as bird hides or viewing screens) will be installed at strategic locations. Informative signage will be placed to encourage responsible behaviour (e.g. keeping dogs on leads) in the vicinity of important habitats. These measures will enhance the educational and recreational value of the Site, turning it into a well-managed nature-rich area accessible to the public.
Environmental	ENV 1 Flood risk and water management	The Local Plan will seek to reduce flood risk, promote water efficiency measures, and protect and enhance water quality through the following mechanisms: • All development must follow the sequential approach to determining the suitability of land for development, directing new development to areas at the lowest risk of flooding and where necessary apply the exception test, as outlined in national planning policy.	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water** ***[EN010153/DR/6.1]*** provides an assessment of the likely significant effects on flood risk, drainage and surface water quality as a result of the Proposed Development. All potential sources of flooding have been reviewed as part of the assessment including fluvial (from rivers), tidal, surface water, sewer flooding, groundwater and artificial sources. The western half of the Site is located within Flood Zone 1, an area with a low probability of flooding. The eastern half of the Site is located within Flood Zone 3a, an area at greater risk of

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• Developers will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment (FRA) at the planning application stage, that development proposals will not increase flood risk on site or elsewhere, and should seek to reduce the risk of flooding. New development will be required to include or contribute to flood mitigation, compensation and/or protection measures, where necessary, to manage flood risk associated with or caused by the development. • Development proposals should comply with the Water Framework Directive by contributing to the North West River Basin Management Plan and Dee River Basin Management Plan objectives, unless it can be demonstrated that this would not be technically feasible. • The drainage of new development shall be designed to reduce surface water run-off rates to include the implementation of Sustainable Drainage Systems (SUDS) unless it can be demonstrated that it is not technically feasible or viable. • Proposals within areas of infrastructure capacity and/or water supply constraint should demonstrate that there is adequate wastewater infrastructure and water supply capacity to serve the development or adequate provision can be made available.	flooding. Modelling has been undertaken for the River Weaver and the River Mersey to understand potential flood levels at various years in the future, taking into account changes that may result from climate change. The Applicant has undertaken a Sequential Test that is reported within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. It is confirmed the Site meets the requirements of the Sequential Test. The Applicant has presented evidence on the Exception Test within **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The Exception Test sets out that the Proposed Development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. As such, the Exception Test is met. Consideration has been given to the use of nature-based solutions, and proposals for SuDS have been incorporated within the surface water drainage strategy. A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment *[EN010153/DR/6.1]***. The assessment concludes the Proposed Development is WFD compliant and will support the achievement of the environmental objectives set out in the North West River Basin Management Plan. As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*,** the Proposed Development will only require a limited supply of water which can be provided by existing water mains which run through the Site. **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.1]*** sets out how the Proposed Development will be drained. The proposed drainage would be delivered within the Order Limits and would not require the need of planning obligations.
	ENV 2 Landscape	The Local Plan will protect and, wherever possible, enhance landscape character and local distinctiveness. This will be achieved by: • The identification of key gaps in the Local Plan (Part Two) Land Allocations and Detailed Policies Plan between settlements outside the Green Belt that serve to protect and maintain their character • Supporting the designation of Local Green Space • Protecting the character of the borough's estuaries and undeveloped coast. Development should: • Take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site. • Recognise, retain and incorporate features of landscape quality into the design.	The Applicant has prepared a Landscape and Visual Impact Assessment (LVIA) at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*, and distinguishes between landscape effects and visual effects. The LVIA is supported by viewpoints and verifiable visualisations. The LVIA has been prepared cognisant of the sensitivity of the area including the potential 'Cheshire Sandstone Ridge National Landscape' designation, and the nearest local landscape designations. The approach to the siting and design of the Proposed Development is set out in the **Design Approach Document *[EN010153/DR/5.8]***. The LVIA concludes that there would be residual significant adverse effects for users of the existing public right of way network through the Site. As set out in the LVIA, mitigation has been identified to reduce these effects as far as possible. The mitigation measures that have been embedded into the Proposed Development are set out in Section 6.7 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. There is inevitably a degree of tension with Policy ENV 2 which seeks to protect and enhance landscape character, however, ENV 2's test is nuanced: it requires development to take full

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
			account of the site's characteristics and views, and incorporate landscape features into the design, which the Applicant has done.
	ENV 3 Green infrastructure	The Local Plan will support the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure. This will be achieved by: • Development incorporating new and/or enhanced Green Infrastructure of an appropriate type, standard and size or contributing to alternative provision elsewhere. • Increased planting of trees and woodlands, particularly in urban areas and the urban fringe.	As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed Development maintains the functionality and connectivity of the existing green infrastructure network. The Proposed Development includes new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase. The Applicant has undertaken an **Arboricultural Assessment *[EN010153/DR/7.15]*** of the existing trees and woodlands within the Site. Mitigation measures to avoid and minimise adverse effects to trees and woodland are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how existing and proposed trees and woodland will be managed for the lifetime of the Proposed Development.
	ENV 4 Biodiversity and geodiversity	The Local Plan will safeguard and enhance biodiversity and geodiversity through the identification and protection of sites and/or features of international, national and local importance. Sites will be protected from loss or damage taking account of: • The hierarchy of designations of international, national and local importance • The irreplaceability of habitats, sites and/or features and contribution to the borough's ecological network of sites and features • Impact on priority habitats and protected/priority species Development should not result in any net loss of natural assets, and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features because of exceptional overriding circumstances, mitigation and compensation will be required to ensure there is no net loss of environmental value.	The Applicant has undertaken comprehensive ecological surveys across the Order Limits to identify ecological species and habitats that could be impacted by the Proposed Development. The ecological baseline of the site and an assessment of impacts to ecological and nature conservation receptors is provided within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The Applicant has prepared **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** as part of the application to assess impacts on internationally designated sites. The HRA concludes that the Proposed Development would not result in likely significant adverse effects on internationally designated sites either in isolation, or cumulatively with other projects. During the construction phase the Proposed Development would result in likely significant adverse effects on the Frodsham, Helsby and Ince Marshes Local Wildlife Site (LWS), but there would not be likely significant effects to other sites, habitats or species. Once the Proposed Development is operational there would be beneficial change to the Frodsham, Helsby and Ince Marshes LWS. The mitigation and enhancement measures proposed across the Proposed Development (and specifically as part of the Non Breeding Bird Mitigation Area) would result in likely significant beneficial effects for non-breeding birds, and in turn designated sites that have ornithological interest such as the Mersey Estuary SSSI, SPA and Ramsar site. The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse based habitats.

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	ENV 5 Historic environment	The Local Plan will protect the borough's unique and significant heritage assets through the protection and identification of designated and non-designated heritage assets* and their settings. Development should safeguard or enhance both designated and non-designated heritage assets and the character and setting of areas of acknowledged significance. The degree of protection afforded to a heritage asset will reflect its position within the hierarchy of designations. Development will be required to respect and respond positively to designated heritage assets and their settings, avoiding loss or harm to their significance. Proposals that involve securing a viable future use or improvement to an asset on the Heritage at Risk register will be supported. Development which is likely to have a significant adverse impact on designated heritage assets and their settings which cannot be avoided or where the heritage asset cannot be preserved in situ will not be permitted. Where fully justified and assessed, the Council may consent to the minimal level of enabling development consistent with securing a building's future in an appropriate viable use. Development in Chester should ensure the city's unique archaeological and historic character is protected or enhanced. *Heritage assets are defined as a building, monument, site, place, structure, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and non-designated heritage assets identified in the Cheshire Historic Environment Record, including local assets.	The Applicant has consulted the Cheshire Historic Environment Record as part of the assessment process, as well as the National Heritage List for England (maintained by Historic England), and Cheshire West and Cheshire Council. A list of data sources is provided in Section 4.2 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***. **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. This includes above and below ground heritage assets, designated and non-designated assets, and the potential for cumulative effects on the wider historic environment. As set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]***, the Proposed Development would not result in likely significant effects on the historic environment including heritage assets. The Proposed Development is sufficiently remote from the City of Chester such that it would not affect the character of the city's unique archaeological and historic character.
	ENV 6 High quality design and sustainable construction	The Local Plan will promote sustainable, high quality design and construction. Development should, where appropriate: • Respect local character and achieve a sense of place through appropriate layout and design • Provide high quality public realm • Be sympathetic to heritage, environmental and landscape assets • Ensure ease of movement and legibility, with priority for pedestrians and cyclists • Promote safe, secure environments and access routes • Make the best use of high quality materials • Provide for the sustainable management of waste • Promote diversity and a mix of uses • Incorporate energy efficiency measures and provide for renewable energy generation either on site or through carbon offsetting measures • Mitigate and adapt to the predicted effects of climate change	The Proposed Development has been designed to achieve a high standard of sustainability, reflecting ENV 6's principles of good design, efficient resource use, and climate change mitigation. The Applicant has taken an environmentally-led approach to the master planning of the Proposed Development from the inception of the project, as reported in the **Design Approach Document *[EN010153/DR/5.8]***. The Design Approach Document also sets out how the Planning Inspectorate's Advice on Good Design has been followed. It presents the vision and design principles that have guided the design process, how the design of the Proposed Development has evolved through each stage of the pre-application development process, how consultation feedback at each stage has guided design changes, and how the outcomes of environmental surveys and assessment have been integrated with the process. The **Design Approach Document [EN010153/DR/5.8** addresses how the specific policy limbs are met as follows: Respect local character etc - The design process promotes a harmonious relationship between infrastructure and environment, with the solar farm sitting within retained green infrastructure and delivering enhancements to the natural environment and to public amenity which are consistent with character, enhance the landscape and benefit the experience of those who live in and visit the area. Provide high quality realm - Enhancements to the public access network, including improved existing PRoW, additional permissive routes, waymarked circular routes and interpretation will sit

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• Meet applicable nationally described standards for design and construction	alongside pro-actively managed green infrastructure including existing and new vegetation which together will create a much-improved public realm. Sympathetic to heritage - The design approach adopted has been sensitive to the character of the landscape and key views alongside biodiversity improvements. Heritage matters have also been considered. Ease of movement etc - A scheme of access improvements, which will include legible signage of routes is central to the Proposed Development proposals. Safe, secure environment and access routes - The detailed design will include consideration of public safety including intervisibility of routes and clear signage Best use of high-quality materials - Material selection in the detailed design will include consideration of embodied carbon, waste minimisation and quality / durability. Sustainable management of waste - The Proposed Development design provides a hierarchy of access routes intended to provide access to all and to preserve a full range of access experiences. Construction waste and material use will be managed in accordance with the **outline Construction Environmental Management Plan [EN010153/DR/7.5]** to minimise waste and maximise recycling potential. Energy efficiency measures - The project is a renewable energy generating station in itself. Procurement of the main project and access improvements will consider embodied carbon in material use. Mitigate and adapt to the predicted effects of climate change - The eastern part of the array will be installed with equipment elevated above predicted flood levels which make allowance for climate change. Nationally described standards for design - The design has followed a process which accords with National design guidance as documented in this document
	ENV 7 Alternative energy supplies	The Local Plan will support renewable and low carbon energy proposals where there are no unacceptable impacts on: • Landscape, visual or residential amenity • Noise, air, water, highways or health • Biodiversity, the natural or historic environment • Radar, telecommunications or the safety of aircraft operations Proposals should be accompanied by appropriate arrangements for decommissioning and reinstatement of the site when its operational lifespan has ended. Development proposals that could feasibly supply or connect into a district heating network will be encouraged to do so. Proposals to exploit the borough's alternative hydrocarbon resources will be supported in accordance with the above criteria and all other policies within the Local Plan.	The Proposed Development is a new solar electricity generating station that would contribute to the delivery of a cleaner and more secure electricity network. The Applicant has undertaken an EIA for the Proposed Development which is reported in the **ES *[EN010153/DR/6.1 / 6.2 / 6.3]***. Likely significant adverse environmental effects have been identified during the construction phase at a localised level in and around the Site in relation to locally designated wildlife sites, the landscape in the immediate vicinity of the Site, and users of PRoW within the Site. Likely significant adverse environmental effects would continue in the Operational Phase for the local landscape and users of PRoWs within the Site, but there would also be significant beneficial environmental effects in relation to ecology and biodiversity, and a reduction in atmospheric greenhouse gas emissions. **ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** and **ES Vol 2 Appendix 4-3: Glint and Glare Assessment *[EN010153/DR/6.2]***. These assessments have not identified any unacceptable impacts. The **Planning Statement *[EN010153/DR/5.6]*** sets out the benefits of the project, and that as the Proposed Development is CNP infrastructure, the benefits outweigh the harm identified.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
			ES Vol 1 Chapter 2: The Proposed Development ***[EN010153/DR/6.1]*** provides a description of the Decommissioning Phase and confirms that that the Site would be returned to a condition suitable for return to its original use after decommissioning. An **outline Decommissioning Environmental Management Plan** ***[EN010153/DR/7.7]*** has been prepared. Therefore, and in accordance with the conclusions of the Environmental Statement, it is demonstrated that the Proposed Development would not give rise to any unacceptable impacts on any environmental criteria.

