Frodsham Solar

Environmental Statement: Volume 2
Appendix 7-4: Consultation and Engagement

May 2025

Cubico
SUSTAINABLE INVESTMENTS

PINS Ref: EN010153
Document Ref: EN010153/DR/6.2
Planning Act 2008; and Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations Regulation 5(2)(a)

Revision P01

Document Control

Revision	Date	Prepared By	Reviewed / Approved By
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TABLES

CONSULTATION AND ENGAGEMENT

A scoping exercise was undertaken to establish the content of the assessment and the approach and methods to be followed within this Environmental Statement (ES).

A Scoping Report (**ES Vol 2 Appendix 1-1 [EN010153/DR/6.2]**) was submitted to PINS on 30 May 2023. The report sets out the findings of the scoping exercise and details the technical guidance, standards, best practice and criteria to be applied in the assessment to identify and evaluate the likely significant effects of the Proposed Development on terrestrial ecology.

A Scoping Opinion was received on 10 July 2023 (**ES Vol 2 Appendix 1-2 [EN010153/DR/6.2]**). The feedback received from PINS and stakeholders within the Scoping Opinion relating to terrestrial ecology, and the Applicant's responses, are presented in **Table 1-1**.

Other engagement and consultation undertaken in relation to the terrestrial ecology is summarised in **Table 1-2**.

Details of correspondence relating to habitat and species survey and assessment methods between the Applicant and Cheshire West and Chester Council (CWaCC) between 22nd March 2024 and 27th August 2024 are included in **Table 1-3**.

Table 1-4 details comments received from statutory consultees as part of the consultation on the Preliminary Environmental Information Report (PEIR) and how the Applicant has considered these in the application.

Tables 1-1 to 1-4 below signposts where in the Terrestrial Ecology chapter of the ES comments are addressed. All Table and Section refences are with reference to the Terrestrial Ecology chapter of the ES **[EN010153/DR/6.1]**, unless otherwise stated.

Table 1-1: Scoping Responses

Consultee	Comment	Response
PINS Scoping Opinion 10th July 2023	Human disturbance during operation on priority habitats or otherwise of biodiversity importance/value; the Inspectorate agrees that due to the limited number of staff required during operation, human disturbance is unlikely to be sufficiently greater than currently experienced and subsequently, unlikely to result in likely significant effects, therefore this matter can be scoped out.	Human disturbance in relation to effects on habitats during operation has been scoped out of detailed assessment, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
PINS Scoping Opinion 10th July 2023	Indirect effects upon statutorily designated sites for nature conservation (without mobile qualifying criteria) located greater than 2 km from the Site during all phases of the Proposed Development; the ES should demonstrate that all potential pathways for effects have been adequately considered, including for example any hydrological pathways. Assuming that this can be clearly demonstrated within the ES, then the Inspectorate is content to scope this matter out.	Indirect effects upon statutorily designated sites for nature conservation, including hydrological connectivity, are considered in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
PINS Scoping Opinion 10th July 2023	Impacts to existing common and widespread habitats of low sensitivity and/ or conservation interest during all phases of the Proposed Development; the Inspectorate acknowledges that although there may be common and widespread habitats of low sensitivity/conservation value, we would query whether e.g. Cells 2 and 5 are of low conservation value given that they form managed habitat for Special Protection Area ('SPA') species. The ES should clearly assess impacts on habitats supporting important ecological features, where likely significant effects could occur (although recognising the potential for overlapping assessments, for example, the assessment for wintering birds). The Inspectorate therefore does not agree to scope this matter out altogether, noting the query above.	The effects on habitats (e.g., within Cells 2 and 5) from the Proposed Development are considered, and are done so in isolation of their importance for SPA species. The protected and/or notable species that habitats within Cells 2 and 5 support are considered separately, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Impacts on birds, including in reference to SPA species are discussed within **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**. Mersey Estuary SPA and Ramsar are cited for ornithological interest only; as such, these statutory designated sites, and their functionally linked land, which include Cells 2 and 5, are addressed within **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1] and** not addressed in this chapter (see **Section 7-5 Baseline Data Gathering**).

PINS Scoping Opinion 10th July 2023	Bats (roosting) during operation and decommissioning; the Scoping Report states effects on roosting bats is scoped in during the construction stage on a precautionary basis but scoped out for during the operation and decommissioning stages. The Scoping Report does not provide reasoning for the scoping out during the operation and decommissioning phases. Evidence should be provided in the ES to justify this matter being scoped out, should the Applicant consider this appropriate. The Applicant should seek to agree this matter with the relevant consultation bodies, including Natural England, where possible.	Trees which may offer bat roosting potential would be retained and protected during construction, operation and decommissioning in line with the measures set out in the **Outline Construction Environmental Management Plan (OCEMP) [EN010153/DR/7.5]** and the **Outline Landscape and Ecological Management Plan [EN010153/DR/7.13]**. No buildings are anticipated to be directly impacted by the Proposed Development. Refer to **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** for further explanation of scoping bats (roosting) out from detailed assessment.
PINS Scoping Opinion 10th July 2023	Bats (foraging and commuting) during operation; the Scoping Report states that operational impacts will be avoided through embedded design (lighting plan) and therefore have scoped the matter out on this basis. The Scoping Report does not however, explain why the site has been classified as being of low foraging potential or how other factors such as hedgerow removal may affect foraging bats. Evidence should be provided in the ES to justify this matter being scoped out should the Applicant decide to do so. This should consider factors such as how the structure and smooth surfaces present at the Solar farm could affect navigation and orientation of bat populations when in situ. Where possible, this should be agreed with relevant consultation bodies.	The Development Area's suitability for foraging and commuting bats, and reasons for classification, are addressed in **ES Vol 2 Appendix 7-3 Bat Activity Survey Report [EN010153/DR/6.2].** How factors such as hedgerow removal may affect foraging and commuting bats is addressed under construction phase in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** The ES also considers how the presence of panels could affect bat foraging and commuting activity when in situ. Bats (foraging and commuting) are **scoped in** to detailed assessment, as detailed in **Table 7-3.**
PINS Scoping Opinion 10th July 2023	Impacts on reptiles, amphibians (including great crested newt (GCN)) during all phases of the Proposed Development; the Inspectorate considers, based on the information provided in the Scoping Report regarding the likely absence/low population present within the Proposed Development, and mitigation being proposed in the form of buffers and management plans, that significant effects on reptiles and amphibians, including GCNs, are unlikely. The Inspectorate is content that this matter can scoped out of the assessment. Mitigation should ensure that any works avoid offences/ensure protection. Mitigation needs to be clearly described	Reptiles and amphibians (including GCN) are scoped out of detailed assessment during all phases of the Proposed Development as these species are considered reasonably likely to be absent from the Main Development Area, as detailed in **Table 7-3**. Mitigation measures to reduce and/or avoid any potentially adverse effects or to ensure legislative compliance are detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, these are included in the **OCEMP [EN010153/DR/7.5]**,and are

	in the outline management plans (as proposed) and secured through the draft Development Consent Order (dDCO).	secured through a Development Consent Order (DCO) Requirement.
PINS Scoping Opinion 10th July 2023	Impacts on water voles and aquatic species (including otter) during all phases of the Proposed Development; the Inspectorate notes that the Scoping Report has provided information on surveys that have been undertaken and their findings along with information on the topography of the site to demonstrate that in their view buffers that currently exist, and mitigation measures set out in environmental management plans will provide adequate mitigation to ensure that significant effects are unlikely. However, CWaCC consider a population of water voles to be present and therefore deem further surveys necessary. Therefore, the Inspectorate is not content that this matter can be scoped out of the assessment at this time. The Applicant should discuss this matter further with relevant consultation bodies to determine the potential need for further surveys and assessment before scoping this matter out.	This matter has been discussed further with CWaCC (see **Tables 1-2 and 1-3**, below). Taking this into account the results of the desk study, preliminary habitat suitability assessments of the proposed crossing points and incidental water vole/burrow sightings recorded during ornithological/badger surveys, the presence of water vole within the Main Development Area is recognised (see **Section 7.6 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1**). However, due to Health and Safety issues (dense vegetation and steep banks), further surveys, including population distribution surveys, are not possible. These limitations have been discussed with CWaCC Biodiversity Officer. It has been agreed water vole presence should be assumed on the Site. This approach has enabled a reasoned judgement to be made on the potential for likely significant effects on this protected species. Water vole has been scoped in to detailed assessment based on the known presence of this species, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Impacts to water vole have been assessed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**
PINS Scoping Opinion 10th July 2023	Impacts on badgers during operation; the Scoping Report does not discuss the presence of fencing and how this may interact with the presence of main sets and foraging activity within the Proposed Development site. Furthermore, the ES should clearly state the value of badgers as an ecological receptor.	Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates would be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the Solar Array Development Area (SADA) (locations to be determined during pre-commencement survey); as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1,** and are secured through the **OLEMP [EN010153/DR/7.13]** via the provisions of the DCO.

		Badger is a receptor of Site value, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
PINS Scoping Opinion 10th July 2023	Impacts on other mammals during all phases of the Proposed Development; the ES should be clear as to which species are being considered as 'other mammals' and their importance as an ecological feature.	Brown hare, hedgehog, polecat and harvest mouse are being considered as 'other notable mammals', as detailed in **Section 7.6 Baseline Conditions** and in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, with impacts assessed in **Section 7.8: Assessment of Likely Impacts and Effects**.
PINS Scoping Opinion 10th July 2023	Impacts on invertebrates during all phases of the Proposed Development; the Scoping Report states that impacts to invertebrates are scoped-in for targeted areas only, subject to completion of surveys of the INEOS Inovyn Deposit Ground. The Scoping Report states that across the remainder of the Proposed Development, areas of higher habitat suitability for terrestrial invertebrates are avoided through embedded mitigation (project design) and impacts are therefore scoped out. The ES should clearly set out how levels of habitat suitability have been concluded and how the project design/embedded mitigation has protected these areas. The Inspectorate is content that providing avoidance measures are secured through the OCEMP that this matter can be scoped out.	Full details of the invertebrate surveys are included in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2]**, including detailed information about how levels of habitat suitability have been concluded within the SADA, plus a parcel of land which abuts the SADA to the north, adjacent to the River Weaver (refer to **Figure 7**in the **ES Vol 3 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2]** for invertebrate assessment survey area.) While impacts to local value receptors are unlikely to be significant, given the scale of the Site and potential for benefits to increase the receptor value, invertebrates are scoped in to detailed assessment, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
PINS Scoping Opinion 10th July 2023	Lighting effects on biodiversity during all phases of the Proposed Development; the Inspectorate agrees, noting the information provided in the Scoping Report relating to the presence of bats and other species on the site, that lighting is unlikely to result in significant effects. However, it is also noted in paragraph 7.5.3 of the Scoping Report that under certain circumstances additional lighting will be required. The ES should be clear how this additional lighting has been assessed. Providing that this additional lighting is not assessed as giving rise to significant effects and	Potential impacts relating to how additional lighting may affect bats and other species are addressed under construction and operational phases in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** A sensitive lighting strategy during construction, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter**

	embedded mitigation be secured through a lighting strategy or similar document to ensure delivery, the Inspectorate agrees to this matter being scoped out. Bats; the Inspectorate notes the information gathered to date and the justification for not carrying out further surveys, however the Inspectorate notes that paragraph 7.5.3 of the Scoping Report notes that; 'Additional lighting is likely to be required during construction and decommissioning, which would be used in periods of poor visibility during normal working hours (e.g. the start and end of the working day during the winter months)' The Applicant should ensure any potential impacts relating to this lighting are assessed. The Applicant should ensure that this approach is agreed with relevant consultation bodies and the measures stipulated in the justification are secured through construction management plans and the dDCO.	**7: Terrestrial Ecology [EN010153/DR/6.1]**, is secured through the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO. A sensitive lighting strategy during operation, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, is secured in the **Outline Operational Environmental Management Plan (OOEMP) [EN010153/DR/7.6]** via the provisions of the DCO.
PINS Scoping Opinion 10th July 2023	Badgers; the Scoping Report states that surveys have been undertaken in the Solar Array Development Site, however it is unclear as to whether this includes the cable and transportation routes. The Applicant should ensure that surveys are undertaken for all areas which have the potential to result in likely significant effects on badgers. It is noted that further surveys will be reviewed if works are required within 30 m of an active sett. The Applicant should ensure that the ES is informed by surveys to determine the presence and absence of setts and their classification and level of activity.	The UKHab survey was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within whole the Site (including the cable and the Main Site Access). A badger walkover of the Site (excluding the SPEN/National Grid Substation and Access) plus a 30 m buffer was undertaken on the 17th March 2025. Details and results of this survey are included in **ES Vol 2 Appendix 7-2 Annex 8 Confidential Badger Report [EN010153/DR/6.2]**. A habitat survey of the SPEN/National Grid Substation and Access undertaken in 2024 was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within 30 m of the SPEN/National Grid Substation and Access, where accessible. Pre-construction surveys would be undertaken for the presence of badger on and within 30 m of the Site boundary, as detailed in **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, which is secured in

		the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO. The extended UKHab survey undertaken to date of the Site provide sufficient information to allow a reasoned conclusion to be reached on likely effects on badgers. and all works would be legislatively complaint with regards to the Protection of Badgers Act 1992.
PINS Scoping Opinion 10th July 2023	Lighting; paragraph 7.5.3 of the Scoping Report states that under certain circumstances additional lighting will be required. The ES should be clear as to how this additional lighting will be assessed and should clearly describe the full extent and characteristics of any proposed lighting. Furthermore, in relation to human disturbance, the ES should be clear as to whether this lighting has been considered separately or as part of the assessment for human disturbance.	**ES Vol 1 Chapter 2: Proposed Development [EN010153/DR/6.1]** of the ES describes the proposed temporary and permanent lighting. Potential impacts relating to how lighting may affect bats and other species are addressed under construction and operational phases in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Lighting is considered separately to other human disturbance, as detailed under construction and operational phases in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
PINS Scoping Opinion 10th July 2023	Confidential Annexes; public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.	Sensitive information, including that relating to badger, has been included as confidential annexes, with placeholders within this chapter and the associated appendixes, where relevant.
PINS Scoping Opinion 10th July 2023	Dust and potential impacts on human and ecological receptors during all phases; the Inspectorate agrees that with the implementation of standard construction management processes, significant effects on air quality during construction operation and decommissioning are unlikely. The Inspectorate however notes that 'a narrow strip of the Mersey Estuary SPA, Ramsar and SSSI falls within the screening distance' and as such the ES	An assessment of the potential effects of dust upon the Mersey Estuary SSSI are detailed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** The Mersey Estuary SPA and Ramsar site are cited for the presence of ornithological interest;

	should consider the potential for significant effects on this area. Providing that this information is included in the ES, the Inspectorate agrees that this matter can be scoped out.	as such, impacts to these sites are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1].** Appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects upon the SSSI, including pollution (including dust) prevention measures, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, are secured in the **OCEMP [EN010153/DR/7.5]**, **OOEMP [EN010153/DR/7.6]** and Outline Decommissioning Environmental Management Plan (**ODEMP) [EN010153/DR/7.7]** which is secured in the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO. **ES Vol 2 Appendix 4-2: Construction Dust Assessment [EN010153/DR/6.2]** considers the impact of construction dust on ecological sensitive features. The **OCEMP [EN010153/DR/7.5]** describes the measures that will be adopted to mitigate effects of construction dust.
Canal & River Trust Scoping Opinion 27th July 2023	Any work/cable connection that would cross the corridor (over or under) would need to consider any potential impacts on habitats along the Weaver Navigation e.g. vibration, excavation, habitat loss, or sediment mobilisation. It is important that this green corridor is protected and set severed by the works. The value of the Weaver Navigation as an ecological corridor, and its water quality, should be assessed as a receptor. Its ecological habitat and connectivity, and water quality, along its corridor must be protected during and post construction works, with consideration being given to protecting wildlife from water and light pollution during construction and operation of the development, providing mitigation/enhancement where appropriate. Measures to safeguard the ecological value of the Weaver Navigation should be included in the OCEMP.	The Weaver Navigation is not included within the Site, as such, it is unlikely that any direct impact would occur to the Weaver Navigation as a result of the Proposed Development. Measures to safeguard ecological values surrounding the Main Development Area, which include the Weaver Navigation, during construction and to avoid any indirect impacts, such as pollution prevention measures and a sensitive lighting strategy, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, is secured in **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO. A sensitive lighting strategy during operation, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7:**

