Frodsham Solar

Response to Local Planning Authority and Statutory Environmental Body Relevant Representations

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1.0 INTRODUCTION

1.1 Overview

1.1.1 This document sets out the responses of Frodsham Solar Limited ('the Applicant') to the Relevant Representations (RR) submitted by the Local Planning Authority and Statutory Environmental Bodies in relation to the Development Consent Order (DCO) application for the Frodsham Solar project ('the Proposed Development').

1.1.2 The application for the Proposed Development was received by the Planning Inspectorate on 30 May 2025 and was then accepted for examination on 27 June 2025. The period for registering as an Interested Party to submit a RR ran from 17 July 2025 to 28 August 2025. The RRs received were published on the Planning Inspectorate website on 4 September 2025.

1.1.3 This response specifically responds to the RRs received by:

i) Cheshire West and Chester Council ('CWACC') – see Section 2.0
ii) the Environment Agency ('EA') – see Section 3.0
iii) Natural England ('NE') – see Section 4.0
iv) National Highways ('NH') – see Section 5.0
v) Maritime and Coastguard Agency ('MCA') – see Section 6.0

1.1.4 During the pre-examination period the Applicant has been in dialogue with the above organisations, with the exception of the MCA, in relation to their RRs. As such, the responses provided by the Applicant reflect the most contemporary position on the matters raised by these organisations.

1.1.5 In preparing this document, the Applicant has only responded to substantive points, in particular where the Applicant considers matters set out in the application have been misunderstood/misinterpreted, or the consultee has requested clarification, additional information or has raised a point of disagreement.

1.1.6 The documents submitted with the DCO Application are referenced using the reference number assigned by the Planning Inspectorate (PINS) i.e. (APP-xxx). The Applicant has referred to a series of updated documents, in particular, the suite of management plans contained in Volume 7 (Other Documents) of the application. Where application documents have been updated as a result of the RR the response sets out that the document is *"(as updated alongside this submission)*".

2.0 APPLICANT'S RESPONSES TO RELEVANT REPRESENTATIONS

2.1 Response to Cheshire West and Chester Relevant Representation (RR-037)

2.1.1 During the pre-examination period the Applicant met with CWACC on the 29 July 2025, 06 August 2025, 04 September 2025, 08 September 2025, 29 September 2025, 20 October 2025, 05 November 2025 and 10 November 2025 to discuss many of the points within the CWACC RR. This has informed the Applicant's response in Table 2-1. The Applicant shared a draft of the responses in Table 2-1 in late October / early November with CWACC to assist with their drafting of Written Representations.

2.1.2 The Applicant has assigned a unique reference to each substantive point and has provided the relevant paragraph number contained in RR-037, along with a verbatim extract of the comment provided by CWACC.

Table 2-1: Response to Cheshire West and Chester Relevant Representation (RR-037)

Ref	Paragraph Number	Comment	Applicant's Response
2. Planning Policies and Local Context			
CWACC2.1	2.9 – 2.12	The Applicant's Planning Statement underplays reference to and the significance of Policy DM52 in providing the local context to Solar Energy. Clearly, the National Policy Statements will take precedence in determining the DCO application, but the Local Plan policy context is a material consideration. Policy DM52 is picked up at page 147 of the Policy Compliance Statement (APP-129), but both the	The Applicant recognises that Policy DM52 provides an important part of the local planning context for solar development and that, while the National Policy Statements (NPS EN-1 and EN-3) are the primary decision-making framework for a DCO, local policy remains a material consideration. Policy DM52 advises that proposals should be located where landscape sensitivity is identified as low to moderate and

Ref	Paragraph Number	Comment	Applicant's Response
		Planning Statement and the compliance statement underplay whether there is conflict with the Policy e.g. in addressing landscape sensitivity: *"proposals must be of a scale and type where landscape sensitivity has been identified as being low/moderate or moderate and the impacts on key landscape characteristics are considered to be acceptable, having regard to the Landscape Sensitivity Study. Proposals in areas which have been assessed as having high sensitivity to the scale of development proposed will not be permitted"; (CWCC highlighting)* The Landscape and Visual Amenity Chapter 6 of the ES (APP-039) makes little reference to the Policy conflict (see Table 6-2 Summary of Local Plan Policy), although it does reference LCA4a as having an overall high sensitivity to a 'very large solar farm' (paragraph 6.6.40). CWCC acknowledges that impacts on landscape of local value, rather than a national designated site, will not normally warrant a refusal of a DCO application, but it should be recognised that the scale of the Proposed Development is much greater than CWCC's landscape sensitivity study / Policy DM52 would normally accept.	acknowledges that development in areas of high sensitivity will not generally be considered appropriate. The Applicant's assessment accepts that parts of the site fall within an area identified as having higher landscape sensitivity in the Council's 2016 study; however, the policy does not operate as an absolute restriction and requires that proposals demonstrate that impacts on key landscape characteristics are acceptable. In this case **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)** confirms (paragraph 6.12.12) that: *"…the Proposed Development would* [occupy] *…a series of structures that are low in height and which can therefore benefit from the screening provided by existing vegetation cover. It would be introduced into a large-scale landscape context where long range expansive views across and along the Mersey Estuary are characteristic of the landscape that is experienced from public rights of way, road, rail and canal routes, and from nearby settlements. Large scale industrial and infrastructure development is a well-established presence and indeed is often very prominent. In this context, the degree to which the change resulting from the Proposed Development would change the nature of the landscape would be limited. Likely significant and adverse landscape and visual effects would occur but would be experienced by a small number of receptors and would be localised in their extent."* To conclude, while there will be localised landscape and visual effects, particularly in close proximity to the development, the overall structure and key characteristics of the marshland landscape would remain legible, and the site does not form part of a nationally designated or valued landscape. The design has been shaped to limit perceived scale and visual exposure, with the use of low panel heights, set back from rights of way, and

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			embedded planting to reduce massing and integrate the scheme into the flat, open landscape pattern. Whilst there may be limited conflict with Policy DM52, on balance it is consistent with the underlying intent of the policy.
3. Principle Submissions			
CWACC3.1	3.5	PMI2 (Biodiversity) is weighted more positively than is currently understood. CWCC was not provided any of the BNG calculations within the PEIR stage, nor headline figures for watercourses and therefore CWCC has been unable to assess this aspect. In addition, the Skylark Mitigation Area looks to have been significantly reduced from what was presented at pre-application stage, presenting a significant change which has not yet been consulted on nor discussed between the Applicant and CWCC.	The Applicant acknowledges that CWACC were not in receipt of the full Biodiversity Net Gain (BNG) calculations at the PEIR stage. However, the PEIR did provide a summary of the BNG calculation results and a comprehensive assessment of preliminary environmental impacts, including those on biodiversity. The approach to the Skylark mitigation area was discussed with CWACC at the point of the consultation on the PEIR. It was made clear that the land illustrated within the PEIR was under investigation for potential use as a Skylark mitigation area. This area has been refined as part of the application process. The Application includes a **Biodiversity Net Gain Report (APP-143)** and the metric spreadsheet has been provided to CWACC and submitted to Examination (**AS-036**). The responses to **Section 7.0 (Ecology and Habitat) of RR-037** provide additional information in relation to BNG. A Skylark Mitigation Area is included in the proposals, as described in Section 6.8 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**. The responses to **Section 7.0 (Ecology and Habitat) of RR-037** provide additional information in relation to the Skylark Mitigation Area.
4. Need, climate change and public benefit			

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CWACC4.1	4.3	NPS EN-3 (Nov 2023) is supportive of solar that is "co-located with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use" (paragraph 2.10.10). Frodsham Solar benefits from close association with FWF in terms of making efficient use of land and associated infrastructure, such as the access tracks to the windfarm. However, CWCC note that the co-location does not extend to the potential benefit of providing/sharing BESS facilities with FWF.	The Proposed Development is co-located with other functions related to energy generation, storage, and transmission, as it is on land that forms part of the Frodsham Wind Farm and contains a number of high-voltage overhead power cables and associated pylons. The Proposed Development also proposes the co-location of battery storage with a solar PV array. This aligns with the aim outlined in paragraph 2.10.10 of NPS EN-3. The BESS facility does not directly connect to the Frodsham Wind Farm due to commercial and technical limitations that prevent this. However, the proposed BESS can store electricity from the grid (including from Frodsham SPEN substation) during periods when generation exceeds demand, which, in relation to wind energy, may be at night when the solar farm is not operational. Therefore, although there is no direct connection, the proposed BESS would provide grid balancing services and could ultimately help store electricity generated from Frodsham Wind Farm.
5. Green Belt Policy appraisal / Response to Planning Statement			
CWACC5.1	5.2 – 5.4 & 5.51	CWCC acknowledges that as Critical National Priority (CNP) infrastructure the Secretary of State will take as a starting point that the test of very special circumstances (VSCs) to justify development in the Green Belt is met, if it is decided that the development is inappropriate development in the Green Belt and VSCs are needed.	It is agreed that the Proposed Development is critical national priority (CNP) and therefore, in accordance with paragraph 4.2.17 of NPS EN-1, very special circumstances exist to justify development within the Green Belt. Should the ExA determine that the Site is not in grey belt and the Proposed Development is 'inappropriate' the Applicant has considered the harm to the Green Belt in section 1.7 of Appendix A to the **Planning Statement (APP-128)**. The

Ref	Paragraph Number	Comment	Applicant's Response
		Notwithstanding the above, CWCC considers that the impact of the Proposed Development on the Green Belt and openness would be substantial, if not fundamental, and that the impacts need to be acknowledged in the planning balance. The principal difference between the Applicant and CWCC on Green Belt policy is in relation to the application of paragraph 155 of NPPF and whether the Proposed Development is on grey belt land and following this thorough the relevant criteria the Applicant's conclusion that it is not inappropriate development (paragraph 7.4.12 i) of the Planning Statement – APP-128). There is no disagreement with the Applicant that in the event that the Secretary of State concludes that the Proposed Development is inappropriate development, which should not be approved except in very special circumstances, then in accordance with NPS EN-1 (paragraph 4.2.17) the development should be treated as CNP infrastructure and that the starting point for decision making on the particular circumstances is that the development will have met the Green Belt test of very special circumstances to outweigh the harm.	assessment concludes that there would be some harm in terms of spatial / physical and perceived openness of the Green Belt and safeguarding the countryside from encroachment. In accordance with paragraph 5.11.37 of NPS EN-1 and paragraph 153 of the NPPF the Applicant recognises that substantial weight must be given to any harm to the Green Belt. The Summary Table 1 at Paragraph 1.10.5 of Appendix A to the Planning Statement (APP-128) sets out that the Applicant has given substantial weight to these factors in the Green Belt balancing exercise. However, the Applicant disagrees with CWACC that the harm to the Green Belt and openness is 'fundamental'. Section 1.7 of the of Appendix A to the **Planning Statement (APP-128)** examines the level of harm that would arise in relation to openness and to the five purposes of Green Belt. It concludes that the Proposed Development would not cause any material harm in relation to purposes a), b), d) and e), and that there would be moderate harm to purpose c). In relation to openness, considered in paragraphs 1.7.10 to 1.7.22 of Appendix A to the **Planning Statement (APP-128)**, it is judged that the Proposed Development would cause limited harm to the openness of the Green Belt for its 40-year operational lifetime, thereafter, it would be decommissioned, and the openness would be restored. Consideration of whether the site is grey belt and whether or not the development is inappropriate in this location is set out in CWACC5.4.

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CWACC5.2	5.5 – 5.8	The Site lies within the North Cheshire Green Belt. The Green Belt to the north of the M56 motorway covers the area between the River Weaver to the east and the River Gowy to the west, an average distance of 3.8km. The Green Belt is about 1.7km wide between the M56 and the Manchester Ship Canal. The towns of Runcorn and Frodsham lie to the east and south respectively; and to the west Ellesmere Port settlement area extends to meet the River Gowy, with the incorporation of the former CF Fertiliser site (Map Change 128 for the EP1 settlement boundary under LP2 - see Appendix A). The villages of Ince and Elton are within the Green Belt, by definition these are not considered large built-up areas, whereas the towns of Runcorn and Frodsham are. The extent of Green Belt area up to the Manchester Ship Canal is nearly 970ha. The Planning Statement (7.5.20) (APP-128) refers to the Proposed Development transforming some 212ha of farmland into solar array (i.e. 22% of the Green Belt north of the M56 Motorway). The Solar Array Development Area (SADA) is even larger 246ha (paragraph 1.3.8 of Chapter 1 of the ES (APP-034) over 25% of the above Green Belt area. The North Cheshire Green Belt was first established in terms of its general extent in the Cheshire Structure Plan in 1979. The detailed boundaries to the Green Belt were subsequently established through a number of local plans produced by both the County and District Councils. The area to the north of the M56, consisting of the Frodsham, Helsby and	The Applicant agrees with the site context description and the summary of relevant Green Belt history. The Applicant notes the reference made to the PEIR assessment, and that CWCC considered the effects of the Proposed Development on the Green Belt were underplayed. The Applicant has addressed the Council's comments through the production of a Green Belt Assessment provided at Appendix A to the **Planning Statement (APP-128)**. The Green Belt Assessment fully assesses the effects of the Proposed Development on the Green Belt.

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		Lordship Marshes, was designated a Special Agricultural Policy Area. The Frodsham, Helsby and Lordship Marshes were added into the North Cheshire Green Belt in terms of general extent in the Cheshire 2011 Replacement Structure Plan, adopted in October 1999. Changes to Green Belt boundaries are only carried out in exceptional circumstances (paragraph 145 of NPPF). CWCC confirmed in response to the PEIR assessment that it considered the assessment underplayed the effects of the Proposed Development in terms of Green Belt.	
CWACC5.3	5.9 – 5.11	It is important to address whether the Proposed Development constitutes inappropriate development in the Green Belt. In terms of the exceptions under paragraph 154 of NPPF the only potentially relevant exceptions would be g) relating to redevelopment of previously developed land, or h) other specified forms of development including engineering operations provided they preserve openness of the Green Belt. It is not considered these apply. Whilst parts of the Site comprise previously developed land (PDL) e.g. the turbines of FWF, the access tracks and other associated development, the majority of the Site is open agricultural land. The canal deposit ground grounds have blended into the landscape and are not considered PDL.	The Applicant does not rely on elements of the site being PDL (the NPPF definition of PDL is land which has been lawfully developed and is or was occupied by a permanent structure). The Applicant does not contend that the Proposed Development benefits from any of the exceptions to inappropriate development set out at Paragraph 154. The Applicant disagrees that the Proposed Development would cause substantial harm to the openness of the Green Belt. As set out in Appendix A to the **Planning Statement (APP-128),** the Applicant concludes that the Proposed Development would cause limited harm to both the spatial and physical openness of the Green Belt, and that if the Secretary of State was to conclude that the Proposed Development is not located on grey belt, then substantial weight should be given to the limited harm in accordance with Paragraph 153 of the NPPF. However, the Applicant concludes that the Green Belt occupied by the

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		Even if the SADA was considered PDL, the exception under par 154 (g) of NPPF only refers to development which would not cause substantial harm to the openness of the Green Belt. It is clear that this is not the case with the Proposed Development, there would be substantial harm to the openness.	Proposed Development does comprise grey belt and would not represent inappropriate development when considered against the tests at paragraph 155 of the NPPF. As such it can be excluded from the policy requirement to give substantial weight to any harm to the Green Belt including its openness (as per NPPF Footnote 55).
CWACC5.4	5.12 – 5.41	**Policy appraisal – Green Belt assessment** Paragraph 155 of NPPF deals with the concept of grey belt land within the Green Belt being developed under certain circumstances. It is therefore necessary to consider whether the Proposed Development is on grey belt land. Following the NPPF (2024) and Government's Green Belt guidance Green Belt - GOV.UK it is necessary to assess Green Belt to identify grey belt land. CWCC will carry out a review of the Green Belt and assessment of grey belt land as part of the preparation of the new Local Plan. At the earliest, it is expected to be Spring 2026 before the Green Belt / grey belt assessment will be produced as part of Local Plan preparation. The NPPF defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would	Paragraph 155 of the NPPF lists other development, in addition to that listed at Paragraph 154) in the Green Belt, that should not be regarded as inappropriate. This includes, where relevant, all [our emphasis] of the following: *"(a). the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the areas of the plan. (b) there is a demonstrable unmet need for the type of development proposed. (c) the development would be in a sustainable location, with reference to paragraphs 110 and 115 of this Framework.*" Sub-paragraph (d) relates to housing development and is not relevant in this case. Grey belt is defined within the NPPF Glossary as: *"…land in the Green Belt comprising previously developed land and/or other land that in either case, does not strongly* [our emphasis] *contribute to any of the purposes (a), (b) or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason [our emphasis] for refusing or restricting development."* Purpose (a) is*: "To check the unrestricted sprawl of large built-up areas"*