	ENV 8
	Managing waste
		The waste management needs in the borough will be met by:
		• managing waste as a resource
		• promoting waste minimisation and increasing waste awareness
		• delivering sustainable waste management
		• providing waste management infrastructure
		This will be achieved by:
		• the identification of sufficient land to meet predicted waste requirements for the borough up to 2030
		• ensuring proposals for waste management facilities are consistent with the waste hierarchy of
		  ○ prevention
		  ○ preparation for reuse
		  ○ recycling and composting
		  ○ other recovery/energy generation
		  ○ disposal as a last resort.
		• ensuring proposals for waste management are consistent with the principles of national policy and local waste strategies, including net self sufficiency, allowing for cross boundary flows and managing waste at one of the most appropriate installations
		• supporting the co-location of waste facilities and the integration of new waste facilities into the existing network of waste management sites in the borough
		• safeguarding the following sites with planning permission for waste uses against alternative development
		  ○ Ince Park, Ellesmere Port
		  ○ Lostock Works, Northwich
		  ○ Kinderton Lodge, near Middlewich
		• regular review through monitoring of sites with planning consent, but not yet operational, to ensure there is sufficient land available to support new waste development in the borough
			The Proposed Development would utilise existing access roads located within the Ince Park allocation and would not restrict or preclude the continued development of the allocation listed under Policy ENV 8.
			
			ES Vol 2 Chapter 2: The Proposed Development ***[EN010153/DR/6.1]*** provides a description of the expected waste streams arising during the construction, operation and decommissioning phases and how these will be managed.
			
			The **outline Construction Environmental Management Plan** ***[EN010153/DR/7.5]*** sets out measures to minimise and recycle construction waste, prioritising reuse and recycling in line with the waste hierarchy. Any site-generated waste will be tracked and disposed of via licensed waste operators, ensuring compliance with local and national waste regulations.
			
			ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1] confirms that any arisings would be managed in accordance with the Waste Duty of Care Code of Practice, which implements the duty of care set out in Section 34(1) of the Environmental Protection Act 1990. Waste would be sent to an appropriate waste management facility and managed in accordance with the duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011. The **Outline Decommissioning Environmental Management Plan [EN010153/DR/7.7]** and **outline Construction Environmental Management Plan [EN010153/DR/7.5]** confirm that waste arisings will be prevented and designed out where possible. Opportunities to re-use material resources will be sought where practicable. Where re-use and prevention are not possible, waste arisings will be managed in line with the Waste Hierarchy includes a requirement to prepare a Decommissioning Waste Management Plan.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance

		• safeguarding existing landfill capacity and built waste management facilities from alternative uses and against the encroachment of incompatible uses where they are in locations consistent with the site identification criteria for new waste facilities as set out in Planning Policy Statement 10. These sites are identified within the Waste Need Assessment.
		• the identification of specific sites in the Land Allocations and Detailed Policies Document to deliver Household Waste Recycling Centres at suitable locations to replace current sites at Frodsham, Chester and Tattenhall.
		• only supporting other proposals for sustainable waste management facilities after the sites with planning permission but not yet operational, have either:
		  ○ been brought into operational use;
		  ○ are demonstrated as no longer deliverable; or
		  ○ where the new proposal can be shown to deliver greater resource efficiency for communities and businesses
		• supporting the development of farm scale anaerobic digestion facilities for materials generated on the farm unit.	

	ENV 9 Minerals supply and safeguarding	Cheshire West and Chester will make provision for the adequate, steady and sustainable supply of sand, gravel, salt and brine, contributing to the sub-national guidelines for aggregate land-won sand and gravel, whilst ensuring the prudent use of our important natural finite resources. This will be achieved by: • maintaining a minimum seven year landbank for aggregate land-won sand and gravel, making provision for a steady and adequate supply over the Plan period in line with national policy and Local Aggregate Assessments, providing a flexible approach to the location of future minerals development to ensure a diversity of supply for the market. Specific sites and preferred areas will be identified within the Local Plan (Part Two) Land Allocations and Detailed Policies Plan for the future extraction of aggregate land-won sand and gravel as either extensions to existing sites or new sites • safeguarding Cheshire West and Chester's extent of finite natural resources and associated infrastructure from incompatible development by delineating Mineral Safeguarding Areas for sand and gravel, salt and shallow coal, as shown on the Policies Map, together with existing and potential sites for minerals infrastructure • supporting proposals which enable the use of secondary and recycled mineral resources, reducing the reliance on primary aggregate extraction where appropriate • supporting the retention of and proposals for fixed construction, demolition and excavation waste recycling sites in appropriate locations across the borough • supporting environmentally acceptable proposals which enable the use of locally sourced building stone for architectural and heritage purposes	Part of the Order Limits covering the emergency access at Weaver Lane south of the M56 motorway is within a mineral safeguarding area for sand and gravel, subject of Policy ENV 9. The Proposed Development within this part of the Order Limits relates only to providing and maintaining the existing access to the Site, and therefore the Proposed Development would not sterilise the mineral reserve or prevent its future extraction.

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		• ensuring the sustainable and prudent use of all natural mineral resources, including salt and brine, whilst having regard to the need to contribute to the provision of nationally significant gas storage capacity • requiring all proposals for minerals development to include high quality restoration and aftercare proposals in keeping with surrounding land uses.	

6.0 CHESHIRE WEST AND CHESTER LOCAL PLAN (PART TWO) LAND ALLOCATIONS AND DETAILED POLICIES

6.1.1 Table 5 sets out the policy requirements from the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies.

Table 5: Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Ellesmere Port	EP1 Ellesmere Port Settlement Area	Within the defined settlement boundary of Ellesmere Port as identified on the policies map, development proposals will be supported which are in line with the relevant development plan policies and are consistent with the following principles, where relevant, aimed at delivering the Local Plan (Part One) policy STRAT 4: 1. providing improved links between the town centre, the Waterfront, Rossfield Park and the Stanlow areas; 2. proposals in the Rossmore area are required to contribute towards the provision of new and improved pedestrian and cycle links, including a new railway bridge crossing, as identified on the policies map, to improve connectivity with the town centre; 3. supporting physical and landscape improvements to the gateways, corridors and green spaces within Ellesmere Port including along the M53/Shropshire Union Canal Corridor; 4. supporting improvements to rail services and accessibility to the railway stations; 5. regeneration of previously developed land for a range of uses, particularly to support new housing development; 6. supporting regeneration proposals in and around the town centre including mixed use development and a public services hub; 7. do not give rise to significant adverse impact on air quality in line with Local Plan (Part Two) policy DM 31.	The Proposed Development lies within proximity to Ellesmere Port's settlement boundary and contributes to delivering STRAT 4 objectives by supporting sustainable energy generation. The Proposed Development would utilise existing access roads located within the settlement boundary of Ellesmere Port (which covers the village of Ince) which is subject of Policy EP1 to access the Site. Otherwise, the Proposed Development would not affect delivery of development within the settlement boundary of Ellesmere Port.
	EP2.A Land at Encirc Glass	Development on land adjacent to Encirc Glass, as identified on the policies map (use classes B1, B2 and B8), will be supported subject to the following criteria being met; 1. it incorporates sufficient flood risk mitigation measures, including adequate surface water discharge methods; 2. it is compatible with surrounding land uses, in particular the amenity of nearby residents; 3. it is compatible with the use of the railway line, and encourages rail based freight movements in accordance with Local Plan (Part One) policies STRAT 4 and STRAT 10; 4. minimises and mitigates harm to the landscape and visual impacts arising from the proposed development; 5. it minimises and mitigates impacts on the surrounding ecological network and designated sites of ecological importance in the vicinity. An Ecological Appraisal, including bird surveys will be required to determine the potential for significant	The existing access road which would be utilised by the Proposed Development would be in close proximity to the allocation EP2.A. Vehicular access to the Site would be via Marsh Lane, utilising the existing network of access tracks which were created as part of the Frodsham Wind Farm development. Access to the Site from the adopted highway network would be from Pool Lane via a series of private access roads which lead to the Site, specifically Grinsome Road and Marsh Lane. Pool Lane provides access via the A5117 to Junction 14 of the M56 and Junction 10 of the M53. The roads leading to the Site are all designed to a standard to accommodate HGV and currently provide access to the east side of Stanlow Refinery, Protos and Encirc. The Proposed Development would not affect the development of land adjacent to the former Encirc Glass site. The Proposed Development would comply with the Local Plan Policy and would not preclude the redevelopment of the Encirc Glass site.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		environmental effects on ecological designations and to provide appropriate mitigation measures; and 6. the use and the design of the buildings proposed should be consistent with their location in a hazard consultation zone, in line with Local Plan (Part Two) policies DM 33 and DM 34	
	EP3 Stanlow special policy area	The Stanlow special policy area is identified on the policies map. The Stanlow oil refinery is of national importance and safeguarded for continued use for petrochemical and related industries. Any new development must not prejudice the continuing operation of the refinery. The redevelopment of any vacant, under-used or derelict land for employment use (use classes B1, B2 and B8) that is surplus to the primary operational use of the site will be encouraged, subject to any security restrictions and the criteria below. Proposals for a complementary/synergistic use alongside existing operations should be considered. New employment development (use classes B1, B2, B8 and suitable sui generis uses) will be supported where all of the relevant criteria are met; 1. there should be no material harm to sensitive locations in the locality, or to residential amenity, arising from the appearance of the development, or its potential for pollution, or noise generation, or visual impact. Sensitive locations include the Mersey Estuary SPA/Ramsar, residential areas, commercial centres, areas attracting large numbers of visitors, SSSI, Green Belt, conservation areas and historic assets; 2. proposals for 'potentially polluting development' must be in line with other relevant development plan policies relating to hazardous installations and the potential pollution / amenity impacts; 3. the proposed development must not conflict with the continuing operation of existing businesses in the special policy area or other relevant development plan policies and allocations; 4. the use and the design of the buildings proposed must be consistent with their location in a hazard consultation zone, in line with other relevant development plan policies. Development should be in line with Local Plan (Part Two) policies DM 33 and DM 34; 5. the use, design and location of any plant and buildings should have regard to the areas of flood risk identified by the Environment Agency; 6. the traffic and transport requirements generated by the use, including freight and access by employees and visitors, must be satisfactorily accommodated both on the site and by the surrounding transport network. Non-road and public transport facilities should be used whenever possible; 7. it minimises and mitigates impacts on biodiversity in line with Local Plan (Part Two) policy DM 44; 8. proposals should contribute towards enhancing green infrastructure in line with Local Plan (Part One) policy ENV 3 and Local Plan (Part Two) policy DM 45.	The Order Limits are located on the opposite side of the Pool Lane Roundabout to the Stanlow special policy area. The Proposed Development would not affect the development of land within the Stanlow special policy area site, and consequently the policy does not apply in respect of the Proposed Development.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		The New Bridge Road employment allocation is within the defined Stanlow boundary. Development proposals in this area must take account of the above criteria and also the additional criteria in Local Plan (Part Two) policy EP 2 and EP 2.B. Thornton Science Park is within the defined Stanlow boundary. Development proposals in this area must take account of the above criteria and also the additional criteria in Local Plan (Part Two) policy EP 5. The use and redevelopment of land within Stanlow will be prioritised for employment development in the Ellesmere Port area, in preference to the release of additional greenfield sites. Residential development within the Stanlow boundary will not be permitted.	
	EP6 Ince Park	Land at Ince Park (Protos) is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials. Development will be supported where; 1. it is considered in combination with other planned/consented development at Ince Park and nearby areas; 2. it would not compromise the planned/operational capacity of the site to provide waste management facilities for specific waste streams, where this contributes to meeting an identified need in the borough; 3. it meets general development requirements for waste management facilities 4. where practicable, it maximises opportunities for freight movements on the Manchester Ship Canal or rail network, particularly to minimise the impact of increased traffic generation on the local road network; 5. it safeguards the provision and delivery of port and rail infrastructure; 6. it minimises and mitigates any adverse impacts on the local environment, health and local residential amenity, particularly on residents of Ince and Elton (including noise, air, land or water pollution and visual impact); 7. it minimises and mitigates adverse impacts on nature conservation within and adjoining the site in line with DM 44; 8. the ecological mitigation areas that form part of the consented resource recovery park are retained, or there is no net loss in the area and type of ecological mitigation provided within the borough; 9. the landscape mitigation areas that form part of the consented resource recovery park are retained either in the consented form or through alternative equivalent provision and there is appropriate landscaping that respects the landscape character of the site and its surroundings; 10. it makes provision for public access on the site (including public transport), where this would not be prejudicial to the industrial operations, rail or other commercial movements on the site and/or to public safety, or would not result in recreational pressure or disturbance on sites of ecological importance; 11. it minimises any flood risk arising from the development both on and off-site;	The Proposed Development would utilise existing access roads located within the allocation of Ince Park which is subject of Policy EP6 to access the Site. Whilst the Proposed Development would utilise the access, it would not adversely affect the continued development of land at Ince Park, subject of allocation EP6. The Proposed Development would therefore not conflict with the Local Plan Policy.