		Terrestrial Ecology [EN010153/DR/6.1], is secured in the **OOEMP [EN010153/DR/7.6]** via the provisions of the DCO. No ecological impacts to the Weaver Navigation are anticipated as a result of the Proposed Development, as such, the Weaver Navigation is not assessed as a receptor.
CWaCC Scoping Opinion 28th June 2023	Although CWAC Policy DM44 is referenced , no assessment proposed of the impact on the CWaCC Ecological Network. The whole site sits within a Core Area of the Ecological Network and therefore certain policy requirements apply. An assessment should be carried out and impacts on habitat connectivity considered in particular.	Impacts on habitat connectivity have been assessed, including the removal of vegetation (such as hedgerow). Vegetation removal required during the construction phase would be minimal, as such extensive severance impacts are not envisaged. The effects of habitat removal have been assessed for individual species (see **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). The Proposed Development would predominantly impact arable and grassland habitats, with avoidance of hedgerows, tree lines, woodland, scrub, ponds, ditches factored into the design considerations (see **Design Approach Document (DAD) [EN010153/DR/5.8**). The Statutory Biodiversity Metric Calculation Tool has been used to demonstrate that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units (see **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **BNG Report [EN010153/DR/7.12]**). The Proposed Development would therefore enhance and improve existing green infrastructure within the landscape therefore benefitting the Cheshire West and Chester Ecological Network. This would be in line with policy DM44(5), which "*identifies the options to enhance the value of the assets and contribute towards the borough's ecological network".*

CWaCC Scoping Opinion 28th June 2023	The Development Plan policies can be summarised to say that 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. This should be reflected in the assessment of the potential significance of impacts.	The Proposed Development would predominantly impact arable and grassland habitats, with avoidance of hedgerows, tree lines, woodland, scrub, ponds, ditches factored into the design considerations. The Proposed Development would result in significant habitat enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in habitat, hedgerow and watercourse units across the Site (see **Section 7.7** and **BNG Report [EN010153/DR/7.12]**), in addition to protected and notable species mitigation, compensation and enhancement measures. The Proposed Development would therefore provide mitigation and compensation to ensure there is no net loss of environmental value.
CWaCC Scoping Opinion 28th June 2023	The Scoping Report discusses some impacts on protected species, but there is no analysis of habitat impacts. It is understood this is a scoping report, but impacts are used to decide whether or not to scope in certain elements, so this should be clarified.	Habitats have been considered as a receptor and have been **scoped in**; see **Table 7.4 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	The presence of peat across Site has not been discussed in ecological terms and should be addressed in the ES.	There are no peat dependant ecological habitats or species within the Main Development Area. Furthermore, ground investigations surveys undertaken of the SADA identified no peat to a depth of 5.5 m (as detailed within **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1].** As such, the Proposed Development would not impact any buried peat that may be present, directly or indirectly.
CWaCC Scoping Opinion 28th June 2023	The Scoping Report states that the Site is 314 ha whereas the Preliminary Ecological Appraisal report states in 1.2.1. the site is 285 ha. This may be as a result of the Preliminary Ecological Appraisal (PEA) not including the access route but should be clarified.	Changes in area are due to site boundary amendments. Survey areas for baseline surveys of terrestrial ecology receptors to inform the ES are shown in **Figure 7-1 Zones of Influence of ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**.
CWaCC Scoping Opinion 28th June 2023	The Zone of Influence list is selective and does not appear to be comprehensive. Further justification/explanation of the Zone of influence for the Site should be included in the ES. For example there is no reference to invertebrates, water vole or bats, and it is not clear why/what basis the list has been compiled.	The Zone of Influence list has been complied based on informed by the consultation and scoping process, CIEEM (2018) and Natural England (NE) species-specific guidance, as applicable and as available, as detailed under **7.5 Assessment Methodology ES Vol 1 Chapter 7: Terrestrial Ecology**

		[EN010153/DR/6.1]. Separate reference to invertebrates, water vole and bats have been included.
CWaCC Scoping Opinion 28th June 2023	The area of habitats on and adjacent to the Site that have currently undergone survey is not clear.	The whole Site, as described in **ES Vol 1 Chapter 2: The Proposed Development [EN010153/DR/6.1],** and shown on **Figure 1-1,** has been subject to a habitat survey (UKHab). Survey methodology limitations and results are detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2],** and results shown in **Figure 6 (a -e)** of **ES Vol 3 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2].**
CWaCC Scoping Opinion 28th June 2023	The Scoping Reports states that protected mammals were only surveyed within the development area and not within 30 m of the boundary, as a standard badger survey should encompass. This should be clarified.	The UKHab survey was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within the Site. A badger walkover of the Site (excluding the SPEN/National Grid Substation and Access) plus a 30 m buffer was undertaken on the 17th March 2025. Details and results of this survey are included in **ES Vol 2 Appendix 7-2 Annex 8 Confidential Badger Report [EN010153/DR/6.2]**. A habitat survey of the SPEN/National Grid Substation and Access undertaken in 2024 was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within 30 m of the SPEN/National Grid Substation and Access, where accessible. Pre-construction surveys would be undertaken for the presence of badger on and within 30 m of the Site boundary, as detailed in **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and are secured in the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO.
CWaCC Scoping Opinion 28th June 2023	In relation to water vole, further water vole survey is recommended, as there is a known population on site. Only a summary of ditch potential is provided. Impacts on water vole should be not be scoped out without further justification.	A 'scoping exercise' to determine feasibility of conventional survey was undertaken in 2023 and repeated in 2024 (as detailed under *Water Vole Preliminary Habitat Suitability Assessment* in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2])**; this found that

	It is noted that water vole surveys are not proposed within the list of further surveys in 8.4.11 of the main chapter and with the known population on the wider site, it is not clear why this is. Only a summary of ditch potential has been given in 8.4.46 and then the species has been scoped out of further assessment. This is not accepted, as although buffers are proposed from ditch features, the detail of ditch impact has not been determined. Water voles should be scoped back into the assessment and surveys carried out to standard guidelines.	the relevant ditches were generally steep sided, with heavily vegetated banks and dense reed coverage, and which precludes safe access. The presence of water vole within the Main Development Area is known through incidental sightings during surveys and the desk study (see **Section 7-6 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**); the presence of water vole is therefore known, and as such this receptor has been scoped-in (see **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). For the purpose of providing a likely worse-case assessment, it has been assumed that all ditch crossings would be constructed using a 'dry crossing technique' (see **Section 7-3 Proposed Development Parameters ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). This is considered proportionate given that the very large majority of ditches will be unaffected by the development and buffered to at least 10 m as controlled via the Works **Plans [EN010153/DR/2.3]** and **OLEMP [EN010153/DR/7.13].** Water vole have been scoped in to detailed assessment, based on the known presence of this species and impacts resulting from creation of the proposed crossing points, as detailed in **Table 7-2 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	It is stated ponds within 500 m of site were subject to survey for GCN and reptile surveys were carried out, however, the survey report has not been provided, so an assessment of coverage and scope of survey has not been possible.	Survey reports for the GCN and reptile surveys are included as Annexes in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].**
CWaCC Scoping Opinion 28th June 2023	It is stated that additional detailed surveys covering the connections and the access road are not proposed given the very limited nature of works and extensive existing data sets. It is not clear why these areas have not been surveyed as the rest of the Site and this should be clarified.	The whole Site has been subject to a habitat survey (UKHab), as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2].** The Access Roads would only require minimal intervention e.g. repair of potholes; laying of cable with the existing running surface, with no requirement to

		widen the roads or encroach on areas not currently developed. Works within the SPEN/National Grid Substation would also be minimal (see **ES Vol 1 Chapter 2: Proposed Development [EN010153/DR/6.1]**). As such, pre-construction surveys, Reasonable Avoidance Measures ('RAMS'), watching brief by an appropriately qualified Ecological Clerk of Works ('ECoW') and pollution prevention measures, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and are secured by the provisions of the DCO via the **OCEMP [EN010153/DR/7.5]**, would protect any species that may be present adjacent to the existing roads/tracks.
CWaCC Scoping Opinion 28th June 2023	Government Circular 06/05 on Geodiversity and Biodiversity and its consideration of badger foraging territories and road casualties ought to be included as a reference document.	Government Circular 06/05 on Geodiversity and Biodiversity is referenced as a guidance document in **Section 7.2 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	Reference should also be made to Policy ENV7 of LP1 and Policy DM 45 Trees, woodland and hedgerows under LP2.	Reference to and consideration of ENV7 and DM 45 has been made, as detailed in **Section 7.2 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	The ES should include relevant information from the windfarm including the Post Construction Ecological Monitoring Report Year Five 2021 (Frodsham Windfarm Ltd) (Oct 2022) (Atmos Consulting). Note: This is more recent than the report referred to in Natural England's letter of 24 March 2023 (DAS/412803) in response to Q4	Relevant ornithological information from the windfarm including the Post Construction Ecological Monitoring Report Year Five 2021 (Frodsham Windfarm Ltd) (Oct 2022) (Atmos Consulting Ltd) has been considered in the ***ES Volume 2 Appendix 8-1*** and in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]; Section 8.6.**
CWaCC Scoping Opinion 28th June 2023	Badger surveys are not listed in the survey list in 8.4.11 and it is not clear why this is. Clarification is required. It is stated in section 4.5.22 of the Preliminary Ecological Appraisal report that there are two main active badger setts and an additional five outlier badger setts present on site. Connections between setts, foraging territories (both per sett and between family groups) have not been assessed, although in section 4.5.24 of the Preliminary Ecological Appraisal report, it states that bait-marking surveys may be needed. This	The UKHab survey was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within the Site. Avoidance of badger setts has been a consideration of the design process. The presence of the setts has been established; however, due to the locations of recorded setts (on embankments) and the mobile nature of badger, impacts would sought to be avoided through micro-siting.. Mitigation measures to reduce and/or avoid any potentially adverse effects or to

	should be carried out within the scope of the survey, with bait-marking surveys and mitigation formulated. Regarding the scoping out of operational impacts on badger: Not agreed - connections between setts – bait marking survey (impact of fencing site).	ensure legislative compliance (including pre-construction surveys and ecological supervision) are detailed in **ES Vol 2 Appendix 7-2 Annex 8 Confidential Badger Report [EN010153/DR/6.2]** and under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and are secured by the provisions of the DCO via the **OCEMP [EN010153/DR/7.5]**. Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates will be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the SADA (locations to be determined during pre-commencement survey); as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1],** and are secured in the OLEMP via the provisions of the DCO. As such, bait marking surveys are not considered necessary to establish connections between setts. Badger is a common and widespread species both locally and nationally, and therefore any effects are unlikely to be assessed as significant. As such, badger is **scoped out** of detailed assessment, as detailed in **Table 7-3,** however badger is considered with regards to legislative compliance at best practice mitigation measures.
CWaCC Scoping Opinion 28th June 2023	A bat activity survey was carried out in 2021 and it is not listed in 8.4.13 as being updated in 2023. This should be clarified. No consideration has been given to the landscape use of the site by bats, and interaction with windfarm site in 8.4.39. This should be carried out. There is no explanation given as to why the site fits the “low foraging potential” category in 8.4.40 and so the survey scope cannot be assessed.	Bat activity surveys were updated in 2023, as detailed in **ES Vol 2 Appendix 7-3 Bat Activity Survey Report [EN010153/DR/6.2]**. Due to the large size of the Main Development Area and the variety of habitats present, the Development Area has been separated by habitats of ‘high’, ‘moderate’, ‘low’ and ‘negligible’ suitability for foraging and commuting bats, as detailed in

	Regarding the scoping out of impacts on bats (foraging and commuting) for operational impacts: Not agreed - wider landscape solar panel effect – survey scope can't be assessed.	**Section 7.6** and **ES Vol 2 Appendix 7-3 Bat Activity Survey Report [EN010153/DR/6.2]**. The large majority of solar installation will be on 'low potential' habitat (fields/pasture), whereas features of 'moderate potential' such as hedgerows and tree lines would largely be retained. How factors such as hedgerow removal may affect the landscape use of the Main Development Area by foraging and commuting bats is addressed under construction phase in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Bats (foraging and commuting) are **scoped in** to detailed assessment, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	Frodsham Helsby Ince Local Wildlife Site (LWS): The ES should include a LWS Assessment to assess the site against current criteria, to determine its quality in relation to its current qualifying features and to identify any further unlisted LWS features present. A mitigation and compensation plan should be formulated from this information.	An assessment of Frodsham Helsby Ince LWS against the current criteria is included in **ES Vol 2 Appendix 7.5 Assessment of Frodsham Helsby Ince Local Wildlife Site [EN010153/DR/6.2].** This concludes that the LWS criteria are met, as requested by CWaCC. Section 7.8 of Chapter 7 then assesses impacts of the Proposed Development on the LWS. Habitat creation/enhancement measures proposed within the Frodsham Helsby Ince LWS are detailed within the **OLEMP [[EN010153/DR/7.13**], and are secured in the via the provisions of the DCO.
CWaCC Scoping Opinion 28th June 2023	The ES should include further habitat surveys to be carried out in 2023 to inform the BNG calculation, which will include access and connection areas not previously included.	The Site has been subject to a habitat survey (UKHab) between 2023 and 2024, as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]. Section 7.7** and **BNG Report [EN010153/DR/7.12]** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units.

CWaCC Scoping Opinion 28th June 2023	It is noted that an area within the site has been identified for invertebrate value in 8.4.64 and invertebrate surveys will take place in 2023. There is no detailed information about the assessment that took place to rate different areas of site for invertebrates' value, so the scope of this cannot be assessed. Regarding the scoping out of impacts on invertebrates: Not agreed - not convinced over areas being targeted.	Full details of the invertebrate surveys are in included in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2]**, including detailed information about how levels of habitat suitability have been concluded within the Main Development Area. While impacts to local value receptors are unlikely to be significant, given the scale of the Site and potential for benefits to increase the receptor value, invertebrates are **Scoped in** to detailed assessment, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	The ES should address operational noise impacts associated with the Proposed Development, especially the battery energy storage system (BESS). Under 13.4.7 of the Scoping Report, the LWS should be included as sensitive ecological receptor. Consideration of the noise impacts on bats should also be addressed.	Potential impacts relating to how operation noise may affect species (including those species in which are reason for designation of the LWS)are addressed under construction and operational phases, see **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	Decommissioning; it is not stated that this is being scoped in or out. The ES should clarify as to whether it will be addressed as per construction.	Potential impacts relating to decommissioning are addressed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	BNG should be scoped in as an element of the proposal and the calculation provided with all supporting information (including condition assessments, mitigation hierarchy, outline 30-year management plan). It is not clear at which stages of the DCO process that BNG will be provided.	The results of the condition assessments, together with the Statutory Biodiversity Metric Calculation Tool, are included within **Appendix 7-6 Biodiversity Net Gain Report**. [**EN010153/DR/6.2**]. **Section 7.7** and **BNG Report [EN010153/DR/7.12],** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units. The Proposed Development will commit to delivering a measurable increase of biodiversity units through the implementation of the **OLEMP [EN010153/DR/7.13]** for a

		period of 40 years, and are secured via the provisions of the DCO.
CWaCC Scoping Opinion 28th June 2023	Commitment to long term-management of the land for the duration of the project is stated. Consideration should be given to commitment post the duration of the project, to cover a minimum period post decommissioning. Achieving BNG may take time to reach target condition, and it is appropriate to consider the period of continuing maintenance at target condition for at least the period of the duration of the development. The ES should clarify whether BNG will be achieved at Year 1.	On decommissioning, whilst the landscaping works undertaken across the Site would be left in place and the land handed back to the landowner, it cannot be guaranteed that the landowner would retain or manage the habitats post decommissioning. Land within the solar PV array areas would likely be returned to agriculture. 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. **ES Vol 2 Appendix 7-6 Biodiversity Net Gain Report [EN010153/DR/6.2]** and the **OLEMP [EN010153/DR/7.13]** includes details relating to the time to target condition for proposed habitats. The OLEMP and includes details of how habitats would be managed during the operational period**,** and are secured in the OLEMP via the provisions of the DCO. 'Time to target condition' is an inherent part of the metric, and delays associated with time to target condition are built in to the metric, and are therefore automatically accounted for. Any delays in habitat creation will be included in the metric, where applicable. Details of continuing maintenance at target condition during operation, together with monitoring, are included and are secured in the **OLEMP [EN010153/DR/7.13]** via the provisions of the DCO.
CWaCC Scoping Opinion 28th June 2023	The management of thistle growth on Cell 3 of the Frodsham windfarm site has been well documented by the Frodsham Windfarm Habitat Creation and Management Group (HCMG), and measures to control thistle on Cells 2 and 5 ought to be considered in any proposed regime. Less intensive farming practices, may not result in improved habitat conditions without appropriate measures. The ES should detail if there are other BNG proposals for Cells 2 & 5.	The ES includes an Illustrative Environmental Masterplan (**Figure 2-3**), including details of habitat creation/enhancements within Cells 2 and 5. The **OLEMP [EN010153/DR/7.13]**, provided with the DCO application, details remedial measures if nutrient levels are too high, indicated by the dominance of competitive species (e.g. spear thistle) during monitoring. As detailed under **Section 7.7 Incorporated Mitigation ES Vol 1**

