Frodsham Solar

Environmental Statement: Volume 2

Appendix 4-6: Response to Sections 2.1 and 2.2 of the Scoping Opinion

May 2025

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TABLES

Table 2 - Summary of National Planning Policy Framework

ID	Inspectorate's Comments	Applicants Response
2.1.1	Paragraph 14.5.29 of the Scoping Report states that '*When the operational phase ends (the timing for this is highly uncertain at thisstage), the Proposed Development will require decommissioning'*. Acknowledging uncertainty around the operational lifespan, the ES should clearly identify the operational duration that has been assumed as part of the Environmental Impact Assessment (EIA) and how that has been determined. Furthermore, the ES should identify whether the lifespan of the Proposed Development would require any components to be replaced when they reach the end of their operational lifespan and any likely significant effects arising from this.The ES should be clear as to the duration of the operational period and ensure that this is consistently applied to all assessments unless otherwise justified.	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1] and ES Vol 1 Chapter 4: Environmental Impact Assessment Methodology [EN010153/DR/6.1]** state that the operational lifespan of the Proposed Development would be 40 years. This is secured by a Requirement within the **draft DCO [EN010153/DR/3.1]**. Section 2.6 of **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** describes the activities that would typically occur during the operational phase and includes a schedule of the replacement periods for the various components of the Proposed Development. The technical assessments have accounted for the impacts of replacement campaigns.
2.1.2	Paragraph 16.2.2 of the Scoping Report describes works required to provide connections and access. As drafted, it is not clear as to whether works may be required outside the solar array development area or the redline boundary. Furthermore, the Scoping Report at present has been found to not consistently include connections in proposed assessments, the ES will be required to ensure that the full Proposed Development has been assessed. The ES should clearly set out the location of all works or where uncertainty remains, assess theworst-case scenario.	The access points to the Site and the grid connections proposed are fully described within **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** and these routes have been assessed within the technical assessments contained in the ES.
2.1.3	The Inspectorate notes the Applicant's intention to seek flexibility within the design of the Proposed Development. Paragraph 3.2.8 of the Scoping Report states that the amount of flexibility required will depend upon the progress of the design at the stage the detailed EIAwork is undertaken, the Applicant anticipates that several aspects of the Proposed Development may still require design flexibility whilst the EIA is being carried out, namely: • detailed layout; • type of photovoltaic (PV) module mounting structures; • the arrangement of supporting infrastructure;	Since the Scoping Opinion request was made by the Applicant various components of the scheme have been refined and several elements of flexibility described within the Scoping Report have now been removed or narrowed. The changes made to the scheme design since the Scoping Opinion stage are summarised **in ES Vol 1 Chapter 3: Alternatives and Design Evolution [EN010153/DR/6.1].** **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** describes each component of the development, including the design parameters which have been used in the assessment to enable a reasonable worst case assessment to be undertaken.

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	• battery energy storage systems (BESS); • location of and the method used to connect to the ScottishPower Energy Networks (SPEN) Substation; • The INEOS Inovyn Runcorn Site; and • The Protos Site The Scoping Report paragraphs 3.3.17 and 3.3.18 state that the cable grid connection could be overground or underground for the SPEN Substation and INEOS Inovyn Runcorn Site. The Inspectorate expects that, at the point an application is made, the description of the Proposed Development is sufficiently detailed toinclude the design, size (including heights), capacity, technology, andlocations of the different elements of the Proposed Development. This should include the footprint and heights (and depths) of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the Proposed Development. The project description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out and justify the maximum design parametersthat would apply for each option assessed and how these have been used to inform an adequate assessment in the ES, recognising that this may differ depending on the assessment being undertaken. The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the ProposedDevelopment have yet to be finalised and provide the reasons. At thetime of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The Inspectorate draws the Applicant's attention to Advice Note 9: Rochdale Envelope, which states that "*it will be for theauthority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment*." The Inspectorate notes that paragraph 2.9.2 of the Scoping Report outlines the proposed maximum	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** is supported by a series of the drawings and illustrations of the development components showing key dimensions, see **ES Vol 3 Figure 2-1 to 2-4 [EN010153/DR/6.3].** The measures assessed within the ES are controlled via a combination of the **Design Parameters Statement [EN010153/DR/7.1]**, **Schedule 1 and the Works Plans [EN010153/DR/2.3]** as well as the Design Principles set out within the **Design Approach Document (DAD) [EN010153/DR/5.8].**