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		12. it does not provide unacceptable risks to health and safety in line with Local Plan (Part Two) policy DM 33 and DM 34.	
Rural Area	R1 Development in the Rural Area	In line with Local Plan (Part One) policy STRAT 8, development proposals in the rural area will be supported in key service centres and local service centres (identified settlements) where they meet the relevant policy criteria. Neighbourhood plans or Neighbourhood Development Orders can promote more development than that set out in the Local Plan (Part One) to meet local housing, economic and social needs where appropriate. Policies dealing with design of development will be a key consideration in determining the acceptability of proposals. *Key and Local Service Centres* Within a key or local service centre settlement boundary, as identified on the policies map, development proposals that are in line with the development plan for the settlement, and are consistent with Local Plan (Part One) policy STRAT 8 will be supported. The following settlements are defined as local service centres: Antrobus*, Delamere*, Great Budworth*, No Mans Heath, Ashton Hayes*, Dodleston*, Guilden Sutton*, Norley*, Aldford, Duddon, Higher Wincham, Saughall*, Childer Thornton*, Eaton Kingsley*, Tilston, Christleton*, Eccleston*, Little Budworth, Utkinton, Comberbach*, Elton*, Mickle Trafford*, Waverton*, Crowton*, Great Barrow*, Moulton, Willaston ** additional restrictions apply in line with Local Plan (Part One) policy STRAT 9 and the National Planning Policy Framework.* New housing development outside but adjacent to a key or local service centre boundary will only be supported where the proposal is in line with Local Plan (Part Two) policy DM 24; is for a community land trust development supported by the Parish Council; the site has been allocated through a neighbourhood plan; or is brought forward through a Neighbourhood Development Order or Community Right to Build Order. *The countryside* For development proposals in the countryside, as identified on the polices map, which includes villages and hamlets that are not identified as key or local service centres (identified settlements), please see Local Plan (Part One) policy STRAT 9 and relevant development plan policies.	The Proposed Development comprises non-residential development and would be located in the rural area. The Proposed Development would not affect the delivery of residential development in the nearby local service centres, as set out within Policy R1 and would not conflict with the objectives of the Policy. The area of the Order Limits is covered by two Neighbourhood Plans (Frodsham NP and Ince NP) and compliance with the policies of these neighbourhood plans is considered in Tables 6 and 7 of this Policy Compliance Document. The Proposed Development is located within the countryside. Policy STRAT 9 is considered in Table 4.
Green Belt and Countryside	GBC 2 Protection of Landscape	The borough's countryside will be protected in line with Local Plan (Part One) policy STRAT 9. Where development requires a countryside location, it must satisfy Local Plan (Part One) policy ENV 2 and: 1. protect and, wherever possible, enhance landscape character and distinctiveness; 2. integrate into the landscape character of the area; and 3. be designed to take account of guidance in the Landscape Strategy. The above will be achieved through appropriate siting, scale, layout, density, design and landscape treatment.	Consideration of Policy ENV 2 is provided in Table 4. The Applicant has prepared a Landscape and Visual Impact Assessment (LVIA) at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*, and distinguishes between landscape effects and visual effects. The LVIA is supported by viewpoints and verifiable visualisations. The LVIA been prepared cognisant of the sensitivity of the area including the potential 'Cheshire Sandstone Ridge National Landscape' designation, and the nearest local landscape designations.

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		The following Areas of Special County Value (ASCV), as identified on the policies map, are designated for their special landscape character and scenic value: The following Areas of Special County Value (ASCV), as identified on the policies map, are designated for their special landscape character and scenic value: A. Beeston/Peckforton/Bolesworth B. Dee Coastal Area C. Delamere/Utkinton D. Grosvenor Estate/Dee Valley E. Helsby and Frodsham Hills F. Weaver Valley G. Willington H. Wych Brook Valley In addition to meeting the criteria above, development in or affecting the setting of an Area of Special County Value must: 4. preserve their special landscape character and scenic value; 5. enhance landscape quality, character and appearance wherever possible; and 6. make suitable provision for improving public access to, and enjoyment of the landscape, where appropriate.	The approach to the siting and design of the Proposed Development is set out in the **Design Approach Document *[EN010153/DR/5.8]***. The LVIA concludes that there would be residual significant adverse effects for users of the existing public right of way network through the Site. As set out in the LVIA, mitigation has been identified to reduce these effects as far as possible. The mitigation measures that have been embedded into the Proposed Development are set out in Section 6.7 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The Order Limits are not adjacent to any ASCV. The LVIA provided at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** confirms that the introduction of the Proposed Development would not result in any changes that would materially affect the special landscape qualities of either the Helsby and Frodsham Hills ASCV or the Weaver Valley ASCV.
Transport and Accessibility	Policy T5 Parking and Access	In order to ensure that appropriate provision is made for access and parking, development proposals will be supported which meet the requirements of Local Plan (Part One) policy STRAT 10 and which: 1. make safe provision for access to and from the site for all users of the development, including the provision of access to adopted highways, visibility splays and accompanying signage where necessary; 2. allow for safe movement within the site, having regard to the requirements of the emergency services and service providers, including sufficient manoeuvring and standing space for the appropriate number and size of vehicles likely to serve the development at any one time; 3. will not create any unacceptable impacts on amenity or road safety that cannot be satisfactorily mitigated by routeing controls or other highways improvements; 4. are designed to incorporate measures to assist access to and around the site by pedestrians, cyclists and to meet the needs of people with disabilities; 5. provide sufficient parking facilities to serve the needs of the development and have regard to the Council's latest adopted parking standards for cars and other vehicles as necessary, including cycles; 6. provide appropriate charging infrastructure for electric vehicles in new developments.	The impact of the Proposed Development in terms of transport and accessibility has been assessed through a **Transport Assessment *[EN010153/DR/7.3]*.** The Transport Assessment concludes that there would be no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development. **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/5.6]*** and the **Design Approach Document *[EN010153/DR/5.8]*** describes that permissive footpaths have been proposed to create additional opportunities for recreational access, along with a potential small visitor car park to reduce informal parking along Moorditch Lane which should enhance the experience of using the National Cycle Network. An **outline Public Right of Way Management Plan *[EN010153/DR/7.9]*** sets out the approach to managing the PRoW impacted by the Proposed Development during the construction and operational phases. An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts on the highway network resulting from the construction phase of the Proposed Development.

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		The Council will encourage improved parking facilities for residents and their visitors in older housing areas and to serve railway stations, where a clear need for such facilities can be demonstrated. Redevelopment of existing public car parks will be only be supported where adequate alternative provision is available or capable of being provided. Proposals for developments that provide coach parking/facilities, in line with the Council's latest adopted strategy will be supported.	
Minerals Supply and Safeguarding	Policy M2 Minerals safeguarding areas - prior extraction of minerals	In line with Local Plan (Part One) policy ENV 9, minerals safeguarding areas (MSAs) will safeguard Cheshire West and Chester's extent of finite natural resources from incompatible development. Within a minerals safeguarding area, as identified on the policies map, non-mineral development or hydrocarbon development will only be supported if the applicant can demonstrate that: 1. mineral sterilisation will not occur; or 2. due to the quantity or quality of the mineral it is no longer of any existing or potential value; or 3. the mineral can be extracted satisfactorily prior to the incompatible development taking place; or 4. the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed and does not permanently sterilise the mineral; or 5. there is an overriding need for the incompatible development and the material planning benefits of the non-mineral or hydrocarbon development would outweigh the material planning benefits of the underlying or adjacent material; or the development comprises one of the exempt types of development listed in the explanation.	Part of the Order Limits covering the emergency access at Weaver Lane south of the M56 motorway is within a mineral safeguarding area for sand and gravel, subject of Policy ENV 9. The Proposed Development within this part of the Order Limits relates only to providing and maintaining the existing access to the Site, and therefore the Proposed Development would not sterilise the mineral reserve or prevent its future extraction. The Applicant has undertaken an assessment of the existing ground conditions, which is provided as **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]***. The assessment is supported by **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment *[EN010153/DR/6.2]***.
	Policy M8 Minerals Infrastructure	In line with Local Plan (Part One) policy ENV 9, significant infrastructure that supports the supply of minerals in Cheshire West and Chester will be safeguarded from incompatible development. Non-mineral development (excluding the development types identified in the policy explanation) with the potential to impact on a mineral infrastructure safeguarded site used for mineral processing, handling, and transportation will not be supported unless it can be demonstrated that: 1. the non-mineral development would not unduly restrict the use of the mineral infrastructure site; 2. the material planning benefits of the non-mineral development would outweigh the material planning benefits of the mineral infrastructure site; 3. the mineral infrastructure can be relocated; or 4. alternative capacity can be provided elsewhere.	The Proposed Development would not affect safeguarded land for infrastructure that supports the supply of minerals. The Applicant has undertaken an assessment of the existing ground conditions, which is provided as **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]***. The assessment is supported by **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment *[EN010153/DR/6.2]***.

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Development Management	DM2 Impact on Residential Amenity	In line with Local Plan (Part One) policy SOC 5, all proposals for new development will be expected to safeguard the quality of life for residents within the development and those living nearby. Development will only be supported where it does not result in a significant adverse impact upon the residential amenity of the occupiers of existing properties or future occupiers of the proposed development, including: • outlook • privacy • light • noise • odour In respect of light, regard will be had to loss of sunlight and daylight, and to the impact of artificial light. Residential development must include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.	A standalone chapter assessing the human health impacts of the Proposed Development was scoped out of the ES, as there would be limited impacts on human health. Aspects of human health are assessed in the ES within the following chapters: • Chapter 4 - Methodology • Chapter 6 - Landscape and Visual Impact • Chapter 9 - Flood Risk and Drainage • Chapter 10 - Ground Conditions • Chapter 12 - Tourism and Recreation • Chapter 13 - Cumulative Effects In addition, the ES is supported by the following standalone assessments: • Noise and Vibration Assessment • Construction Dust Assessment • Glint and Glare Assessment • Transport Assessment Collectively, these reports set out the very limited adverse impact of the Proposed Development on human health. The approach taken to avoiding and minimising the visual and glint and glare impacts of the Proposed Development is set out in Sections 7.5 and 7.23 of the Planning Statement ***[EN010153/DR/5.5]***. The Proposed Development would not cause a significant or detrimental impact to residential amenity.
	DM3 Design, character and visual amenity	In line with Local Plan (Part One) policy ENV 6, development will be expected to achieve a high standard of design that respects the character and protects the visual amenity of the local area. Design solutions will be supported that, where relevant: 1. are designed to respect the scale, character and appearance of any existing building within the site and contribute positively to the character of the area; 2. respect and where appropriate enhance the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials; 3. contribute to the legibility of the area, through form, layout and detailing; 4. are sympathetic to the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site; 5. respect and where possible enhance local distinctiveness through the use of building layout, design, materials, architectural detailing, public realm and boundary treatment; 6. provide adequate external storage and amenity space; 7. create safe environments and reduce the fear of crime in the area;	The Applicant has prepared a **Design Approach Document *[EN010153/DR/5.8]*** which sets out the design process that has been followed from the inception of the project, and how the Planning Inspectorate's Advice on Good Design has been followed. Section 6.0 of the **Design Approach Document *[EN010153/DR/5.8]*** sets out how good design is secured as part of the **draft DCO *[EN010153/DR/3.1]*** to ensure the established design principles will be integrated with the final design post consent. The **Design Approach Document [EN010153/DR/5.8**] addresses how the specific policy limbs are met as follows: Designed to respect scale character and appearance - The design process promotes a harmonious relationship between infrastructure and environment, with the solar farm sitting within retained green infrastructure and delivering enhancements to the natural environment and to public amenity which are consistent with character, enhance the landscape and benefit the experience of those who live in and visit the area. Respect the prevailing layout etc - The Proposed Development will sit alongside / within pro-actively managed green infrastructure including existing and new vegetation which together will enhance the local landscape as experienced from the enhanced access network.

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		8. do not prejudice the long term planning of the area. Development in the countryside will only be permitted where it would respect the key features of the landscape in line with Local Plan (Part Two) policy GBC 2, and is not detrimental to its character. New development within the curtilage of a dwellinghouse will be assessed in line with the development plan, including Local Plan (Part Two) policy DM 21.	Contribute to the legibility of the area - A scheme of access improvements, which will include legible signage of routes is central to the Proposed Development proposals and will greatly improve accessibility of the area for the community. Associated enhancements to the green infrastructure will reinforce established landscape character Sympathetic to the characteristics of the site - The design process promotes a harmonious relationship between infrastructure and environment, with the solar farm sitting within retained green infrastructure and delivering enhancements to the natural environment and to public amenity which are consistent with character, enhance the landscape and benefit the experience of those who live in and visit the area. Views into and out of the site are respected. Respect local distinctiveness - Not especially applicable to the infrastructure components Locally appropriate materials will be used in the construction of public realm elements – notably public rights of way Provide adequate storage - Spatial requirements for the proposed development are considered in detail. The wide public access corridors will provide a good level of amenity Create safe environment - The detailed design will include consideration of public safety including intervisibility of routes and clear signage Do not prejudice long-term planning - The Proposed Development design provides a hierarchy of access routes intended to provide access to all and to preserve a full range of access experiences, enabling long term use of the site. The solar farm will be time limited and on expiration of the anticipated 40-year life will be decommissioned to leave behind intact fields and an enhanced landscape fabric of hedgerows
	DM4 Sustainable Construction	In line with Local Plan (Part One) policy ENV 6, all development proposals (including changes of use) will be expected to achieve the highest levels of energy and water efficiency that is practical and viable, and to maximise opportunities to incorporate sustainable design features where feasible. New dwellings will be required to meet the optional higher National Housing Standard for water consumption of 110 litres per person per day. Non-domestic buildings will be expected to achieve a BREEAM rating of 'Excellent', unless it can be demonstrated that this is not technically or financially viable. Innovative sustainable design solutions for energy efficiency and low carbon energy generation and use over and above Building Regulations and/or National Housing Standards will be supported. In all cases proposals for on-site renewable energy and low carbon generation will also need to meet the requirements of Local Plan (Part One) policy ENV 7. Where appropriate, major development proposals should be designed and incorporate measures to enable connections to a district heat network to be made now or in the future. The Council will encourage the use of sustainable construction techniques that promote the reuse and recycling of building materials, maximise opportunities for the recycling and composting of waste on all new development proposals (residential and non-residential) and reduce CO2 emissions.	The project does not introduce conventional buildings requiring BREEAM certification as the proposed buildings are all utility structures, however, the Applicant commits to incorporating best practice in sustainable materials and design, as set out in the **Design Approach Document *[EN010153/DR/5.8]***. **ES Vol 1 Chapter 5: Climate Change *[EN010153/DR/6.1]*** provides an assessment of the Proposed Development in the context of climate change resilience and its potential greenhouse gas emissions. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate impacts during the construction phase. The compliance with Local Plan (Part One) Policy ENV 7 – Alternative energy supplies is provided above.