		Chapter 7: Terrestrial Ecology [EN010153/DR/6.1], the **OLEMP [EN010153/DR/7.13]** are secured via the provisions of the DCO.
CWaCC Scoping Opinion 28th June 2023	The ES should provide details of proposals for enhancing water bodies on the Site. For example, by re-profiling and or introduction of meandering to current straight stretches of ditches to improve water quality and drainage / flood risk resilience.	Current proposals include the removal of New Zealand pigmyweed from the ponds in Cell 3. Furthermore, the creation and enhancement of ponds adjacent to Frodsham Marsh Farm are proposed. Indicative details of habitat creation and enhancement are included within the Illustrative Environmental Masterplan (**Figure 2-3 [EN010153/DR/6.3]**). Details of ongoing management of these ponds are included within the **OLEMP [EN010153/DR/7.13]**.
CWaCC Scoping Opinion 28th June 2023	Impacts during construction, operational and decommissioning phases; Clarification is sought as to whether some impacts during construction, operational and decommissioning phases are being scoped out.	Full details of receptors and impacts scoped in/out during the construction, operational and decommissioning phases are included in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	Scoping out of common habitats (such as improved grazing pasture); the impact on Cell 2 and Cell 5 should not be scoped out as these form part of a habitat management plan for the Frodsham windfarm. Whilst the habitat may be identified as having a low value, the species they support are of high value and should not be scoped out.	The effects on habitats within Cells 2 and 5 from the Proposed Development are considered in isolation of their role within the habitat management plan for the wind farm. The protected and/or notable species that habitats within Cells 2 and 5 support are considered separately, as detailed in **Table 7.4 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Impacts on birds, including in reference to SPA species are discussed within **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**.
CWaCC Scoping Opinion 28th June 2023	Scoping out of amphibians and reptiles; further survey work is needed, and without further justification impacts on amphibians and reptiles should not be scoped out of the ES. Regarding the scoping out of impacts on GCN and other amphibians: Not agreed - survey report not provided. Regarding the scoping out of impacts on reptiles:	Reptiles and amphibians (including GCN) are scoped out of detailed assessment during all phases of the Proposed Development as these species are considered reasonably likely to be absent from the Main Development Area, as detailed in **Table 7-3**. Mitigation measures to reduce and/or avoid any potentially adverse effects or to ensure legislative compliance are detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and are

	Agreed.	secured by the provisions of the DCO via the **OCEMP [EN010153/DR/7.5]**.
CWaCC Scoping Opinion 28th June 2023	Agreed that Statutory Designated Sites (without mobile qualifying criteria) located greater than 2 km from the Site can be scoped out.	Statutory Designated Sites (without mobile qualifying criteria) located greater than 2 km from the Site have been scoped out, as detailed in **Table 7-3.**
CWaCC Scoping Opinion 28th June 2023	Regarding the scoping out of impacts to Priority Habitats or otherwise of biodiversity importance/value: Provisionally agreed (subject to confirmation that habitats can persist without impact within the solar farm array (e.g. impact of shading)) that impacts to Priority Habitats or otherwise of biodiversity importance/value can be scoped out for operational impacts.	Impacts to Habitats of Principal Importance (Priority Habitats) have been **scoped in** to detailed assessment, as detailed in **Table 7-3.**
CWaCC Scoping Opinion 28th June 2023	Regarding the scoping out of impacts on otter: Agreed.	Otter have been **scoped in** to detailed assessment, based on the known presence of this species and impacts resulting from creation of the proposed crossing points, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion 28th June 2023	Regarding the scoping out of impacts on other mammals: Agreed.	While impacts to a local value receptors are unlikely to be significant, given the scale of the Site and potential for benefits to increase the receptor value, other notable mammals are **Scoped in** to detailed assessment, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
CWaCC Scoping Opinion - Natural Environment Officer 28th June 2023	ENV4 is not listed and should be included	Reference to and consideration of ENV4 has been made, as detailed in **Section 7.2 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
Environment Agency Scoping Opinion 28th June 2023	We note that water vole, GCN and WFD (biological and hydromorphological) impact assessments have all been scoped out of the EIA based on embedded mitigation, which includes undeveloped buffer zones with all watercourses. If there's a requirement to conduct any activities that would physically modify the channel within 10 metres of a	Water vole has been **scoped in** to detailed assessment, based on the known presence of this species and impacts resulting from the creation of the proposed new and upgraded crossing points, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**

	waterbody, such as widening access crossings over watercourses, then assessments of the effects on these species and WFD (ecological elements: biological, water quality and hydromorphological) must be scoped in and appropriate avoidance, mitigation, compensation and enhancements proposed.	Reptiles and amphibians (including GCN) are scoped out of detailed assessment during all phases of the Proposed Development as these species are considered reasonably likely to be absent from the Main Development Area, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**. Impacts on water quality, hydromorphology, flood risk and drainage on the water environment are considered in **ES Vol 1 Chapter 9: Flood Risk Drainage Surface Water [EN010153/DR/6.1].**
Natural England Scoping Opinion 28th June 2023	Plans or projects that Natural England are aware of that might need to be considered for cumulative and in-combination effects include: • Frodsham Wind Farm; • HyNet North West Hydrogen pipeline; and, • Protos energy developments.	**Chapter 4**: **Environmental Impact Assessment Methodology [EN010153/DR/6.1]** describes the approach adopted to the cumulative and in-combination assessment, which includes the projects listed, with the exception of Frodsham Wind Farm which forms part of the baseline. **Section 7.7** and **BNG Report [EN010153/DR/7.12],** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units.
Natural England Scoping Opinion 28th June 2023	The development site may impact on the following European/internationally designated nature conservation site(s): • Mersey Estuary SPA; and, • Mersey Estuary Ramsar	The Mersey Estuary SPA and Ramsar site are cited for the presence of ornithological interest; as such, impacts to these sites are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**.
Natural England Scoping Opinion 28th June 2023	The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance/European sites, including marine sites where relevant. This includes SPA, Special Areas of Conservation ('SAC'), listed Ramsar sites, candidate SAC and proposed SPA.	The Zone of Influence for statutory designated sites for nature conservation (excluding geological sites) with cited terrestrial ecological interests is 2 km, extending to 10 km for internationally protected sites (comprising Special SPA, SAC and Ramsar sites). Candidate SAC and proposed SPA have also been included.
Natural England Scoping Opinion 28th June 2023	Due to the proximity of the site to the Mersey Estuary SPA/Ramsar we advise that potential water quality impacts need to be assessed, including potential for increased nutrient and other pollutant inputs.	The Mersey Estuary SPA and Ramsar site are cited for the presence of ornithological interest; as such, impacts to these sites are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**.

		ES Vol 2 Appendix 9-2: Water Framework Directive Assessment [EN010153/DR/6.2] assess potential water quality impacts (including potential for increased nutrient and pollutant inputs)
Natural England Scoping Opinion 28th June 2023	Due to the proximity of the site to the Mersey Estuary SPA/Ramsar we advise further consideration of the potential for any dust during construction and any appropriate measures to limit dust from the development.	The Mersey Estuary SPA and Ramsar site are cited for the presence of ornithological interest; as such, impacts to these sites are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**. Appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects upon the SPA/Ramsar, including pollution (including dust) prevention measures, as detailed in **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and are secured in the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO.
Natural England Scoping Opinion 28th June 2023	Due to the proximity of the site to the Mersey Estuary SPA/Ramsar, and surrounding functionally linked land, we advise that further consideration of the potential for noise and vibration impacts during all phases of the development is required, together with any appropriate mitigation. We note that a Noise Impact Assessment accompanies the scoping report but that it assesses construction noise impacts to residential receptors and the River Weaver only. All ecological receptors should be assessed, including the Mersey Estuary SPA/Ramsar.	The Mersey Estuary SPA and Ramsar site are cited for the presence of ornithological interest; as such, impacts to these sites are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1]**. Therefore, the impacts from construction noise on ornithological receptors are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1].** Impacts from construction noise on ecological receptors scoped in are addressed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**

Natural England Scoping Opinion 28th June 2023	The development site may impact on the following Site of Special Scientific Interest ('SSSI'): • Mersey Estuary. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.	An assessment of direct and indirect effects on the features of special interest within the Mersey Estuary SSSI is detailed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1],** including impacts on water quality, on air quality and of noise and vibration. Impacts on functionally linked land are addressed in **ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1].** Appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects upon the SSSI, including pollution prevention measures are included in **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and are secured in the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO.
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	BNG is not appropriate on land currently used as compensation for a previous development unless additionality can be verified. This will require previously targeted habitat to be entered as a baseline. For cell 3, the baseline should be the habitat that was intended, rather than the actual habitat. If cells 2 and 5 are to be lost, then the BNG calculations must also account for the land that these areas compensate for, i.e. ensure additionality in habitat gains and losses (in combination).	Objective 3a of the Proposed Development design principles states (refer to **Design Approach Document (DAD) [EN010153/DR/5.8]])** that the Proposed Development will '*achieve a minimum of 10% increase in habitat and hedgerow units, and no net loss in watercourse units.*'' Mitigation or compensation to a special area of conservation, special protection area, or protected species can be used 'in part' towards BNG, as stated in Department for Environment, Food & Rural Affairs (Defra) guidance 'What you can count towards a development's biodiversity net gain[i] (2024)'. As stated in the guidance, for mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. At least 10% of the Proposed Development's units (habitats and hedgerow) come from areas within the Site other than the Non-Breeding Bird Mitigation Area (NBBMA). The Site as a whole, including the NBBMA, achieves a gain in units across habitats,

		hedgerows and watercourses, as detailed within the **BNG Report [EN010153/DR/7.12].** An uplift of 10% in watercourse units has not been achieved without the inclusion of the NBBMA, however, objectives set out for the Proposed Development as a whole have been exceeded.
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	The British Standard for BNG state that the mitigation hierarchy must be applied by avoiding priority habitat, i.e. reedbeds. The Good Practice Principles for BNG state that BNG must 'achieve the best outcomes for biodiversity'.	The BNG assessment has considered relevant legislation, BNG Good practice principles for development (CIEEM, CIRIA, IEMA, 2016), Planning Practice Guidance, BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain - Specification (British Standard) and The Statutory Biodiversity Metric User Guide (2024). As such, the Biodiversity Gain Hierarchy has been applied. **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **BNG Report [EN010153/DR/7.12],** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat and hedgerow units, and no net loss in watercourse units. The Proposed Development meets all trading principles, with the exception of the loss of reedbed. Reedbeds have been classified in strict accordance with UKHab Classification; however, due to the small and isolated nature of the majority of the areas of reedbed within the Main Development Area (i.e., small 'clumps' of reeds which would not logically constitute a reedbed). These clumps, of reeds, are considered unlikely to function in the same way as larger and ecologically connected areas of the reedbed. Furthermore, the areas of reedbed subject to loss are either dry, encroached with scrub/trees or are not located adjacent to/connected to open water. These areas are therefore considered transient in nature and would likely be subject to continued drying and therefore change in the future. As such, in the absence of the Proposed Development, it is

		considered likely that these areas would be lost in the short to medium term.
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	BNG surveys need to provide supporting evidence on a parcel-by-parcel basis. This should include species lists/scale of relative abundance. Condition assessment justification should include evidence such as date stamped photos.	The BNG assessment considered relevant legislation, BNG Good practice principles for development (CIEEM, CIRIA, IEMA, 2016), Planning Practice Guidance, BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain - Specification (British Standard) and The Statutory Biodiversity Metric User Guide (2024). As such, the condition assessment surveys undertaken for the BNG assessment has been on a parcel-by-parcel basis. The results of the condition assessments and photographs are included (as separate files) within **BNG Report [EN010153/DR/7.12]**.
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	The public statement: 'we will not be developing on land designated for wildlife protection' is misleading. The proposal is on a LWS, which is a non-statutory designation for sites of county importance and above. This statement needs rewording or retracting	Impacts upon LWS are assessed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** In the operational lifetime the Proposed Development is anticipated to result in medium to long term moderate positive effects for the lifetime of the Proposed Development on non-statutory designated sites for nature conservation, which are of up to county sensitivity, which is significant.
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	Should be aiming for higher than 10 % BNG as this is within the margin of error, and because the proposal would be damaging an LWS.	It is not yet a statutory requirement[1] for DCO applications to demonstrate a quantifiable BNG of at least 10 % under the Environment Act 2021, however, the Proposed Development would result in significant habitat enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in both habitat and hedgerow units across the Site. The Proposed Development would therefore provide mitigation and

[1] BNG delivery will be a legal requirement for all (terrestrial) NSIP projects from November 2025, further information available at: https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-nsip-reforms-action-plan/nationally-significant-infrastructure-action-plan-for-reforms-to-the-planning-process [Last Accessed: 12/07/2024].

		compensation to ensure there is no net loss of environmental value, including within the LWS. **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **BNG Report [EN010153/DR/7.12],** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units. The difficulty associated with achieving each type of habitat is an inherent part of the metric, and multipliers associated with these difficulties are built into the metric and are therefore automatically accounted for. Furthermore, the habitat management and monitoring of created and enhanced habitats are detailed within the **OLEMP [EN010153/DR/7.13],** and are secured via provisions of the DCO. As such, the monitoring of the habitats would be undertaken at regular intervals to ensure that target habitats and conditions are achieved, and where required, remedial measures would be implemented to ensure the required BNG score is achieved.
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	There is a need to ensure surveying best practice is followed (beyond just BNG/habitat assessments).	Ecological surveys undertaken have followed best practice guidance, as detailed within **ES Vol 2 Appendices 7-1 to 7-3 [EN010153/DR/6.2].**
Cheshire Wildlife Trust Scoping Opinion 17th July 2023	There is an opportunity to achieve national, and own, carbon emission targets by earmarking this site for peatland restoration. The climate benefits of the solar farm are undermined by development on peatland.	Ground investigations surveys undertaken of the SADA identified no peat to a depth of 5.5 m (as detailed within **ES Vol 1 Chapter 10: Ground Conditions [EN010153/DR/6.1].** As such, the Proposed Development would not impact any peat that may be present. **ES Vol 1 Chapter 12: Climate Change [EN010153/DR/6.1]** determines how the Proposed Development would interact with a changing climate.