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		provide a strong reason for refusing or restricting development. As noted above, the majority of the Site is not PDL, so consideration falls to whether the land strongly contributes to any of purposes (a), (b), or (d) in paragraph 143. In order to assist in determining whether land makes such contribution Government's guidance referred to above is considered further below. At this stage CCWC has not identified the location and appropriate scale of areas to be assessed for a Green Belt assessment as part of the Local Plan (or for individual projects such as the Frodsham Solar DCO), and therefore any assessment of the Proposed Development is carried out on a site specific basis, but with regard to its setting between the neighbouring settlements (Runcorn, Ellesmere Port, Frodsham); with an evaluation of the contribution the Site makes to the Green Belt purposes (a), (b) and c). (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; or (d) to preserve the setting and special character of historic towns.	The Government Planning Practice Guidance (PPG) provides advice on the role of the Green Belt in the planning system and how the contribution that land makes to the relevance Green Belt purposes should be assessed [Paragraph 005 Reference ID:64-005-20250225]. The PPG provides a list of illustrative features that would apply where the Green Belt contributes 'Strongly', 'Moderately' or 'Weakly / None' features that would contribute to the purpose for including land within the Green Belt. The Applicant has followed this guidance, and applied the illustrative features set out in the PPG, as relevant to the area covered by the Proposed Development in Paragraphs 1.3.1 to 1.3.5 and 1.3.7 to 1.3.15 of Appendix A to the **Planning Statement (APP-128)** (Green Belt Assessment). This has enabled the Applicant to arrive at a justifiable conclusion that the land that comprises the Proposed Development does not contribute strongly in respect of purpose (a), (b) or (d). The Council has not undertaken a similar assessment to arrive at their conclusion to the contrary, and consequently their conclusion that the area of Green Belt covering the Proposed Development is not justified in the same way. With regard to Purpose A – to check the unrestricted sprawl of large built-up areas; the PPG states that: *"Assessment areas that contribute <u>strongly</u>* [our emphasis] *are likely to be free of existing development, and likely to include all of the following: be adjacent or near to large built up area; if developed, result in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt)."* CWACC concludes (at paragraph 5.38) that the area is 'largely' free of existing

Ref	Paragraph Number	Comment	Applicant's Response
		Planning Practice Guidance - Green Belt sets out the considerations for informing judgement on these purposes. Green Belt - GOV.UK **Purpose A – to check the unrestricted sprawl of large built-up areas** In favour of this being a strong reason in this case, the Site is adjacent/near to the large built-up areas of Runcorn and Frodsham, and a little further to the west Ellesmere Port. The scale of Proposed Development would be inherently incongruous to the Green Belt; it would be a fundamental change to the pattern of development stretching from the Manchester Ship Canal / banks of the River Weaver to the M56 Motorway with little open area left. Rather than being incongruous as a 'finger' of development it would fundamentally undermine the openness of the Green Belt at a key location between Frodsham and Runcorn (which strays into Purpose B). The Proposed Development would be the epitome of unrestricted sprawl. This is not the sort of situation where the Proposed Development could be regarded as being partially enclosed by existing development, although the topography of the area gives a particular and somewhat unique character to the area. Runcorn's industrial backdrop to the east, and Frodsham also rising up with Frodsham Hill to the south, leaving, by comparison the undeveloped Frodsham Marshes occupying the low ground, stretching over to the west, where the industry of Ellesmere Port takes	development and consequently argue that it contributes <u>strongly</u> to Purpose A. The landscape is not a natural landscape. It is largely engineered by man, be that the Mersey flood alleviation bunding, the formation of canal deposit grounds, the existence of the former INEOS lagoons, or more recent and substantial development in the form of Frodsham Wind Farm, overhead pylons, the elevated M56, electricity sub-station infrastructure and farm holdings. Located relatively close to Frodsham to the south and Runcorn to the north, it is adjacent to neither; separated from Frodsham by the M56 corridor and adjoining fields; and Runcorn by the River Weaver, Weaver Navigation and former INEOS deposit lagoons. To result in an 'incongruous pattern of development' it would need to be out of keeping with the surrounding landscape and features. Hence, a 'finger' of development protruding into an otherwise undeveloped Green Belt would appear incongruous. CWACC acknowledge at paragraph 5.19 that the Proposed Development would not represent a 'finger' of development, but do not confirm why they believe that the Green Belt in this location benefits from the illustrative features that the PPG states strongly contribute to Purpose A. The existence of large man-made structures (Frodsham Wind Farm, Overhead Pylons, elevated M56); the fact that there would continue to be open space between the extent of the Order limits and the existing built up area; and the fact that it would not appear an incongruous pattern of development, renders the area of Green Belt north of the M56 as not contributing strongly to Purpose A. The area contributes moderately, at best, to Purpose A. CWACC recognise at paragraph 5.20 Runcorn's industrial backdrop to the east, Frodsham rising to the south, physical features of the

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		form. The Site is part of an important break between these large built-up areas. There are physical features (notably the River Weaver/Weaver Navigation and the M56 motorway/ Helsby-Runcorn rail line that provide physical barriers, but the expansive scale of Proposed Development across the SADA between these features undermines their role in restricting or containing development. There is also acknowledged existing development within the Site, (notably FWF), but overall, the SADA remains largely free of existing development. The Landscape and Visual Amenity (LVA) chapter of the EA (APP-039) provides commentary; para 6.8.132 of APP-039 EN010153/DR/6.1 Vol. 1 Chapter 6 Landscape and Visual: 'Within the Green Belt itself, development is sparse but does include locally very prominent tall structures at Frodsham Wind Farm and the lines of pylons that run across the Marshes' (CWCC highlighting). Further, paragraph 6.8.69 of (APP-039) refers to the experience of users of the byway changing from one of travelling through an open area of large-scale pasture grassland with wind turbines and other infrastructure to one of travelling through a solar farm. (reference Viewpoint 18) (APP-118 - Fig Part 10 of 13). (CWCC highlighting). The Site is clearly subject to urbanising influences, which moderate its contribution to checking the	River Weaver, M56 and Helsby / Runcorn railway, all of which are reasonably proximate, and which restrict and contain development. Regarding Purpose B – to prevent neighbouring towns merging into one another: the PPG states that: *"Assessment areas that contribute strongly are likely to be free of existing development, and include all of the following features: forming a substantial part of a gap between towns; the development of which would be likely to result in the loss of visual separation of towns."* As noted above the area is not free from existing development. Critically, for the Green Belt in this area to strongly contribute to the purpose of preventing towns from merging, development would likely need to result in the loss of visual separation between such towns. Figure 6-39i Viewpoint 9 **Environmental Statement: Volume 3 Chapter 6 Figures Part 5 of 13 (APP-113)** provides the clearest elevated view of the proposed solar array. The panels are visible, but it remains that case that so are the undeveloped fields adjacent to the M56 and north of Frodsham, and consequently it retains a feeling of visual separation. The River Weaver, former INEOS deposit lagoons and the raised landform between the river front and urban areas of Runcorn, all act to retain separation of Runcorn from Frodsham. Viewed from a lower elevation Figure 6-48ii Viewpoint 28 **Environmental Statement: Volume 3 Chapter 6 Figures Part 12 of 13 (APP-121)** panels are visible above roof tops north of St Lawrence Church, but to the intervening vegetation, the River Weaver and elevated topography retain an essence of visual separation between Frodsham and Runcorn's industrial frontage to the north of the Order limits. The development is restricted, lacks the volume, mass and density of

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		unrestricted sprawl of large built-up areas, as there has already been some notable development (FWF, M56 corridor and electricity pylons alongside). However, the fundamental characteristic of openness remains. The site continues to perform a strong role in checking unrestricted sprawl. If it is accepted (as CWCC consider it should be) that the Proposed Development would constitute a built-up area, then the fundamental scale of such development, stretching across the open expanse of the SADA, gives this an inherent attribute of sprawl, and it is unrestricted to the extent that it virtually covers the current void between the two large built up areas (Frodsham and Runcorn) and makes significant extension of developed land across the countryside towards Ellesmere Port. The Solar Array Development Area (212ha) covers virtually the same area as the main settlement of Frodsham (235ha) (see Frodsham Settlement Area – Map Change 160 - Appendix B). Not only is this a substantial area in its own right, but this also represents a substantial portion of the Green Belt between the outer extents of the settlement area of Ellesmere Port to the west of the Site and the River Weaver to the east (circa 970 ha). The distinct separation of Runcorn to the east of the Site by the River Weaver and Weaver Navigation clearly forms a barrier to growth of Runcorn as a settlement, and the M56 corridor is a further constraint, but the visual perception of separation of	most physical development and consequently the design can retain open views across the Green Belt. The Applicant disagrees with CWACC that the Proposed Development would be perceived as extending development from the edge of Runcorn to the edge of Frodsham. Clear and defined gaps between the Proposed Development and both towns would be retained, and the development would not result in the loss of visual separation between them. The PPG identifies Green Belt as providing a moderate contribution to Purpose B when it is*"…able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation."* The Visualisations referred to above demonstrate that the existence of the Solar Array would not result in a landscape that appears continuously urban, and that Runcorn and Frodsham would continue to be visually separated, and accordingly would only contribute moderately at best to Purpose B. The Applicant disagrees that over reliance has been placed on the distance between residential areas and consequently underplayed the visual merging as neighbouring but separate settlements. The Applicant recognises that it is the physical barriers of the River Weaver and M56 that have restricted growth of Runcorn and Frodsham respectively. The separation between the two towns would remain irrespective of the introduction of the Proposed Development. CWACC conclude that the area of Green Belt strongly contributes to both Purposes A and B because they believe that the land is largely free of existing development. Irrespective of

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		these settlements is maintained by the existence of Frodsham Marshes as an open area between all three large built up areas referred to above, and the contribution of the Site to check the unrestricted sprawl of large built-up areas remains strong. **Purpose B – to prevent neighbouring towns merging into one another** The towns of Ellesmere Port and Runcorn have a particular heritage of industrial development that is peculiar to the locality (and skyline of each), with Stanlow petrochemical area on the east side of Ellesmere Port, and Runcorn's Weston Point / Rocksavage area leading down to the banks of the Mersey/Manchester Ship Canal and River Weaver/Weaver Navigation (Halton Local Plan – Policies Map (2 March 2022) (Appendix C). These areas are integral to the respective identity of each town. Frodsham is a Cheshire Market Town originating from the 13th century1. Frodsham is a Key Service centre (Policy R1 of LP2 (Map Change 160 of LP2) (Appendix B)). Frodsham's character is influenced by the Sandstone Ridge, and the Mersey Estuary Marshes which stretch out northwards (the River Weaver valley to the east is also part of the setting). It is acknowledged that the M56 motorway corridor	the Frodsham Wind Farm, overhead pylons and elevated M56 corridor that dominate the local landscape, the wider landscape is not a natural one free from development. The Applicant does not profess that the Site is previously developed land, but nonetheless it is the case that the landscape, whilst green, has largely been formed by man with engineered bunded features i.e. flood alleviation bunding, former industrial lagoons, and drainage deposit grounds across much of the local landscape. CWACC conclude that the thrust of PPG advice on Green Belt and assessing grey belt in relation to Purpose B is whether the land in question forms a substantial part of a gap between towns (which they believe it does), and the loss of visual separation (which they believe there would be). The Applicant contends that CWACC has ignored the critical requirement that to strongly contribute the area must likely be free of existing development (which it is not), and form both a substantial part of a gap between towns, and which would likely result in the loss of visual separation of towns (which it does not). Regarding Purpose D – both Applicant and CWACC agree that the Site does not make a strong contribution to preserving the setting and special character of historic towns.

[1] *Frodsham Neighbourhood Plan (November 2024)*

Ref	Paragraph Number	Comment	Applicant's Response
		cuts through between Frodsham and Frodsham Marshes; and there is a reasonable degree of landscaping which provides some visual separation between the marshes area and the housing to the south side of the motorway. The Proposed Development would be perceived as extending development from the western edges of Runcorn across the deposit grounds and low-lying agricultural land extending virtually up to the M56 motorway. The Proposed Development, whilst relatively low lying in landscape, visually extends the built form from the industrialised edge of Runcorn and across the River Weaver to covering the fields which currently provide an important visual break in development between Runcorn and Frodsham. The development of the current open areas of the SADA which separate the two very distinctly different towns would result in a homogeneous blanket of energy infrastructure across space that currently separates these neighbouring towns. To illustrate the point, refer to Fig 2-3a (APP-196) 'Illustrative Environmental Masterplan' and the eastern side of the SADA, where the solar array covers the fields to the north side of the M56 corridor over a length of 1km and an area of roughly 40ha. This area extends from the fields south of Weaver Lane (Frodsham FP 61) to the Frodsham pumping station and Frodsham FP93 alongside the Rive Weaver. Here, the properties along Hawthorn Road in Frodsham would be approximately 200m away from the solar array at the southwestern end, and at	

Ref	Paragraph Number	Comment	Applicant's Response
		the other northern tip of the array, only the River Weaver and Weaver Navigation (some 320m wide), separate the solar array from the Rocksavage industrial sites. Fig 6-19 ii and Fig 6-20 Viewpoints 14 / 15 and Figs 6-30ii and iii for Viewpoint 25 (AP110) provide reference points for this area. The view from St Lawrence's Church (Fig 6-31 Viewpoint 26) and the visualisations 6-48ii (APP-121) illustrate the longer-range perspective and visual merging of Rocksavage with the Proposed Development and Frodsham town. The ExA can find further viewpoints relating to the land between the M56 motorway and Runcorn in Appendix 6-9 Effects on M56 Users (APP-0-72) - Image 7 – Viewpoint D2 and Image 8 – Viewpoint E. The Applicant's assessment of Purpose B (paragraphs 1.3.4 to 1.3.5 of Appendix A to the Planning Statement) (APP-128) appears to place reliance on distances between the residential areas; and this, whilst relevant in terms of that particular form or merging, underplays the visual merging of the towns as neighbouring but separate settlements. Portraying Ellesmere Port as 8km to the west (paragraph 1.3.5 of the above), appears to limit Ellesmere Port town to the west of the M53 motorway, and in residential terms that may be largely so, but few would not regard the Stanlow industrial area as a key part of the large built up area of Ellesmere Port. The ExA will need to consider whether the area of Encirc, CF Fertilisers and Protos	

Ref	Paragraph Number	Comment	Applicant's Response
		(Ince Park – Policy EP6), which are identified under Policy EP 1 of LP2 as part of the Ellesmere Port settlement area, forms part of the town, as this area is separated from the rest of the settlement area by the villages of Ince and Elton which lie within the Green Belt. See Map change 128 of the LP2 (Appendix A). If the Encirc area is included as part of Ellesmere Port the Proposed Development would be roughly 2.6km away (rather than 8km) and taking Stanlow / Pool Lane as the boundary would be some 5.5km between Ellesmere Port and the SADA (rather than the 8km suggested by the Applicant). Clearly the Proposed Development does not itself merge with Ellesmere Port, but it would be a significant step towards a concentration of industrial, waste and energy development along the southern side of the Mersey Estuary that would undermine Purpose B of the Green Belt in preventing towns merging into one another. CWCC considers that the Site makes a strong contribution to Purpose B; as described for purpose A the land is largely free of existing development and clearly forms as substantial part of the existing gaps between three towns, and the development of which would be likely to result in the loss of visual separation between at least Runcorn and Frodsham. It is acknowledged that from certain vantage points there are physical elements (such as the M56 motorway, the River Weaver, and general landscaping alongside the M56) that serve to preserve a visual separation, but overall,	

Ref	Paragraph Number	Comment	Applicant's Response
		development of the scale of the SADA would substantially undermine the existing gap and visual separation of these towns. Physical merging may be prevented by features such as the River Weaver and (to a degree the M56 Motorway), but the thrust of PPG advice on Green Belt and assessing grey belt in relation to Purpose B is whether the land in question forms a substantial part of a gap between towns (which it does), and the loss of visual separation (which there would be). **Purpose D – to preserve the setting and special character of historic towns.** With regard to the assessment of Purpose D, the Planning Statement (APP-128) (Appendix A - 1.3.7 to 1.3.15) identifies Frodsham as an history town and provides a reasoned assessment of the key heritage related aspects. CWCC considers that some of the statements/conclusions may underplay the value of the Green Belt to the setting of Frodsham as a historic town, but overall, it is not considered (having regard to the illustrative features in PPG Green Belt guidance) that the Site makes a strong contribution to Purpose D and the preservation of the setting and special character of Frodsham.	