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		Where the Council considers it likely that the proposal will result in significant adverse environmental effects during the construction phase a Construction Environmental Management Plan (CEMP) will be required.	
Development Management (continued)	DM11 Safeguarded Areas Around Aerodromes	Within the safeguarded areas, as identified on the policies map, new development which does not adversely affect the operational integrity or safety of an airport or aircraft operations, radar and navigation systems will be supported. In considering proposals for development within a safeguarded area the Council will have particular regard to: 1. the height and design of the development; and 2. the likelihood of it creating a birdstrike risk; and 3. the likely impact on navigational aids, radio waves, radar and telecommunications systems for the purposes of air traffic control and aircraft movements.	The Applicant consulted with the Civil Aviation Authority and National Air Traffic Services (NATS) as part of the Section 42 Consultation, as set out in the **Consultation Report *[EN010153/DR/5.1]***. No comments were received with respect to the Proposed Development. The only relevant considerations with regard to aerodrome and aircraft safety is potential for glint and glare impacts, or birdstrike risks. The potential impact of bird strikes is set out in Section 2.4 of **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]***. **ES Vol 2 Appendix 4-3: Glint and Glare Assessment *[EN010153/DR/6.2]*** includes an assessment of the potential glint and glare, and thermal effects of the Proposed Development on aviation receptors and concludes there would be no significant adverse effects, and therefore no harm to the operational safety of nearby aerodromes.
	DM29 Health Impacts of New Development	Development proposals should take every reasonable opportunity to promote and positively contribute to the health of the borough in line with Local Plan (Part One) policy SOC 5. A statement considering the health implications of new build commercial and residential development should be submitted, with mitigation of negative impacts made proportionate to the scheme. Where development is likely to have a significant impact, including any cumulative impacts on public health, it must be demonstrated how health and wellbeing has been taken into account through an assessment. Such applications must make a positive contribution to health and wellbeing and any negative impacts adequately mitigated. Development that would give rise to significant adverse effects on health and wellbeing will not be supported.	The Proposed Development is not a commercial or residential scheme, however health and wellbeing factors have been considered throughout its design and assessment. A standalone chapter assessing the human health impacts of the Proposed Development was scoped out of the ES, as there would be limited impacts on human health. Aspects of human health are assessed in the ES within the following chapters: • Chapter 4 - Methodology • Chapter 6 - Landscape and Visual Impact • Chapter 9 - Flood Risk and Drainage • Chapter 10 - Ground Conditions • Chapter 12 - Tourism and Recreation • Chapter 13 - Cumulative Effects In addition, the ES is supported by the following standalone assessments: • Noise and Vibration Assessment • Construction Dust Assessment • Glint and Glare Assessment • Transport Assessment Collectively, these reports set out the very limited adverse impact of the Proposed Development on human health. The Proposed Development will also result in beneficial impacts on human health through the increased recreational opportunities within the Site, with the provision of new permissive paths and enhancements to existing routes. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** includes measures to minimise dust, noise, and other disturbance during construction, ensuring any temporary impacts are mitigated and kept within acceptable limits.

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	DM30 Noise	In line with Local Plan (Part One) policy SOC 5, development must not give rise to significant adverse impacts on health and quality of life, from noise. Development which generates noise or is sensitive to it will only be permitted where it accords with the development plan and does not have an unacceptable adverse impact on human health or quality of life. Unless it can be demonstrated that a significant adverse impact on residential amenity arising from construction and demolition is unlikely it is expected that demolition and construction works shall be carried out during normal working hours. The Council must be satisfied that the proposed location of any construction/demolition site compound will minimise the noise impact on neighbouring residential uses.	**ES Vol 2 Appendix 4-1: Noise Impact Assessment *[EN010153/DR/6.2]*** includes an assessment of noise and vibration impacts on human receptors. The Noise Impact Assessment concludes that the Proposed Development has been designed to operate such that it complies with all appropriate and relevant noise standards and guidance. An **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** has been prepared that sets out control measures which will be adopted to mitigate noise impacts during the construction phase. These measures include but are not limited to controlling construction hours of work, maintenance of equipment, and good site management.
	DM31 Air Quality	In line with Local Plan (Part One) policy SOC 5, development must not give rise to significant adverse impacts on health and quality of life, from air pollution. In particular, development proposals within or adjacent to an Air Quality Management Area will be expected to be designed to mitigate the impact of poor air quality on future occupiers. An air quality assessment will be required for development proposals that have the potential for significant air quality impacts, including those which: 1. are classed as major development and have the potential, either individually or cumulatively, for significant emissions; or 2. are likely to result in an increase in pollution levels in an Air Quality Management Area (AQMA); or 3. are likely to expose people to existing sources of air pollutants. Where an air quality assessment identifies an unacceptable impact on or from air quality, an appropriate scheme of mitigation must be submitted, which may take the form of on-site measures or, where appropriate, a financial contribution to off-site measures. Applicants must demonstrate that appropriate mitigation will be provided to ensure that the new development is appropriate for its location and unacceptable risks are avoided. Development that is likely to produce an odour should demonstrate that there is no negative impact on residential amenity, in line with Local Plan (Part One) policy SOC 5 and Local Plan (Part Two) policy DM 2.	Once operational, the Proposed Development will not directly result in air emissions during regular operation. There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors. Since the Proposed Development will not significantly affect air quality and emissions, a detailed assessment of effects was scoped out of the ES, as agreed by the Planning Inspectorate in the adopted **ES Vol 2 Appendix 1-2 EIA Scoping Opinion *[EN010153/DR/6.2]***. The scope of the ES was refined through pre-application engagement with the local planning authorities statutory environmental bodies, and other stakeholders as reported in the **Consultation Report *[EN010153/DR/5.1]***. There has been no reason to scope an assessment of air quality and emissions back into the ES as a result of consultation responses.
	DM32 Land Contamination and Instability	In line with Local Plan (Part One) policies SOC 5 and ENV 4, development proposals on land known or suspected to be unstable or contaminated must demonstrate that they will not give rise to significant adverse impacts on health, controlled waters, ecological receptors, property and quality of life. *Contamination* Development on previously developed sites or on land known or suspected to be contaminated must be supported by an appropriate contamination assessment which clearly demonstrates that the risk from contamination can be successfully mitigated and managed over the lifetime of the development. Development adjacent to or adjoining known or suspected contaminated land may also need to be supported by an appropriate contamination assessment.	The Applicant has undertaken an assessment of the existing ground conditions, including the risks of land instability and contamination in **ES Vol 1 Chapter 10: Ground Conditions *[EN010153/DR/6.1]***. The assessment is supported by **ES Vol 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment *[EN010153/DR/6.2]***. The Applicant has prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health, and minimise the risk of land contamination. The required mitigation measures to be employed during the construction, operational and decommissioning phases are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*,** and o**utline Decommissioning Environmental Management Plan**

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		Development adjoining or adjacent to a landfill site must be accompanied by a full landfill gas assessment conducted in accordance with current industry best practice guidance and identify the necessary mitigation measures to protect the development from the risks of landfill gas. *Instability* In areas of potential land instability, an assessment should be made to ensure that the land is suitable for the proposed development, and that development can be undertaken, occupied and used without risk to people and property resulting from underground conditions. Areas of potential land instability will include those of vulnerable topography or geology, as well as those identified on the policies map with evidence of: 1. brine and salt extraction (either currently, or in the past) 2. past or potential future natural subsidence due to salt erosion 3. coal mining Development must not result in an increased risk of subsidence or land instability on the site or in the surrounding area.	***[EN010153/DR/7.7]***, these will be secured by the DCO and be subject to approval by the Local Planning Authority (LPA) and the EA.
	DM37 Recreational Routeways	Development incorporating or adjacent to the following must protect and, wherever possible, enhance and extend: • Public Rights of Way • footpaths/bridleways • cycle routes • canals and waterways Re-routeing should be avoided, but may be supported if the alternative route is acceptable and / or the re-routeing is for a temporary period. Where appropriate, creation of new routeways will be supported. Development proposals that protect and enhance the public access and recreation value of strategic recreational routeways, as identified on the policies map, will be supported.	The impact of the Proposed Development in terms of transport and accessibility has been assessed through a **Transport Assessment *[EN010153/DR/7.3]*.** The Transport Assessment concludes that there would be no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development. **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*** and the **Design Approach Document *[EN010153/DR/5.8]*** describe that permissive footpaths have been proposed to create additional opportunities for recreational access, along with a potential small visitor car park to reduce informal parking along Moorditch Lane which should enhance the experience of using the National Cycle Network. An **outline Public Right of Way Management Plan *[EN010153/DR/7.9]*** sets out the approach to managing the PRoW impacted by the Proposed Development during the construction and operational phases.
	DM38 Waterways and Mooring Facilities	Development proposals adjacent to waterways in the defined settlements of Chester, Ellesmere Port, Northwich and Winsford will be supported where they provide positive regeneration benefits. Development proposals affecting the borough's waterways must: 1. maintain an active frontage and positive connection with the waterway; 2. include environmental improvements and make a positive contribution to the visual appearance of the corridor; 3. incorporate high standards of design, materials, external appearance, layout and landscaping, that respects local landscape character and historic assets and is an appropriate scale for its location; 4. safeguard the structural and operational integrity of the waterways;	The Proposed Development is not adjacent to a waterway in any of the settlements defined in Policy DM38, however, it is located adjacent to the Manchester Ship Canal. As detailed in the **Consultation Report *[EN010153/DR/5.1]***, the Applicant has engaged with the Canal and Rivers Trust during the pre-application period and as part of the statutory consultation. The Applicant has had regard to the advice received, as detailed within the **Consultation Report *[EN010153/DR/5.1]***. As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed Development maintains the functionality and connectivity of the existing green infrastructure network. The Proposed Development includes new areas of accessible natural green space through the Site, as well as new permissive paths (including a new permissive path alongside the Manchester Ship Canal) to provide enhanced recreational access.

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		5. support public access to and recreational use of waterways, as defined in Local Plan (Part Two) policy DM 37 or in neighbourhood plans; 6. retain and enhance existing natural features and make a positive contribution to the borough's ecological network; 7. avoid any adverse effects on internationally designated sites of ecological importance. Development proposals for new mooring facilities will be supported where; 8. the development would not result in the obstruction of the waterway for other users; 9. the proposal would not result in the degradation of the canal environment; 10. the proposal is appropriately located and designed; 11. built development is of an appropriate scale and ancillary to the mooring facilities; and Proposals for the extension of mooring facilities at existing locations will be considered in relation to the above criteria and the potential cumulative impacts arising from further development. Development proposals will be subject to any additional controls that apply in the Green Belt.	
	DM 40 Development and flood risk	In line with Local Plan (Part One) policy ENV 1, flood risk must be avoided or reduced by: 1. locating development within areas of lower flood risk through the application of a borough-wide sequential test and then, where required, applying the exception test in line with the National Planning Policy Framework; and 2. ensuring development proposals in flood risk areas are actively managed and reduce flood risk by applying the sequential approach at site level. Where a site specific Flood Risk Assessment is required in line with the National Planning Policy Framework (NPPF), this will be expected to demonstrate whether a proposed development is likely to be affected by current or future flooding (including effects of climate change) from any source. Development proposals for sites that are at risk will only be supported where the site-specific Flood Risk Assessment shows that: 3. the effects of climate change have been taken into account; 4. there is no loss in floodplain storage resulting from the development; 5. the development will not increase flood risk elsewhere; 6. there is no adverse effect on the operational functions of any existing flood defence infrastructure; 7. proposed resistance / resilience measures designed to deal with current and future risks are appropriate; 8. where applicable, appropriate Sustainable Drainage System (SuDS) techniques have been considered and are to be incorporated into the design of the site, in line with Local Plan (Part Two) policy DM 41; and	**ES Vol 1 Chapter 9: Flood Risk, Drainage and Surface Water *[EN010153/DR/6.1]*** provides an assessment of the likely significant effects on flood risk, drainage and surface water quality as a result of the Proposed Development. All potential sources of flooding have been reviewed as part of the assessment including fluvial (from rivers), tidal, surface water, sewer flooding, groundwater and artificial sources. The western half of the Site is located within Flood Zone 1, an area with a low probability of flooding. The eastern half of the Site is located within Flood Zone 3a an area at greater risk of flooding. Modelling has been undertaken for the River Weaver and the River Mersey to understand potential flood levels at various years in the future, taking into account changes that may result from climate change. The Applicant has undertaken a Sequential Test that is reported within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. It is confirmed the Site meets the requirements of the Sequential Test. Whilst Policy DM40 requires a borough-wide approach to applying the sequential test, however 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 this established search area would not meet the project objectives and so have not been considered. The Applicant has presented evidence on the Exception Test within Section 2.5 of **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.1]*** and **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]***. The Exception Test sets out that the Proposed Development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. As such, the Exception Test is met.