Table 1-2: Other Engagement Activities

Consultee	Comment	Response
CWaCC Virtual meeting on 13th July 2023	Attended by representatives of CWaCC, Avian Ecology, Axis and Peel; aimed to discuss key points identified in the CWaCC Scoping Response. It was noted that the CWaCC scoping response was based solely on the information contained within the Scoping Report, which did not include a layout or areas where development would/would not be undertaken. It was noted that the access roads would only require minimal intervention e.g. repair of potholes; no requirement to widen the road or encroach on areas not currently developed. Best practice measures to be followed, secured via the CEMP. Agreed that no need for a detailed species survey based on the above principles as no identified pathway for effect. Further surveys ongoing, including UKHab survey. RSK Biocensus has undertaken GCN survey for the Preliminary Site Boundary, this has confirmed absence at the Preliminary Site Boundary. This and other records in the area indicate land to the north of the M56 does not support a GCN population. RSK Biocensus has undertaken a reptile survey for the Preliminary Site Boundary, this has confirmed absence at the Preliminary Site Boundary. The presence of badger will be acknowledged in the assessment and in scheme design (such as by the implementation of necessary standoffs). Mammal gates would be installed. Badger bait surveys are not considered necessary as setts will be protected, key foraging habitat retained and movement would not be restricted. CWaCC noted that the Site forms part of a locally important water vole population. Agreed that water vole would remain a receptor for assessment. Protection buffers would be applied to ditches and crossing points would be limited. Subject to the	Follow up conversation on the 11th March 2024, where the Applicant set out it would carry out the work/take the approach ultimately set out in the ES, as described below: . Best practice measures, including pollution (including dust) prevention measures, as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and are secured in the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO. The Zones of Influence are based on the SADA, the NBBMA and the SPEN Grid Connection (i.e. do not include the Main Site Access with and without Private Wire Connection and the Skylark Mitigation Area, as there is no identified pathway for effect for these areas). The whole Site has been subject to a habitat survey (UKHab) between 2023 and 2024, as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2].** The presence of badger within the Main Development Area is known, as detailed in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].** Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates will be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the SADA (locations to be determined during pre-commencement survey); as detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1],** and are secured in the **OLEMP [EN010153/DR/7.13]** via the provisions of the DCO.

	design demonstrating that habitats would be protected, detailed survey across the Site is not deemed necessary to support an assessment of effects. Further bat surveys ongoing. Design of Proposed Development seeks to retain linear habitat features of value for bats. Assessment to consider wider habitat implications e.g. on foraging areas. Invertebrate survey ongoing of areas of potential interest [within the Preliminary Site Boundary]. Assessment will also provide an appraisal of invertebrate value across other habitats on the Site, undertaken by an invertebrate specialist.	Due to health and Safety considerations (dense vegetation and steep banks), further surveys for water vole, including population distribution surveys, are not possible. Water vole has been **scoped in** to detailed assessment based on the known presence of this species, as detailed in **Table 7-3 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** 10 m buffers surrounding watercourses/ditches (with the exception of new/upgraded crossing points) are secured by the provisions of the DCO via the **Works Plans [EN010153/DR/2.3]** and **OLEMP [EN010153/DR/7.13].** Bat activity surveys were updated in 2023, as detailed in **ES Vol 2 Appendix 7-3 Bat Activity Survey Report [EN010153/DR/6.2]**. Hedgerows and tree lines would largely be retained as a results of the Proposed Development. Consideration of the wider habitat implications on bats are included under construction phase in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Full details of the invertebrate surveys are included in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2**] including details of invertebrate value across the Main Development Area.
CWaCC Phone conversation 11th March 2024	Discussion held on the survey areas and survey effort for protected species in light of amendments to Site boundary and subsequent Zones of Influence.	Email correspondence sent on the 22nd March 2024, as detailed in **Table 1-3** within this technical appendix.
CWaCC Email correspondence 22nd March 2024	Email sent on behalf of the applicant to CWaCC. Clarification on the survey areas used for habitats and protected and notable species; aiming to seek CWaCC's agreement on appropriate levels of survey. Summarised in **Table 1-3.**	Response received on the 18th July 2024, as detailed in **Table 1-3** within this technical appendix.
CWaCC 18th July 2024	Email response from CWaCC regarding the email sent on the 22nd March 2024. Summarised in **Table 1-3.**	Email correspondence sent on the 27th August 2024, as detailed in **Table 1-3** within this technical appendix.

Water Framework Directive Letter from the EA dated 23rd July 2024	Decommissioning effects to be considered in relation to hydromorphology and biology. The ecological baseline for the Site will have changed by the time of the development's decommissioning. New baseline surveys will be required to ensure there is no damage caused by decommissioning works, and allow enhancements to be made where possible. The proposed 'Bird Mitigation Area (cell 3)' is considered as mitigation for impacts to the Mersey Estuary/Ramsar site's Functionally Linked Land. The mitigation area can only be considered partially in the BNG metric calculations for the Frodsham Solar Project's BNG contributions. Water Framework Directive team have requested the following documents in due course: • BNG Plan; • Habitat Management and Monitoring Plan; • Landscape and Ecological Management Plan; • River Condition Assessment; and, • Invasive Non-Native Species Management Plan (for New Zealand Pigmy Weed, Cotoneaster and other INNS present). It is important to note that otters may still use the ditches for dispersal within their territory. It cannot be assumed that GCNs are not present on site. The impact of crossings will need to be assessed in each area they are proposed, and their design will need to be informed by river condition assessments of each watercourse.	Updated ecological surveys will be undertaken prior to the commencement of the Proposed Development's decommissioning to record the presence of protected and notable species and habitats and identify potential effects of any necessary protection and mitigation measures to comply with planning policy and wildlife legislation applicable at the time, as detailed in **Section 7.7 Incorporated Mitigation,** and are secured in the **ODEMP [EN010153/DR/7.5]** via the provisions of the DCO. The BNG Assessment considered relevant legislation, BNG Good practice principles for development (CIEEM, CIRIA, IEMA, 2016), Planning Practice Guidance, BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain - Specification (British Standard) and The Statutory Biodiversity Metric User Guide (2024). As such, the mitigation for the Wind Farm will be considered appropriately. **BNG Report [EN010153/DR/7.12],** demonstrates that the Proposed Development, including the NBBMA, would achieve a measurable increase of at least 10% increase in habitat, hedgerow, watercourse units. Details of habitat management and monitoring requirements, together with details of non-invasive species management and monitoring measures, are included within the **OLEMP [EN010153/DR/7.13],** and are secured in the via the provisions of the DCO. The potential presence of otter within the ditches is noted, and effects assessed within **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** GCN is considered reasonably likely to be absent from the Main Development Area based on the results of the desk study, habitat suitability index (HIS) and environmental DNA (eDNA) surveys, as detailed in **Section 7.6 Baseline Conditions ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**

	European eel forms part of the fish assemblage in WFD watercourses associated with the proposed development area. Where baseline fish data has not been obtained, it should be assumed that European eel are present in any permanently wet water body (including ditches), that are hydrologically connected to any main watercourse. Impacts on European eel and associated habitat should be assessed. The WFD assessment should include an assessment of the impact on fish from noisy construction and decommissioning activities. If it is assumed that noisy construction activities, including piling, will not have an impact on fish, then evidence to support this assumption should be presented.	The combined impact of new/upgraded crossing points has been assessed for terrestrial ecology receptors, as appropriate, as detailed in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** River Condition Assessment has undertaken of watercourses on and within 10 m of the Site; no new/upgraded crossings are proposed along these watercourses. Condition assessment of ditches on and within 10 m of the Site has also been undertaken; the post-development scenario of crossing points above ditches will be assessed, in accordance with the Statutory Biodiversity Metric Condition Assessments Technical Supplement. The presence of eel has been assumed within permanently wet water bodies that are hydrologically connected to any main watercourse within the Main Development Area. The potential effects on eels are considered in **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** The potential for noise and vibration impacts on fish during construction, operation and decommissioning are considered within **Section 7.8 Assessment of Likely Impacts and Effects ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]. ES Vol 2 Appendix 9-2: Water Framework Directive Assessment [EN010153/DR/6.2]** considers impacts on fish and eels.
CWaCC Email correspondence 27th August 2024	Email response sent on behalf of the Applicant to CWaCC received on the 18th July 2024. Summarised in **Table 1-3.**	Site visit arranged for the 4th Sept 2024, as detailed below.
CWaCC Sit Visit 4th Sept 2024	Site Visit attended by representatives from Avian Ecology, Axis and CWaCC; aimed at demonstrating to CWaCC the Health and Safety restrictions related to water vole surveys and the potential for significant habitat enhancement across with Site. Included discussion on potential for impacts on protected species and the Non-breeding Bird Mitigation Strategy (NBBMS), including the	During the Site visit it was demonstrated and agreed that further water vole surveys, including population distribution surveys, are not possible due to Health and Safety issues (dense vegetation and steep banks). It was also agreed that GCN are considered reasonably likely to be absent from the Main Development Area (due to the GCN eDNA results, absence of desk study records and dispersal barriers). Furthermore, it was also

	proposed habitat creation measures, and how these would be achieved.	demonstrated and agreed that it is appropriate to separate the Main Development Area into habitats of 'high', 'moderate', 'low' and 'negligible' suitability for foraging and commuting bats, due to the large size of the Main Development Area and the variety of habitats present (as detailed in **Section 7.6 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **ES Vol 2 Appendix 7-3 Bat Activity Survey Report [EN010153/DR/6.2).**

Details of correspondence between the Applicant and CWaCC between 22nd March 2024 and 27th August 2024 are included in **Table 1-3**, below. An updated response from the applicant to CWaCC is also included, which takes into account information included within this ES, where appropriate.

Table 1-3: Summary of Consultation with CWaCC

Applicant's Clarification Regarding Survey Areas Sent to CWaCC on 22nd March 2024	CWaCC's Response Received on 18th July 2024	Applicant's Response sent to CWaCC Sent on 27th August 2024	Updated Applicant Response for ES
Habitats			
Extensive habitat data gathered, but does not include Cell 3. This will be required to calculate BNG baseline. Surveys in 2024 will cover Cell 3 and the SPEN area north of the River Weaver (grid pole area and construction compound).	Agreed that all red line area requires surveying and further for the range of species involved. This should include data for LWS assessment purposes.	All land within the redline will be surveyed using UKHabs method (with condition assessment). Data will then be used in BNG Metric calculations. LWS data will be considered as part of the assessment; however it is necessary to use current habitat data for BNG and impact assessment	All land within the redline has been surveyed using UKHabs method (with condition assessment, results of which are included in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]. Section 7.7** and **BNG Report [EN010153/DR/7.12],** demonstrates that the Proposed Development would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units.
Badger			
Checks for evidence of badger setts were completed by RSK Biocensus as part of the PEA in March 2022 across initial redline, and across Cell 3 in 2023 by Avian Ecology, but not along access routes (where no development is required). Avoidance of badger setts has been a	There does not seem to be any badger Survey data for the substation site area (between the R Weaver and Weaver Navigation). Outstanding queries from original scoping comments:	Badger survey data from of this area will be included in the assessment.	Baseline information relating to the presence of badger within the Main Development Area is included within **ES Vol 2 Appendix 7-2 Annex 8 Confidential Badger Report [EN010153/DR/6.2].**

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consideration of the design process. The presence of the setts has been established; however sett locations is considered likely to change prior to construction. The development will include 'badger gates', the locations of which will be determined based on pre-construction surveys which will seek to identify regular travel corridors used by badgers. Additional pre-submission badger surveys are therefore not proposed. However, checks for evidence of badger setts along the access route will be undertaken as part of the above habitat survey.	- have all areas 30m from red line been surveyed?	Surveys have included all suitable habitats within 30 m of the locations where development is proposed. A further search for badger evidence along the Proposed Development access route will be undertaken in autumn 2024.	A badger walkover of the Site (excluding the SPEN/National Grid Substation and Access) plus a 30 m buffer was undertaken on the 17th March 2025. Details and results of this survey are included in **ES Vol 2 Appendix 7-2 Annex 8 Confidential Badger Report [EN010153/DR/6.2]**. A habitat survey of the SPEN/National Grid Substation and Access undertaken in 2024 was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within 30 m of the SPEN/National Grid Substation and Access, where accessible. Pre-construction surveys would be undertaken for the presence of badger on and within 30 m of the Site boundary, as detailed in **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, which is secured in the **OCEMP [EN010153/DR/7.5]** via the provisions of the DCO.
	- how will it be decided where mammal gates are installed – from survey info?	The location of mammal gates will be determined from pre-construction survey data. This will be set out in the OCEMP and will therefore be a requirement / condition of the DCO.	Commitments to undertake pre-construction survey and implement mammal gaps/gates within boundary fencing are detailed within the **OCEMP [EN010153/DR/7.5],** and are secured in the via the provisions of the DCO.

Applicant's Clarification Regarding Survey Areas Sent to CWaCC on 22nd March 2024	CWaCC's Response Received on 18th July 2024	Applicant's Response sent to CWaCC Sent on 27th August 2024	Updated Applicant Response for ES
	- there may be no development within the access routes, but there may be excavations, which would trigger the survey requirement for badgers - it should also be marked clearly on a plan what "access routes" is referring to - due to the piecemeal nature of the badger surveys and queries over their range, I would suggest a full updated survey in 2024	As above, further checks for badger setts will be undertaken in autumn 2024. To be included in the assessment. For the purposes of this consultation it is clarified that the term access routes is reference to the tracks located within Cell 4 A full survey is not proposed in 2024; however additional checks of known setts and targeted surveys of previously unsurveyed areas (due to red line boundary changes) will be undertaken.	A badger walkover of the Site (excluding the SPEN/National Grid Substation and Access) plus a 30 m buffer was undertaken on the 17th March 2025. Details and results of this survey are included in **ES Vol 2 Appendix 7-2 Annex 8 Confidential Badger Report [EN010153/DR/6.2]**. A habitat survey of the SPEN/National Grid Substation and Access undertaken in 2024 was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within 30 m of the SPEN/National Grid Substation and Access, where accessible.
Bats			
Bat activity surveys were completed by RSK Biocensus in 2022. These had a limited scope in both coverage and effort - this was based on a classification of 'low value' habitat. Avian undertook additional	There does not seem to be survey coverage for the substation site area (between the R Weaver and Weaver Navigation), especially where the bat habitat suitability is shown as moderate.	Access to this area has only recently been available and therefore no bat activity surveys could be undertaken. It is clarified that work in this area will be limited to a very small area of scrub	It is clarified that work in the unsurveyed area within the SPEN / National Grid Substation and Access would be limited to a very small area of scrub clearance. Furthermore, the unsurveyed area of the SPEN / National

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manual (transect + static) surveys in July to October 2023. None of these surveys covered Cell 3, or the additional access extensions, nor areas underneath operational wind turbines which have been monitored as part of that scheme. As requested, we provide a plan which shows the site and value of habitats broken down to Bat Conservation Trust ('BCT') categories, which also shows survey areas used in 2022 and 2023. Aside from a small number of ditch crossings, development will be entirely within open fields which are predominantly arable or sheep grazed pasture. Subsequently further surveys are not considered necessary. It is acknowledged that Cell 3 has not been surveyed; however there is not permanent development proposed within Cell 3 and so no impact on bats are unlikely to occur. Overall changes (Cell 3 and BNG) are anticipated to be positive for bats through increased foraging opportunities.	Invovyn lagoon (MS1 area) now outside the site area, but is the impact on movement to this adjoining area accounted for (what is the suitability of the habitat around MS1 e.g. is it higher than moderate? It is noted that this is outside the revised red line site area, but would be useful to have confirmed as context. Has windfarm bat data been used as a desk study to confirm this view that the open fields are not being used by bats? Previous unanswered queries relate to the interaction with the windfarm site.	clearance. No trees are scheduled to be felled. It is not anticipated that the Proposed Development will impact movements of bats, as linear features (ditches and hedgerows) will be retained and enhanced. The Proposed Development will lead to a reduction of agricultural practices likely to be detrimental to bats (chemical spraying) and will deliver a measurable habitat gain (through BNG). With regards to MS1, it is our view that moderate is a reasonable evaluation of the Inovyn lagoon, on the basis of habitats present and it being well-lit at night from nearby industry; however it is accepted this is a matter of professional opinion. Wind farm data, as presented in the wind farm Years 1-5 monitoring reports, will be used to inform the bat baseline for the Site.	Grid Substation and Access has been assessed as providing low suitability for foraging and commuting bats, as this area primality comprises modified grassland and other neutral grassland. Works within the NBBMA may result in temporary disturbance for commuting and foraging bats, however, this would be short in duration, and landscape proposals that would be implemented within this area would result in a benefit for foraging and commuting bats during the operational lifetime. With regard habitats around MS1 being assessed as providing moderate suitability for foraging and commuting bats, this does not affect the spatial scope of our assessment and therefore does not impact the zone of influence.