Ref	Paragraph Number	Comment	Applicant's Response
CWACC5.6	5.42 – 5.46	**Footnote 7 consideration** 'Grey belt' excludes land where the application of the policies relating to the areas or assets in Footnote 7 of NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. A large part of the SADA is within Flood Zone 3 and is acknowledged as an area at risk of flooding from multiple sources. A relatively small part of the Site is within an SSSI. The only potential irreplaceable habitat on the Site is peat. There is potential for flood risk and habitat considerations to form one or more strong reasons for refusal, and CWCC considers that the views of Natural England and the Environment Agency need to be taken into account in deciding whether the Site should be excluded from grey belt, even if the ExA is minded to accept the Applicant's assessment of the Purposes of the Green Belt.	The NPPF definition of grey belt confirms that it excludes land where the application of policies relating to areas or assets in Footnote 7 provides a strong [our emphasis] reason for refusing or restricting development. This includes areas relating to SSSIs SPAs and SACs, and areas at risk of flooding. The site is partly within flood zone 3a (approximately 29% of the Site area) and a small part is within a SSSI (approximately 4.5% of the Site area). The Site is adjacent to the Mersey Estuary SPA and Ramsar site. Just because part of the development includes one or more of those assets, or is located adjacent to it, does not mean that there is inevitably a strong reason to refuse development, if that were the case then policy would simply exclude areas where such assets existed. With respect to flood risk, having undertaken the sequential test and exception test (**Environmental Statement: Volume 2 Appendix 3-1 Alternative Site Assessment (APP-053)**) and having designed the facility so that flood risk is appropriately mitigated, the fact that part of the Order limits lies within flood zone 3 does not give a reason to refuse consent, and certainly not a 'strong' reason. The Mersey Estuary SSSI overlaps with the NBBMA and a small section of the Solar Array Development Area. Paragraph 7.8.4 of **Environmental Statement Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** confirms that, within the NBBMA works would be undertaken for the sole purpose of providing mitigation for wetland birds associated with the Mersey Estuary SPA, Ramsar and SSSI and for other beneficial ecological / conservation purposes. Permanent land take within the Mersey Estuary SSSI would potentially impact upon ponds and other neutral grassland, to be replaced with a water storage area,

Ref	Paragraph Number	Comment	Applicant's Response
			raised bank with grassland and wet grassland areas. The assessment concludes that, with the works to create the NBBMA taken into account, the Proposed Development would result in a moderate beneficial (significant) effect on International / National Statutory Designated Sites for Nature Conservation (SPA, Ramsar and SSSI) (Table 14-2 Operational Phase Residual Effects in **Environmental Statement Volume 1 Main Report Chapter 14: Summary of Environmental Effects (APP-047)**). The Applicant is working with Natural England to confirm their agreement to this position. Accordingly, there are no policies relating to areas or assets in Footnote 7 that provide a strong reason for refusing or restricting development.

CWACC5.7	5.47 – 5.51	**Remainder of Paragraph 155 of NPPF – beyond grey belt land assessment** Even if the ExA concludes that the Site is grey belt, under paragraph 155 of the NPPF consideration needs to be given to whether development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; as well as limbs b) and c) of paragraph 155. CWCC will expand on this in its Written Representations, but it is clear that developing such an extensive area of Green Belt would potentially undermine the remaining Green Belt, including the area between Ellesmere Port and Runcorn, but also other areas where very large-scale solar array and BESS development may be proposed. In terms of Purpose c) assisting in safeguarding the countryside from encroachment, whilst there has been encroachment already (e.g. FWF) the integrity of the open countryside character of the Site remains, but the Proposed Development would (as referred to earlier) transform this expansive area of open pasture into a solar farm environment. In terms of Purpose e) assisting urban regeneration, by encouraging the recycling of derelict and other urban land, there is a local policy presumption that ground mounted solar energy development be sited on PDL wherever possible (Policy DM52 of LP2) and the Site's Green Belt status assists with this objective.	The Applicant agrees that, in order to determine whether the Proposed Development should not be regarded as inappropriate, an assessment must be made as to whether it *"…would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; whether there is a demonstrable unmet need for the type of development proposed;* [and] *the development would be in a sustainable location…"* (Paragraph 155 of the NPPF). The contribution that the Site makes to Green Belt purposes (a), (b) and (d) is set out above. In terms of purpose (c) – *Assisting in safeguarding the countryside from encroachment,* CWACC conclude that whilst there has been encroachment already, the integrity of the open countryside character of the Site remains, and that the Proposed Development would transform the area from open pasture to solar development. The Applicant contends that the introduction of the solar array would increase the developed nature of the Green Belt, but it would not alter the wider character of the area from one that is broadly open but dominated by man-made infrastructure. Whilst attributes of open countryside remain, the current experience of a user is not that of an undeveloped open countryside setting. Given the existing context, the Green Belt in this area is contributing moderately at best to the purpose. CWACC conclude that developing the area of Green Belt proposed would potentially undermine the remaining Green Belt. The Applicant has set out at paragraph 1.4.4 of Appendix A to the **Planning Statement (APP-128)** that, taken together the Green Belt is extensive, from the Mersey Estuary in the north to the Cheshire Sandstone Ridge in the south, and from the Wirral peninsular, and the boundary of Wales in the west, to the Peak District National Park and Yorkshire towns of Barnsley and Sheffield in the east.

			So far as Cheshire West and Chester is concerned, around 38,499 hectares or 42% of the borough is Green Belt (paragraph 1.3 Cheshire West and Chester Local Plan (Part One) Strategic Policies DPD). The section of Green Belt affected by the Proposed Development is a small, isolated tongue of Green Belt protruding north of the M56, sandwiched between the Mersey Estuary and the M56. The Green Belt within Cheshire West and Chester would continue to check the unrestricted sprawl of large built-up areas (Chester, Ellesmere Port, Northwich, and Winsford); it would continue to prevent neighbouring towns from merging into one another; it would continue to assist in safeguarding the countryside from encroachment; and it would continue to help preserve the setting and special character of historic towns. The identification of the area of the Solar Array Development Area as grey belt would not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, or indeed the entirety of the Liverpool, Manchester and West Yorkshire Green Belt.

Ref	Paragraph Number	Comment	Applicant's Response
CWACC5.8	5.52 & 5.67	Under paragraph 5.11.37 of EN-1 it is still maintained that substantial weight be given to any harm to the Green Belt. Account should be taken of the extent to which the Proposed Development's physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation. Should the ExA conclude that the Site is grey belt and that the Proposed Development is not inappropriate development in the Green Belt, Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement in paragraph 153 of NPPF to give substantial weight to any harm to the Green Belt, including to its openness (as referred to at 7.4.8 of the Planning Statement – APP-128). However, CWCC considers that the impact of the Proposed Development on openness should still be given substantial weight in relation to landscape character and visual amenity impacts. The Site is associated with a landscape where openness is probably the key attribute, and it would be disingenuous not to give considerable weight to the Proposed Development's harm to openness in landscape terms, irrespective of the conclusions on Green Belt.	It is agreed that paragraph 5.11.37 of EN-1 requires that the Examining Authority ensure substantial weight is given to any harm to the Green Belt. It is also agreed that paragraph 153 of the NPPF provides that the requirement to ensure that substantial weight is given to the harm to the Green Belt, including to its openness does not apply in the case of grey belt land, where development is not inappropriate. The Applicant considers that impacts on landscape character and visual amenity are legitimate matters to be taken into account when understanding the impact of the Proposed Development, and openness is an attribute of the landscape character in which the Proposed Development sits that should be considered. Impacts on landscape character are dealt with comprehensively within **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)**. The assessment concludes that the degree to which the change resulting from the Proposed Development would change the nature of the landscape character would be limited. Likely significant and adverse landscape and visual effects would occur but would be experienced by a small number of receptors and would be localised in their extent. The open character of the landscape in parts of the Site has been recognised and is specifically identified in two of the limbs to Design Principle 2: Landscape and Views set out within Appendix A of the **Design Approach Document (APP-130)** and secured via DCO Requirement: a. Retain and enhance the open character of Frodsham Marshes, where feasible; and g. Retain

Ref	Paragraph Number	Comment	Applicant's Response
			open vistas looking across Frodsham Marshes and the wider estuary, where feasible. The design response to this included identifying areas where open views should be maintained in recognition of the prevailing open landscape character of the Mersey Estuary, and ensuring that planting should seek to screen or partially screen infrastructure but it should be intentionally less dense in some sections to maintain an open character and include gaps at strategic points to preserve specific long-range views. Whilst it is recognised that there will be effects on landscape character, and to some degree openness from some locations, this effect is not considered to be substantial as suggested by CWACC. As set out in paragraph 6.8.140 of **Environmental Statement Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039),** the Site would continue to be experienced as an area that is very flat and low-lying, with more elevated landscapes to the south in particular, where long views in and out are available, and where industrial and infrastructure development is a prominent influence. The introduction of the Proposed Development would not materially change the experience of the Green Belt to a degree that it would no longer be perceived as visually open.

CWACC5.9	5.53 – 5.66	Para. 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. CWCC considers that the Proposed Development has substantial impact on the essential characterises of openness, and in terms of permanence, whilst time limited, and theoretically reversible, the Proposed Development would be operational for such a long period that permanence in the sense of being a permanent state is severely compromised. Furthermore, whilst any subsequent application will be treated on its merits, it should be recognised that the Proposed Development would alter the fabric of the character of the area. The SADA would become almost wholly PDL (and by definition grey belt within the Green Belt) altering the baseline for assessment of further proposals, some of which are themselves liable to be permanent (and not time-limited). The FWF itself provides an example of how a 25-year time limited consent has changed the assessment of this solar proposal. The presence of the FWF turbines in the landscape is relied on to support the argument that the undeveloped nature of the Marshes has already been compromised/altered, and the FWF is taken as a baseline, rather than being seen as a time-limited / reversible development. The Inspector's report (4 July 2012) (Appendix D) on the FWF development and the subsequent DECC letter of 19 October 2012 (Appendix E) provide useful background information in relation to FWF. It is worth noting that the FWF scheme originally proposed 20	PPG Green Belt Paragraph 13 Reference ID 64-013-20250225 confirms those factors should be considered when determining the potential impact of development on openness (spatial and visual aspects; perceived openness; duration and reversibility; and activity generated). Openness has spatial and visual aspect (i.e. visual impact and volume). Spatial openness is the physical absence of buildings and structures. It is an objective measurement of how 'unbuilt' land is. The bulk and massing of buildings reduce spatial openness. The development is not spatially significant, it does not have the mass or density of buildings or tall structures, unlike other development within the Green Belt. It is typically lower in height than other forms of build development and continues to allow views over and through it. Consequently, the extent of perceived feeling of space that exists currently would not be lost to the extent that other development may. Visual openness is the impact that development has on visible features and views. Just because development can be seen from some viewpoints does not mean that it results in a significant loss of visual openness. Likely significant and adverse landscape and visual effects would occur but would be experienced by a small number of receptors, and would be localised in their extent. The Solar Development Area has been designed to ensure that views across and out of the facility remain open (views would remain dominated by the M56, overhead pylons and the Frodsham Wind Farm). The visual experience would remain broadly as currently exists. CWACC suggest that there is inconsistency between the Planning Statement's assessment of perceived openness and that of the LVA. This is not the case. Both the Planning Statement and LVA accept that there would inevitably be some loss of perceived openness, but that given the location and

		turbines. Turbine 14, on the northern tip of Cell 1 on the FWF, was deleted before consent was given, and the final consent was for 19 turbines. Development of Frodsham Solar will be semi-permanent extending over a 40-year operational life, long after the end of the 25-year period for FWF which ends on 14th February 2042 (17/00805/DIS) (Appendix F). Policy EN-1 defines CNP in the Glossary as including "*Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects*". Therefore, even though the Proposed Development is temporary, the presumption must be that development will continue existing on the Site for longer than the initial 40-year consent period. Whilst noting that under EN-1 (4.2.17) the starting point is that CNP Infrastructure will meet the test of very special circumstances to justify development in the Green Belt, the assessment of the impact of the Proposed Development on the openness and purposes of the Green Belt should be given full consideration. The openness of the Green Belt has a spatial as well as a visual aspect. From a spatial perspective, the Proposed Development would cover a substantial open area with energy related infrastructure and associated development. The visual impacts of the Proposed Development are also significant resulting in a loss of visual openness of the Green Belt.	design of the facility, this would be limited and would not have a significant impact on the on the feeling of openness that may be attributed to other parts of the Green Belt (**Paragraph 6.8.140 of Environment Statement Volume 1 Chapter 6 Landscape and Visual Amenity (APP-039)** and Paragraph 1.7.18 of the **Planning Statement (APP-128)**). Both recognise that the development occupies a relatively large footprint but that individual structures are low in height and do not have the mass and density of buildings (Paragraph 6.8.139 of **Environment Statement Volume 1 Chapter 6 Landscape and Visual Amenity (APP-039)** and Paragraph 1.7.18 of the **Planning Statement (APP-128)**). Both appreciate that within the Green Belt development is sparce but locally there are very large prominent and abnormally tall structures. Whilst long term (40 years), the duration of the development is temporary and is easily reversable, and the DCO requires that the scheme is decommissioned after that period, meaning that it would become greenfield land again – not PDL. Any life extension of the Proposed Development would be the subject of a new planning consent, and that cannot be assumed to suggest that the Site would become 'PDL'. EN-1 (as with any policy) is drafted for the purpose of the current point in time. Policy changes over time to reflect changes in technology, infrastructure, innovation, understanding and political position and ideology. What may be best practice at one point in time, may not at another. Based on current policy, it may be acceptable to presume that an application to renew or repower would be granted due to the urgent need for renewable energy. However, a decision would be taken at that point in time based on the policy in place at that time.

		There is disagreement with the Applicant over the perceived openness of the Green Belt (Para. 6.8.140), The Applicant considers that the perception would remain as being visually open. To the contrary, CWCC consider that the impression will be of expansive built structures covering former agricultural and habitat areas. This would be evident whether being viewed from within the Solar Array Development Area, or from a distance such as from Frodsham Hill. There appears to be some inconsistency between the Planning Statement's (APP-128) assessment of perceived openness referred to above and the Applicant's LVA (APP-039). The LVA assessment of Viewpoint 25 (APP-120 Fig Part 12 of 13) assesses that the introduction of the Proposed Development would result in an obvious increase in the influence of built development upon views from the riverside footpath. The experience of footpath users would change from one where large scale infrastructure is a clearly visible and prominent presence set within the surrounding landscape, to one where infrastructure is the predominant land use to the south and west. A moderate to major adverse effect would occur initially, which would be significant. Over time it is acknowledged that the mitigation in the form of landscaping to the footpath corridor would reduce the perceived visual impact, although the sense of openness would still be reduced. The Applicant's LVA refers to the solar array structures as being low level, but with the Indicative	During its operation phase (following construction) the development is static, and activity is low (it is not active / busy). The Applicant does not agree that the Proposed Development would become wholly PDL. The NPPF definition of PDL includes land that has been lawfully developed and is or was occupied by a permanent structure. The Proposed Development is temporary and reversable. Furthermore, it would not (as claimed) therefore be, by definition, grey belt – it would still require demonstration that it does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the NPPF. The Frodsham Wind Farm forms part of the current landscape (and the current state of the environment for baseline assessment purposes). It is reasonable that, given the urgent need for renewable power, an application may be made to repower it in the future. It is not relied upon to justify the location as appropriate for the development of a solar array, rather it represents one of many elements which collectively need to be taken into consideration in determining the suitability of the site, and its current ability to meet the Green Belt purposes. It is the Applicant's position that the Site / Proposed Development meets the test of the NPPF paragraph 155, and therefore the Proposed Development is not inappropriate, and is excluded from the policy requirement to give substantial weight to any harm to the Green Belt including its openness; and is not required to demonstrate very special circumstances. Should the Secretary of State disagree, and conclude that it is inappropriate development, the development is CNP and so very special circumstances can be said to be met, and in any event the Proposed Development meets the tests of very special circumstances even if the CNP status did not apply, as set out in the Planning Statement (APP-128).