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		9. the development will be safe and pass the exceptions test, if applicable. A Flood Risk Assessment will be required for development within a Critical Drainage Area (CDA) as notified by the Environment Agency. All development in a designated CDA will be required to incorporate measures to alleviate surface water flood risk through the layout and form of the development, including the appropriate application of SuDS to intercept and attenuate overland flow and drained water in line with Local Plan (Part Two) policy DM 41 and the Council's Draft SuDS Design and Technical Guidance. Flood risk should be considered at an early stage in deciding the layout and design of a site to provide an opportunity to reduce flood risk within the development. Applicants will be required to provide schemes to reduce flood risk on individual sites through flood resilient design and on site flood risk management measures. It is essential that the scheme proposed does not create any additional flood risk outside the development in any part of the catchment, either upstream or downstream. Existing structures and other features that help to reduce the risk of flooding or mitigate its impacts should be protected. Their loss, alteration or replacement will only be permitted where there would be no increase in flood risk. Where appropriate, the Council may request that phasing of development should be carried out to avoid any cumulative impacts of flood risk.	Consideration has been given to the use of nature-based solutions, and proposals for SuDS have been incorporated within the surface water drainage strategy. A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment *[EN010153/DR/6.1]***. The assessment concludes the Proposed Development is WFD compliant and will support the achievement of the environmental objectives set out in the North West River Basin Management Plan. **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.1]*** sets out how the Proposed Development will be drained. The proposed drainage would be delivered within the Order Limits and would not require the need of planning obligations.
Development Management (continued)	DM41 Sustainable Drainage Systems	In line with Local Plan (Part One) policy ENV 1, proposals for major development will be required to incorporate Sustainable Drainage Systems (SuDS). SuDS must be included in the early stages of the site design in order to incorporate appropriate SuDS within the development. SuDs schemes will be required to satisfy technical standards and design requirements having regard to the Council's Draft SuDS Design and Technical Guidance. On greenfield sites, restrictions on surface water runoff from new development should be incorporated into the development at the planning stage and must mimic or improve upon greenfield rates. On brownfield sites, site runoff rates should be reduced to the greenfield rates wherever possible. Where this cannot be achieved a reduction of at least 30 per cent of the actual existing runoff must be provided, unless it can be demonstrated that this is unachievable or hydraulically impractical to do so.	The Flood Risk Assessment and Drainage Strategy at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** sets out drainage measures that will be adopted at the detailed design stage for the Proposed Development. The drainage strategy utilises Sustainable Drainage Systems principles across the Site. The proposed drainage would be delivered within the Order Limits and would not require planning obligations.
Development Management (continued)	DM 43 Water quality, supply and treatment	In line with Local Plan (Part One) policies ENV 1, ENV 4 and SOC 5, development proposals will be supported where it can be demonstrated that the proposal will not cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity (including drinking water supplies) or waste water infrastructure capacity by ensuring that: 1. sufficient water resources are available and the proposal does not have a detrimental impact on the flow or quantity of groundwater; 2. development does not affect the water quality of surface or groundwater; 3. development does not cause unacceptable harm to biodiversity; 4. opportunities to improve water quality are used where possible; 5. water efficiency methods are optimised;	A Water Framework Directive Assessment is provided at **ES Vol 2 Chapter 9-2: Water Framework Directive Assessment *[EN010153/DR/6.1]***. The assessment concludes the Proposed Development is WFD compliant and will support the achievement of the environmental objectives set out in the North West River Basin Management Plan. As set out in **ES Vol 1 Chapter 2: The Proposed Development *[EN010153/DR/6.1]*,** the Proposed Development will only require a limited supply of water which can be provided by existing water mains which run through the Site. The Flood Risk Assessment and Drainage Strategy at **ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy *[EN010153/DR/6.2]*** sets out drainage measures that will be adopted at the detailed design stage for the Proposed Development. The drainage strategy utilises Sustainable Drainage Systems principles across the Site.

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		6. wastewater infrastructure already exists or can be provided in time to serve the development. Development should connect to the nearest point of adequate capacity. The discharge of surface water to combined drainage systems will be regulated in accordance with requirements set by the relevant utility provider. The Council will support the development or expansion of infrastructure associated with water supply, surface water drainage and wastewater treatment facilities where proposals are consistent with other relevant development plan policies such as the development strategy (including development in the Green Belt), flood risk, contamination, health and wellbeing and protection of the natural and built environment.	The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out embedded mitigation measures to protect water quality and watercourses.
	DM 44 Protecting and enhancing the natural environment	In line with Local Plan (Part One) policy ENV 4, development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough. Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and: 1. identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site; 2. evaluates the value and extent of the assets; 3. assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy; 4. identifies the net losses and gains for biodiversity/geodiversity, using a biodiversity metric calculation; 5. identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and 6. provides sufficient information to inform a Habitats Regulations Assessment (HRA), where development could have an individual or in combination significant effect on a European Site or its supporting habitat. Commensurate with the size and scale of potential impact, proposals must: 7. be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort; 8. include a long term habitat and species management plan, if applicable; 9. include a management plan for invasive species, if applicable; and 10. utilise native species in landscaping schemes, where appropriate. Development that makes a positive contribution towards the borough's ecological network will be supported. Within the components of the ecological network, as identified on the policies map, proposals should: 11. increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones;	The Applicant has undertaken comprehensive ecological surveys across the Order Limits to identify ecological species and habitats that could be impacted by the Proposed Development. The ecological baseline of the site and an assessment of impacts to ecological and nature conservation receptors is provided within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The Applicant has prepared **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** as part of the application to assess impacts on internationally designated sites. The HRA concludes that the Proposed Development would not result in likely significant adverse effects on internationally designated sites either in isolation, or cumulatively with other projects. The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse-based habitats. As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed Development maintains the functionality and connectivity of the existing green infrastructure network. The Applicant has undertaken an **Arboricultural Assessment *[EN010153/DR/7.15]*** of the existing trees and woodlands within the Site. Mitigation measures to avoid and minimise adverse effects to biodiversity, trees and woodland are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively. The Applicant has prepared an **outline Soil Management Plan *[EN010153/DR/7.10]*** that sets out measures which will be adopted to minimise impacts on soil health and minimise the risk of land contamination. The outline Soil Management Plan and the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]*** together set out embedded control measures that will be implemented during the construction phase. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how existing and proposed trees and woodland will be managed for the lifetime of the Proposed Development.

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		12. within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species; 13. in restoration areas, improve the structural connectivity, resilience and function of the network; 14. in buffer zones within core areas and around protected meres and mosses, minimise adverse impacts from pollution or disturbance; 15. contribute towards the integration and creation of green infrastructure and habitat in line with Local Plan (Part One) policy ENV 3. Soil resources must be protected and used sustainably to retain ecosystem services, in line with accepted best practice.	
	DM45 Trees woodland and hedgerows	In line with Local Plan (Part One) policies ENV 3 and ENV 4, development will be supported where it conserves, manages and, wherever possible, enhances existing trees, woodlands, traditional orchards, and hedgerows. All significant healthy trees, woodlands, traditional orchards, and hedgerows should be integrated into the development scheme. Where possible, existing significant trees should be incorporated within public open space. Where it is demonstrated to the satisfaction of the Council that integration is not possible and the above assets would be lost, development proposals must: 1. include replacement trees, woodlands and hedgerows within the site, or where this can be demonstrated to not be practical, contribute to off-site provision, prioritised within the locality of the development; 2. include replacement planting at a ratio of at least two new trees for each tree lost. Replacement trees should be of heavy or extra heavy standard, and where prominent trees are to be removed, large specimen trees may be required; and 3. use locally native species, where appropriate. Development affecting all existing and new woodlands should: 4. support proposals which assist in the positive use of woodlands; 5. promote sustainable management to deliver multiple benefits; and 6. support the aims and policies of the Mersey Forest Plan, where relevant. A tree survey and arboricultural impact assessment to BS5837:2012 standard (or subsequent revisions) will be expected to be submitted with planning applications where existing significant trees are likely to be affected by the proposed development.	The Applicant has undertaken an **Arboricultural Assessment *[EN010153/DR/7.15]*** of the existing trees and woodlands within the Site. Mitigation measures to avoid and minimise adverse effects to biodiversity, trees and woodland are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. Similarly, an **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** has been prepared to cover the decommissioning phase. The **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** sets out how the proposed landscaping and habitat creation will be managed across the lifetime of the Proposed Development to achieve BNG. The oLEMP is secured by a Requirement of the **draft DCO *[EN010153/DR/3.1]***.
	DM 46 Development in Conservation Areas	In line with Local Plan (Part One) policy ENV 5, development within or affecting the setting of conservation areas, as identified on the policies map, will be expected to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, taking account of the significance of heritage assets. Where applicable, development proposals should take into consideration: i. topography, landscape setting and natural features; ii. existing townscapes, local landmarks, views and skylines;	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. Chapter 11 concludes that there would be no significant effects as a result of the Proposed Development. The Proposed Development would result in minor adverse levels of effect to the setting of the following designated heritage assets: • Frodsham Conservation Area;

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		iii. the architecture of surrounding buildings; iv. the quality and nature of materials, both traditional and modern; v. the established layout and spatial character of building plots, the existing alignments and widths of historic routes and street hierarchy (where physically and historically evident); vi. the contribution that open areas make to the special character and appearance of the conservation area; vii. the scale, height, bulk and massing of adjacent townscape; viii. architectural, historical and archaeological features and their settings; ix. the need to retain historic boundary and surface treatments; x. the local dominant building materials, the building typology that best reflects the special character and appearance of the area and features and detailing; and xi. minimising and mitigating the loss of hedgerows, trees and other landscape features. Development proposals which will not be supported include the following: xii. demolition of non-listed buildings which make a positive contribution to the character or appearance of conservation areas, other than in exceptional circumstances; xiii. the erection of buildings and structures which are unsympathetic in design, scale, mass and use of materials; xiv. alterations and extensions which are unsympathetic in design, scale, mass and use of materials; xv. the erection or extension of buildings and structures which will obstruct important views within, or views in or out of conservation areas. Where consent for demolition is granted, conditions will be attached to ensure no demolition shall take place until a scheme for redevelopment has been approved and a contract for the works has been made. Where appropriate and on a case by case basis, where permission is granted for the demolition of non-listed buildings, they should be appropriately recorded before demolition. Applicants will be expected to submit a Heritage Impact Assessment for all applications which affect heritage assets, including as a minimum, a description of their significance and the impact which proposals may have upon this.	• Castle Park (Frodsham) Conservation Area and the Castle Park Grade II Listed Registered Park and Garden; and the • Overton, St Lawrence's (Frodsham) Conservation Area. The level of harm experienced would be 'less than substantial', and at the lower end of the scale in each case. The Applicant's assessment of heritage assets in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** has not identified any potential opportunities to enhance the significance of heritage assets or their settings as part of the Proposed Development. The assessment has been undertaken with due and appropriate regard to the relevant limbs within the Local Plan Policy to ensure compliance with the policy objectives. The Local Plan Policy states that development proposals would not be supported where limbs xii – xv apply. Limbs xii, xiv and xv are not relevant to the Proposed Development. Regarding limb xiii the solar and associated structures have been designed so that they are sympathetic to the local environment, and the use of materials have been selected to ensure that the impacts are minimised. The Applicant has included Requirement 17 of the **draft DCO** ***[EN010153/DR/3.1]*** that relates to the provision of an archaeological mitigation strategy, including any required written scheme of archaeological investigation(or multiple written schemes of archaeological investigation) prior to work commencing on Site.
	DM47 Listed Buildings	In line with Local Plan (Part One) policy ENV 5, development proposals or works, including alterations, extensions and changes of use shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Where relevant, development proposals or works will only be supported which would: 1. conserve the significance of a listed building and its setting, securing its optimum viable use;	A comprehensive gazetteer of heritage assets and events is provided as **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events** ***[EN010153/DR/6.2]***. A description of the significance of relevant heritage assets and an assessment of their settings is provided across **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]***, **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment** ***[EN010153/DR/6.2]***, and **ES Vol 2 Appendix 11-5 Settings Assessment** ***[EN010153/DR/6.2]***.