Applicant's Clarification Regarding Survey Areas Sent to CWaCC on 22nd March 2024	CWaCC's Response Received on 18th July 2024	Applicant's Response sent to CWaCC Sent on 27th August 2024	Updated Applicant Response for ES
	Please clarify what is meant by "not permanent development in Cell 3"; what is the temporary development, what are its impacts in terms of bat habitats and how long will any bat habitats lost take to restore? Outstanding queries: Why does the site fit the overall "low potential" category? If the site has areas of moderate potential, surely this should be used as the default category? An overlay of the red line area on the bat potential plan may assist this. Interaction with windfarm and does that skew bat population in the proposed solar farm area if bats are avoiding the windfarm.	Temporary development will be the creation of additional habitats in Cell 3 as part of the NBBMS. Work on the NBBMS is on-going; however it is acknowledged that the timing and duration of these works will require consideration in the ES in due course. The large majority of solar installation will be on 'low potential' habitat (fields/pasture), but the majority of the Wildfowlers area is of at least 'moderate potential'. The amount of survey data collected is adequate and robust for assessment of effects of the Proposed Development given the nature of the development, the retention of linear features and the landscaping proposals which will provide a BNG uplift. The Applicant is not aware of any research which suggests bats avoid wind farms. The wind farm forms part of the Site baseline and will be considered in the assessment.	The amount of survey data collected is considered adequate and robust for assessment of the likely significant effects of the Proposed Development given the nature of the development.
GCN			
GCN surveys were completed by RSK Biocensus in 2022. Survey areas are shown on the attached Figures, which include locations of each pond surveyed by DNA sampling. All results were negative. These were not extended across Cell 3 or along access routes. Ponds not surveyed (based on OS	Can a commentary be provided on the waterbodies that have not been surveyed, especially the ones on the site itself, if this is not already provided in the documents submitted.	A commentary on ponds will be included in the PEIR baseline. Additional information from the Hynet pipeline NSIP project (EN060006) has been requested and, once available, will also be included in the ES baseline reports.	The results of GCN surveys undertaken by RSK Biocensus are included within **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2]. Appendix 7-2** also include a table, and a plan, identifying which ditches/ponds have not been subject to GCN surveys. Data from the Hynet pipeline NSIP project

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maps and aerial imagery) within 250m of the redline boundary are also presented. The negative results are consistent with other surveys across the Frodsham Marsh area (i.e. land between the M56 and the Manchester Ship Canal / River weaver). Given this, it is considered that GCN are likely to be absent from the Frodsham Marsh area. It is acknowledged that Cell 3 contains a series of ponds/small lakes that have not been surveyed; however these are used as fishing pits and appear to be stocked with fish (some ponds are infested with invasive New Zealand Pigmy Weed). As such, and given the other negative results, GCN presence in these ponds is considered highly unlikely and no further surveys are proposed.	Can an explanation be provided as to why the ditches in the RSK Biocensus survey reported that were reported as below average or average, were not subject to eDNA survey, or included in the survey plan provided?	The ditch network across the Site is extremely difficult to access; this was the position of RSK Biocensus in the 2022 surveys and remains Avian Ecology's position. Hynet pipeline NSIP project (EN060006) data , where available, will be used to augment the GCN baseline. To date no records of GCN between the M56 motorway and River Mersey (i.e. the entire Site) have been identified.	(EN060006) has been used to inform the assessment. Data from the Hynet pipeline NSIP project (EN060006) has been used to inform the assessment.
Reptiles			
Reptile surveys were completed by RSK Biocensus in 2022, covering the main solar development area. The results were negative. Surveys were not extended across Cell 3 or along access routes. It is acknowledged that Cell 3 contains potential reptile habitats, but it is considered that reptiles are likely to be absent from the Frodsham Marsh	There does not seem to be survey coverage for the substation site area (between the River Weaver and Weaver Navigation). If grass snakes are using ditches then Cell 3 should be surveyed, in	As above regarding access. Again Hynet pipeline NSIP project (EN060006), where available, will be used to augment the reptile baseline. To date no records of reptiles between the M56 motorway and River Mersey (i.e. the entire Site) have been identified As above regarding accessibility of ditch network and use of Hynet pipeline NSIP	Data from the Hynet pipeline NSIP project (EN060006) has been used to inform the assessment. RAMS, secured under the **OCEMP [EN010153/DR/7.5]** via a DCO

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area (i.e. land between the M56 and the Manchester Ship Canal / River weaver), perhaps with the exception of grass snakes using ditches. Subsequently no further surveys are proposed.	line with the rest of the site. Late inclusion of areas with species potential into the site boundary does not negate the need for survey.	project (EN060006). No work on ditches or their banks is proposed, aside from a small number of additional crossings which all fall within the area surveyed by RSK Biocensus and the ditch within Cell 3 (proposed mitigation area). RAMS are therefore appropriate with regards to grass snakes and ditches given the absence of records.	Requirement, are considered appropriate with regards to grass snakes and ditches.
Water Vole and Otter			
The presence of Water Voles within the redline boundary has been established through desk records and incidental observation during Avian Ecology bird surveys, and Frodsham Marsh is a known stronghold for the species. Avoidance of ditches has been a consideration of the design process, and subsequently the large majority of ditches within the Site will be buffered to such an extent that there is no potential for impacts on water voles. However, some new ditch crossings will be required. A 'scoping exercise' to determine feasibility of conventional survey was undertaken in autumn 2023; this found that the relevant ditches were generally steep sided, with	There does not seem to be survey coverage for the substation site area (between the R Weaver and Weaver Navigation). This requires survey coverage, due to the high likelihood of species presence and potential impacts.	As above. The potential for water voles and otters in this area will be determined through imminent site visits. Further surveys will be undertaken should suitable habitat be identified.	Preliminary water vole habitat suitability assessments of the proposed crossing points have been undertaken, together with a wate vole survey of the NBBMA. Methodology and results are included in **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2.** The Water Vole Preliminary Habitat Suitability Assessment was undertaken to determine the feasibility of conventional water vole survey; both the 2023 and 2024/2025 visits found that the relevant ditches were generally steep sided, with heavily vegetated banks and dense reed coverage, and which precluded safe access. As such, where access was not possible, further surveys, including relative population

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heavily vegetated banks and dense reed coverage, and which precludes safe access. As discussed, surveys will be attempted at the nearest accessible location over the course of 2024. The Applicant would also like CWaCC's view on the use of detection dogs, which would replace the need for entering ditches (subject to availability). Surveys would also cover Otters.	As discussed, if the ditch crossing points cannot be survey due to safety reasons, the nearest safest location on the same ditch stretch should be accessed for survey. Population distribution is required to be known for this known ecological receptor on site. There are no guidelines on the use of detection dogs for Water vole surveys within Planning, but if any parameters/guidelines can be pointed to, they will be taken into consideration.	It is not possible to determine population distribution based on ad-hoc surveys of limited accessible locations. The presence of water vole has been established and impact assessment will assume presence. This is considered proportionate given that the very large majority of ditches will be unaffected by the development and buffered to at least 5 m. CWaCC's position on the use of detection dogs is noted; surveys are not proposed.	size surveys, were not undertaken. These limitations have been discussed with CWaCC Biodiversity Officer. Furthermore, a Site visit attended by representatives from Avian Ecology, Axis and CWaCC on the 4th September 2024 demonstrated to CWaCC the Health and Safety restrictions related to water vole surveys.
Invertebrates			

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An invertebrate assessment of Frodsham marsh has now been undertaken by a specialist surveyor and the corresponding report will be submitted with the PEIR. This comprised 9 days of fieldwork in 2023, with subsequent sampling analysis. An initial visit was made in May, covering all of the areas under consideration for development aside from Cell 3. Further visits were made to areas of higher invertebrate potential; arable fields and intensively grazed sheep pasture areas were adjudged to be of low invertebrate potential and therefore not considered further.	Will await survey report to ascertain scope and to see where further detailed surveys are required.	The invertebrate assessment report will be included in the PEIR. The large majority of the Site (development footprint) is evidently of poor-quality for invertebrates, with ditches and field margin/hedgerow habitats retained and enhanced. The Proposed Development will include a measurable habitat gain (through BNG) which is likely to be beneficial to invertebrate assemblages.	The invertebrate assessment report is included within **ES Vol 2 Appendix 7-2 Protected Ecological Species Baseline Report [EN010153/DR/6.2.** The majority of the Main Development Area is of poor-quality for invertebrates, with ditches and field margin/hedgerow habitats largely retained and enhanced. A quantifiable increase of at least 10 % in both habitat and hedgerow units across the Site would be a benefit to invertebrate assemblages.

Table 1-4 – PEIR Consultation Response

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

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	a much-valued amenity for local residents and visitors from a large radius in the surrounding area. We also note that the scheme includes enhanced access to the site itself via a network of permissive paths and a car park. Whilst this could result in a more complete network of walking opportunities in the area, care would need to be exercised to avoid conflict with nature conservation objectives. For example, unrestricted open access for the general public and dogs would not be appropriate within the proposed skylark mitigation area, and similar considerations are likely to apply elsewhere in the site.		across the Site, the proposed permissive footpaths are mostly located within the Principal Public Access/Biodiversity Enhancement Zones; all proposed footpaths are separated from the solar array areas by security fencing. No new permissive paths are proposed within the NBBMA; furthermore, the NBBMA will be enclosed by fencing (for details of fencing refer to **Appendix 8-2: Outline Non-Breeding Bird Mitigation Strategy,** ceasing any public access to this area. Similarly, no public rights of way are currently present within the skylark mitigation area, and no new permissive paths are proposed. As such, unrestricted open access for the general public and dogs is not proposed within the NBBMA, the skylark mitigation area, or across the remained of the Site. The proposed layout for existing public rights of way and the proposed permissive paths, together with the proposed fence layout, is shown on **ES Vol 2 Figure 2-3: Illustrative Environmental Masterplan Key Plan [EN010153/DR/6.2].**
Cheshire Wildlife Trust	BNG Should be aiming for higher than 10% BNG as this is within the margin of error, and because the proposal would be damaging an LWS. (July 2023) - The British Standard for Biodiversity Net Gain (BNG) state that the mitigation hierarchy must be applied by avoiding priority habitat, i.e. reedbeds. The Good Practice Principles for BNG state that BNG must 'achieve the best outcomes for biodiversity'. (July 2023)	No	It is not yet a statutory requirement[1] for DCO applications to demonstrate a quantifiable BNG of at least 10 % under the Environment Act 2021, however, the Proposed Development would result in significant habitat enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in biodiversity units across the Site. The Proposed Development would therefore provide mitigation and compensation to ensure there is no net loss of environmental value, including within the LWS. Results of a BNG Assessment are included within **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]** and the **BNG Report [EN010153/DR/7.12].** Justification for the net loss of reedbed is included within **Section 7.7** of **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].**

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			The difficulty associated with achieving each type of habitat is an inherent part of the metric, and multipliers associated with these difficulties are built into the metric and therefore any margin of error is automatically accounted for. Furthermore, the habitat management and monitoring of created and enhanced habitats is detailed within the OLEMP, secured by via provisions of the DCO. As such, the monitoring of the habitats would be undertaken at regular intervals to ensure that target habitats and conditions are achieved, and where required, remedial measures would be implemented to ensure the required BNG objectives (as detailed in the **OLEMP [EN010153/DR/7.13]** is achieved.
Cheshire Wildlife Trust	Watercourse units have not been included in the current BNG calculations, and it is imperative that the impacts on ditches and any other watercourses be considered as soon as possible. BNG has not been fully assessed until they are.	No	Watercourse units have been included in the **BNG Report [EN010153/DR/7.12] and** included within the ES, as detailed in **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].** The Proposed Development would result exceed a 10% net gain in watercourse units **.**
Cheshire Wildlife Trust	We would also like to point out that the nearby Ince Marshes and Protos areas are considered to be Costal and Floodplain Grazing Marsh. While the Priority Habitat Inventory does not label most of Frodsham Marshes as such, have surveys been done to assess this independently against the UKHab definitions?	No	The presence of coastal and floodplain grazing marsh Habitat of Principal Importance (HPI) adjacent to the Main Development Area is detailed within **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]**, and **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]**, and is shown on **Figure 5.** Existing records of coastal and floodplain grazing marsh HPI, as listed within the Priority Habitat Inventory, do not overlap with the Main Development Area; the closest existing record is located 0.01 km southeast. Habitat surveys undertaken of the Site, as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]**, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.
Cheshire Wildlife Trust	We would like to remind that the NBBMA cannot be used for onsite BNG as it is already being used for ecological mitigation purposes and this would not count as additionality.	No	Objective 3a of the Proposed Development design principles states (refer to **Design Approach Document (DAD) [EN010153/DR/5.8])** that the Proposed Development will '*achieve a minimum of 10% increase in habitat and hedgerow units, and no net loss in watercourse units.*'' Mitigation or

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
			compensation to a special area of conservation, special protection area, or protected species can be used 'in part' towards BNG, as stated in Department for Environment, Food & Rural Affairs (Defra) guidance 'What you can count towards a development's biodiversity net gain[1] (2024)'. As stated in the guidance, for mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. At least 10% of the Proposed Development's units (habitats and hedgerow) come from areas within the Site other than the Non-Breeding Bird Mitigation Area (NBBMA). The Site as a whole, including the NBBMA, achieves a gain in units across habitats, hedgerows and watercourses, as detailed within **BNG Report [EN010153/DR/7.12].** An uplift of 10% in watercourse units has not been achieved without the inclusion of the NBBMA, however, objectives set out for the Proposed Development as a whole have been exceeded.
Cheshire Wildlife Trust	As active badger setts have been identified in many areas of the site, it is essential that their movement is not in any way restricted across the site, including with any fencing or other impediments.	No	Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates would be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the SADA (locations to be determined during pre-commencement survey); as detailed under **Section 7.7 Incorporated Mitigation** of **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]**, secured by in the OLEMP via the provisions of the DCO. However, gaps or mammal gates will not be installed along the perimeter fence of the NBBMA, to prevent predatory terrestrial mammal species, including badger, entering the NBBMA and potentially predating roosting, foraging and/or nesting birds (or eggs/chicks). Although free movement of badger will not be possible through the NBBMA, land to the south of the NBBMA is not included within the Proposed Development, and is undeveloped; as such, badgers will be able to continue to use the land to the south of the NBBMA to travel through the landscape and to reach the remainder of the Site.
Cheshire Wildlife Trust	Given the declines of water voles in Cheshire, and the fact that the Frodsham site is likely to	No	The design evolution of the Proposed Development has included avoiding the existing network of ditch as far as reasonably practicable. As detained

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	retain a decent population of them, we expect water vole mitigation and compensation measures to be put in place so as to help reverse local declines, and enable them to thrive on this site. Ditches must be properly assessed, and plans should be made to enhance their habitat and its availability.		within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1], i**ncorporated mitigation includes buffers of at least 10 m from all ditches and watercourses, with the exception of 17 new permanent crossings and upgrading eight existing crossings. Any new and upgraded watercourse crossings would remain open for the free movement of water vole. Although the NBBMA will provide direct mitigation for non-breeding birds, habitat creation measures proposed will also provide enhanced opportunities for water vole. Furthermore, incorporated mitigation includes the creation of new ponds and reedbeds within the SADA, which would provide foraging, sheltering and breeding habitat for this species. As detailed within the OLEMP (secured by via provisions of the DOC), enhancement measures for the benefit of water voles will focus on diversifying the bankside vegetation and also managing the dense bramble scrub to maintain a mix of structure and age and reducing any encroachment/shading of scrub on the channel.
Cheshire Wildlife Trust	Cell 3 has not been properly surveyed for amphibians and reptiles, which would likely be impacted by the scale of the proposed groundworks.	No	As detailed within **Section 7.6 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2],** no records of reptiles nor great crested newt (GCN) were returned from within 2 km of the Main Development Area during the data search. Furthermore, a reptile survey was undertaken of the Preliminary Site Boundary in 2022 during which no reptiles were recorded. GCN eDNA surveys undertaken of the Preliminary Site Boundary in 2022 returned no positive results. As such, reptiles and GCN are considered reasonably likely to be absent from the Main Development Area, as detailed in **Table 7-4 of ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].** Due to the close proximity of the Main Development Area to Cell 3 (and the NBBMA), and the lack of connectivity from the Site to the wider landscape (due to the River Weaver, the M56 and industrialisation at Elton/Stanlow), it is reasonably likely that the lack of reptiles and GCN can be extrapolated to the Cell 3 (and the NBBMA)