		Solar PV Modules (APP-106 Fig 2-5a of EN010153/DR/6.3 Vol. 3 Chapter 2 Figures) being up to 3.5m high (4m in Flood Zone 3) these are well over a person's natural eyeline and constitute substantial build form. As referred to in relation to Viewpoint 18 (para. 6.8.70 of APP-039) the Proposed Development would be a prominent addition introducing a notable change in all directions, with a moderate to major adverse effect, which would be significant. The perceived visual impact of the Proposed Development from within the SADA would be a significant loss of openness. Existing Viewpoint 6 (APP-112 Fig Part 4 of 13) near St Laurence's Church, Frodsham shows the expanse of agricultural open fields separating Runcorn from Frodsham, and that the existing FWF turbines sit within this agricultural landscape. The same viewpoint with the Proposed Development transforms the open undeveloped nature of the middle ground of the view into an expanse of solar array. As with Viewpoint 9 the War Memorial the significance of the moderate adverse effect at Viewpoint 6 is considered greater than in the LVA (para. 6.8.73 of APP-039).	

Ref	Paragraph Number	Comment	Applicant's Response
CWACC5.10	5.68	Policy STRAT 9 of LP1 'Green Belt and countryside' protects the intrinsic character and beauty of the Cheshire countryside by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. Development in the countryside must be of an appropriate scale and design to not harm the character of the countryside. The Green Belt policy element of STRAT 9 is an additional restriction under STRAT 9, and the countryside element should be given full weight in its own right.	Policy STRAT 9 seeks to protect the character and beauty of the open countryside by restricting development to that which requires a countryside location. It states that within the countryside, development will be permitted that has an operational need for a countryside location. The need for new nationally significant energy infrastructure projects is set out within Section 3 of the EN-1, and specifically paragraph 3.2.6 which confirms that: *"The Secretary of State should assess all applications for development consent for the type of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent…"* As set out in the Alternative Site Assessment (APP-053), the Proposed Development cannot be located within the settlements and consequently meets the fundamental provision of STRAT 9 to be development that has an operational need for a countryside location. STRAT 9 also requires development to be of an appropriate scale and design so as not to harm the character of the countryside. The countryside in this location is one that is inherently man-made with engineered bunding (flood alleviation, lagoon structures, Manchester Ship Canal Dredging Deposit Grounds etc), and more dominant structures (Frodsham Wind Farm, overhead powerlines, elevated M56 corridor etc). The character of the countryside would not change or be harmed by the introduction of the Proposed Development. It would remain a largely flat open landscape dominated by prominent tall structures ensure development in the countryside should not harm the character of it. The 'additional' Green Belt

Ref	Paragraph Number	Comment	Applicant's Response
			requirements under Policy STRAT 9 are those set out within the NPPF, and which are considered elsewhere.
6. Landscape and Visual			
Impacts on Landscape Character			
CWACC6.1	6.4	Policy STRAT9 'Green Belt and countryside' of LP2 states "Development must be of an appropriate scale and design to not harm the character of the countryside". This is not considered in the Landscape and Visual section of the Planning Statement (e.g. paragraphs 7.5.6 and 7.5.42 – APP-128) and given the Proposed Development's inevitable impact on the essentially open character of the Site there is disagreement between the Applicant and CWCC that the objectives of STRAT 9 are complied with.	The Applicant respectfully disagrees with CWACC's position. While it is acknowledged that the **Planning Statement** presents its assessment of local plan policies thematically rather than policy-by-policy, the requirements and objectives of Policy STRAT9 are fully addressed through the combined findings of the **Planning Statement (Section 7.5 – APP-128)** and the **Environmental Statement (ES) Volume 1, Chapter 6: Landscape and Visual Amenity (APP-039).** Table 6-2 of the ES expressly identifies STRAT9 as a relevant local policy and identifies where in the chapter the Proposed Development is assessed against it. The LVIA provides a detailed evaluation of landscape character and visual receptors, including from key viewpoints such as Frodsham Hill, and outlines the embedded design and mitigation measures that minimise adverse visual effects and integrate the scheme within its landscape setting. The **Planning Statement (APP-128)** and the **Design Approach Document (APP-130)** further demonstrates that the Proposed Development has been designed to respect the existing landscape character through careful siting, retention and enhancement of existing hedgerows, and the introduction of new planting to filter and soften views. The scheme is co-located with

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			existing large-scale infrastructure including the Frodsham Wind Farm, Protos Energy Park, and the M56 corridor, which together form a transitional landscape with a semi-industrial context. Within this setting, the scale and design of the Proposed Development are considered appropriate and proportionate. It is also relevant that the Proposed Development constitutes temporary and reversible infrastructure with a limited operational lifespan (40 years), after which the land will be restored. This temporality and the embedded landscape mitigation ensure that the proposal does not result in permanent harm to the countryside's character or long-term loss of openness. Accordingly, while the Applicant recognises that there will be a degree of visual and character change arising from the Proposed Development, this has been minimised through design evolution and mitigation, and is not considered to equate to a breach of STRAT9. The Proposed Development accords with the policy's objectives insofar as it: • is of an appropriate scale and design relative to its landscape context; • integrates effective landscape mitigation to reduce visual and character impacts; and • represents a form of development that necessarily requires a countryside location to deliver nationally significant renewable energy infrastructure. The residual difference between the Applicant and CWACC therefore relates to the degree of acceptable landscape change rather than the absence of policy consideration. The Applicant maintains that, when considered in the context of the

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			comprehensive LVIA and embedded design measures, the proposal accords with Policy STRAT9 and the wider policy framework for renewable energy and landscape protection.
CWACC6.2	6.5 – 6.9	Policy GBC2 'Protection of landscape' of LP2 continues the protection of the borough's countryside in conjunction with Policy STRAT9. Development must satisfy Policy ENV2 (see further below) and: 1. protect and, wherever possible, enhance landscape character and distinctiveness; 2. integrate into the landscape character of the area; and 3. be designed to take account of guidance in the Landscape Strategy. A link to CWCC's Landscape Strategy (2016) is provided: Local Landscape Character Assessment - Landscape Strategy 2016 | Cheshire West and Chester Council Policy GBC2 also identifies Areas of Special County Value (ASCV). Two of the Borough's eight ASCV's	Policy GBC2 of the Local Plan (Part Two) seeks to protect and, where possible, enhance landscape character and distinctiveness, ensure development integrates into the landscape, and is informed by the Council's *Landscape Strategy (2016)*. While the Site is not within an Area of Special County Value (ASCV), CWACC has noted that the Frodsham Marshes are valued locally. In making a reference to Frodsham Marshes being valued locally it is assumed that CWACC is not suggesting that the Frodsham Marshes are a 'valued landscape' in the context of NPPF paragraph 187. No local or national landscape designations apply to the site. It is not within an Area of Special County Value identified in the Cheshire West and Chester Local Plan, and while the 2016 Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments provides general background information, it does not confer any designation or establish the land as "valued" in policy terms. The definition of "valued landscape" under paragraph 180(b) of the National Planning Policy Framework, as clarified by Lord Justice Ouseley in Stroud DC v Secretary of State & Gladman Developments Ltd [2015] EWHC 488 (Admin), requires demonstrable physical attributes that take a landscape out of the ordinary. Those characteristics are not present here. This point aside, the Applicant recognises the local value the area has to the community and has sought to respect it through

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		are within the LVIA study area (Helsby and Frodsham Hills and Weaver Valley) (Fig 6-3a APP 109 Vol 3 Chapter 6 Part 1 of 13). Whilst the Site is not within a nationally designated site (such as an AONB), and the Site is not within the Borough's Areas of Special County Value (noting that there are areas of ASCV to the south of the Site), the landscape of Frodsham Marshes is valued locally. Policy ENV2 of LP1 aims to protect and wherever possible enhance landscape character, and the policy makes particular reference to protecting the character of the borough's estuaries and undeveloped coast.	the design and mitigation embedded in the Proposed Development. The layout follows existing field patterns and drainage lines, maintaining the broad open character of the marshland landscape while introducing new native planting, grassland creation, and hedgerow enhancement to strengthen local landscape structure. These measures will also deliver biodiversity and visual benefits consistent with the objectives of Policies GBC2, STRAT9 and ENV2. The **Design Approach Document (DAD) (APP-130)** provides a detailed description of the way in which local landscape character has been accounted for in the design process and how the Applicant has sought to protect and, wherever possible, enhance landscape character and distinctiveness, as well as integrate the development into the landscape character of the area. Table B of the DAD lists out the guidelines for landscape management and for built development identified in CWACC's Landscape Strategy (2016) relating to the landscape character area that the Site lies in, LCA4a. The table describes how the Applicant has performed against these guidelines. The Proposed Development employs a solar typology which is inherently low in height and horizontal in form, meaning that the array sits relatively unobtrusively within the flat topography of the Marshes. While not designed specifically to integrate with other large-scale infrastructure, features such as the Frodsham Wind Farm, Protos Energy Park and the M56 corridor are established influences on local landscape character. Within this existing context, the presence of energy-related infrastructure is an accepted part of the visual environment. It should also be noted that, while locally valued, the Frodsham Marshes are currently under-utilised as a recreational and

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			accessible landscape resource. The Proposed Development offers opportunities for enhancement through improved access, new permissive routes and habitat restoration, helping to strengthen public engagement with the area in line with the *Landscape Strategy (2016)* objective to reinforce the relationship between people and landscape. Accordingly, the Applicant considers that the Proposed Development respects the locally valued character of Frodsham Marshes, reflects the established landscape influences in its setting, and provides opportunities for landscape and recreational enhancement consistent with Policies GBC2, STRAT9 and ENV2.
CWACC6.3	6.10 – 6.14	In terms of the sensitivity of the landscape to change, CWCC's Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments (2016) provides a background assessment. This is important as it is carried out on a Borough-wide basis and provides a consistent approach. CWCC's Policy on Solar Energy (DM52 of LP2) has been informed by the Cheshire West and Chester Landscape Sensitivity Study (2016) FINAL_MARCH_2016_CWaCSensitivityStudy which has provided an assessment of the sensitivity of the borough's landscape to accommodate solar energy development. It has identified areas, based on Landscape Character Areas, which would be sensitive to this type of development to varying degrees. The study concludes that landscape	The Applicant acknowledges the relevance of CWACC's *Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments* (2016), which provides a borough-wide baseline for assessing the sensitivity of different Landscape Character Areas (LCAs) to solar energy development. The Proposed Development is located within LCA 4a: *Frodsham, Helsby and Lordship Marshes*, which the study identifies as having high sensitivity to very large-scale solar development (>25ha), primarily due to its open, flat character and the prominence of long views from the elevated Frodsham Sandstone Ridge and Helsby Hill. The Applicant recognises these sensitivities and has taken them fully into account in the **Landscape and Visual Impact Assessment (LVIA) (ES Chapter 6 (APP-039))** and **Design Approach Document (APP-126)**. While the study provides an important strategic reference, it does not preclude development

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		character significantly limits the potential for medium or large sized solar farms (6 hectares - 25 hectares and above) within the borough. The ExA's attention is drawn to pages 79 to 80 of the Landscape Sensitivity Study dealing with LCT4: Drained Marsh. There is high sensitivity to very large solar farm (>25ha). The analysis acknowledges that LCA 4a: could potentially accommodate a very large solar farm, but being south-facing it would impact on important viewpoints from Frodsham Sandstone Ridge and Helsby Hill northwards over the Mersey estuary. The analysis concludes: *"Even a small scale solar PV development would be contrary to the landscape management strategy in the 2016 Landscape Strategy which is to conserve the open, undeveloped character of the drained marshland within LCAs 4a, 4b & 4c."* The Proposed Development, with a SADA of some 246ha, is within the category of very large solar farm (greater than 25ha) and is considerably larger than most very large-scale solar developments consented within the borough to date. By comparison, the cross-boundary solar farm at Bretton Hall Lane, Chester (application 22/02042/FUL) is 50ha in total, and the recently approved solar farm and BESS at Winnington Avenue, Northwich (application 23/02766/FUL) for 22MW covers a site of 56ha. The sensitivity study for LCT4 Drained Marsh (including LCA 4a) identifies the Site as high sensitivity to solar	within high-sensitivity areas, but rather highlights the need for careful design, mitigation, and assessment at project level — all of which have been applied here. In the case of Frodsham Solar, the Proposed Development sits within a transitional and modified estuarine landscape, characterised by reclaimed marshland with a strong presence of engineered and industrial features, including the Frodsham Wind Farm, Protos Energy Park, the M56 corridor, and other infrastructure along the Mersey Estuary. These existing influences mean that the landscape already accommodates large-scale energy development and associated structures. The LVIA concludes that, within this context, the addition of solar infrastructure would not represent a fundamentally new or discordant element, but rather an evolution of the existing heavily modified landscape character. The Proposed Development is also consistent with the management strategies identified for Character Area 4a: Frodsham, Helsby and Lordship Marshes within CWACC's *Landscape Strategy (2016)*. The strategy seeks to conserve the open, low-lying marshland character while managing change through restoration of wet grassland and field boundaries, enhancement of ecological diversity, and maintenance of the strong linear drainage pattern. The design of the Proposed Development directly responds to these aims: the layout follows existing drainage alignments and field geometry; existing ditches and hedgerows are retained and strengthened with native planting; and large areas of grassland and habitat creation are incorporated to reinforce the wetland character and ecological function of the marshes. Through these measures, the scheme supports the long-term management objectives of LCA 4a by promoting habitat restoration and the re-establishment of

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		PV development, noting *"A medium, large or very large solar farm could potentially fit into the largest LCA 4a: Frodsham, Helsby and Lordship Marshes but being south-facing it would impact on important viewpoints from Frodsham Sandstone Ridge and Helsby Hill northwards over the Mersey estuary*." The Proposed Development is located within CWaC LCA4a: Frodsham, Helsby and Lordship Marshes (Fig 6-3b of APP-109 EN010153/DR/6.1). See APP-068 for the Landscape Character baseline. Appendix 6-7 (APP-070) details the Effects on Landscape Character. Further comment will be made in the LIR and /or WR	landscape structure, consistent with the *Landscape Strategy's* guidance. Table B of the DAD lists out the guidelines for landscape management and for built development identified in CWACC's Landscape Strategy (2016) relating to the landscape character area that the Site lies in, LCA4a. The table describes how the Applicant has performed against these guidelines. Although the site area (c.246ha) is extensive, the solar array's low-lying typology and the extensive retention and reinforcement of field boundaries, hedgerows, and drainage ditches substantially limit its visual prominence. The key elevated viewpoints from the Frodsham Ridge and Helsby Hill were assessed in the LVIA **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)**, which found that while the solar development will be visible, it would read within an already heavily modified foreground and middle-distance landscape, and would not significantly alter the appreciation of the wider Mersey Estuary panorama. The design incorporates a robust mitigation strategy, including extensive native planting, habitat creation, and long-term landscape management under the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**, delivering environmental and biodiversity enhancement consistent with the Landscape Strategy (2016). Accordingly, while the Applicant acknowledges that LCA 4a is identified as highly sensitive to large-scale solar development, it considers that the context, typology, and mitigation of the Proposed Development mean that the scheme can be successfully accommodated within this landscape. The project therefore accords with the intent of Policy DM52 and responds