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	parameters to be assessed. The ES should identify the parameters that have been assumed as the worst-case scenario for each aspect scoped into the assessment and ensure that interactions between aspects are taken into account relevant to those scenarios.	
2.1.4	The Scoping Report states that one or more temporary construction compound(s) will be required as well as temporary roadways to facilitate access to all land within the site and that at present, it is anticipated that all temporary land requirements would be able to beincluded within the boundary shown on Figure 1.2 of the Scoping Report. The number, location and maximum parameters of construction compounds and temporary roadways should be identified in the ES.The ES should explain how the optioneering process for such development components has sought to avoid or minimise impacts onenvironmental receptors during construction and operation.	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** describes the construction compounds and access roads proposed, including the design parameters of these elements to enable a reasonable worst case assessment to be undertaken. The measures adopted to minimise impacts on environmental receptors have been described.
2.1.5	Paragraph 3.5.1 of the Scoping Report identifies a 40-year operational lifespan for the Proposed Development and paragraph 3.6.3 states that the effects of decommissioning are often of a similar, or lower, magnitude than the construction effects. Paragraph 3.6.3 further states that it is not proposed to provide a separate decommissioning assessment for each aspect chapter unless there are specific issues related to decommissioning which could give rise to materially greater impacts than construction. The ES should clearly set out if and how decommissioning is to be assessed and any components which may remain following decommissioning. Paragraph 3.6.1 states that a Decommissioning Environmental Management Plan (DEMP) will be agreed with the Local Planning Authority. The Inspectorate would expect to see this secured through the inclusion of an outline DEMP (oDEMP) or similar with the Application.	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** describes the anticipated activities within the decommissioning phase. Where effects are considered to be comparable to the construction phase, the technical assessments have identified this. Where additional assessment was deemed necessary, this has been detailed. The application includes an outline DEMP, and the DCO includes a Requirement for a full oDEMP to be submitted to and approved by CWaCC.

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2.1.6	Construction is anticipated to commence in 2027 and last 15 months. Paragraph 3.4.3 of the Scoping Report sets out the expected construction activities but does not include the anticipated phasing ofconstruction works. The ES should include details of how the construction would be phased, including the likely commencement date, duration and location of the required construction activities. The assessment shouldbe based on a worst-case scenario.	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** states that the Construction Phase is expected to last for approximately 30 months. **ES Vol 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule [EN010153/DR/6.2]** sets out the anticipated indicative phases and associated durations for the main work stages.
2.1.7	The ES should describe the lighting requirements for all elements and phases of the Proposed Development. It should be explained what measures are proposed to minimise light spill on human andecological receptors.	**ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** states that lLighting 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. The **oCEMP [EN010153/DR/7.5]** details that lighting during construction will need to be sufficient to satisfy health and safety requirements, whilst ensuring impacts on the surrounding environment, including from sky glow, glare and light spillage, are minimised. Relevant technical chapters e.g. landscape and visual amenity, terrestrial ecology, ornithology have assessment the impacts of lighting.
2.1.8	The Scoping Report should clearly set out the mitigation for the Proposed Development and its location, whether it is within or outsidethe Proposed Development boundary. Furthermore, due to other landuses within the redline boundary (such as the Frodsham Wind Farm) and in proximity to the Proposed Development area, any interaction, overlap or replacement mitigation should be clearly explained. The ES should provide explanation as to how mitigation has been taken into account in the assessment.	All mitigation is fully described within the ES and is controlled within various documents such as the **outline Public Rights of Way Management Plan [EN010153/DR/7.9]** and **outline Landscape and Ecological Management Plan [EN010153/DR/7.13]**. All spatially related mitigation is contained within the Order Limits. Of specific relevance to the Frodsham Wind Farm, the Non-Breeding Bird Mitigation Area is located within land that is currently used for mitigation for the wind farm. In designing the mitigation, the Applicant has been clear from the outset that the mitigation for the Proposed Development must be in addition, and additive, to that required for the wind farm. The mitigation proposals for the NBBMA are set out in **Appendix B to the oLEMP -**