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
			Small numbers of common toad were recorded within the Preliminary Site Boundary during the RSK Biocensus Preliminary Ecological Appraisal (PEA)[1]. Mitigation measures to reduce and/or avoid any potentially adverse effects or to ensure legislative compliance are detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, secured by by the provisions of the DCO via the **OCEMP [EN010153/DR/7.5]**. This would include adherence to Reasonable Avoidance Measures (RAMS). Furthermore, the Proposed Development will include the installation of ten reptile/amphibian refugia, at least two of which will be within the NBBMA.
Environment Agency	Policy and legislation (Chapter 7; Section 7.2, paragraph 7.2.1) The Salmon and Freshwater Fisheries Act 1975 has not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered. This infers the impacts on fish from the construction, operation and decommissioning have not been fully considered. This legislation should be listed in the biodiversity chapter of the Environmental Statement (ES). Steps need to be taken to ensure the requirements of the Salmon and Freshwater fisheries act are incorporated into the design. Parts of The Salmon and Freshwater Fisheries Act 1975 relevant to this type of development and that should be considered, are (but not exhaustive) Part 1, Sections 2 and 4.	No	Noted, The Salmon and Freshwater Fisheries Act 1975 is included in the list of legislation in **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1].** The requirements of the Salmon and Freshwater fisheries act are incorporated into the design and incorporated mitigation, as detailed within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
Environment Agency	Piling Mitigation (Chapter 2; Section 2.4, paragraph 2.4.0 and Chapter 7; and Section 7.8, Paragraph 7.8.60) Mitigation from piling may not fully protect fish. Noise may be generated during the installation of coffer dams, especially where any piling is to take place. Noise can kill fish over short distances and disrupt natural behaviours, like migration over medium to large distances. Solution Noise associated with piling (particularly percussive piling) should be assessed for impacts on fish. Mitigation measures for this may include sheet piling being installed by vibro-piling as the default method.	No	Coffer dams are not proposed to be constructed across watercourses as part of the Proposed Development.
Environment Agency	Fish Species Management - (Chapter 2, Section 2.4, paragraph 2.4.136 and Chapter 7, Section 7.7; paragraph 7.7.5-7.7.6) Issue - The construction of the Non-Breeding Bird Mitigation Area (NBBMA) does not include how native and (potentially) non-native fish species will be managed in the existing ponds in cell 3. Impact - Protected fish species may be harmed or killed during the construction works. Solution - The Construction Environment Management Plan (CEMP) should include details on managing any fish (native and non-native) within the existing ponds. This is particularly applicable should ponds be infilled	No	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and as included within the **OCEMP [EN010153/DR/7.5]**, secured by through provisions of the DCO, where a 'dry crossing technique' is required for the construction of a new or improved crossing point, the section of water between the dams would be inspected for fish and other aquatic life such as eels; where appropriate a fish rescue plan would be executed where appropriate. Dependent on the nature of the ditch and health and safety concerns, different methods may be employed to remove the fish, or a combination of methods, including static netting, hand netting and/or electrofishing. Upon capture, fish would be held in suitable sized and leaching-safe capture containers and released downstream of the dam as soon as possible, with the exception of non-native species, which would be humanely dispatched.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	and thus drained down.		To create the NBBMA, the existing ponds may be required to be drained down and/or scraped out. Prior to dewatering and/or scraping the area will be inspected and using electric fishing and/or fine mesh seine netting to ensure all fish, including juveniles, are safely relocated. Where appropriate a fish rescue plan will be executed. Pumps will be fitted with 2mm aperture screens to prevent entrainment of elvers and glass eel. A Fish Rescue Plan will include details of the relevant permissions required from the Environment Agency, dewatering methods to include the use of fish-safe meshes to be installed over any pumps , monitoring of water pH, and siltation. The fish rescue plan and measures to control run-off and pollution will form a part of the CEMP.
Environment Agency	Invasive Non-Native Fish Species Management - (Chapter 2, Section 2.4, paragraph 2.4.136 and Chapter 7, Section 7.7; paragraph 7.7.5-7.7.6) Issue The construction of the Non-Breeding Bird Mitigation Area does not include how native, and (potentially) non-native fish species, will be managed in the existing ponds in cell 3. Impact The construction works may lead to the spread of non-native fish species and/or associated pathogens. Solution The Construction Environment Management Plan (CEMP) should include details on managing any fish (native and non-native) within the existing ponds. Where invasive non-native fish species are present in the ponds, this should include a Requirement for an invasive non-native	No	Non-native fish species are included within the requirement for an Invasive Non-Native Species Management Plan, as detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and as included within the **OCEMP [EN010153/DR/7.5]**, secured by through provisions of the DCO.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	species management plan.		
Environment Agency	Decommissioning Fish Mitigation - (Chapter 2, Section 2.8, paragraph 2.8.25 Issue Mitigation for fish species and their habitat does not cover the decommissioning and removal of cables. Impact Removal of decommissioned cables may lead to damage of habitat and/or disturbance/harm to fish species. Solution Where underground cables are removed, similar precautions and protocols for fish during the installation of cables (as outlined in 2.4.147, 2.4.148, 7.7.36 and 7.7.37) should be followed. Consideration should also be given in the ES as to whether removal of decommissioned cables is necessary. The removal of cables could lead to unnecessary disturbance to habitats and species on the site.	No	Updated ecological surveys would be undertaken prior to the commencement of the Proposed Development's decommissioning to record the presence of protected and notable species and identify potential effects of any necessary protection and mitigation measures to comply with planning policy and wildlife legislation applicable at the time, as detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, and is secured within the **ODEMP [EN010153/DR/7.7]** through provisions of the DCO.
Environment Agency	Baseline Survey Data (Chapter 7, Table 7-2) Issue Baseline survey data is not appropriate. Third party fish data not being guaranteed, or sufficient fish baseline data not being available. Impact The level of impact on fish from the development may not be captured/assessed in the EIA. As such, mitigation design may not be sufficient in protecting fish species. Solution Where third party data is not	No	The desk study included a review of data in WSP UK Limited for Cadent Gas Limited's HyNet North West Hydrogen Pipeline baseline survey reports for a proposed a hydrogen pipeline that would run through the Site (see **Section 7.5 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). Environmental DNA (eDNA) surveys were undertaken for the HyNet North West Hydrogen Pipeline project between 2022 and 2023; relevant results are included within **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].** Although none of the HyNet survey locations were located within the Main Development Area boundary, a precautionary approach has been adopted,

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	available, then a contingency needs to be in place to ensure the baseline fish characteristics of the site are captured. We would expect to see details of the third-party data, including location of surveys, methodology, and when surveys were conducted.		where the presence of fish (including European eel) within the SADA has been assumed.
Environment Agency	Over Pumping and Cofferdam Mitigation (Chapter 7, Section 7.7, paragraph 7.7.36) Issue Insufficient detail in the mitigation for fish when over pumping and coffer damming sections of watercourse. Impact Fish fry, lamprey, elvers and glass eel may be entrained into pumps, where screens are not designed correctly. Fish may also be missed during inspections of coffer dammed areas. Solution Screens on pumps should be suitable to protect elvers and glass eel from entrainment, the default screen aperture size would be 2mm. Inspection of coffer dammed area for fish should be done using electric fishing, or fine mesh seine netting techniques. The term inspecting assumes a visual check, where small fish (such as juvenile eel, lamprey, fish fry) may be missed.	No	A fish rescue plan would include details of the dewatering methods to include the use of fish-safe meshes (default screen aperture size would be 2mm) to be installed over any pumps, monitoring of water pH and the siltation and fish rescue by a suitable experienced ecologist. Dependent on the nature of the ditch and health and safety concerns, different methods may be employed to remove the fish, or a combination of methods, including static netting, hand netting and/or electrofishing. Where netting is used, fine mesh seine netting would be used. The dammed areas/ponds would also be visually inspection to check for the presence of small fish (such as juvenile eel, lamprey, fish fry). Details of these measures are included under Implementation of a fish rescue plan in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and within the **OCEMP [EN010153/DR/7.5],** secured by via provisions of the DCO. It should be noted that as the Applicant has committed to providing open span crossings the need to use dry crossing construction techniques would be minimised.
Environment Agency	Dewatering Mitigation (Chapter 7, Section 7.7, paragraph 7.7.37) Issue Insufficient detail in the mitigation for fish when dewatering coffer dammed sections of watercourse. Impact An increase in fine sediment running	No	The use of Silt Busters/sedimats/straw bales will also be used to protect downstream watercourses from silt inputs during prolonged dewatering, as detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and within the **OCEMP [EN010153/DR/7.5],** secured by via provisions of the DCO.

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	into watercourses could have a negative impact on fish. This may include smothering important spawning gravels, clog interstitial spaces in gravel, impact on fish egg and larval development, and reduce fish's ability to respire due to clogging of gills. Solution In terms of dewatering mitigation measures, considerations should also be given to using Silt Busters, to protect downstream watercourses from silt inputs during prolonged dewatering. Trench digging may cut into elevated water tables, necessitating an extended period of water level management in a 'de-watered' watercourse footprint. In such a scenario, water may need to pass through a Silt Buster prior to release.		
Environment Agency	Water Vole Habitat Assessment (Chapters 7, Section 7.3, Paragraph 7.3.2 and Table 7.3) Issue We note that due to accessibility issues, crossing points U, W and X were not included in the Water Vole Crossing Point Preliminary Habitat Suitability Assessment. Impact The Preliminary Habitat Suitability Assessments help to inform whether water voles are likely to be impacted by the development. If areas have not been included, there is a risk that water vole habitat will be impacted. The Environment Agency have a statutory duty to ensure the conservation of water vole and	No	Crossing points U, W and X were surveyed for their suitability for water vole in 2025; and as such are now included within the Water Vole Crossing Point Preliminary Habitat Suitability Assessment. The results of the Preliminary Habitat Suitability Assessment for crossing points U, W and X are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].**

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	their environment, under the Environment Act 1995. Water voles are listed as a BAP species. Our approach is supported by section 5.4.17 of EN-1 Overarching National Policy Statement for Energy which states "Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on…protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats." Solution We request the applicant confirm these assessments will be carried out at the next suitable survey window.		
Environment Agency	Otter and Water Vole Surveys (Chapters 7, Section 7.3, Paragraph 7.3.3 and Table 7.3) Issue We note that the otter and water vole survey was undertaken following a period of prolonged rainfall, as such impacting results. Signs of water vole and otter may have been washed away by the rainfall impacting results. Robust data is needed to inform and adequate baseline, to understand the potential impacts of the project to these species. Impact There is a risk that survey data is not robust, leading to an inaccurate baseline of otter and water vole species at the site. Any mitigation measures prepared based on this may not be sufficient. The Environment Agency have a statutory duty to ensure the conservation of water voles and otters, and	No	Surveys to assess suitability for otter and water vole were undertaken in September 2023, June 2024, September 2024 and January 2025. Water vole have been scoped in to detailed assessment, based on the known presence of this species and impacts resulting from creation of the proposed crossing points. Survey details and results are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].** Otter have been scoped into detailed assessment and may be present within the Main Development Area. If present otter may be subject to disturbance during construction. The Proposed Development will result in the cessation of access to otter within the NBBMA during both construction and operation. Survey details and results are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].**

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	their environment, under the Environment Act 1995. Water voles and otters are listed as BAP species. Our approach is supported by section 5.4.17 of EN-1 Overarching National Policy Statement for Energy which states "Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on…protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats." Solution We request the applicant confirm these assessments will be carried out at the next suitable survey window. We have a preference for long-term datasets, based on a consistent methodology, to account for variability		
Environment Agency	Removal of Habitat (Chapters 7, Section 7.3, Paragraph 7.3.9 and Table 7.3) Issue The applicant has assumed the existing ponds and scrapes currently present within the NBBMA would all be temporarily removed, prior to the creation of new ponds and scrapes. Section 7.8 omits information regarding this, and therefore it has not been listed to be assessed for its likely impacts or effects. Impact Removing habitat for species within our remit (such as water vole and otters), with no alternative for them to move to, may displace them or remove an important food source; this	No	Whilst existing ponds and scrapes currently present within the NBBMA would all be temporarily removed, prior to the creation of new ponds and scrapes, the Proposed Development will result in the cessation of access to otter within the NBBMA during both construction and operation due to the predator fencing proposed around the NBBMA. As such, **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** assessed the likely impacts resulting from the cessation of access to otter within the NBBMA during both construction and operation. Incorporated mitigation, including habitat creation and management, will provide enhanced habitat for otter within the SADA.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	will impact their population. Our approach is supported by section 5.4.35 of EN-1 Overarching National Policy Statement for Energy which states "Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development." Solution It would be preferable to provide alternative habitat prior to removing the existing habitat. We recommend consulting with Natural England (NE) regarding this issue, as-well as ourselves. Additional comment We are pleased to see the precautionary approach being used in the PEIR. We request further engagement with the project team and investigation into the best approach.		
Environment Agency	Aquatic Invertebrates (Chapters 7, Section 7.5, Table 7.2), and Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17- 124) Issue Solar farms that have wetland habitats on site, or are near wetland habitats, should implement mitigation to prevent adverse impacts on aquatic invertebrates. Impact Many species of aquatic invertebrates mistake the polarised light reflected from solar panels for open water, leading them to try and lay eggs on panels, which ultimately fail. Solution Low-cost mitigation measures can be	No	The Proposed Development will use solar PV modules with anti-reflective coating, which is a common approach taken to reduce the potential for reflections (see **ES Vol 1 Chapter 2: Proposed Development [EN010153/DR/6.1]).** Anti-reflective coatings have been found to decrease attraction of some invert species to solar panels[1]. As such, the solar PV modules are not expected to attract aquatic invertebrates, and adverse impacts on aquatic invertebrates are not anticipated, as detailed in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** None of the invertebrate assemblages recorded during the invertebrate assessment undertaken in 2023 were found to be in favourable condition in accordance with Pantheon assemblage scores (see **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2],**

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	taken that do not impact on energy generation, such as including a pattern of roughened or painted glass, or a horizontal light blocking grid so that they are no longer attractive to aquatic invertebrates. Additional comment The impacts of polarised light and mitigation approaches are discussed in 'A Review of the Impacts of Artificial Light on Invertebrates' report, which Buglife produced in 2011. Another source of information is the document: • Taylor, R., Conway, J., Gabb, O. & Gillespie, J. (2019). Potential ecological impacts of ground-mounted photovoltaic solar panels. [Online] Accessed: BSG Ecology.		for further detail). As such, the Proposed Development is already sited away from important/sensitive invertebrate populations.
Environment Agency	Mink Invasive Non-Native Species Management (Chapters 7, Section 7.5, Table 7.2 and Appendix 7.1, section 3.3.27), and Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17-124) Issue Environment Agency records show recorded sightings of American Mink between 2001 and 2023. These sightings are mentioned in Appendix 7-1, Paragraph 3.3.27, but not in the body of the PEIR itself. Section 7.8 omits information regarding Mink, and they have not been listed to be assessed for their likely impacts or effects. Impact Water voles are particularly vulnerable	No	American mink is listed under Part I of Schedule 9 of The Wildlife & Countryside Act 1981; it is an offence to release into the wild or allow the spread of this species. As such, the Proposed Development would not have a legislative obligation to eradicate American mink from the Site. The **OCEMP [EN010153/DR/7.5]** (secured by via provisions of the DCO) includes a requirement for Invasive Non-Native Species Management Plans; and will therefore include measures to ensure construction and operation of the Proposed Development does not result in the release or spread of American mink. Due to the mobile nature of American mink, the eradication of American mink from within the Order Limits only is considered inappropriate, as the movement of American mink from the surrounding area could not be prevented. Rather, it is considered more appropriate to enhance the habitats within the Order Limits for the benefit of water voles will focus on diversifying

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	to predation by American Mink. The American Mink is a generalist predator and mink predation alone can reduce water vole populations by up to 60%. The risk could be further increased by any temporary or permanent loss of habitat. The Environment Agency have a statutory duty to ensure the conservation of water vole and their environment, under the Environment Act 1995. Water voles are listed as a BAP species. Solution We advise the applicant to conduct Mink surveys and include any management, monitoring and eradication of in their Invasive Non-Native Species (INNS) management plan.		the bankside, as detailed within the **OLEMP [EN010153/DR/7.13]** (secured by via provisions of the DCO).
Environment Agency	Watercourse Uplift (Chapters 7, Section 7.7, Paragraph 7.7.65) Issue The applicants aim of no net loss of watercourse units, rather than the minimum increase of 10%. Impact A missed opportunity to achieve elements of Biodiversity Net Gain (BNG) for the development. Solution Engage with us to establish aims that deliver and increase in watercourse units. Please note, we will not review metric calculations, as this falls within the remit of local authorities. Please see additional comments for further details regarding BNG implementation. Additional comment The watercourse Metric is an opportunity to deliver watercourse enhancements, especially when aligned with	No	Objective 3a of the Proposed Development design principles states (refer to **Design Approach Document (DAD) [EN010153/DR/5.8])** that the Proposed Development will '*achieve a minimum of 10% increase in habitat and hedgerow units, and no net loss in watercourse units.*'' Mitigation or compensation to a special area of conservation, special protection area, or protected species can be used 'in part' towards BNG, as stated in Department for Environment, Food & Rural Affairs (Defra) guidance 'What you can count towards a development's biodiversity net gain[1] (2024)'. As stated in the guidance, for mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. At least 10% of the Proposed Development's units (habitats and hedgerow) come from areas within the Site other than the Non-Breeding Bird Mitigation Area (NBBMA). The Site as a whole, including the NBBMA, achieves a gain in units across habitats, hedgerows and watercourses, as detailed within **BNG Report [EN010153/DR/7.12].** An uplift of 10% in watercourse units has not been