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			appropriately to the findings of the 2016 Landscape Sensitivity Study.
CWACC6.4	6.15 – 6.20	The overall management strategy for this landscape should be to enhance and restore the condition of habitats and features of the marshes whilst safeguarding its open character. In regard to existing landscape features and proposed mitigation, such as trees, hedges, ditches and ponds, it is understood that these features will be largely retained and enhanced, however the scale and size of the Proposed Development will represent a significant change in local landscape character. There is agreement that the Proposed Development would represent a moderate to major adverse effect upon landscape character during the construction phase, for which the effects would be significant on the LC4a area (paragraph 6.8.10 of APP-039 EN010153/DR/6.1). In terms of impact on Landscape Character during the operational phase, the main area effected is the LC4a Frodsham Helsby and Lordship Marshes with a moderate to major adverse effect (Table 6-8 and paragraph 6.8.51 of APP-039). Whilst the SADA is low lying, adjoining areas, notably Frodsham Hill / St Lawernce's Church (Viewpoints 9 and 6) provide elevated positions from which it is not	The Applicant agrees that the overall management strategy for the Frodsham, Helsby and Lordship Marshes (LCA 4a) should seek to enhance and restore the condition of habitats and features of the marshes while safeguarding their open character, as identified in CWCC's Landscape Strategy (2016). This principle has informed the design and mitigation of the Proposed Development from the outset. **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)** confirms that existing landscape features—including trees, hedgerows, ditches and ponds—will be largely retained, enhanced, and supplemented with new native planting and habitat creation. These measures are secured through the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**, and will, over time, reinforce landscape structure and ecological function across the Site. The Applicant acknowledges, as set out in paragraph 6.8.10 and Table 6-8 **of Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)**, that the Proposed Development will give rise to moderate to major adverse effects on the landscape character of LCA 4a during construction and early operation. These effects are significant in EIA terms, reflecting the scale and extent of activity that will be apparent within the open marshland landscape. However, the ES also concludes that the effects will reduce over time as construction ceases, planting is installed and establishes and as the

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		practical to screen the Proposed Development and the impact on the landscape character. CWCC is aware of EN-1 guidance (paragraph 5.10.12) that *"locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development".* However, the impact on landscape character is something that ExA is requested to consider in the overall planning balance, particularly given the local Development Plan policies that seek to protect landscape character.	managed grassland and wetland habitats mature, helping to integrate the development into the surrounding landscape. Key characteristics such as the pattern of drainage ditches and field boundaries will remain and be reinforced. It is recognised that from elevated viewpoints—particularly Frodsham Hill and St Lawrence's Church— visibility of the solar array cannot be mitigated and will persist. However, as set out in the LVIA these views are already influenced by the large-scale energy, transport and industrial infrastructure of the Mersey Estuary corridor. Within this context, the Proposed Development would represent a further evolution of the area's established land-use mix rather than a fundamentally new or discordant feature. While localised adverse effects on landscape character are acknowledged, the scheme accords with the management strategy for LCA 4a by enhancing habitats, restoring drainage features, and conserving the overall openness of the marshes. In line with *NPS EN-1* paragraph 5.10.12, the existence of a locally valued landscape (noting the Applicants point in relation to 'valued landscapes' at CWACC6.2) does not preclude development, and the identified impacts should therefore be weighed in the overall planning balance against the significant national and local benefits of renewable energy generation and habitat enhancement delivered by the scheme.
Visual Impacts			
CWACC6.5	6.21	The DCO application is supported by various viewpoints and visualisations. These are intended to be representative, and the visual impacts would be experienced more generally than just the assessment of individual viewpoints. Assessment of individual	The Applicant acknowledges CWACC's point that the experience of visual change extends beyond individual viewpoints. Users of Public Rights of Way (PRoW) and other routes will experience the Proposed Development not as a

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		representative viewpoints runs the risk of underestimating the overall impact. For example, the effects of the Proposed Development are liable to be present along the length of a PRoW; assessment of the journey through the Site is important to the overall impact. Further consideration should be given regarding the overall magnitude of the Proposed Development and subsequent visual impacts when walking through and adjacent to the Site, which are not fully acknowledged within the LVA. It is expected that the ExA would be fully aware of the need to take a holistic view.	series of individual snapshot views but more generally as a continuum of experience when travelling through the landscape. The approach adopted within **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (LVIA) (APP-039**) accords with the *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3, Landscape Institute and IEMA, 2013). This methodology is standard practice for major infrastructure assessment and involves selecting representative viewpoints that illustrate the range of likely effects from different receptor types — including PRoW users — across the study area. The representative viewpoints were chosen specifically to typify the types of circumstance experienced along key routes, including those crossing and skirting the Site. Viewpoint selection was verified in consultation with CWACC and other stakeholders at the scoping and PEIR stages. While the LVIA reports effects at discrete viewpoint locations, the assessment also explicitly considers the continuity of views and the duration of exposure along these routes. Section 6.8 of the LVIA describes how effects were appraised on users moving through the landscape, with the magnitude of change reflecting both the extent and frequency of visibility along footpaths. The effects experienced from routes within the Site and remote to the Site (including long-distance paths) are documented in some detail within paragraphs 6.8.87 to 6.8.99. The reporting in the LVIA is thus not limited to representative viewpoints. It provides a much broader understanding of how the development will be experienced when travelling through the landscape. It does not underestimate the overall impact. The experience of open landscape character varies along the different sections of the existing PRoW network, with more open

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			views typically experienced from more elevated sections of footpaths (e.g. along flood embankments and on deposit ground structures) and with enclosure experienced elsewhere due to the presence of mature vegetation and / or topography. There is a gradation of experience in between, with more filtered views and intermittent openness. As set out in the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** and as recognised in two of the limbs to Design Principle 2: Landscape and Views set out within Appendix A the **Design Approach Document (APP-130)** and secured via DCO Requirement: *a. Retain and enhance the open character of Frodsham Marshes, where feasible; and g. Retain open vistas looking across Frodsham Marshes and the wider estuary, where feasible*; the need to maintain qualities of open character are recognised and will be addressed appropriately in the detailed design and in the setting of management regimes for mitigation planting. The Applicant considers that the magnitude and significance of effects reported in the ES are robust and proportionate, providing an appropriate basis for the Examining Authority's holistic consideration of landscape and visual impact.
CWACC6.6	6.22 and 6.28	There are moderate to major adverse effects during construction on several viewpoints, particularly within the Order Limits. With regard to viewpoints from within the Site, there is agreement that for viewpoints 17,18, 20, 21, 23 and 25 the impacts will be significantly adverse at construction stage (see Table 6-6 in APP-039).	The Applicant agrees that, as reported in **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (LVIA) (APP-039)**, moderate to major adverse effects are predicted during the construction phase, particularly at viewpoints located within or immediately adjacent to the Order Limits. Table 6-6 of the LVIA identifies that Viewpoints 17, 18, 20, 21, 23 and 25 will experience significant adverse effects during construction, reflecting the introduction of plant,

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			equipment, and temporary disturbance prior to the establishment of mitigation planting. These effects are consistent with those typically associated with large-scale renewable energy construction projects of this nature.
CWACC6.7	6.23 – 6.27 and 6.31	CWCC's main disagreement with the Applicant's assessment of the visual effects in relation to the viewpoints is in relation to Viewpoint 9: Frodsham Hill War Memorial (Table 6-9 and paragraph 6.8.74 of APP-039), and the conclusion that the moderate adverse effect would not be significant. CWCC considers that the Applicant's assessment underplays the importance of the views from the War Memorial for those experiencing the view. The War Memorial is a destination viewpoint in its own right where the public enjoy the open views from the elevated position on Frodsham Hill across Frodsham towards the Mersey Estuary. The Proposed Development is situated directly in the centreline of this panoramic view (Figures 6-39i to iii of APP-113 EN010153/DR/6.3 Vol 3. Chapter 6 Figures Part 5 of 13), and the BESS options directly in front of Frodsham Hill, between the War Memorial site and the estuary. Virtually the entire Proposed Development can be seen from this important vantage point. The ExA is particularly requested to include in its Site visit, a visit to Viewpoint 9 and the War Memorial site as part of the assessment of the DCO application. The ExA is also requested to include St Lawrence's Church (Viewpoints 6 (APP-112) and 26 (APP-121) see para. 6.30 below	The Applicant acknowledges CWACC's comments regarding the assessment of Viewpoint 9 (Frodsham Hill War Memorial), which represents a valued and elevated viewpoint overlooking Frodsham Marshes and the Mersey Estuary. The Applicant recognises the War Memorial's cultural, historic and visual importance and accepts that this location provides one of the most prominent public vantage points within the study area, where visitors come specifically to appreciate open panoramic views across the estuary. The assessment of this viewpoint in the **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (LVIA) (APP-039)** was undertaken in full accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3, Landscape Institute and IEMA, 2013) and the Landscape Institute's Technical Guidance Note 06/19: Visual Representation of Development Proposals. These documents provide the nationally recognised framework for identifying receptor sensitivity, determining magnitude of visual change, and deriving significance of effect. The methodology was applied consistently across all viewpoints, including Viewpoint 9, ensuring a transparent and replicable assessment process. <u>Methodological Context</u> The baseline photography, verified photomontages (Figures 6-39i–iii, APP-113), and Zone of Theoretical Visibility (ZTV)

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		The representation provided by the Zone of Theoretical Visibility (ZTV) mapping on Figures 6-4c, 6-4d APP-109 appears to underrepresent the actual visibility of the SADA as shown in Viewpoint 9 Frodsham Hill War Memorial. This is likely because the small area at Viewpoint 9 is not picked up at the level of the ZTV, rather than an inconsistency as such, but the difference is drawn to the attention of the ExA. The sensitivity of Viewpoint 9 is considered to be high, as the views from this location will be amongst the main reasons for any visit to the listed monument. The view from the war memorial is expansive. It is acknowledged that the existing view is influenced by industry and infrastructure and with FWF being a prominent element of the scene. However, the importance of the open expansive view of Frodsham Marshes adjacent to the estuary is primarily one of fields and agricultural grazing land. The view from this location is panoramic. Yet, the expansive scale of the Proposed Development in such prominent position within the overall view would represent a significant magnitude of change and an urbanising addition, which could not be effectively mitigated. Given the high sensitivity of this viewpoint, the high local value, the high magnitude of change, the assessment evaluation of Moderate/ Non-significant is considered to underplay the level of significance of effect. Irrespective of any correlation to the Mersey	mapping were prepared in line with LI TGN 06/19 standards, using digital terrain modelling and field verification. The ZTV mapping provides a generalised representation of theoretical visibility and is not intended to depict every localised area of potential visibility. The minor difference highlighted by CWACC at the War Memorial likely reflects the model resolution and topographic smoothing inherent in ZTV outputs, rather than any inconsistency in the visibility assessment or underlying data. There is no dispute that the whole Mersey estuary is visible from this location. <u>Sensitivity and Magnitude of Change</u> The Applicant's assessment already recognises the high sensitivity of this viewpoint, reflecting both its commemorative importance and the fact that appreciation of the panoramic view is a primary reason for visiting. Determination of magnitude of effect is set out in the LVIA methodology on page 10 of Environmental **Statement: Volume 2 Appendix 6-1: LVIA Methodology (APP-064**). This explains that four separate factors are considered: • Size/scale • Geographical extent • Duration • Reversibility In relation to **size/scale** the methodology sets out that the considerations include:

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		Estuary, the impact from this highly valued viewpoint is considered significant. CWCC has raised with the Applicant that the LVA conclusion (6.12 of APP-039 Chapter 6 EN010153/DR/6.1) makes no reference to the impacts from the Frodsham Hill War Memorial. It is expected that this will be refined in the SoCG (or as an update to the LVA), to highlight the particular high level of local value and sensitivity of this viewpoint in the overall assessment of the Landscape and Visual Impacts. CWCC consider it important not to not dilute the significance of the war memorial viewpoint by virtue of the assimilation of the other viewpoints where impacts are less significant.	i) The extent of existing landscape elements that would be lost, the proportion of the total extent that this represents and the contribution of that element to the wider character; ii) The degree to which aesthetic or perceptual aspects of the landscapes are altered by the removal, or introduction of new landscape components; iii) Whether change affects the key characteristics of a landscape. **Geographical extent** relates to the area from which the effect would be experienced – in this case a small area at the edge of the Frodsham Hill summit The **duration** relates to expected length of time – in this case 40 years, which is categorised as Long Term The **reversibility** relates to the prospects of the effect being wholly or partially reversed following decommissioning. The magnitude of change was assessed as low to medium, taking all of these factors into account: <u>Professional Judgement of Significance</u> Combining a high-sensitivity receptor with a low-to-medium magnitude of change results, in accordance with the provided methodology, in a moderate adverse effect. The Applicant's judgment is that this represents a noticeable but not determining visual change—one that does not fundamentally alter the character or quality of the view. The fundamental nature of the view and visitor experience—characterised by its expansive, open panorama over the Mersey Estuary and the marshes—would remain unchanged. Visitors would continue to

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			experience the same breadth and sense of scale that currently define this important local vantage point. The Council's differing conclusion that the effect should be considered "significant" reflects a difference in professional judgement, rather than any deficiency in methodology. Whilst the Applicant disagrees with the CWACC position and cannot see that a strong underpinning argument in its favour has been advanced, both the Applicant's and CWACC's assessments fall within the normal range of professional interpretation regarding the threshold between "moderate" and "major" significance for complex panoramic views of this nature. Two landscape professionals have reached differing professional judgements as to whether the visual effect should be regarded as significant. This is not unusual in the context of LVIA, where professional assessment necessarily involves the exercise of subjective judgement. The Examining Authority may choose to give greater weight to one view or may reasonably consider that the difference itself indicates that the effect lies close to the threshold of significance. It is accepted that Viewpoint 9 represents an important and sensitive location, and the detailed reasoning set out by both parties provides valuable evidence to assist the decision-maker in reaching an informed and balanced conclusion. Consensus on significance is not essential for that purpose. <u>Acknowledgement and Clarification</u> The Applicant notes CWACC's observation that the **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (LVIA) (APP-039)** conclusion section (paragraph 6.12) does not specifically restate the findings for the War Memorial viewpoint. The outcome for Viewpoint 9 is clearly

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			set out in Table 6-9 and paragraph 6.8.74 of the LVIA, which record a moderate adverse (not significant) effect. The Applicant is certainly not seeking to diminish the importance of the viewpoint – it simply chose to summarise the significant effects – and the effect at this viewpoint was not judged to be significant. <u>Summary</u> The Applicant's treatment of the Frodsham Hill War Memorial viewpoint is methodologically robust, transparent, and fully consistent with best practice. The assessment is supported by verified photomontages, structured evaluation criteria, and clear professional reasoning. The LVIA's conclusion—that while the Proposed Development will be visible within the broader panorama, it will not fundamentally alter the character, openness, or quality of the view—is sound. The difference between the Applicant's and CWACC's conclusions reflects nothing more than variance in professional judgment. It is not reflective of any deficit in the Applicants approach. The Applicant maintains that the assessment of Viewpoint 9, concluding a moderate adverse (not significant) effect, is appropriate, evidence-based, and reliable for the purpose of the Examination.
CWACC6.8	6.30	For the Viewpoints 6 (APP-112) and 26 (APP-121) taken from the park near St Laurance's Church, the	The Applicant notes CWACC's comments regarding Viewpoints 6 and 26, located near St Lawrence's Church, and their view that the assessment of a moderate (not significant) effect underplays the level of visual change. These viewpoints were

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		assessment of moderate/ non-significant (Table 6-9 APP-039) is considered underplayed.	included within the **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (LVIA) (APP-039)** to represent publicly accessible views from the church and adjacent parkland, which overlook the marshes and estuary to the north. The LVIA assessment followed the methodology set out in the *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3) and the Landscape Institute's *Technical Guidance Note 06/19*, applying consistent and transparent criteria for receptor sensitivity, magnitude of change, and significance of effect. The receptor was assessed as having high sensitivity, reflecting the elevated public location and the value attached to views over the Mersey Estuary. The magnitude of visual change from these viewpoints was assessed as low to medium, based on the separation distance of around 1.5–2 km and the low, horizontal form of the solar arrays. It is acknowledged that these views are less elevated than the War Memorial, and therefore more focused on a narrower segment of the estuary. As a result, the solar arrays would occupy a somewhat greater proportion of the visible mid-ground and appear more continuous across the marshes. On that basis, the Council's view that the change could be perceived as more substantial than from the higher War Memorial vantage point is understood. Nevertheless, the context of the existing view remains heavily influenced by man-made infrastructure and industry, notably including the Frodsham Wind Farm and the industrial complex east of the River Weaver. These features dominate the middle-distance and strongly condition the character of the panorama.