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		2. preserve or enhance a listed building or structure, and any curtilage listed structures or features of special architectural or historic landscape interest. Development proposals or works within or affecting the setting of listed buildings will be expected to achieve a high quality of design, making a positive relationship between the proposed and existing context by taking account of: 3. topography, landscape setting and natural features; 4. existing townscapes, local landmarks, views and skylines; 5. the architecture of surrounding buildings; 6. the need to retain trees; 7. the quality and nature of materials, both traditional and modern; 8. established layout and spatial character; 9. the scale, height, bulk and massing of adjacent townscape; 10. architectural, historical and archaeological features and their settings; and 11. the need to retain historic boundary and surface treatments In the rare event that permission for demolition is granted, conditions will be attached to ensure no demolition shall take place until a scheme for redevelopment has been approved and a contract for the works has been made. This will also apply to any curtilage buildings of the listed building or structures. All applications for development proposals or works to listed buildings must be accompanied by a Heritage Impact Assessment which clearly identifies, as a minimum, the significance of the building; the proposed works of alteration; any loss of historic fabric; and the effect on the character and appearance which the proposed works will have. A copy of this statement should also be submitted to the Local Authority's Historic Environment Record.	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** concludes that there would be no significant effects as a result of the Proposed Development. The Proposed Development would result in minor adverse levels of effect to the setting of the following designated heritage assets: • The Promontory Fort On Helsby Hill 250 m North West Of Harmers Lake Farm Scheduled Monument; • The Grade II Listed War Memorial; The level of harm experienced would be 'less than substantial', and at the lower end of the scale in each case. The assessment has been undertaken with due and appropriate regard to the relevant limbs within the Local Plan Policy to ensure compliance with the policy objectives.
	DM48 Non-designated heritage assets	In line with Local Plan (Part Two) policy ENV 5, development proposals will be encouraged and supported where they are designed to preserve or enhance the significance of non-designated heritage assets. The significance of non-designated heritage assets and their setting should be assessed in development proposals or works, against the following criteria, namely the: 1. special qualities of architectural and historic interest; 2. features of interest and the setting of the non-designated historic asset; 3. contribution the non-designated historic asset makes to local distinctiveness; local townscape; or rural character; and 4. conservation of interesting or unusual features; architectural detail; materials; construction; or historic interest. Development which would remove, harm or undermine the significance of such non-designated heritage assets, or their contribution to the character of a place, will only be	**ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. The assessment concludes that there would be no significant effects as a result of the Proposed Development. Where harm exists to a non-designated heritage asset, the level of harm experienced would be 'less than substantial', and at the lower end of the scale in every case. The possible ventilation shafts within the Site (Asset 316 in **ES Vol 2 Appendix 11-2: Gazetteer of Heritage Assets and Events *[EN010153/DR/6.2]***) would be subject to a programme of recording (likely a photographic survey) if they require demolition. This would allow for the partial mitigation of their demolition via preservation by record. The exact scope of any recording would be agreed and secured through an appropriately worded Written Scheme of Investigation (WSI), as set out in the **Outline Construction Environmental Management Plan *[EN010153/DR/7.5]***.

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		permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the non-designated heritage asset. Prior to the loss of the non-designated heritage asset, an appropriate level of survey and recording will be expected including where appropriate archaeological investigation. The results of which should be deposited on the Historic Environment Record. It is recognised that not all buildings, structures or landscapes of significance are captured on either the national lists or local lists and these are termed undesignated heritage assets. Where the significance of these buildings, structures or landscapes can be demonstrated, the above policy consideration should be applied.	
	DM50 Archaeology	Development proposals affecting archaeological heritage assets which meet the requirements of Local Plan (Part One) policy ENV 5 will be supported. Development proposals will need to take into account the significance of the heritage asset and their setting, and the scale of any loss or harm. For sites of known or potential archaeological interest, applications must be accompanied by an appropriate archaeological assessment of the archaeological impact of the development. A field evaluation prior to determination of the planning application may also be required. Where remains are of national significance e.g. within a Primary Archaeological Zone as defined by the Chester Archaeological Plan, detailed agreement on ground impacts should be secured before planning permission is granted. Where necessary to secure the protection of the heritage asset or a programme of archaeological mitigation, conditions will be attached to permissions. These may include requirements for detailed agreement on ground impacts and programmes of archaeological investigation, building recording, reporting and archiving. For development proposals within Chester, the Chester Archaeological Plan must be consulted which defines Areas of Archaeological Significance and the Primary and Secondary Archaeological Character Zones.	With reference to Section 6 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment *[EN010153/DR/6.2]***, there is: • A High potential for buried peat deposits to underlie the Site that may have the potential to contain palaeoenvironmental information and/or archaeological (most likely early or late prehistoric) remains, albeit it is noted that these deposits are anticipated to be located beneath the foundation levels of the Proposed Development. • A High potential for currently unknown remains relating to post-medieval or modern agriculture and/or land improvement/reclamation to survive within the Site. The following measures set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** would ensure appropriate investigation prior to construction: • 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. This will allow for the identification and sampling of deposits which have the potential to preserve paleoenvironmental proxies and thus allow for investigation of past environmental conditions and provide opportunities for scientific dating. The completion of this investigation would allow for an enhancement of the current levels of knowledge regarding the survival and composition of the peat deposits across the Helsby Marshes. The exact scope of the geoarchaeological investigation would be secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to DCO Requirement. • An additional programme of archaeological investigation would be undertaken within the land east of Brook Furlong in the form or archaeological trenches to ascertain the level of preservation of the ridge and furrow recorded across the area, and to investigate whether that ridge and furrow could be obscuring any earlier archaeological features. The completion of this investigation would allow for the archaeological potential within areas of potential impact to be assessed further and for any encountered remains to be investigated and recorded and for the requirements for any further stages of mitigation to be determined. On completion of any works the potential impacts upon any archaeological remains identified would be mitigated via their recording and addition to the archaeological record. The exact scope of any archaeological investigation would be agreed by consultation with the CAPAS and secured through an appropriately worded Written Scheme of Investigation (WSI) which would be required to be developed pursuant to DCO Requirement. The Applicant has included Requirement 17 of the **draft DCO *[EN010153/DR/3.1]*** that relates to the provision of an archaeological mitigation strategy, including any required written scheme of

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			archaeological investigation(or multiple written schemes of archaeological investigation) prior to work commencing on Site.
	DM52 Solar Energy	Proposals for ground mounted solar energy developments will be supported where they meet the requirements of the Local Plan (Part One) policy ENV 7 and the following criteria: 1. proposals must be sited on previously developed land wherever possible. Proposals for solar developments on existing industrial or derelict land which directly supply electricity users will be supported; 2. where it is clearly demonstrated that there are no suitable sites on previously developed land and development is proposed on agricultural land, the best and most versatile land must be avoided in favour of lesser quality land. Disturbance to agricultural land must be minimised, and proposals must demonstrate how the site can be reinstated to its previous use and condition once the operational lifespan of the development has been reached. Wherever possible, land around the structure should be continued to be used for livestock grazing or other agricultural use; 3. proposals must be of a scale and type where landscape sensitivity has been identified as being low/moderate or moderate and the impacts on key landscape characteristics are considered to be acceptable, having regard to the Landscape Sensitivity Study. Proposals in areas which have been assessed as having high sensitivity to the scale of development proposed will not be permitted; 4. applications must be supported by a landscape appraisal or, in the case of development requiring Environmental Impact Assessment, a Landscape and Visual Impact Assessment, the scope of which should be agreed at the outset with the Council. Any cumulative impacts of renewable schemes must be carefully considered as part of this assessment; 5. applicants must demonstrate how any adverse impacts on the landscape would be mitigated through layout, siting and design. Wherever possible, hedgerows, trees, field patterns and strong boundary features should be used to mitigate the visual impact of solar energy developments; 6. associated development such as access roads, security fencing, lighting and any buildings must be designed so as to minimise its visual impact, whilst ensuring that the development causes no risk to public safety; 7. there would be no unacceptable harm to the historic environment, heritage assets and their setting.	**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]*.** The ASA considers the CWaCC *'Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments*' document (March 2016). As set out in the **Planning Statement *[EN010153/DR/5.6]***, the Applicant has undertaken an Agricultural Land Classification survey for the Site that has established the land is predominantly grade 4, with some areas of grade 3b land in the west. The Site is therefore not best and most versatile agricultural land. The arable agricultural land uses within the Order Limits would not be able to continue once the Proposed Development is operational, however the Proposed Development will extend the areas of rough grazing pasture present within the Site by establishing it within the solar development areas. The Applicant has prepared a LVIA at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*,** the scope of which has been agreed with consultees, as set out in the Consultation Report ***[EN010153/DR/5.1].*** The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*. The mitigation measures that have been embedded into the Proposed Development to minimise landscape impacts are set out in Section 6.7 of **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. 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 impacts of site security measures have been fully considered as part of the Landscape and Visual Impact Assessment. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how the landscape proposals will be managed post implementation for the lifetime of the Proposed Development. This includes the proposals to continue grazing of the grasslands within the solar fenceline. **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. This includes above and below ground heritage assets, designated and non-designated assets, and the potential for cumulative effects on the wider historic environment.
	DM 53 Energy generation, storage and district heat networks	Proposals will be supported that: 1. make maximum use of renewable energy sources as set out in Local Plan (Part One) policy ENV 7; 2. provide for electricity storage which assist with balancing the grid and support the use of intermittent renewable energy sources (such as wind and solar); 3. enable the establishment or expansion of district heat networks.	The Proposed Development is a new solar electricity generating station that would contribute to the delivery of a cleaner and more secure electricity network. As set out in the **ES Vol 2 Chapter 2: The Proposed Development *[EN011053/DR/6.1]***, the Proposed Development includes a Battery Energy Storage System (BESS) that would play a crucial role in enabling the Proposed Development to maximise its generation potential by storing excess electricity not required at times of low demand, and releasing it at times of peak demand. **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

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		Proposals for energy related development must demonstrate how they meet the following criteria in addition to other relevant development plan policies: 4. wherever possible schemes must be located on previously developed land and/or in existing industrial areas, close to existing users who can make use of the heat and/or power generated; 5. proposals must not limit the range and choice of employment land in the area; 6. proposals must not adversely impact on neighbouring land users, or the existing commercial/operational requirements of surrounding businesses; 7. the cumulative impacts of existing and proposed developments on the landscape, natural environment and surrounding users will be acceptable; 8. wherever possible development must utilise existing power lines, structures and infrastructure. Where it can be demonstrated that this is not possible and new power lines and pipelines are proposed, their impact on the landscape must be minimised; 9. where biomass is proposed to be used for energy generation it must be sustainably sourced. Developers will be required to provide information about the type and source of material to be used in biomass plants. The production of biomass crops should avoid the use of best and most versatile agricultural land; 10. proposals for biomass installations will not be permitted within or adjacent to Air Quality Management Areas; 11. there must be no unacceptable impact on air quality arising from the emissions of the proposed development, as follows: i. Proposals for natural gas-fired CHP plants must meet a minimum standard of: a. spark ignition engine: 250 mgNOx/Nm3 b. compression ignition engine: 400 mgNOx/N c. gas turbine: 50 mgNOx/Nm3 ii. Proposals for biomass installations must meet a minimum standard of 275 mgNOx/Nm3 and 25 mgPM/Nm3 (Solid biomass boiler) 8. Any proposals which involve energy generation should include an assessment of the potential for heat recovery, and proposals which generate heat should consider options for power generation. Where possible excess heat or power should be used on site, by nearby users or in district heat networks.	by an Alternative Site Assessment (ASA) at **ES Vol 2 Appendix 3-1: Alternative Site Assessment *[EN010153/DR/6.2]*.** Part of the Order Limits covering the access road at Grinsome Road and Marsh Lane is allocated for employment uses at Ince Park under policies of the CWaCC Local Plan Parts One and Two. The Proposed Development within this part of the Order Limits relates only to providing and maintaining access to the Proposed Development, and therefore the Proposed Development would not preclude delivery of the employment allocations. Marsh Farm (agricultural use) and the Frodsham Wind Farm (energy generation use) are each located within or partly within the Order Limits. The Proposed Development would not prevent these uses from continuing as they do currently. Consideration was given to providing either an underground or overhead grid connection, and the advantages and disadvantages of each are set out within Table 3-1 of **ES Vol 1 Chapter 3: Alternatives and Design Evolution *[EN010153/DR/6.1]***. The overhead grid connection was selected as the preferred option. **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]*** considers the presence of the proposed overhead line connection to the SPEN Frodsham Substation. The LVIA **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** includes an assessment of cumulative landscape and visual effects (Section 6.11). As likely significant cumulative landscape and visual effects have not been identified from any Viewpoint, cumulative schemes have not been added to the photomontages. Once operational, the Proposed Development will not directly result in air emissions during regular operation. There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors.