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		outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13].
2.1.9	The Scoping Report indicates that the ES will utilise previous data collected for the Frodsham Wind Farm alongside data collected by theApplicant specifically for the Proposed Development. For clarity, the ES should utilise the most recently available representative datasets at the time of production. Data collected in relation to other projects and used within the ES should be clearly referenced; and the ES should include an explanation of why that data is considered applicable and representative of baseline conditions. The Applicant should make effort to agree the suitability of information used for the assessments in the ES with relevant consultation bodies.	The assessments presented in the ES have used relevant desk-based data and survey data collected specifically for the Proposed Development. The desk-based data includes information gathered to support the Frodsham Wind Farm application and data collected subsequently to discharge planning conditions related to that development. Other desk-based data used in the assessments includes information from the HyNet Hydrogen Pipeline project, a NSIP currently in the pre-application stage.
2.2.1	The Applicant should ensure consistency in terminology to ensureclarity. When referring to study areas, phrases have been used including 'array area' and 'solar array development area'. It is assumed that both of these phrases relate to the area upon which Photovoltaic panels are located. Furthermore, the phrase connections' can be deemed as relating to electrical connections and transport connections and therefore this would also benefit from clarification.	The ES has sought to use a series of defined terms that are set out in **ES Vol 1 Chapter 1: Introduction [EN010153/DR/6.1] and ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1]** consistently throughout the application.
2.2.2	The ES should ensure that all data is up to date and representative. Sharing of data between Applicants is encouraged however this data does require to be justified as being relevant and reflective of the baseline of the Proposed Development.	Data used in the ES has only been employed where relevant. In relation to the ornithology assessment, both CWaCC and Natural England have encouraged the use of other datasets to fully inform the assessment. The Applicant has outlined where this data has limitations in its relevance and use.

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2.2.3	The ES should clearly explain how the Zone of Influence (ZoI) was determined and influenced the identification of the study area, notingthat this is likely to be dependent on the aspect being assessed.	The study areas and the Zone of Influence (ZoI) have been defined within each chapter.
2.2.4	The ES should clearly set out where mitigation is required for the Proposed Development, required for the Proposed Development as aresult of the Proposed Development reducing the adequacy of mitigation in place for extant planning permissions (eg. Part of an ecological management plan) and where mitigation is required as a result of a cumulative effect.	No specific additional mitigation has been required as a result of cumulative effects, albeit the Applicant has committed to working with the applicants of the other major infrastructure projects in the vicinity of the Proposed Development in order to minimise environmental effects – this commitment is described in the **outline Construction Environmental Management Plan [EN010153/DR/7.5].** As noted above, the mitigation for impacts on the Mersey Estuary SPA and Ramsar site, principally the NBBMA, has been developed cognisant of the mitigation commitments already in place for Frodsham Wind Farm. This has been clearly documented in the assessments.
2.2.5	The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching thisconclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration,frequency and reversibility of the impacts. The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it doesnot warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regardto any new or materially different information coming to light which may alter that decision. Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process. The Inspectorate's screening of transboundary issues is based on therelevant considerations specified in the Annex to its Advice Note Twelve, available on	Comment noted.

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	our website at http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/	
2.2.6	Paragraph 6.8.14 of the Scoping Report notes the Applicant's intention to assess effect interactions. The Inspectorate is content with the proposed approach; however, the ES should also assess the potential for intra-cumulative effects that may occur as a result of proposed mitigation for a specific environmental aspect or matter e.g.a noise bund in terms of landscape and visual impact and mitigation planting on buried archaeological assets etc.	**ES Vol 1 Chapter 13: Cumulative and Intra-Project Effects [EN010153/DR/6.1]** offers an assessment of the intra-project effects that may arise as a result of the Proposed Development.
2.2.7	The Inspectorate advises the use of a table to set out the key changes in parameters/options of the Proposed Development presented in the Scoping Report to that presented in the ES. It is alsoadvised that a table demonstrating how the matters raised in the Scoping Opinion have been addressed in the ES and/or associated documents is provided.	This table, along with tables provided in each of the technical assessments record how the Applicant has considered the contents of the Scoping Opinion.