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			Within this already modified visual environment, the Proposed Development would represent a further element of the established energy landscape rather than an incongruous or transformative addition. Accordingly, while the Applicant recognises that the degree of visual change from St Lawrence's Church may be somewhat greater than from the War Memorial, the underlying conclusion of a moderate adverse effect remains appropriate. The effect would be clearly perceptible but not determining in overall visual terms, and the fundamental appreciation of the view — as a broad, open outlook over the Mersey Estuary within a mixed rural-industrial setting — would remain intact. The Applicant therefore maintains that the assessment is methodologically sound, balanced, and defensible.
Design objectives			
CWACC6.9	6.29 and 6.33 – 6.36	There are concerns in regard to views from year 10, and how the mitigation planting and potentially a change in landscape management (e.g. allowing hedgerows to grow taller), will affect the viewpoints along paths from within the SADA as indicted by photomontage (Fig 6-47viii Viewpoint 25)(APP-120) whereby walking behind the panels, the planting mitigation will in itself enclose and screen any long distance views, including views towards the sandstone ridge. With reference to the Design Objectives, CWCC commented (e-mail 8 August 2024) on the Draft Design Objectives (March 2024), and Objective 2: Landscape and Views.	CWACC's concern regarding the effect of year-10 mitigation planting on views from within the SADA, such as those illustrated around Viewpoint 25, is acknowledged. The Applicant agrees that mitigation should not itself create new adverse landscape or visual effects by enclosing paths or obscuring long-distance views across the marshes toward the Sandstone Ridge and estuary. If the planting were simply left to grow unchecked, it could over time become continuous and overly tall, producing a tunnel-like effect that would block open views and erode the open character of the marsh. To prevent this, the **Outline Landscape and Ecology Management Plan (as updated alongside the submission)** and indicative landscape masterplan already set clear design

Ref	Paragraph Number	Comment	Applicant's Response
		"An additional landscape design objectives was suggested: *Mitigation - Consider, and seek to mitigate where possible, impact on the open character of the marshes and existing views within and across the marshland and wider landscape character (estuary/weaver and hills). The mitigation measures should not in itself result in landscape and visual adverse effects.* *Consider potential impacts on the value of the landscape.* *Consider potential cumulative landscape and visual impacts. This should include an assessment of the capacity to accept change.* It was expected that the mitigation principles in particular would have been incorporated into Design Principle 2: Landscape and Views (Table 2 in the Design Approach Document APP-130). CCWC considers that it is important that the mitigation proposals in the form of additional landscaping preserve open views across and out of the SADA, in particular protecting intervisibility between the SADA and Frodsham and Helsby hills with appropriate gaps and open sections along field boundaries, especially along PRoW and the permissive paths. Treatment of boundaries with means of enclosure needs to be sensitively sited.	intentions to balance screening of the solar panels with the need to retain openness and visual permeability. These documents identify measures such as maintaining lower hedgerow heights, including gaps and view corridors, and using open, low-growing species adjacent to public rights of way and permissive paths. Importantly, these principles will be translated—through detailed design and management prescriptions into the final LEMP and landscape design. The approval of this document will allow CWACC to have ongoing influence over the precise form and management of planting to ensure that mitigation continues to screen the infrastructure effectively without enclosing or diminishing the wider landscape experience. The detailed design is controlled through Requirement 6 of Schedule 2 of the **draft DCO (as updated alongside this submission).** Requirement 6(3) specifies that the development must be designed and constructed in accordance with the design principles, and in this context, the Applicant notes that **Design Principle 2: Landscape and Views (APP-130)** includes the following a. Retain and enhance the open character of Frodsham Marshes, where feasible; and g. Retain open vistas looking across Frodsham Marshes and the wider estuary, where feasible. In this way, the Proposed Development will avoid deterioration of character, by retaining long-distance views and the sense of openness that defines the marshland, in line with NPS EN-3 and CWACC's design objectives.

Ref	Paragraph Number	Comment	Applicant's Response
		NPS EN-3 highlights as an example (Footnote 88) that "screening along public right-of-way networks to minimise the outlook into the Solar Park may, impact on the ability of users to appreciate the surrounding landscapes". CWCC requests that the ExA takes into account the need for the landscaping mitigation and screening of the SADA to retain open views across and out of the SADA, particularly from the PRoW and permissive path network. Assessment based on the 10 year post construction visualisations should be examined closely in this regard.	
Skylark Mitigation Area – Landscape Management			
CWACC6.10	6.37	At paragraph 6.8.36 of APP-039 EN010153/DR/6.1) reference is made to the Skylark Mitigation Area, and the retention of existing arable land being retained, with small plots being created (not farmed), which would provide foraging habitat for skylarks. Clarification is sought from the Applicant as to whether this strategy is to be amended as a result of the Skylark Mitigation Area being reduced from the area indicated through the PEIR. It is understood the intention is for the full extent of the Skylark Mitigation Area to be taken out of arable use and managed as 'other neutral grassland' (paragraph 6.10.1 of APP-144 EN010153/DR/7.13 oLEMP) for foraging/breeding habitat to be formed.	The Applicant can confirm that the Skylark Mitigation Area forms Work 6B of the **Works Plans (AS-007)**. Paragraph 6.10.1 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** confirms that *"The Skylark Mitigation Area would be managed as 'other neutral grassland' for the operational life of the Proposed Development. This will provide invertebrate habitat, thus acting as a foraging resource, and will also be suitable for use by nesting skylark.".* As outlined in the Applicant's response CWACC3.1, the PEIR consultation identified potential land for skylark mitigation. At this point in the application process, it was envisaged that the land may stay in intensive arable use and therefore 'skylark plots' would be created within the fields. Following the PEIR consultation, an agreement was reached with the landowner of the plot now subject to Work 6B allowing this land to be used for mitigation purposes. The landowner was amenable for this land to be taken out of intensive arable use

Ref	Paragraph Number	Comment	Applicant's Response
			and managed as other neutral grassland, which benefits skylarks and other biodiversity.
Decommissioning			
CWACC6.11	6.38	Given that decommissioning of the majority of the Proposed Development is proposed no later than 40 years following final commissioning (Requirement 20 in Schedule 2 of the DCO) the impacts on landscape character are technically reversible. However, CWCC considers that the long duration of proposed time-limited consent, and the real prospect that consent may be extended given life-time extensions of nationally significant low carbon infrastructure is regarded as critical national priority (CNP) Infrastructure (Glossary to NPS EN-3), only minimal weight should be given to the reversibility of the impact. Indeed, experience of FWF, time-limited to 25 years (14th February 2042)(Ref:17/00805/DIS) (Appendix F) shows that the prominence of the tall turbines is now seen as part of the landscape character to the area (e.g. paragraphs 6.8.109, 6.8.132, 6.8.137 and 6.12.2 of APP-039), and the likelihood of repowering FWF is referred to in paragraph 6.6.56). Whilst technically temporary, because they are time limited, the impacts of FWF and the Proposed Development are for a significant length of time.	CWACC's observation that the landscape effects of the Proposed Development, while technically reversible, would in practice persist for a significant period is acknowledged. The Applicant accepts that a 40-year operational period represents a long-term change to the landscape character and that, as with Frodsham Wind Farm, there is potential for such infrastructure to become a familiar and recognisable feature within the local landscape during its lifetime. However, the key distinction remains that the Proposed Development is designed as a temporary use of the land, secured by Requirement 20 of the **draft DCO (as updated alongside this submission)**, which mandates full decommissioning and restoration no later than 40 years after final commissioning. Unlike the fixed, vertical form of wind turbines, the solar arrays are low-lying, visually recessive, and largely screened by vegetation and topography, allowing the underlying landscape framework to remain intact. The majority of the installed components are lightweight and inherently demountable—such as panel frames, cabling, and modular units—meaning they can be removed with minimal ground disturbance or damage to underlying soils and drainage. This adds to the ease with which the undeveloped and open character of the marshland can be restored at the end of the operational period. While acknowledging that national policy recognises low-carbon infrastructure as critical national priority and that operational lifetimes may evolve, the current proposal remains secured as time-limited and fully reversible through

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			enforceable DCO provisions, which ensure that the land can return to its original undeveloped condition.
Trees and hedgerows (APP-146)			
CWACC6.12	6.39	The Environment Agency's comments about trees and stability of flood defences should be considered.	Matters relating to the stability of flood defences are being dealt with through the responses to the Relevant Representations made by the Environment Agency.
CWACC6.13	6.40 – 6.43	There are Category A trees to be removed for the NBBMA (Group G034 – Figure 3 Tree Constraints Plan(s) and Figure 4 – Tree Impacts Plan (3)). Any removal of Category A trees should be soundly justified. The Arboricultural report identifies (4.3.3) the removal of High Value 'A' category group G034 as being required to facilitate the creation of a bird mitigation area, and to enhance the value of the land for use by birds of the Mersey Estuary SPA and SSSI. The need for removal of this group should be carefully assessed, and if it is accepted that there is a requirement for their removal, the impact of the loss of Category A trees needs to be considered in assessing the overall impacts of the Proposed Development. It is acknowledged that new planting is proposed to mitigate tree loss across the Site as a result of the Proposed Development, but the loss should be avoided if not necessary to form the NBBMA or establish an environment within the NBBMA that is appropriate to the need to provide	As set out at paragraph 4.3.3 of the **Arboricultural Assessment (APP-146)**, removal of High Value 'A' category group G034 is required to facilitate the creation of a bird mitigation area required to enhance the value of the land for use by birds of the Mersey Estuary SPA and SSSI. Paragraph 3.3.2 of the **Non Breeding Bird Mitigation Strategy, Appendix B to the Outline Landscape and Ecology Management Plan (as updated alongside this submission)** sets out that the removal of a small stand of semi-mature trees adjacent to the Canal Pools will increase the attractiveness of surrounding habitats to grassland waders (SPA species) and breeding waders through increasing open aspects adjacent to the SPA, and reducing predator opportunities. On this basis the loss of the trees is considered to be outweighed by the broader ecological benefits associated with their removal. Some of the trees were recorded under an 'Area' category to reflect the fact that there are large areas of the Site where trees are present but they fall outside areas that would be impacted by the Proposed Development. As such this approach provides a proportionate methodology where retention of trees and hedgerows was a key design principle. Whilst it is not possible to

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		mitigation for the Proposed Developments impact on the SPA habitat / species. The decision to record some of the trees under an 'Area' designation does not accord with the recommendations in BS5837:2012. This may result in an under-reporting of the number of tree losses, as the actual number of trees is not recorded. The AIA should be revised to show actual numbers of trees being removed to facilitate the Proposed Development; as this assists in assessing the appropriate number of replacement trees to be planted. Recording tree losses by canopy area might assist with assessing the actual loss, and tree canopy area information should be provided as a useful metric.	protect all trees for a project of this scale it is evident from the survey that tree losses are minimal. Paragraph 4.6.1 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** sets out that the landscaping scheme would provide for 2.2 ha of new native woodland, 0.87 ha of new native mixed scrub, 2.5km of new native hedgerow, and approximately 5km of new belts of native trees and shrubs. On this basis it is considered that the loss of trees is adequately compensated for by the planting proposals for the Proposed Development.
CWACC6.14	6.44 – 6.46	The arboricultural report (4.5.2) identifies that there will be work within the RPA of retained hedges and trees: *"New hard surfaces are proposed within the RPA of the retained hedgerows H003, H006, H007, H012, H013, H014, H015, H016, H018, H019, H022, H024, H026, H028, H029, H030 and H032 and group G094, as detailed on the Tree Protection Plan at Appendix 2."* Whilst the report goes on to refer to work in accordance with an arboricultural method statement,	It is acknowledged that avoidance of hedgerow loss is preferable. However, as noted in CWACC6.13 the design has sought to minimise losses and provide adequate buffers to protect retained hedgerows. The protection of trees and hedgerows is secured through the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**. Table 5-3 of the **Outline Construction Environmental Management Plan (oCEMP) (as updated alongside this submission)** sets out that the Applicant will *'protect and retain existing trees and vegetation (in accordance with British Standard (BS) 5837:2012 and the Arboricultural Assessment [EN010153/DR/7.15], and prepare an Arboricultural Method Statement to be agreed with CWaCC.'.*

Ref	Paragraph Number	Comment	Applicant's Response
		avoidance of the potential impact would be preferable. It was noted at pre-application stage that development was coming within 5m of hedgerows in places, and it is considered separation to avoid impacts is preferable. The proposals include planting of circa 2.2 ha of trees (5.3,4) of the Arboricultural report. It is queried whether these will be planted to survive to maturity (e.g. given the time limited nature of the DCO). Further discussion with the Applicant is expected with a view to securing retention of landscaping beyond the lifetime of the DCO as part of the package of mitigation measures.	Table 5-3 of the oCEMP also set out that *'Hedgerows or areas of substantial vegetation to include a minimum 6m buffer, excluding new crossing points, in which no works (other than landscaping and access) are to occur'.* In relation to decommissioning, paragraph 2.4.3 and 2.4.4 of the **Outline Decommissioning Environmental Management Plan (as updated alongside this submission)** sets out that on decommissioning the landscaping works undertaken across the Site would remain in place, While it is considered likely that the tree and scrub planting would be retained as the land would be handed back to the landowners on completion of decommissioning the long-term retention of the landscaping improvement works by those landowners cannot be guaranteed.
7. Ecology and Habitat			
CWACC7.01	7.5	PMI1 (Impact on the Mersey Estuary SSSI, SPA and Ramsar sites) is weighted more positively than is currently understood. Although it is agreed that, in principle, the works proposed to the (Non-Breeding Bird Mitigation Area) NBBMA are likely to enhance and increase its carrying capacity for qualifying non-breeding bird species, it has not been agreed that this would be enough to fully compensate for the impacts of the Proposed Development.	The Applicant acknowledges in paragraph 7.3 of CWACC's response that the Council will defer to Natural England's assessment regarding impacts on non-breeding bird species linked to the Mersey Estuary designated site. It is agreed that works to the NBBMA will enhance habitat and increase carrying capacity for qualifying non-breeding bird species. Importantly, the bird-day calculations used in the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** were based on the current, unenhanced baseline condition of the entire Order Limits (including the SADA and the NBBMA), meaning that the assessment is precautionary. The assessment established a foundation capacity of the current Order Limits without assuming an uplift from the works to the NBBMA. Therefore, the predicted enhancement of habitat

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			quality and consequently the carrying capacity within the NBBMA is additional to the baseline. The Applicant wishes to clarify that the NBBMA forms part of a comprehensive package of mitigation and enhancement for the Order Limits.
CWACC7.02	7.6	PMI2 (Biodiversity) is weighted more positively than is currently understood. CWCC was not provided any of the BNG calculations within the PEIR stage, nor headline figures for watercourses and therefore CWCC has been unable to assess this aspect. In addition, the Skylark Mitigation Area looks to have been significantly reduced from what was presented at pre-application stage, presenting a significant change which has not yet been consulted on nor discussed between the Applicant and CWCC.	BNG calculations have been provided within the **Biodiversity Net Gain Report (APP-143),** and the Metric was provided to CWACC following submission of the DCO application and submitted to Examination (AS-036). See further comments under the 'Biodiversity Net Gain' section below (CWACC7.92 onwards). Skylark mitigation is further discussed in comments under the 'Skylark Mitigation Area' section below (CWACC7.70 onwards).
Habitat Regulations Assessment (as outlined in Section 8 of the Planning Statement) (APP-128) and Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (APP-125) **General**			
CWACC7.03	7.7	A substantial part of the Order Limits, serves as FLL to the Mersey Estuary SPA and Ramsar site, (as shown on Page 20 of the Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England, Appendix 9 – Functionally Linked Maps (datasets combined) First published October 2021 Natural England Commissioned Report	The Applicant acknowledges the findings of Natural England's NECR361 report and associated mapping, which identify broad areas of land in the Northwest of England as potentially suitable to serve as FLL SPA/Ramsar waterbirds – see paragraphs 4.2.4 onwards of the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**. However, these datasets represent a strategic-level

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		NECR361)[2]. As per the Executive Summary in "Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England First published October 2021 Natural England Commissioned Report NECR361", FLL is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC) Special Protection Area (SPA) Ramsar site has been designated. The FLL on which the Site sits, provides foraging and night-roosting habitat for overwintering waterfowl and waders.	identification of potential suitability and do not in themselves confirm site-specific usage. For this reason, the Applicant has undertaken detailed desk-based review and site-specific surveys, the results of which directly inform the assessment. The assessment therefore reflects the actual and present use of the entire Order Limits by qualifying species, rather than relying solely on regional-scale mapping outputs which were published in 2023 based on historical data. As Natural England[3] and the Chartered Institute of Ecology and Environmental Management (CIEEM, 2019[4]) highlights, data has a shelf-life and validation and updates by Natural England to the 2023 report (habitat data from 2021) would be required. Land use change means that FLL is constantly changing as well; a good example would be the area referred to as 'the Innovyn Cell', located immediately adjacent to the Limits. NECR361 illustrates this as having 'High Potential' for FLL, whereas the Cell has long since scrubbed over and it is now entirely unsuitable for SPA birds (see Plate 1, **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)**). Irrespective of the definition of FLL, the Applicant can confirm that impact assessment was undertaken based upon, and the

*[2] The Applicant has also provided a figure of FLL at the end of the Information to Inform HRA (**APP-125**)*
[3] Although Natural England has not published a formal cut-off for survey data, it is established practice in recent NSIP examinations that non-breeding bird assessments rely on at least two years of recent site-specific survey data (to capture inter-annual variation) together with the most recent five-year mean WeBS data for SPA populations and Functionally Linked Land (e.g. Cleve Hill Solar Park, Hornsea 3 Offshore Windfarm).
[4] Chartered Institute of Ecology and Environmental Management (CIEEM), 2019. Advice note on the lifespan of ecological reports and surveys. [pdf] Winchester: CIEEM. Available at: [redacted]

Ref	Paragraph Number	Comment	Applicant's Response
			Proposed Development mitigation is provided on, the assumption that the entire Order Limits is (or has the potential to be) FLL.
CWACC7.04	7.8	Impacts from disturbance due to the increased and upgraded footpath/ PRoW network have not been included as an impact during the operation of the Proposed Development, which is a significant omission	Paragraph 8.8.68 of **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041**) notes that the Site is already subject to a level of recreational disturbance, and that no greater such effects would be likely to occur based on the mitigation that has been included within the design. To ensure recreational disturbance is minimised, the Proposed Development includes visual screening around the SADA and NBBMA, restriction of cyclists and horse riders from sensitive areas and other precautionary measures such as signage (paragraphs 5.3.32, 5.5.10, 5.6.8 of the **Design Approach Document (APP-130)**, and paragraphs 6.5.29 and Section 6.11 of the **Outline Landscape and Ecology Management Plan (oLEMP) (as updated alongside this submission).** Consequently, the avoidance of disturbance has been a guiding principle of the design process. The Applicant therefore disagrees with CWACC on this point. Disturbance effects arising from increased use of the footpath/PRoW network have been considered within **Information to Inform Habitats Regulations Assessment (as updated alongside this submission).** Specifically: Section 5.6 (Identification of Potential Impacts), paragraph 5.6.3 identifies recreational activities as a potential source of disturbance, with further discussion provided in paragraph 5.6.19.