7.0 FRODSHAM NEIGHBOURHOOD PLAN

7.1.1 Table 6 sets out the policy requirements of the Frodsham Neighbourhood Plan.

Table 6: Frodsham Neighbourhood Plan

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Housing	H1	Residential development will be supported where they: • Are on brownfield sites. • Are sites in the Masterplan and detailed under H1 Location of Housing. • Provide affordable housing in line with Local Plan SOC2. • Provide dwellings within the settlement boundary (see fig 3.1). • Create opportunities for self build. • Accord with Local Plan policy DM19, which allows for sustainable development under certain criteria for out of settlement sites. • Protect and enhance the intrinsic character and natural beauty of the Sandstone Ridge. • Developments detailed below identify the proposed housing sites, providing detailed plans of each site, along with site- specific spatial requirements. • In the interests of biodiversity and protection of the habitats on the Frodsham Marshes, developers will be encouraged to provide a Homeowners Pack to include information about the sensitive environment on the Marshes and alternative areas of green space which can be used for recreation	The Proposed Development would not preclude delivery of the sites identified for residential development in the Frodsham Masterplan.
Tourism and the Visitor Economy	EDVE2	Proposals that enhance and improve existing tourist attractions and facilities or that create new sustainable tourism opportunities will be supported where they are in accordance with Local Plan policies ECON3 and STRAT9. Subject to their accordance with other relevant policies in the Neighbourhood Plan, developments will be supported, where they: • Will not result in adverse impacts on the ecological value and function of Frodsham Marshes • Enhance the existing visitor attractions • Support and enhance the existing attractions of Castle Park. • Promote the use of the Weaver navigation and the adjoining riverside, whilst protecting its amenity value, navigational safety and environmental quality. This may include the provision of visitor facilities, or facilities to enhance the use of the waterway for boaters, water sports, and fishing, and the changes to the use of moorings to allow the mooring of boats that could promote tourist activities on the waterway. • Promote the sensitive use of the Sandstone Ridge	**ES Vol 1 Chapter 12: Tourism and Recreation** ***[EN010153/DR/6.1]*** sets out the existing baseline for the assessment of tourism and recreation impacts, and identifies the scale of the tourism industry within the Cheshire West and Chester area, observing that Frodsham town centre is a thriving local retail centre with a well-used weekly market. As the starting point for the Sandstone Trail, Frodsham also attracts visitors looking to walk this long-distance recreational route across Cheshire. Due to the scale of industrial characteristics of the landscape around the Site, the area north of the M56 is identified as being unlikely to attract visitors where beauty and tranquillity are a priority. However, this area does provide opportunities for recreation and enjoyment of the outdoors, within a diverse landscape which includes views of the estuary, the sandstone ridge to the south of Frodsham and various industrial features which are present within and close to the Site. **ES Vol 2 Chapter 2: The Proposed Development** ***[EN010153/DR/6.1]*** and the **Design Approach Document** ***[EN010153/DR/5.8]*** describe that permissive footpaths have been proposed to create additional opportunities for recreational access, along with a potential small visitor car park to reduce informal parking along Moorditch Lane which should enhance the experience of using the National Cycle Network. In addition, new bird viewing areas and educational displays should enhance the visitor experience.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• Expand Frodsham's cultural offering • Provide additional tourist accommodation within Frodsham • Demonstrate that potential effects on biodiversity, noise and environmental impacts have been explored and avoidance and mitigation measures employed.	
Local Green Space	GSRL1	The following sites listed in the Table in Fig 5.1 are designated as Local Green Spaces, in line with NPPF paragraphs 105, 106 and 107 and Local Green Space guidance in PPG. Inappropriate development will not be permitted in Local Green Space except in very special circumstances.	Part of the eastern extent of the Site lies within the Salt Works Play Area & Skateboard Park Local Green Space designation of the Frodsham Neighbourhood Plan. However, no development is proposed in this part of the Site, with this area shown as landscaped within **ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan *[EN010153/DR/6.3].*** As such inappropriate development is not proposed in this area of Local Green Space. As set out in the **Design Approach Document *[EN010153/DR/5.8]*** and shown on **ES Vol 3 Figure 2-3 Illustrative Environmental Masterplan *[EN010153/DR/6.3]***, the Proposed Development is looking to create new areas of accessible natural green space through the Site, as well as new permissive paths to provide enhanced recreational access. Existing public rights of way would be retained throughout the operational phase.
	GSRL2	Subject to accordance with relevant policies in the Neighbourhood Plan, development will be supported, where they: • retain, preserve, maintain, protect and provide additional or new green or open spaces for communal and social use. • identify, designate and protect additional/new green and open spaces within the Frodsham town boundary. • identify venues and 'ad-hoc' spaces for cultural and community activity • protect existing venues or provide suitable alternatives for all clubs, groups, organisations and associations that need these venues to function and operate • provide high quality broadband/ internet access and throughout the town, parks, green and open spaces. The equipment and associated facilities required to provide this are sympathetically located and well designed to fit into the existing street scene and should not have a negative impact on the character of the area.	
	GSRL4	In accordance with other relevant policies in the Neighbourhood Plan, development will be supported where they: • Restore and renovate historic buildings for local business and community use • Develop sustainable leisure facilities/activities along the water courses of the River Weaver, Weaver Navigation, Frodsham Quayside/River Side, and the marshes. • Will not result in adverse impacts on the ecological value and function of Frodsham Marshes.	
	GSRL5	Subject to accordance with relevant policies in the Neighbourhood Plan, where applicable, development will be supported where they: • Embed physical activity into all aspects of everyday life • Provide additional locations for activities not currently catered for particularly facilities for underrepresented groups • Provide public green and open spaces for community activities	

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• Provide spaces for quiet contemplation, health and wellbeing activities • Provide public exercise equipment in parks and green spaces	
Connectivity and Access	CA1	Developments will be supported where the following infrastructure provision is incorporated: Developments must connect to the nearest existing footway and cycle path where appropriate, in line with Cycle Infrastructure Strategy LTN1/20 (See section 7) and the Cycle Strategy for Frodsham. The needs of wheelchair users and mobility scooters must be considered in all developments. Priorities include: • Education: Safe routes to primary schools and all areas of Frodsham to join the A56 cycleway to Helsby High school. • Leisure: A safe and easy route from Frodsham to Delamere. • Employment: A safe route along the CWACC LCWIP (https://chestercyclecity.org/local-cycling-walking-infrastructure-plan/) design line from the Chester Greenway through Frodsham to connect with the Runcorn Cycle network, Halton and The Heath. Development of roads where no footway is currently provided shall, where feasible, contribute to a footway creation to connect with the existing footway network. All developments that include new roadways should ensure that all parking provision is in accordance with CWACC's current parking standards. Supporting infrastructure should utilise good practice guidelines as set out in the ADRA summary. Footways, cycle paths, signage and street furniture should be sensitive to the character of the Conservation Areas, the locality, and the surrounding areas.	The Proposed Development includes for the improvement of existing footpaths and cycle routes, creation of new permissive paths for walking and cycling, provision of wayfinding signage and information, and interpretative material. These measures are set out in the **Design Approach Document *[EN010153/DR/5.8]***, and **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]***.

8.0 INCE NEIGHBOURHOOD PLAN

8.1.1 Table 7 sets out the policy requirements of the Ince Neighbourhood Plan.

Table 7 Ince Neighbourhood Plan

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
Heritage and Conservation	HER1	Proposals will be supported if they preserve or enhance Ince's designated and non-designated heritage assets. Proposals will be supported which preserve or enhance the character or appearance of Ince's Conservation Area, taking account of significant heritage assets. Proposals will be supported which preserve or enhance Ince's listed buildings, structures or any curtilages, and which conserve the significance of a listed building and its setting, securing its optimum use. Reference should be made to the most recent designated Conservation Area Appraisal. Proposals for development must take into account the scale of any possible harm or loss and the significance of any heritage assets and will only be supported where it can be demonstrated that benefits will be achieved when weighed against the harm or loss. Measures should be put in place to avoid or minimise impact or mitigate damage. The historic integrity of the landscape and component heritage features and assets should be preserved, and the interpretation of these features will be promoted and supported where this would not be at odds with the conservation of these assets. In relation to any buildings or structures which may be included on a local list of heritage assets, development proposals will be encouraged or supported where they are designed to preserve or enhance the significance of these non-designated assets. Reference should be made to the most recent Audit of Non-Designated Heritage Assets in the Parish of Ince, Cheshire, or any updated versions.	The Applicant has consulted the Cheshire Historic Environment Record as part of the assessment process, as well as the National Heritage List for England (maintained by Historic England), and Cheshire West and Cheshire Council. A list of data sources is provided in Section 4.2 of **ES Vol 2 Appendix 11-1 Cultural Heritage Assessment** ***[EN010153/DR/6.2]***. **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** presents an assessment of the likely significant effects of the Proposed Development on Cultural Heritage and Archaeology. This includes above and below ground heritage assets, designated and non-designated assets, and the potential for cumulative effects on the wider historic environment. As set out in **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]***, the Proposed Development would not result in likely significant effects on the historic environment.
	HER2	Development proposals in the most recently designated Ince Conservation Area (Figure E) must demonstrate how they have considered the Ince Conservation Area Character Appraisal and must preserve or enhance the character or appearance of the area, taking account of the following: • the layers of historical development expressed in the buildings and structures of Ince, and the variety of housing, illustrating the settlement's development over time; • the well preserved vernacular architecture, the prevalence and widespread use of local sandstone, and the well -designed buildings of architectural and historic interest; • the historic character and landscape setting of Ince, combining the Mersey estuary and surrounding fields and marshland; • the importance of farming to the architecture, landscape and character of the area. Development should ensure that the footprint of new buildings and their scale fits into the agricultural nature of the settlement; • the public open spaces and green spaces both at the heart of the Conservation area, and at its fringe, which contribute to the setting of the buildings and frame views into and out of the Conservation Area;	With regard to Ince Conservation Area, **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology** ***[EN010153/DR/6.1]*** and the associated appendices identified neutral effects on Ince Conservation Area including the Ince Manor Monastic Grange and Fishpond Scheduled Monument, the Grade I Listed Manor House Of Abbey Of St Werburgh Chester, Including Old Hall And Monastery Cottages and the Grade I Listed Church of St James, Pool Lane.

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		• the network of public footpaths; and the significant trees which add to the character and setting of the Conservation Area; • the boundary treatments of stone walls which close to The Square are more formal, and elsewhere are more rural with stone walls of low and medium height sometimes incorporating bedrock, in various styles. Fence boarding and concrete posts should be avoided; • the setting of the three landmark buildings of St. James Church, Ince Manor/Grange and 1-3 The Square.	
	HER3	Development proposals in the most recently designated Ince Conservation Area (Figure E) must demonstrate how they have considered the Ince Conservation Area Character Appraisal and should respect or enhance the following: • the important views into the Conservation Area - north along Station Road towards The Square and the church; north from the bottom of Parish Field, towards the church and churchyard; south from Kinsey's Lane towards the village centre; and south up Marsh Lane towards Ince Manor (and from further i.e. from Fens Wood); • the important views out of the Conservation Area - north from The Square and Marsh Lane towards the estuary and Runcorn Bridge; north from Kinsey's Lane across the North Hills, adjoining fields and the estuary; north east from rear of Smithy Farm across fields towards the estuary; and west and South from the churchyard inland towards Helsby Hill; and the important views within the Conservation Area – north east along Pool Lane towards The Square and 1-3 The Square, view entering the village from Pool Lane ,view from Kinsey's Lane towards Pool Lane ,view across Wood Farm Field towards Hall Farm Views and setting are not heritage assets, nor a heritage designation, although land comprising a setting may itself be designated. Significant views can be seen on Figure L.	With regard to Ince Conservation Area, **ES Vol 1 Chapter 11: Cultural Heritage and Archaeology *[EN010153/DR/6.1]*** and the associated appendices identified neutral effects on Ince Conservation Area.
Natural Environment	NAT1	Development must have regard to Cheshire West and Chester Local Plan policies ENV4 and DM44. Where development is proposed which would adversely affect local wildlife sites (Figure G), areas of high distinctiveness (Figure H) and the indicative wildlife corridor (Figure I), it will only be supported where the balance of the benefits of the proposal would outweigh the impact it is likely to have on the site and the wider network of sites. The enhancement of local wildlife sites, wildlife corridors and areas of high distinctiveness will be supported. Areas identified on Figure H as supporting high distinctiveness habitat, which are not covered by strategic land allocations in the Cheshire West and Chester Local Plan (policies ENV8/ STRAT4/ ECON1/ EP6 and EP2) shall be protected by at least a 15m buffer zone. Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment to meet the requirements of Cheshire West and Chester Local Plan policy DM44 and be carried out to industry standards. This may include bird surveys	The Applicant has undertaken comprehensive ecological surveys across the Order Limits to identify ecological species and habitats that could be impacted by the Proposed Development. The ecological baseline of the site and an assessment of impacts to ecological and nature conservation receptors is provided within **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] and ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The Applicant has prepared **Information to Inform Habitats Regulations Assessment *[EN010153/DR/5.3]*** as part of the application to assess impacts on internationally designated sites. The HRA concludes that the Proposed Development would not result in likely significant adverse effects on internationally designated sites either in isolation, or cumulatively with other projects. During the construction phase the Proposed Development would result in likely significant adverse effects on the Frodsham, Helsby and Ince Marshes Local Wildlife Site (LWS), but there would not be likely significant effects to other sites, habitats or species. Once the Proposed Development is operational there would be beneficial change to the Frodsham, Helsby and Ince Marshes LWS. The mitigation and enhancement measures proposed across the Proposed Development (and specifically as part of the Non-Breeding Bird