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	River Basin Management Plans, Local Nature Recovery Schemes, Water Framework Directive objectives/mitigation measures, and Catchment Plans. The enhancement of biodiversity in and around development should be led by a local understanding of ecological networks, and should seek to include: • habitat restoration, re-creation and expansion • improved links between existing sites • buffering of existing important sites • new biodiversity features within development • securing management for long term enhancement The Environment Act 2021 looks to ensure that the overall impact from development on the environment is positive. The Act includes measures to strengthen local government powers in relation to net gain and a minimum requirement of 10% BNG. Although we recognise that provision of BNG is not yet mandatory for Nationally Significant Infrastructure Projects (2025), we encourage the applicant to consider an approach to development that results in measurable net gains in biodiversity, having taken positive and negative impacts into account.		achieved without the inclusion of the NBBMA, however, objectives set out for the Proposed Development as a whole have been exceeded The Proposed Development would result in significant watercourse enhancement provisions, demonstrated by a quantifiable increase of at least 10 % in watercourse units across the Site, when including the NBBMA in the calculations.
Environment Agency	Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17-124) Issue Section 7.8 omits information relating to entrapment in construction areas. Impact Otters and other species within our	No	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, RAMs will be implemented during the construction phase to safeguard any otters within terrestrial habitat during works. RAMS will include measures to ensure that otters do not become trapped in

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	remit can become trapped in construction areas. Solution Include mitigation measures in the CEMP		trenches/excavations. The requirement for RAMS is set out in the **OCEMP [EN010153/DR/7.5]** secured by via provisions of the DCO.
Environment Agency	Assessment of Likely Impacts and Effects (Chapters 7, Section 7.8, Paragraph 7.8.17-124) Issue Section 7.8 omits information relating to the impacts on reedbeds. The Environment Agency have a statutory duty to ensure the conservation of reedbeds under the Environment Act 1995. Reedbeds are listed as a BAP habitat. Impact The loss of a Habitat of Principle Importance. Solution The applicant should include reedbeds into the assessment of likely impacts and establish appropriate mitigation and compensation measures.	No	An assessment for the loss of reedbed is included within the assessment of likely impacts (**Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**).
Liverpool Bay CCS	It is stated within Paragraph 7.5.38 of Chapter 7: Terrestrial Ecology that relevant ecological data from the HyNet Pipeline projects will be obtained and reviewed to inform the Environmental Statement (ES). Based on this, LBCCS Ltd considers the information provided to be limited for forming a comprehensive understanding of the potential significant ecological effects.	No	The desk study included a review of data in WSP UK Limited for Cadent Gas Limited's HyNet North West Hydrogen Pipeline baseline survey reports for a proposed a hydrogen pipeline that would run through the Site (see **Section 7.5 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). Where relevant, the presence of species (such as European eels) have been assumed to be present within the Site; incorporated mitigation for these species is therefore based on the assumed presence (see **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). As such, this is considered to provide sufficient understanding for an assessment of potential impacts.
Liverpool Bay CCS	It is further noted that the Runcorn Spur Pipeline Proposed Development is not referenced within Chapter 7: Terrestrial	No	Cumulative impacts between the Proposed Development and Ref 78 (Runcorn Carbon Dioxide Spur Pipeline) are assessed in Section 7.10 of

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	Ecology or Chapter 8: Ornithology. LBCCS expects the cumulative impacts of the Runcorn Spur Pipeline Proposed Development to be assessed in the final ES.		ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1] and Section 8.11 of Chapter 8.
Natural England	The development site may impact on the following Site of Special Scientific Interest: • Mersey Estuary Our comments regarding impacts on the notified bird features for the SSSI coincide with those above regarding the International and European sites. It is noted that part of the Mersey Estuary SSSI lies within the development site, sitting within the NBBMA. The proposed works within the NBBMA include changes to the pools within the SSSI and so assessment is required to determine if the works will impact upon any of the notified features of the SSSI. It is stated that the SSSI citation does mention the pools as important roosting sites for wildfowl and waders at high tide (paragraph 8.8.4) and Natural England understands that use of the pools is now limited for notified features. However, the ES must include a robust assessment of the impacts any changes to the pools may have on notified features and include the proposed control and removal strategy within the Construction Environmental Management Plan (CEMP) to ensure	No	**The OCEMP [EN010153/DR/7.5]** secured via provisions of the DCO ensures adequate controls will be in place to limit the spread of *Crassula helmsii* (New Zealand pigmyweed) during the works. The applicant notes that the removal of New Zealand pigmyweed is an obligation of the owner/occupier for the SSSI and as such do not then form part of the mitigation proposals. However, as it is not guaranteed that New Zealand pigmyweed will be removed prior to the commencement of construction, it is considered necessary to put in place a New Zealand pigmyweed control and removal strategy as set out in the **OCEMP [EN010153/DR/7.5]** (secured via DCO provisions and as detailed within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**). Ecological monitoring would also assess the success of the invasive non-native species removal measures. If necessary, continued management of New Zealand pigmyweed would be undertaken during operation. If required, an appropriate invasive species treatment program would be implemented by a licensed and experienced invasive species contractor. Further details relating to the continued management of invasive non-native species listed under Schedule 9 of The Wildlife & Countryside Act 1981 during the operational phase are included within the **OLEMP [EN010153/DR/7.13],** secured by via provisions of the DCO.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	adequate controls will be in place to limit the spread of Crassula helmsii (New Zealand pigmy weed) during the works. Natural England has previously advised that the removal of Crassula via the works to the pools are an obligation of the owner/occupier for the SSSI and as such do not then form part of the mitigation proposals. The ES should also consider the possibilities of the future respread of Crassula (via movement from other nearby waterbodies) once works within the NBBMA have been completed and explore any measures that may be required to try to limit any future spread within the NBBMA. We note that ecological monitoring will be carried out to assess the success of the invasive non-native species control measures (paragraph 7.9.6), and this monitoring should indicate where additional measures may be required.		
Natural England	Protected Species Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may be required. Applicants should refer to the guidance at Wildlife licences: when you need to apply to check to see if a mitigation licence is required. Applicants can also make use of Natural England's charged service Pre Submission	No	Badger is a common and widespread species both locally and nationally, and therefore any effects are unlikely to be assessed as significant. As such, badger is **scoped out** of detailed assessment, as detailed in **Table 7-3,** however badger is considered with regards to legislative compliance at best practice mitigation measures.

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

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

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Cheshire West and Chester Council	Impact on the ecology - designated sites (Mersey Estuary SSSI, SPA and Ramsar) and Frodsham Helsby and Ince Marshes Local Wildlife Site (LWS) The Natural Environment Officers comments are appended to this letter (Appendix 1) In terms of significance of impacts on ecological matters the Natural Environment Officer does not currently concur with the conclusions of the PEIR. Chapters 7/8 deal separately with terrestrial ecology and ornithology respectively. It is important that the overall impact on the LWS and its qualifying criteria and citation are considered in the round. With regard to mitigation an adaptive approach should be applied to aftercare and longterm management of mitigation measures. Long-term management should be outcome led, rather than focused on time-limited aftercare-periods. Consideration should be given to retaining ecological mitigation and enhancements beyond the lifetime of the scheme.	No	**ES Vol 2 Appendix 7.5 Assessment of Frodsham Helsby Ince Local Wildlife Site [EN010153/DR/6.2]** includes an assessment of Frodsham Helsby Ince LWS against the current LWS selection criteria. Impacts on the LWS are considered within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** In order to avoid repetition, where a criteria of the LWS is met, and the receptor is scoped in separately (including HPIs,, other habitats, otter, water vole, fish and invertebrates), these are not assessed under non-statutory designated sites. Impacts on each ornithological qualifying feature of the LWS are considered within **Chapter 8.** An adaptive approach will be applied to aftercare and long-term management of mitigation measures; as detailed within the **OLEMP [EN010153/DR/7.13]**. Monitoring surveys will be used to inform remedial actions required to achieve the relevant Project Design Principles. It is considered likely that tree and scrub planting, together with created pond and wetland habitats would be retained, including the habitats created within the NBBMA. However, as the land would be handed back to the landowners on completion of decommissioning the long term retention of the landscaping improvement works cannot be guaranteed. Some landscaping may be taken out when land handed back to landowners after decommissioning.
Cheshire West and Chester Council	1.3.25 See Appendix 1 Natural Environment Officer comments re: Local Wildlife Site.	No	The Applicant notes this comment. The Natural Environment Officer's responses are addressed below.
Cheshire West and Chester Council	2.7.5 It is considered likely that tree and scrub planting, together with created pond and wetland habitats would be retained, including the habitats created within the NBBMA.	No	Updated ecological surveys would be undertaken prior to the commencement of the Proposed Development's decommissioning to record the presence of protected and notable species and habitats and identify potential effects of any necessary protection and mitigation measures to

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	However, as the land would be handed back to the landowners on completion of decommissioning the long term retention of the landscaping improvement works cannot be guaranteed. Some landscaping may be taken out when land handed back to landowners after decommissioning. It should be clarified that the windfarm mitigation time period will be complete prior to decommissioning. It is understood that it has been assessed that decommissioning will not cause any more harm than construction works, as a principle, however, if the NBBMA and Skylark areas are as successful as proposed, there could be extra impacts here that have not been originally assessed. Any removal of landscaping features should occur after solar farm array land has been decommissioned and returned to its original state. A full suite of protected species surveys will be needed prior to any removal of landscaping features and a mechanism for this should be secured and detailed.		comply with planning policy and wildlife legislation applicable at the time. A suitably qualified and experienced ECoW (Ecological Clerk of Works) (or team of ECoWs) would be appointed prior to the commencement of decommissioning activities and through whom appropriate ecological advice will be provided throughout. These measures are secured through the **Outline Decommissioning Environmental Management Plan (ODEMP) [EN010153/DR/7.7],** secured by in the OLEMP **[EN010153/DR/7.13]** via the provisions of the DCO (see **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**).
Cheshire West and Chester Council	Main Chapter 7.0: Table 7-2 (Terrestrial ecology only) Badgers have been scoped out of the assessment, even though there is a network of main setts and other setts and the development could impact the species, due to	No	Badger is a common and widespread species both locally and nationally, and therefore any effects are unlikely to be assessed as significant. As such, badger is **scoped out** of detailed assessment, as detailed in **Table 7-3,** however badger is considered with regards to legislative compliance at best practice mitigation measures.

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	fencing of large areas disrupting foraging/commuting routes an territories. This should be reassessed.		
Cheshire West and Chester Council	7.6.8 Priority habitat Coastal and Floodplain Grazing Marsh is not listed as being present on site but looks to possibly be present from the habitat descriptions provided. This should be investigated. If confirmed, BNG calculations will significantly alter. UK Biodiversity Action Plan Priority Habitat Descriptions Coastal and Floodplain Grazing Marsh: Coastal and floodplain grazing marsh is not a specific habitat but a landscape type which supports a variety of habitats; the defining features being hydrological and topographical rather than botanical. Grazing marsh is defined as periodically inundated pasture, or meadow with ditches which maintain the water levels, containing standing brackish or fresh water. The ditches are especially rich in plants and invertebrates. Almost all areas are grazed and some are cut for hay or silage. Sites may contain seasonal water-filled hollows and permanent ponds with emergent swamp communities, but not extensive areas of tall fen species like reeds; although they may abut with fen and reed swamp communities.	No	Existing records of coastal and floodplain grazing marsh HPI, as listed within the Priority Habitat Inventory, do not overlap with the Main Development Area; the closest existing record is located 0.01 km southeast. Habitat surveys undertaken of the Site, as detailed in **ES Vol 2 Appendix 7-1 Habitats Baseline Report [EN010153/DR/6.2]**, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	UK Habs definition: The habitat can occur on the floodplains of rivers and also on reclaimed land behind sea walls. It may contain areas of Lowland Meadow, Modified grassland and Other neutral grasslands. There may also be small area of tall fen habitats and scrub.		
Cheshire West and Chester Council	Appendix 7.3 Bat Activity Survey Report Commuting bats: The Avian Ecology and RSK bat activity survey results have different methodologies of presentation, so comparisons and an overall picture of bat activity is hard to ascertain. Can the results be collated and presented in the RSK style? Figure 7-6 MS1 static detector in the Avian Ecology 2023 surveys does not seem to be on the plans? The provision of only 3 static detectors on a site of this size has not been clearly justified.	No	**Figures 5 to 7 of ES Vol 2 Appendix 7.3 Bat Activity Report** illustrate the density of bat activity in the form of heat maps of the total number of bat passes (i.e. for all species combined) recorded per minute along the transect routes, per survey visit. the scale of bat activity density in the maps produced by RSK (see **Annex 3; Figures 4 – 5**) range from 'sparse' to 'dense'; there is no indication of what the definition, or number of bat passes, of spare/dense is. As such, due to the variation in recording equipment, known density scale and additional variables (e.g., survey methodology, weather conditions etc.), a direct comparison between **Figures 5 to 7** and the density maps produced by RSK (**Annex 3; Figures 4 – 5**) is not possible. The location of MS1 static detector is included in **Figure 2 of ES Vol 2 Appendix 7.3 Bat Activity Report** Three static detectors were deployed during the Avian Ecology 2023 Bat Activity Survey; this mirrored the survey effort undertaken by RSK Biocensus in 2022. Transect routes and static locations surveyed in 2023 followed the routes/locations of the 2022 surveys as closely as possible, accounting for a change in Site boundary and access constraints (wet/dense vegetation) to allow for a comparison of results. The Bat Conservation Trust (BCT) Survey Guidelines (Collins, 2016[1]) state that, one static detector should be placed per transect on low suitability habitats for bats, and two statics should be placed per moderate suitability

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			habitats. Habitats within the Main Development Area have predominantly been assigned low suitability habitats (e.g. the fields), whereas the remained of the habitats have been assigned moderate suitability (e.g. hedgerows, tree lines, field margins, ditches and watercourses). As such, this is not deemed to be a significant constraint as three static detectors are considered appropriate considering the presence of both low and moderate suitability habitats. Additionally, impacts i.e. direct loss are primarily located within habitats assessed as low suitability for foraging/commuting bats with habitats of moderate suitability being largely retained.
Cheshire West and Chester Council	Otters: Appendix 7.2 Protected Species Survey Report *3.2.5 During the combined otter and water vole survey undertaken on the 13th September 2024, three undetermined mustelid scats were recorded; taking into account the consistency, contents and smell, all three scats may be that of otter, however this could not be confirmed.* The scats were found adjacent to P24 and adjacent to D30, both of which are in the NBBMA. These are near to the fishing ponds and there are records of Otter approx. 9m to the south. If Otters are present, as a European protected Species, further assessment is required to establish impacts; the NBBMA will be reengineered and so there will be impacts on Otters feeding grounds if they are present.	No	An assessment of impacts upon otter is included in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**. As detailed under **Section 7.7 Incorporated Mitigation**, where construction work, habitat management works, or other maintenance works, are required within 5 m of a ditch, watercourse or pond, these would be preceded by an otter survey, which would be completed by a suitably qualified ecologist immediately prior to the commencement of works to determine the presence of the species within the working areas, which would inform any protection and/or mitigation requirements. Should signs of an active otter holt/resting place be confirmed, works in or adjacent to the feature would only proceed under suitable mitigation measures as advised by the project ecologist and, if necessary, under a Mitigation Licence issued by NE. Furthermore, works would be undertaken following RAMS. Pre-works otter survey and RAMS is secured via the OOEMP.
Cheshire West and Chester Council	Water vole: Main chapter 7.0 *7.7.24 The Proposed Development's layout has been designed to avoid impacting linear ditch habitats with potential suitability to support these species as far as reasonably*	No	Water voles have been scoped-in to detailed assessment, and an overall assessment on water voles during construction and operation are included in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, which takes into consideration the proposed 17 new ditch crossings and eight upgraded ditch crossings.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	practicable. Standard RAM's are recommended, and it is stated that ditches have been avoided where possible. However, 17 new ditch crossings and 8 upgraded ditch crossings are proposed and there seems to be no overall assessment of the development impact on the water vole population. *7.8.111 Incorporated mitigation includes the creation of new ponds and wetland habitats across the Main Development Area, which would provide additional foraging, sheltering and breeding habitat for this species. Furthermore, retained ditch top habitats would be managed for the benefit of water vole for the duration of the operational phase, for 26 example by removing some dense scrub to open up the ditch and bank top habitat to improve foraging opportunities, offering continued foraging and sheltering habitat for this species.* See comments for 7.7.24; impacts need to be established before mitigation can be confirmed to be adequate. A water vole mitigation plan, including ditch crossings and habitat enhancement/creation as described, is required.		Incorporated mitigation for the protection of water vole is included in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** As detailed within the OLEMP (secured by via provisions of the DCO), enhancement measures for the benefit of water voles will focus on diversifying the bankside vegetation, and also managing the dense bramble scrub to maintain a mix of structure and age and reducing encroachment/shading of scrub on the channel.
Cheshire West and Chester Council	Amphibians: Main report *7.6.35 No positive eDNA results were recorded. Furthermore, reptile surveys were undertaken on the Preliminary Site Boundary between March and June 2022 and no GCN*	No	As detailed in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2]**, no records of reptiles nor great crested newt (GCN) were returned from within 2 km of the Main Development Area during the data search. Furthermore, a reptile survey was undertaken of the Preliminary Site Boundary in 2022 during which no reptiles were