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			Table 5-2 screens in "Disturbance/Displacement during the operational phase" on the basis that "increased access to the land is anticipated through the development design". Within the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** (Section 6.4), a dedicated subsection on Recreational Pressure and Access Management considers potential effects associated with increased use of permissive paths and informal routes, including dog walking (paragraphs 6.4.7–6.4.9). On this basis, the Applicant considers that disturbance from increased access has been fully recognised and addressed within the assessment. It is also important to highlight that Natural England are satisfied that disturbance is unlikely to be an issue for Cell 6 as detailed in their RR response NE21 **(RR-012)**.
CWACC7.05	7.9	In both paragraph 7.8.19 (loss of FLL) and paragraph 7.8.20 (disturbance and displacement) of the Planning Statement (EN010153/DR/5.6) (**APP-128**), it is cited that The Estuary is available for use by birds, in terms of mitigation. The approach to rely on habitats outside the Applicant's control and Order Limits for mitigation, is not accepted, as this is outside of the Applicant's control.	The Applicant is not relying on habitats outside the Applicant's control for mitigation. The **Planning Statement (APP-128) is** summarising the baseline in relation to SPA birds. The details associated with mitigation proposals for the Proposed Development is described in detail within **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)**. The core area of the mitigation strategy is the delivery of the Non-Breeding Bird Mitigation Area (NBBMA), which lies within the Order Limits. This is designed to deliver mitigation for all

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			SPA wetland bird use of the entire Order Limits. The Applicant does not rely on habitats outside the Order Limits for mitigation. The **Planning Statement (APP-128)** is making an overarching point that the birds of SPA will have adequate habitat within the wider estuary and the enhanced habitats within the NBBMA.
CWACC7.06	7.10	In paragraph 1.2.8 of the HRA it is stated that the effects arising from the Proposed Development of the NBBMA is evaluated separately in terms of potential environmental impacts, mitigation measures, and compliance with conservation objectives due to the anticipated staggering of the Proposed Development construction program. It is not clear what this means, however, the NBBMA creation should be considered as part of the development as a whole and not phased.	The Applicant acknowledges that paragraph 1.2.8 of the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** may have been open to misinterpretation. To clarify, the NBBMA is not treated as separate from the Proposed Development. Rather, it is assessed as a distinct element within the HRA document to account for the anticipated staggering of the construction programme. This approach ensures that the potential environmental impacts, mitigation measures, and compliance with conservation objectives associated with the NBBMA are evaluated explicitly and transparently, in addition to the assessment of the wider solar development and across all phases of the development. For the avoidance of doubt, the NBBMA lies within the Order Limits and forms an integral part of the Proposed Development. Its delivery, management, and role in mitigation are fully embedded in the assessment, such that the HRA covers the Proposed Development as a whole.
CWACC7.07	7.11	Please also see CWCC's concerns detailed in the "Proposed Development: Western Array" and "Survey Data" section of comments for further	The Applicant notes this – see its responses in these sections below.

Ref	Paragraph Number	Comment	Applicant's Response
		concerns relating to impacts on qualifying non-breeding bird species, that require further consideration in terms of the HRA.	
Construction Impacts			
CWACC7.08	7.12	In paragraphs 6.3.5 and 6.3.7 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**), it is stated that the lower elevations of Cell 6 and Cell 3 mitigate visual and noise impacts for construction on the relatively elevated Cells 2 and 5. Conversely, in paragraph 2.4.5 of the Outline Landscape and Ecology Management Plan; Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) (EN010153/DR/7.13) (**APP-144)**, it is stated that as the Canal pools are of a higher elevation than Cell 3, recreational fishing causes disturbance on the Cell 3, which is the opposite reasoning in terms of elevation. The elevational differences do not seem to have been fully assessed within the Noise Assessment (**APP-054**), to conclude whether they are positive or negative.	The topography discussed in the Appendix 5.3 **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** is in relation to the degree of visual and noise screening with the significant height differences between cells 3, 2 and 6. Paragraph 8.8.9 of **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)** notes that Cell 6 is substantially (6 – 10m) below Cell 3 (the NBBMA) and below a steep embankment, and which is topped by vegetation. No birds using Cell 6 would be able to see or likely hear any activity on Cell 3. The topography discussed in **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)** (paragraph 2.4.5) relates to a separate pathway with regards to line of sight and this potential disturbance vector. The canal pools sit marginally below Cell 3 and are almost entirely unvegetated. The elevated points overlooking the canal pools interacts with the skyline, meaning any person utilising these pools is highly visible and therefore likely to be very disturbing to bird on Cell 3. As such, the circumstances in this location are entirely different to those of Cell 6. The noise impacts from construction are assessed separately **in Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment (APP-054)**. While the HRA does not

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			repeat some of the topographic description above, the modelling does incorporate relevant source-receptor relationships, including distances. Figure 3 of **Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment (APP-054)** presents the Ecological Sensitive Receptor points/areas, ecological noise receptor points (E1–E5) have been identified across the Order Limits, including Cells 2, 3, 5, and 6. This demonstrates that relative elevation, receptor sensitivity, and location within the Order Limits have been factored into the noise and disturbance assessments. The Applicant therefore considers that elevation has been appropriately considered across the HRA, oNBBMS, and Noise Impact Assessment.
CWACC7.09	7.13	In addition, birds are currently flying over areas that will be subject to noise and visual disturbance generated whilst Cells 1, 2 and 5 are constructed, to get to and from Cell 3 and Cell 6. Figures 10a (Teal and Shelduck) and 10d (Black-tailed godwit) of the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (EN010153/DR/6.2) (**APP-082**), show examples of birds flying across Cells 1, 2 and 5 to get to and from Cell 6. This issue of flight path disruption has not been fully assessed.	Appendix 5.3 **Information to Inform Habitats Regulations Assessment (APP 125)** and **Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment (APP-054)** assess disturbance effects on birds using Cells 3 and 6, which are the key functional areas of concern Flight activity represents a transient and short-duration exposure, in contrast to sustained foraging or roosting behaviour. On this basis, potential impacts to birds in flight are not predicted to alter the overall conclusions of the assessment. For the avoidance of doubt, aside from construction of the NBBMA, there is no development of Cell 3 and so an entirely open route continues to be available to flying birds between the estuary, Cell 3 and Cell 6. It is further clarified that there is no evidence of bird flight lines being altered by solar developments which the Applicant is aware of. However, there is considerable

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			evidence that SPA birds regularly overfly industrial facilities, including areas around the Mersey Estuary. A clear example would be Seaforth Docks in Liverpool, which supports large aggregations of roosting waders (the same and similar species to those found within the Order Limits). To get to their dockland roost pools, the birds must fly around operational wind turbines and across a large expanse of hard standing. It is therefore not accepted that flightline disruption would occur. The Applicant has incorporated mitigation into the Proposed Development, including phased construction, careful siting of compounds/plant, and delivery of the NBBMA to ensure that functional habitat resources remain available without adverse effect on site integrity. On this basis, the Applicant considers that disturbance to birds in flight between Cells has been implicitly assessed within the broader treatment of noise and visual disturbance, and that no additional pathway of significant effect arises beyond those already addressed.
CWACC7.10	7.14	Paragraph 8.7.43 of Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) **(APP-041)** states that the noise and vibration assessments are detailed in ES Vol 2 Appendix 4-1: Noise Impact Assessment (EN010153/DR/6.2) (**APP-054**). These identify that, without mitigation, predicted noise levels (LAeq) from construction works—particularly within Cell 3 of the NBBMA and areas within 180 m of Cell 3's eastern boundary could exceed disturbance thresholds for qualifying bird species of the Mersey Estuary SPA and Ramsar site. It also states that Saturday works within 120m of the	**Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment (APP-054)** modelled potential unmitigated scenarios and as stated in **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)**, which identified that noise levels from certain construction activities could exceed disturbance thresholds within 180 m of Cell 3's eastern boundary. Reference to Saturday works reflects that background noise levels are typically lower at weekends and therefore considers all scenarios. The Applicant has sought to provide a detailed assessment.

Ref	Paragraph Number	Comment	Applicant's Response
		SSSI north of Cells 2 and 3 may also require mitigation, although it is not clear why Saturday works are singled out for assessment. Justification as to why the SADA in these areas was not reduced to ensure noise was not at a level of significant impact within range of the NBBMA, is required.	The SADA was not reduced because the assessment is intended to identify the maximum potential extent of activity. Instead, mitigation is secured through the **Outline Construction Environmental Management Plan (as updated alongside this submission)**, which requires noise management measures i.e. restricting the timings of workings, low noise plant, screening where appropriate and monitoring of thresholds. The proposed mitigation involves the use of standard best practice measures, and with these in place, thresholds would not be exceeded as presented in the **Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment (APP-054).**
Operational Impacts			
CWACC7.11	7.15	Cell 6 is outside of the Order Limits, but adjacent to its boundary, and recorded a high concentration of qualifying bird species during the bird surveys. There are concerns that during operation of the solar farm, the proposed solar panels in the western parts of Cells 2 and 5 will lead to disruption of the flight paths of birds flying from the Estuary to Cell 6, due to glint and glare effects as well as possible issues with the birds mistaking the panels for water. It is noted that the Glint and Glare Assessment did not include impacts on ecological receptors. In paragraph 6.6.4 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**), impacts are addressed briefly, stating that the bird species associated with the SPA/Ramsar generally move across the flat estuarine landscape in broad, dispersed flight paths, meaning their exposure to	Natural England has confirmed that it is satisfied with the information provided in relation to glint and glare, as outlined in its Relevant Representation **(RR-012)**. As CWACC has indicated that it will defer to Natural England on all ornithological matters, the Applicant considers the issue to be resolved. For the avoidance of doubt, the Applicant's position is that there will be no significant impacts arising from glint and glare, and that there is no evidence or indication that such impacts affect birds in any way.

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		visual elements, such as solar panel reflections or structural outlines is brief and intermittent. This, however, does not address the scale of impact of such a large area of solar panels across the landscape. If exposure is accepted to be intermittent and brief, it may not be insignificant, due to the scale.	
CWACC7.12	7.16	The disruption of connectivity of Cell 6 from Cells 2 and 5 and part of Cell 3 also raises concerns regarding the fragmentation of the area of FLL, in terms of visual disturbance and reduction in area available to the birds to land around the favoured Cell. Although disturbance or displacement of qualifying bird species from FLL and disruption to bird flight paths due to glint and glare effects have been included as elements in the HRA, impacts on Cell 6 and therefore the FLL as a whole, have not been considered as an operational impact.	See response to CWACC7.11, however for clarity, the Applicant notes the following: Disturbance and displacement of qualifying bird species from Cells 2, 3, 5 and 6 were explicitly considered within the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission),** with particular attention to visual, noise and glint/glare pathways. Bird usage of multiple Cells, including flight movements to and from Cell 6, was recorded in baseline surveys (**Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) and taken into account in the assessment. These data informed conclusions on the potential for displacement and connectivity effects.
Operational Impacts: Paths			
CWACC7.13	7.17	There are existing paths on Site, in varying condition and status. There are proposals to introduce new footpaths and upgrade existing ones, some of which will accommodate cycle and equestrian use. These elements will have impacts on the non-breeding species recorded on Site, in terms of human disturbance (visual and noise). Increased quality in footpaths will lead to more intense use and new	The Applicant disagrees with this comment and refer back to comment CWACC7.04. The additional points raised regarding cycling and equestrian use, increased intensity of access due to improved path quality, and potential disturbance from elevated paths fall within the same broad category of recreational disturbance already screened in and assessed. The design and management of the access network specifically aim to control and direct recreational

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		footpaths will lead to disturbance across a wider area than currently occurs. The elevated position of some of the paths will also increase levels of disturbance.	activity, with mitigation including route alignment, planting/screening, and management measures to reduce disturbance to sensitive bird habitats. On this basis, the Applicant considers that disturbance from increased access has been fully recognised, assessed, and mitigated within the HRA and ES.
CWACC7.14	7.18	There is a new footpath proposed along part of the eastern boundary of the NBBMA (Footpath A) and the eastern and western boundaries of Cell 1 (Footpath B), adjacent to the Mersey Estuary as shown in Figure 1 Route Hierarchy plan in the Outline Landscape and Ecology Management Plan (EN010153/DR/7.13) (**APP-144**). These footpaths cause the most concern in terms of impacts on non-breeding birds. Concentrations of qualifying non-breeding birds occurred along the eastern and northern boundaries of Cell 1, as well as across the Canal on Frodsham Score. This is shown in Figures in the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (EN010153/DR/6.2). Figure 6b (Non-Breeding Bird Survey Results –Oct 2022), which recorded Teal, Dunlin, Curlew and Shelduck, Figure 6b (Non-Breeding Bird Survey Results –Nov 2022), which recorded Curlew, Dunlin, Teal, Black-tailed godwit and Redshank. Figure 14a (Non-Breeding Bird Survey Results -October 2024), which recorded Lapwing, Shelduck, Redshank and Dunlin, on and around the Cell 1 boundaries. Figures 14c, 14d, 14e and 14f also show similar concentrations of qualifying	The Applicant acknowledges the survey data presented in the **Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**, which confirms bird usage along the eastern and northern boundaries of Cell 1 and in adjacent areas of the Mersey Estuary. Section 5.6 of the **Information to Inform Habitats Regulations Assessment (as updated in this submission)** (as highlighted in comment response CWACC7.04) identifies recreational activities as a potential source of disturbance, with detailed discussion in paragraph 5.6.19. However, one of the core values of the development is about sensibly connecting people and nature. In recognition of the sensitivity of the eastern area of the Cell 1 boundary and section of the River Weaver, the Proposed Development incorporates mitigation measures within the Applicant's control, including (but not limited to): careful alignment of Footpaths A and B to avoid the most sensitive habitat margins (i.e. where aggregations of bird species are present; - project team to consider • use of screening/planting and fencing to limit line-of-sight disturbance into key bird areas;

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		non-breeding birds. Flight path survey data as shown in Figures 10a and 10d also shows the concentrated usage of the River adjacent to the eastern boundary of Cell 1 by qualifying non-breeding birds.	• management of path surfacing and signage to discourage loitering or off-route access. It is noted that many important bird reserves, some of which form part of designated sites, are actively managed to allow and encourage public access. In these cases, the potential for recreational impact has been recognised and mitigated using similar measures to those proposed for Frodsham Solar. While the Mersey Estuary currently lacks a comparable managed reserve, this highlights that with appropriate management and instruction in place, similar principles would be able to be applied here. Please also see comments in response to CWACC7.16.
CWACC7.15	7.19	As detailed in the "Proposed Layout" section of these comments, buffer zones documented in Goodship and Furness (202225) suggest that (depending on the nature of the disturbance) effects out to 100 m and up to 650 m (curlew) may be detectable by some species during the non-breeding season. Note, Goodship and Furness (202226) is used as a standard guide to the disturbance limits for key bird species, and accordingly it is considered an appropriate resource to regard in this instance. The proposed footpaths do not currently provide this buffer.	The Applicant acknowledges Goodship & Furness (2022[5]) as a recognised reference on generic disturbance distances for non-breeding waterbirds; however, these values represent precautionary buffers applied at a strategic level, it is not a one-size fits all and is generally based on the maximum distance. The assessment for the Proposed Development has instead been based on site-specific survey data (**Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) and features (e.g. topography), which records how qualifying species actually use the Order Limits and adjacent estuary, and already reflects existing unregulated disturbance pressures at the Site.