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		to determine the potential for any likely significant effects on the designated features of the Mersey Estuary SPA/Ramsar. The indicative wildlife corridor network which lies out of the strategic land allocations in the Cheshire West and Chester Local Plan (policies ENV8/ STRAT4/ ECON1/ EP6 and EP2) shall be protected by a 15m buffer zone. New developments must, where possible, not create divisions between existing indicative wildlife corridors (Figure I) and where possible should contribute to the creation of new or improved links. Development proposals where the primary objective is to conserve or enhance biodiversity shall be supported. New developments shall demonstrate a net gain in biodiversity using a biodiversity metric calculation and avoidance/ mitigation strategies. Compensatory measures (for example biodiversity offsetting) will be required if a net loss of biodiversity is required.	Mitigation Area) would result in likely significant beneficial effects for non-breeding birds, and in turn designated sites that have ornithological interest such as the Mersey Estuary SSSI, SPA and Ramsar site. The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse-based habitats.
	NAT2	In order to protect the identity of Ince Parish, new development in the greenbelt and open countryside must, where appropriate, respect and enhance the landscape character of the area, as defined in the CWAC Landscape Strategy (March 2016) - Part 1 and Part 2 Cheshire West and Chester Council - Local Plan (Part Two) evidence documents or any updated versions. Development will not be supported if it causes significant harm to the character or setting of the parish. Development should, where possible – a) Maintain the low density, scattered settlement pattern and the rural setting of the village, conserve the green spaces and hedgerows within the village, and in areas of green belt and open countryside, conserve the remaining open, undeveloped areas of the marshes. b) Respect the open, expansive and visually sensitive landscape of the estuary. c) Ensure that new boundary treatments and surfacing, wherever possible, recognise, respond to and reflect the traditional vernacular of existing landscape elements that define the landscape character, in order to prevent encroaching sub-urbanisation. In particular, the wide, expansive views across the green belt towards the marshes, estuary and the SSSI should be respected. New development should seek to maintain or reinforce these views. Significant views are detailed in the 'Significant Views within the Parish of Ince' www.inceparishcouncil.co.uk and can be seen in Fig L in 9.36. Where development is likely to impact any significant views as detailed in the document, a Landscape Visual Impact Assessment or similar study should be undertaken to evaluate any impacts the proposal would have upon the landscape.	The Applicant has prepared a Landscape and Visual Impact Assessment (LVIA) at **ES Vol 1 Chapter 6: Landscape and Visual Amenity *[EN010153/DR/6.1]***. The LVIA has been prepared in accordance with best practice guidance set out in the *Guidelines for Landscape and Visual Impact Assessment 3rd Edition*, and distinguishes between landscape effects and visual effects. The LVIA is supported by viewpoints and verifiable visualisations. The LVIA been prepared cognisant of the sensitivity of the area including the potential 'Cheshire Sandstone Ridge National Landscape' designation, the nearest local landscape designations, and considers the CWaCC *'Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments*' document (March 2016). The approach to the siting and design of the Proposed Development is set out in the **Design Approach Document *[EN010153/DR/5.8]***. The LVIA concludes that there would be residual significant adverse effects for users of the existing public right of way network through the Site. As set out in the LVIA, mitigation has been identified to reduce these effects as far as practicable.
	NAT3	In order to protect and enhance the local wildlife, all development should, where possible– a) Incorporate measures to improve wetland bird habitat into any scheme that could impact the wetland bird population within the parish. b) Embed out of bounds areas and dark corridors along watercourses, woodland edges and hedgerows into the environmental design of a scheme.	**ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]*** identifies that the proposed biodiversity mitigation measures are considered likely to provide betterment to the birds that use the Local Wildlife Sites, with those breeding species that use hedgerows and other field boundary vegetation provided with additional areas of suitable nesting habitat features, and the Non Breeding Bird Mitigation Area providing better opportunities for wetland birds that use the LWS (criteria a-b).

Policy Area	Paragraph Reference / Policy Number	Policy Text	Applicant's Statement of Compliance
		c) Incorporate directional, low spillage (bat sensitive) lighting on the outside of buildings or in carparks and along pathways and watercourses. d) Install hedgehog-friendly fencing as standard, purposely designed to allow the passage of hedgehogs from one area to another. e) Create south facing banks or bunds for reptiles, butterflies and other invertebrates and incorporate bee bricks and bat/bird boxes into the design of buildings, ideally made of highly durable material such as woodcrete. f) Ensure that any surface water discharge to a sensitive habitat location is supported by a drainage design which incorporates a treatment train that secures no unacceptable detriment to the receiving habitat. g) Incorporate sustainable drainage schemes (SuDS) which incorporate an appropriate treatment train that secures no unacceptable detriment to the receiving habitat.	The **Outline Construction Environmental Management Plan [EN010153/DR/7.5]** and **Outline Operational Environmental Management Plan [EN010153/DR/7.6]** confirm the design and installation of mammal friendly fencing (criterion d). The solar array would not be artificially lit, save for temporary mobile task lighting may be required for maintenance during periods of low light. However, this would be brought onto Site for short periods of time and would not be used routinely. The Frodsham Solar Substation and the BESS compounds would have inward-facing security lighting installed. This would be operated with passive infrared (PIR) detectors or would be turned on manually for maintenance in low light conditions or in the event of an emergency. Lighting will be directional and designed in line with the guidance and principles set out in ILP GN01/2021 'Reduction of Obtrusive Light'. This will include use of appropriate luminaires and lighting levels for the purpose of the lighting, and hoods and cowls to reduce light spill beyond the area targeted for lighting (criterion c). The Applicant has prepared a **Biodiversity Net Gain Report *[EN010153/DR/7.12]*** for the Proposed Development that confirms there will be a gain of 11% in area-based habitats, 123% in linear habitats, and 13% in watercourse based habitats. The impacts of site security measures have been fully considered as part of the Ecological Impact Assessment at E**S Vol 1 Chapter 7: Terrestrial Ecology *[EN010153/DR/6.1]*** and **ES Vol 1 Chapter 8: Ornithology *[EN010153/DR/6.1]***. The **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***, **outline Operational Environmental Management Plan *[EN010153/DR/7.6]***, and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** set out measures that will be adopted to manage impacts to biodiversity through the various phases of project delivery.
	NAT5	Any development that would result in the loss of, or the deterioration in the quality or setting of trees and hedgerows which contribute to the setting and character of Ince will not normally be permitted. Proposals must be designed in line with the mitigation hierarchy detailed in Cheshire West and Chester Local Plan Policy DM44, with compensatory measures only considered as a last resort. The retention of trees and hedgerows in situ will always be preferable. Where the loss of such features is unavoidable, replacement provision must be at a ratio of at least two new trees for each tree which is lost, with hedgerows requiring a 3:1 replacement ratio. New tree planting will be supported within new developments, and throughout the Parish in line with The Mersey Forest Plan.	The Applicant has undertaken an **Arboricultural Assessment *[EN010153/DR/7.15]*** of the existing trees and woodlands within the Site. Mitigation measures to avoid and minimise adverse effects to trees and woodland are set out in the **outline Construction Environmental Management Plan *[EN010153/DR/7.5]***. Similarly, an **outline Operational Environmental Management Plan *[EN010153/DR/7.6]*** and **outline Decommissioning Environmental Management Plan *[EN010153/DR/7.7]*** have been prepared to cover the operational and decommissioning phases respectively. The Applicant has prepared an **outline Landscape and Ecology Management Plan *[EN010153/DR/7.13]*** that sets out how existing and proposed trees and woodland will be managed for the lifetime of the Proposed Development. The existing tree belts within the Order Limits and all hedgerow trees would be retained as part of the Proposed Development. New native woodland would be planted along the southern and south-eastern boundary. Overall, approximately 5km of new native tree and shrub belts would be planted. There would thus be a considerable net increase in tree cover within the Order Limits. All retained and proposed vegetation would be managed throughout the 40-year operational lifespan of the Proposed Development, with the intention of enhancing visual screening and increasing areas of habitat and habitat connectivity, which will in turn benefit biodiversity, on the basis described in the **oLEMP [EN010153/DR/7.13].**

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			The majority of hedgerows would be retained by the Proposed Development. Localised losses would occur to accommodate crossing points for new access tracks, but only very short lengths of hedgerow would need to be removed, which would not materially affect the integrity of the whole feature. Approximately 2.4km of new hedgerow would be planted.
Climate Change	CC1	Developments should be designed to minimise energy consumption, through the use of sustainable materials, high energy efficiency levels, the incorporation of renewable energy initiatives and the efficient design of the building. Proposals for renewable energy facilities will be supported that are in accordance with local plan policies ENV7, DM51, DM52 and DM53. Regard will be given to the wider benefits to the community of providing energy from renewable sources, as well as the potential impacts on residential amenity, the natural and built environment and the open and visually sensitive local landscape character, particularly on views across the estuary. Any negative visual impact must be mitigated through siting, layout, design, landscaping and planting.	The Proposed Development is a new solar electricity generating station and BESS that would contribute to the delivery of a cleaner and more secure electricity network. Policies ENV7, DM52 and DM53 are considered in Table 4 and Table 5 of this Policy Compliance Document. Policy DM51 relates to proposals for wind energy and consequently is not relevant in this case.
	CC2	Development proposals should be in accordance with Local Plan policies SOC5 and DM31 air quality. Proposals for major development (as defined in the Town and Country Planning (Management Procedures) (England) Order 2010) must be accompanied by an appropriate air quality assessment that demonstrates that the proposed development would not lead to deterioration of the air quality in any part of Ince such that the air quality of such part ceases to meet the legal requirements for air quality. Where an air quality assessment identifies an unacceptable impact on or from air quality, an appropriate scheme of mitigation must be submitted, which may take the form of onsite measures or, where appropriate, a financial contribution to off-site measures.	Once operational, the Proposed Development will not directly result in air emissions during regular operation. There would potentially be air quality impacts as a result of dust during the construction phase, and therefore the Applicant has prepared ***ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]*** which confirms that the Proposed Development will have no significant adverse impact or other unacceptable impact on any sensitive receptors.
	CC3	Development will not be supported where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Developments that reduce vehicle usage, and extensions or improvements to pedestrian, equestrian and cycle routes and facilities along with any improvements to public transport services will be supported. In order to improve the sustainability of travel, transport and road safety, all developments that are likely to generate significant amounts of movement shall be accompanied by a Transport Assessment. This should include an assessment of the impact that any increase in traffic would have on the roads in the Neighbourhood Plan area. The assessment should incorporate steps to mitigate any harmful effects and the timetable to deliver that mitigation and, where appropriate, a Travel Plan consistent with the provisions of STRAT 10 of the Cheshire West and Chester Local Plan. The provision of charging points for electric vehicles will be supported.	The impact of the Proposed Development in terms of transport and accessibility has been assessed through a **Transport Assessment *[EN010153/DR/7.3]*.** The Transport Assessment concludes that there would be no unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network would be created by the Proposed Development. An **outline Construction Traffic Management Plan *[EN010153/DR/7.4]*** has been prepared that sets out control measures which will be adopted to mitigate any potential direct or indirect impacts on the highway network resulting from the construction phase of the Proposed Development. Details of the approach to managing Public Rights of Way at all stages of the Proposed Development are set out in **ES Volume 1 Chapter 2.0 [EN010153/DR/6.1].** Permissive paths have been proposed to create opportunities for recreational access for different user groups, along with a potential small visitor car park to reduce informal parking along Moorditch Lane. In addition, sections of existing public rights of way across the Site are proposed to be modified to allow cyclists, equestrians, and people with disabilities to access more of the Site. New bird viewing areas and educational displays are proposed to enhance the visitor experience. Measures to enhance the landscape of Site include the enhancement of the condition of public rights of way where feasible in order to enhance their appeal to users throughout the year. The
Footpaths, Bridleways and Cycleway	FBC1	Access to the countryside will be promoted through protection and maintenance of the existing Public Right of Way (PROW) network and cycleways (Figure N), their enhancement where possible, and the safety of users of rural roads and lanes. The construction and appearance of any new tracks, paths or links between existing footpaths	

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		must be appropriate and sensitive to the character of the locality and the surrounding area. Any development that leads to the loss or degradation of any PROW or cycleway will not be permitted in other than very special circumstances, and then only if a suitable alternative can be provided. Proposals to divert PROWs or cycleways should provide clear and demonstrable benefits for the wider community. Any new development must provide easy, accessible traffic-free routes for nonmotorised users (to include pedestrians, disabled people, people with prams or babybuggies, cyclists and where appropriate equestrians) to the nearby countryside. The provision of any such additional routes will be supported. The needs of non-motorised users (as described above) must be taken into account in all traffic planning, but especially in relation to rural lanes and roads. Measures to be taken to ensure this may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction. Any proposals to create new links or routes, whether footpaths, bridleways or cycleways will be supported.	**Outline Public Rights of Way Management Plan [EN010153/DR/7.9]** confirms how the improvements to the Public Rights of Way will be managed and maintained. **ES Vol 1 Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1]** states that the improvement of the existing PRoW network and the extension of the network with some strategic permissive paths that link existing routes would provide a much more useable network that would enable more and better-quality recreational access to the land within the Order Limits. The path network would all be set within generous corridors such that there would be a positive landscape experience.