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	were recorded using the refugia traps. Therefore, it is considered that GCN are reasonably unlikely to be present within the Main Development Area. The HSI and DNA surveys carried out in April 2022 by RSK were carried out considering the Preliminary site boundary only. This means that the NBBMA with its numerous water bodies and ponds within 250 of it, was not considered in full. 5 out of 13 waterbodies in the NMBBA were not surveyed with HSI or DNA. Major engineering is proposed in this area and so further assessment is required.		recorded. GCN eDNA surveys undertaken of the Preliminary Site Boundary in 2022 returned no positive results. As such, reptiles and GCN are considered reasonably likely to be absent from the Main Development Area, as detailed in Table 7-4. Due to the close proximity of the Main Development Area to Cell 3 (and the NBBMA), and the lack of connectivity from the Site to the wider landscape (due to the River Weaver, the M56 and industrialisation at Elton/Stanlow), it is reasonably likely that the lack of reptiles and GCN can be extrapolated to the Cell 3 (and the NBBMA) Small numbers of common toad were recorded within the Preliminary Site Boundary during the RSK Biocensus PEA. Mitigation measures to reduce and/or avoid any potentially adverse effects or to ensure legislative compliance are detailed under **Section 7.7 Incorporated Mitigation ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, secured by by the provisions of the DCO via the OCEMP **[EN010153/DR/7.5]**. This would include adherable to Reasonable Avoidance Measures (RAMS). Furthermore, the Proposed Development will include the installation of ten reptile/amphibian refugia, at least two of which will be within the NBBMA. The assessment undertaken for the ES is considered sufficient, and proportionate to the likely impacts on amphibians and reptiles.
Cheshire West and Chester Council	Reptiles: Main report *7.6.40 On balance, reptiles are considered reasonably likely to be absent from the Main Development Area, or present only in very low numbers.* It is noted that the RSK Survey in 2022 (7 visits between April and June) recorded no reptiles, however, this was carried out in the Preliminary Survey Site Boundary only, so did not include Cell 3 or the north-west of the site.	No	This is noted as a limitation under **Section 7.5** (*Assumptions and Limitations)* **ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**.

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	This should be discussed as a limitation.		
Cheshire West and Chester Council	Badgers: Appendix 7-2: Protected Species Survey Report Annex 3 - Frodsham Renewable Energy Development Preliminary Ecological Appraisal Report (RSK Biocensus, 2023) (Redacted) *4.5.25 If the future development design results in the loss of the setts, connectivity between setts, particularly the two main setts, and significant loss of habitat, badger bait marking surveys may be necessary to provide further information on the badger group(s) territory(ies) and how badgers are using the site to inform further mitigation or compensation measures.* Since this survey was carried out, further setts have been found on site, including two further main setts. This is a total of four main setts, seven outlier setts and a single annex sett within the Site, all of which are active. These are distributed throughout the site, on the banks of cells, in the north, centre, west and south of the site. The 265ha SADA is proposed to be fenced, which is the whole area where Badger setts are located. Although mammal gates in fences are proposed, this will severely restrict movement of Badgers, which have free access to all of this area at the moment. Movement will be restricted between setts and from their setts to and from foraging grounds.	No	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates will be installed at suitable intervals and locations along the perimeter fence line to allow badgers free movement into and out of the SADA. The locations of these gaps/gapes will be determined during pre-commencement survey, and would be located adjacent to setts and where the fence lines cross mammal paths. Badgers typically follow well-worn paths between their setts and foraging grounds. As such, the placement of gaps/gates adjacent to setts and at locations of existing mammal paths are not expected to restrict free movement across the Main Development Area (excluding the NBBMA).

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
Cheshire West and Chester Council	Appendix 7.2 Annex 8: Confidential Badger Report *4.4.3 The following setts are located within approximately 5 m of away from the proposed fence line or from the solar arrays, or adjacent to proposed re-landscaping works: Main Sett 1, Main Sett 3, Main Sett 4, Outlier Sett 1, Outlier Sett 2, Outlier Sett 3, Outlier Sett 6 and Annex Sett* Although discussions so far have been based on the fact that most of the setts are on field boundaries so are unlikely to be impacted due to biodiversity/landscape buffers are in place, the above paragraph details that three main setts and five other setts are within 5m of the solar arrays or adjacent to proposed re-landscaping works. *4.4.2 The following setts are located approximately 10 m away from the proposed fence line or from the solar arrays: Main Sett 2, Outlier Sett 4, Outlier Sett 5 and Outlier Sett 7. These setts will not be subject to direct impacts, with the only possible impact being disturbance as a result of works, including fencing and panel installation.* The location of the setts, on what should be easily avoidable banked field boundaries, as well as the amount of setts that will be impacted, infers that the mitigation hierarchy has not been followed i.e. the design of the solar farm has not considered avoidance in its formulation. This should be revisited.	No	The impact assessment for badger is detailed within **Annex 8** of **Technical Appendix 7.2**. Setts between 5 to 10 m of the proposed fence line/solar arrays will not be subject to direct impacts, with the only possible impact in the absence of further mitigation measures, being disturbance as a result of works, including fencing and panel installation. Given the existing baseline levels of disturbance from agricultural practices, the short timescales of works in any given locality, and taking into account Natural England guidance, it is not considered that fencing or panel installation within 10 m of a sett would result in disturbance to badger beyond a trivial level, and would not require a licence. However, in the absence of additional mitigation measures direct impacts i.e. damage or disturbance may occur to setts where works are proposed within 5m. The Proposed Development design is considered to represent a likely worst case scenario, with the final (i.e., built) design to be informed by the following measures to protect badgers and their setts: - A pre-commencement survey would be undertaken to determine any change in badger baseline information and to check for any newly constructed setts on and within 30 m of the Site (where accessible). - Re-design to avoid and minimise works within 20m of a sett. - Use of sensitive construction techniques (i.e. no dig concrete footings). - If works within 20m of a sett cannot be avoided (taking into account elevation of setts on embankments) an Ecological Clerk of Works (ECoW) should undertake an assessment of likely impacts and advise on micro-siting, RAMS and/or supervision as appropriate.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	As a note, throughout the documents, a 10m stand-off from field boundaries is proposed, which is clearly not the case if the above is required.		
Cheshire West and Chester Council	Main report Chapter 7.0 *7.7.30 20 m buffer (30m for large, tracked machinery) would be maintained from active badger setts set out with Heras fencing or similar, with no works to be undertaken within this area unless covered under a specific method statement and agreed by the ECoW. Where avoidance measures cannot reasonably be implemented and setts are likely to be impacted, these would be closed under a Natural England licence during the appropriate season (July to November inclusive).* 20/30m buffers from setts have not been designed into the layout to avoid badger setts, as the above demonstrates. There is also no confirmation of replacement setts or opening setts up after works are complete, if they require closure.	No	As detailed in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2],** works within 20 m of any setts (30 m for large, tracked machinery) will only be permitted to be undertaken within this area unless covered under a specific method statement and agreed by the ECoW. As such, 20/30 m buffers from setts have not been designed into the layout All works would be legislatively complaint with regards to the Protection of Badgers Act 1992, including a development licence obtained from Natural England before construction commences, where required. Details regarding replacement setts or opening setts up after works are complete, if they require closure, will be determined following a pre-commencement survey and during the application process (if required).
Cheshire West and Chester Council	Biodiversity Net Gain: Main report Chapter 7.0 7.7.69 Based on the Masterplan habitat creation/enhancement measures, an increase of 11.35 % in habitat units would be achievable within the Site. The trading rules are not currently met due to the net loss of reedbed units. Based on PIER Volume 3 Figure 2-3	No	As detailed in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, it is noted that the trading rules are not met due to the net loss of reedbed. Reedbeds have been classified in strict accordance with UKHab Classification; however, due to the small and isolated nature of the majority of the areas of reedbed within the Main Development Area, these areas are considered unlikely to function in the same way as larger and ecologically connected areas of reedbed. The majority of the areas of reedbed subject to loss are either dry, encroached with scrub/trees or are

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	Illustrative Environmental Masterplan an increase of 74.98 % in hedgerow units would be achievable within the Site; the trading rules for hedgerow units are met. The gains reported are not robust, due to trading rule errors, in line with metric guidance. The Watercourse element of the metric has not yet been completed. A gain in all habitat types is required to evidence a net gain. In addition, priority habitats such as Coastal Floodplain Grazing Marsh may be present on site, which have not been recorded, which will significantly alter the habitat gains reported.		not located adjacent to/connected to open water. As such, these areas are likely transient in nature and would likely be subject to drying and therefore change in the future. In the absence of the Proposed Development, it is considered likely that these areas would be lost/subject to move. The Proposed Development is not subject to statutory BNG requirements. It will become a mandatory requirement[1] for DCO applications to demonstrate a quantifiable BNG of at least 10 % under the Environment Act 2021 in November 2025. However, the Proposed Development has committed to delivering a voluntary measurable increase in biodiversity units (a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units). **BNG Report [EN010153/DR/7.12]** demonstrates that the Proposed Development would achieve a measurable increase in habitat, hedgerow and watercourse units. Habitat surveys undertaken of the Site, including the Main Development Area, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.
Cheshire West and Chester Council	Frodsham Helsby Ince LWS: An inherent issue with the assessment is that the LWS has both terrestrial and ornithological qualifying criteria, but these have been assessed separately in Chapters 7 and then Chapter 8. See comments on qualifying criteria such as badgers and birds for further impacts on the LWS.	No	**ES Vol 2 Appendix 7.5 Assessment of Frodsham Helsby Ince Local Wildlife Site [EN010153/DR/6.2]** includes an assessment of Frodsham Helsby Ince LWS against the current LWS selection criteria. Impacts on the LWS are considered within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** In order to avoid repetition, where a criteria of the LWS is met, and the receptor is scoped in separately (including HPIs,, other habitats, otter, water vole, fish and invertebrates), these are not assessed under non-statutory designated sites. Impacts on each ornithological qualifying feature of the LWS are considered within **Chapter 8.**
Cheshire West and	Main report Chapter 7.0 7.8.9 Direct impacts to these designated sites would include	No	The BNG Metric classifies reedbed under the broad habitat of wetland. As such, the loss of reedbed within Frodsham, Helsby and Ince Marshes LWS

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
Chester Council	temporary and permanent land take. Habitats for which Frodsham, Helsby and Ince Marshes LWS are cited, and which would be impacted by land take, include neutral grassland and wetland. The BNG section reports that there is a trading rule error due to loss of reedbed, which is a qualifying habitat of the LWS, but is not mentioned here. CFGM is a priority habitat also likely to be present, which has not been considered.		has been considered under Non-Statutory Designated Sites for Nature Conservation. **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** clarifies that reedbed is counted under wetland. Justification for the net loss of reedbed is included within **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].** Habitat surveys undertaken of the Site, including the Main Development Area, have not identified any areas of coastal and floodplain grazing marsh HPI within the Site.
Cheshire West and Chester Council	7.8.12 Human disturbance during construction may temporarily impact Frodsham, Helsby and Ince Marshes LWS's function as a wildlife corridor; however, works would be phased, and therefore works in any one location would likely be relatively short in duration; as such, due to the large size of the LWS combined with the phased work, it is anticipated that areas of the LWS would remain open and undisturbed during each phase. There is no assessment here of the size of the area that would remain open; large areas may be closed, due to the fencing proposed around the solar farm.	No	Suitably sized (approximately 20 cm x 25 cm) gaps or mammal gates would be installed at suitable intervals and locations along the perimeter fence line to allow badgers and other mammals free movement into and out of the SADA; as detailed under **Section 7.7 Incorporated Mitigation** of **ES Vol 1 Chapter 7.0: Terrestrial Ecology [EN010153/DR/6.1]**, secured by in the **OLEMP** via the provisions of the DCO. As such, with the exception of the NBBMA, the Proposed Development will not result in large areas of be closed and will not impact Frodsham, Helsby and Ince Marshes LWS's function as a wildlife corridor. Impacts resulting from the installation of fencing, including around the NBBMA, on qualifying species of the LWS are considered within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1].**
Cheshire West and Chester Council	7.8.78 Enhancement measures will include a commitment to achieve an increase of at least 10 % in both habitat and hedgerow units across the Site. The BNG section reports that there is a trading	No	The results of the BNG assessment, which includes details of the watercourse units, is included in **Section 7.7 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]** and in **ES Vol 2 Appendix 7.6 Biodiversity Net Gain Report [EN010153/DR/6.2].**

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	rule error due to loss of reedbed, which is a qualifying habitat of the LWS. The watercourse section of the BNG metric has not been completed yet. Therefore, LWS habitats referred to in the criteria, such as ditches, may not be mitigated for adequately.		As detailed in **Section 7.7** , it is noted that the trading rules are not met due to the net loss of reedbed. Justification for the net loss of reedbed is included within **Section 7.7.** **Section 7.7** and **BNG Report [EN010153/DR/7.12]** demonstrates that the Proposed Development, when including the NBBMA, would achieve a measurable increase of at least 10 % in habitat, hedgerow and watercourse units.
Cheshire West and Chester Council	7.7.80 Potential indirect impacts relate to disturbance associated with routine maintenance including from lighting, noise and pollution (runoff and dust). Human disturbance as a result of the proposed new permissive footpaths, formalisation of access, carparking and enhancement of the existing PROW network, has not been assessed in terms of the impacts on the LWS and its qualifying features. This is required. The fencing proposed around the SADA, means that a large proportion (265ha) of the LWS is restricted, for some qualifying species, such as Badgers, impacts during operation should be considered. Each qualifying feature of the LWS and the direct and indirect impact upon it, should be analysed. This has not been carried out in the Ornithology chapter, as it has in Chapter 7 for habitats. Nor has it been carried out for other terrestrial	No	Human disturbance as a result of the proposed new permissive footpaths, formalisation of access, carparking and enhancement of the existing PRoW network, has been assessed in terms of the impacts on the LWS and its qualifying features within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1.** Impacts during operation resulting from the installation of fencing around the NBBMA on badgers and otters are considered within **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1.** Impacts on terrestrial ecology features considered to be important in relation to the Proposed Development are addressed separately in **Section 7.8 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.1]**, to avoid repetition.

Respondent	Comment	Has this resulted in a change to the Scheme or the Applicant's evidence?	Applicant response
	qualifying species.		
Cheshire West and Chester Council	Appendix 7.1 Figure 7-1 Water voles should have the same survey buffer area as Otter. Badger survey area should include the development area plus 30m, as standard.	No	**Figure 7-1 ES Vol 1 Chapter 7: Terrestrial Ecology [EN010153/DR/6.2]** relates to Zones of Influences (ZoI) for ecological receptors. As detailed in above in **Table 7.1**, during a Site Visit attended by representatives from Avian Ecology, Axis and CWaCC on the 4th September 2024, it was demonstrated and agreed that further water vole surveys, including population distribution surveys, are not possible along the ditches within the SADA due to Health and Safety issues. As such, it was not possible to survey all lengths of ditches within the Main Development Area. Crossing points U, W and X were surveyed for their suitability for water vole in 2025; and as such are now included within the Water Vole Crossing Point Preliminary Habitat Suitability Assessment. The results of the Preliminary Habitat Suitability Assessment for crossing points U, W and X are included in **ES Vol 2 Appendix 7.2 Protected Ecological Species Baseline Report [EN010153/DR/6.2].** A badger walkover of the Site (excluding the SPEN/National Grid Substation and Access) plus a 30 m buffer was undertaken on the 17th March 2025. Details and results of this survey are included in **Appendix 7.2**. A habitat survey of the SPEN/National Grid Substation and Access undertaken in 2024 was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, including badger within 30 m of the SPEN/National Grid Substation and Access, where accessible.