[5] *Goodship, N.M. and Furness, R.W. (MacArthur Green) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.*

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			Further, this should not be taken as an unmitigated scenario. In line with the main findings of Goodship & Furness, greatest consideration has been given to species with higher sensitivity to disturbance, and appropriate mitigation has been applied where these species are likely to be present. The Proposed Development therefore combines site-specific evidence with precautionary principles to ensure mitigation is both targeted and effective. The NBBMA sits at approximately 800m in length and provides a substantial and secure functional resource for non-breeding birds, ensuring that habitat is retained and available should the unlikely event of displacement occur.
CWACC7.16	7.20	It is concluded that new footpaths A and B should be removed from the proposal, from a biodiversity perspective, due to their likely impacts and there would still be substantial enhancement of the network without them. If they are deemed to be essential for the scheme, alternative routes for the new footpaths should be sought, to draw them away from the NBBMA and Cell 1 and the Mersey Estuary. For example, Footpath A could still provide a loop for users, if it was drawn back from the NBBMA, to the east, between Field parcels 8 and 9 as shown in Figure 4 "the Proposed Development Areas - With Cells" of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**). Footpath B could be drawn back down to the south, between Field parcels 2 and 3 of the same document, which would resolve part of the issue along the northern and eastern boundary. The	As set out in the Applicant's responses to CWACC7.13, CWACC7.14 and CWACC7.15, disturbance risks will be effectively managed through measures within the Applicant's control, including alignment of routes to avoid the most sensitive margins, screening and planting to reduce line-of-sight effects, and management of public access to discourage off-route activity (but not limited to). In this context, Footpath A, will be located along the boundary of Cell 5, which will be screened from Cell 3, avoiding potential for disturbance in this section of the path. Footpath A will join to the eastern section of the NBBMA. It is important to note that there is already existing PRoW RB102 (Figure 1-5 PRoW as shown in **Environmental Statement: Volume 3 Chapter 1 Figures (APP-105)**), which is located along the eastern boundary of Cell 3 where there is already a clear line of site into the area. It is considered that birds are accustomed to this PRoW based on the historic and present cell use captured during the field

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		sections of footpath are elevated along embankments, increasing potential for visual disturbance.	surveys and therefore the implementation of this pathway is considered negligible. Footpath B will be set back from the embankment and screened, preventing the public from approaching the edge or having a direct line of sight to birds using the banks below.
CWACC7.17	7.21	Bird screens are proposed for mitigation in some locations, as shown in Figure 2-3a and 2-3b Illustrative Environmental Masterplan of the Environmental Statement: Volume 3 Chapter 2 Figures (EN010153/DR/6.3). However, if these are deemed to be required along significant lengths of boundaries, it suggests that the impact is significant and that the design should be altered to achieve a wider buffer along that edge to avoid disturbance, as an avoidance measure. In addition, screens will only mitigate visual impacts for birds already landed on the Estuary side of the Site, not those within the Site. Bird survey data in Figures 10a and 10d of the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (EN010153/DR/6.2). shows flights from different directions on and around Cell 1 (e.g. Black-tailed godwit, Lapwing and Shelduck), which will not be mitigated for by these.	It is important to clarify that bird screens are not relied upon in isolation, but form part of a suite of embedded mitigation measures designed to minimise disturbance at particular pinch points. Their purpose is to reduce line-of-sight disturbance to birds using sensitive areas adjacent to proposed access routes, rather than to act as a single solution across the Site. Indicative locations are shown on the Illustrative Environmental Masterplan, and it is possible in some areas that topography and existing / proposed vegetation will form an effective barrier to disturbance. CWACC will be able to consider this at detailed design stage also, pursuant to approving the final LEMP. With respect to birds in flight, the Applicant acknowledges that screens do not influence movement across the Site. However, as set out in the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**, flight activity represents short-term, transient exposure to potential disturbance, in contrast to the sustained sensitivity of foraging or roosting birds. The assessment therefore focused on settled usage, which is more ornithologically relevant to the conservation objectives of the SPA and Ramsar site.
CWACC7.18	7.22	In 4.6.19 of the Planning Statement (EN010153/DR/5.6) (**APP-128**), it states "New permissive paths through the Site will be guided to	The wording of 4.6.19 of the **Planning Statement (APP-128)** refers to the design approach adopted for the access network, whereby new and upgraded permissive paths have been aligned

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		less sensitive areas". In light of the above points, it is not clear what this means.	to avoid the most ornithologically sensitive margins of the Site. During consultation members of the public requested that access was given along the Manchester Ship Canal and within the NBBMA. This was not pursued to avoid impacts on the NBBMA. Access to the southwestern corner of the NBBMA, behind screens, was provided, as without this, there was deemed to be an increased risk of uncontrolled access. In locations where paths are routed closer to areas used by qualifying bird species, additional measures such as screening, planting, route setbacks and access management are incorporated (the detail of which CWACC will be able to consider, pursuant to approving the final LEMP and the details of the final permissive paths) to reduce potential disturbance. The principle therefore reflects the embedded mitigation strategy set out in the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**, which recognises potential disturbance effects from increased access and addresses these within the Information to Inform Habitats Regulations Assessment (Section 6.4). The Applicant considers that this design-led approach, supported by targeted mitigation, ensures that new permissive paths are directed away from the most sensitive areas, thereby avoiding adverse effects on the integrity of the Mersey Estuary SPA and Ramsar site.
CWACC7.19	7.23	It is stated in paragraph 5.6.19 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**) that during the operational phase, disturbance or displacement could occur through the development delivering increased public access to the land; however, this is considered likely to be comparable to the current farming related	Disturbance arising from the introduction of new and upgraded permissive paths was explicitly screened in (Table 5-2 in the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**) and assessed within the HRA (Section 6.4 in **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**), including consideration of increased walking, dog

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		activity levels and recreational activities, which include unregulated fishing within the NBBMA. This is not concurred with, as there is a significant difference in small-scale infrequent impacts that ad-hoc fishing and operation of machinery cause, as opposed to a network of new and upgraded footpaths across the area. Further assessment is required	walking, and other recreational activities. The access network has been deliberately designed and managed to direct use away from the most sensitive areas, with embedded mitigation including screening/planting, path surfacing, and the ability to apply management controls where required. In practice, this managed network is expected to reduce the risk of uncontrolled and unregulated activity (such as ad-hoc fishing within the NBBMA), by providing clear routes and defined access. On this basis, the Applicant considers that disturbance effects from operational access have been appropriately assessed.
CWACC7.20	7.24	Paragraph of the 4.1.2 RSK Survey in Annex 2 Frodsham Renewable Energy Development Preliminary Ecological Appraisal Report (RSK Biocensus, 2023) (Redacted) of Environmental Statement: Volume 2 Appendix 7-1: Habitats Baseline Report (**APP-075**) states that "*However, it should be noted that any future development may result in an indirect positive impact on the habitats and species associated with the designated sites via reduced recreational pressure. The site is currently illegally accessed by members of the public and dog walkers by a network of paths across the site. Any future proposed development should seek to retain the public rights of way, but other pathways should be removed to reduce recreational pressure on the designated sites. Furthermore, information boards could be situated along public rights of way to inform residents of the nearby protected sites and the*	The Applicant wishes to clarify that the principle of removing informal routing has informed the access strategy for the Proposed Development. The key concern identified in the PEA of **Environmental Statement: Volume 2 Appendix 7-1: Habitats Baseline Report (APP-075)** was unregulated access across informal routes, which presents the greatest risk of uncontrolled disturbance to sensitive habitats and species. The Proposed Development therefore proposes to formalise and manage a defined network of permissive paths, while discouraging or closing off informal routes, thereby directing activity along routes designed to avoid the most sensitive areas as outlined in CWACC7.19.

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		recreational pressure affecting them, to educate the residents and help to alleviate these pressures." This suggests retaining existing Public Rights of Way and removing informal footpaths, rather than upgrading and expanding the network, as proposed.	
CWACC7.21	7.25	Recreational disturbance is an identified pressure on the Mersey Estuary RAMSAR/SPA/SSSI, with additional Habitat Regulations Assessment requirements on residential developments within the Zone of Influence (DEFRA Magic mapping) and a Recreational Mitigation Strategy formed by neighbouring local planning authorities (Merseyside Environmental Advisory Service).	The Applicant wishes to emphasise that the Proposed Development differs fundamentally from residential development, in that it does not generate new residents or dog walkers. Rather, the Proposed Development provides a managed and defined access network that replaces the current situation of unregulated informal access, which represents a greater risk to designated sites. Studies show that informal or unregulated trails can significantly reduce bird density and species richness near routes. For example, Bötsch et al. (2018[6]) found approximately 13% decline in bird density along heavily used trails, even without habitat change. This highlights the value of formal, managed path networks to dictate access and prevent unnecessary and unregulated disturbance. In line with NE advice, the Applicant has also now included specific monitoring commitments within the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** and the **Outline Decommissioning Environmental Management Plan (as updated alongside this**

[6] *Bötsch, Y., Tablado, Z., Scherl, D., Kéry, M., Graf, R.F. and Jenni, L., 2018. Effect of recreational trails on forest birds: human presence matters. Frontiers in Ecology and Evolution, 6, p.175. Available at:* [redacted]

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			submission). These will ensure that potential impacts from recreational access are tracked and that management measures can be adapted if monitoring indicates unforeseen disturbance.
CWACC7.22	7.26	The Frodsham Neighbourhood Plan (see Policy Compliance Document (**APP-129**) has policies specifically in relation to recreation, aiming to support recreation for developments only where there is no impact on biodiversity. Policy EDVE2: Tourism and the Visitor Economy of the Frodsham Neighbourhood Plan states that "Proposals that enhance and improve existing tourist attractions and facilities or that create new sustainable tourism opportunities will be supported where they are in accordance with Local Plan policies ECON3 and STRAT9. Subject to their accordance with other relevant policies in the Neighbourhood Plan, developments will be supported, where they: Demonstrate that potential effects on biodiversity, noise and environmental impacts have been explored and avoidance and mitigation measures employed" Will not result in adverse impacts on the ecological value and function of Frodsham Marshes	This matter relates to the wider issue of disturbance from new and upgraded permissive paths, which has been addressed in the Applicant's response to Comment CWACC7.14. For clarity, the Applicant notes that the Frodsham Neighbourhood Plan (Policy EDVE2) requires biodiversity impacts to be avoided or mitigated. As set out in **the Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**, mitigation including screening, path alignment, and access management ensures compliance with EDVE2, and no adverse effect on the ecological value of Frodsham Marshes will occur. The explanatory text to Policy EDVE2 of the Frodsham Neighbourhood Plan specifically notes that the marshes themselves could bring increased visitor numbers. The Frodsham Neighbourhood Plan does not consider that increased visitor numbers and protection of wildlife are mutually exclusive. It is about ensuring impacts are considered and where necessary mitigated.
CWACC7.23	7.27	Policy GSRL4: Creating New Green/Open Spaces of the Frodsham Neighbourhood Plan states: To encourage developments that create or develop	The Applicant acknowledges Policy GSRL4 of the Frodsham Neighbourhood Plan. Indeed, the Development delivers new and enhanced recreational opportunities through a managed

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		additional green community/recreational spaces. In accordance with other relevant policies in the Neighbourhood Plan, development will be supported where they: Will not result in adverse impacts on the ecological value and function of Frodsham Marshes.	access network, while ensuring compliance with the requirement to avoid adverse impacts on the ecological value and function of Frodsham Marshes. Disturbance effects have been fully assessed within the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and mitigated through embedded measures including path alignment, screening, access management, and the creation of the Non-Breeding Bird Mitigation Area and therefore, the applicant considers the Proposed Development to be consistent with Policy GSRL4.
CWACC7.24	7.28	These policies are not complied with.	The Applicant considers that this is addressed as outlined in the preceding points.
Construction and operational impacts			
CWACC7.25	7.29	Impacts on hydrology on the surrounding FLL due to the significant re-engineering of Cell 3 during operation and construction, have not been considered. Hydrological connections should be assessed.	The proposed engineering modifications will result in a very small change in water level within the Cell 3 area. The expected change in water level by reprofiling the surface, exposing the water table and controlling the outflow level from Cell 3 therefore very unlikely to have any measurable effect on water levels in neighbouring land parcels. Furthermore, it is worth noting that the cells were designed for containment of dredgings and the associated water in their role as dredging deposit grounds.
Decommissioning			
CWACC7.26	7.30	Throughout the relevant documents it is stated that 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 assumed. This is concerning when	The Applicant is not entirely clear on the point being made by CWACC. The NBBMA will be retained for the entirety of the decommissioning works. On completion of the decommissioning works the SADA will be returned to its current condition. Whilst the ongoing management of the NBBMA cannot be guaranteed

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		considering the likely dependency of qualifying bird species on the NBBMA and has not been fully accounted for in terms of adverse impacts at the decommissioning stage. The impacts could be worse than at the construction stage, as the provision of land for birds is in a much smaller area than currently, so will be significantly more vulnerable to disturbance. This should be reassessed. If the mitigation area is not retained, this is a significant impact and not comparable to construction activity impacts, as is asserted. A possible solution could be retention of the NBBMA in the long-term.	post-decommissioning, it is likely the earthworks and general condition of Cell 3 would not be altered and thus would remain in an improved habitat condition for non-breeding birds than it is at present. Accordingly, once the SADA is removed, the area/Site would remain in an improved condition than it is for non-breeding birds/qualifying features compared with its current baseline perspective. Decommissioning works will be phased, with activities closest to the NBBMA and Mersey Estuary scheduled, as far as practicable, to avoid key bird seasons to avoid impacts. It is noted in respect of handback also that: if the landowners wished to make any changes to the NBBMA, to do so would likely require planning permission (as it would involve engineering operations) which would engage EIA and HRA considerations being applied at that time; post decommissioning those parts of the NBBMA within the SSSI boundary would be subject to the consenting requirements of the Wildlife and Countryside Act 1981; the Applicant has updated the draft DCO to provide that the management of the NBBMA, to the extent it falls within the SSSI boundary, shall be considered to form part of the management scheme for that SSSI for the purposes of the Wildlife and Countryside Act 1981; ensuring that the NBBMA management prescriptions will apply in the long term, unless agreed to be varied by Natural England.
CWACC7.27	7.31	Part-decommissioning will occur when the solar panels require replacement approximately halfway through the Proposed Development (Table 2-13	The Applicant confirms that part-decommissioning and replacement works were anticipated in the assessment. Table 2-13 of **Environmental Statement: Volume 1 Chapter 2: The**

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		(Indicative Operational Lifespan of Proposed Development Components (Chapter 2 Proposed Development (**APP-035**). Again, the Proposed Development will mean that the NBBMA will be more vulnerable to disturbance than currently where the birds are spread across a wider area. With the construction traffic routed along the southern boundary of Cell 3 (Appendix A of the Transport Assessment (**APP 134**), this means that the qualifying bird species are vulnerable. This impact has not been taken into consideration.	**Proposed Development (APP-035)** sets out the operational lifespan of components, and the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** treats these activities as short construction phases. Disturbance and displacement effects near the NBBMA were therefore included. As concluded in **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** Section 6.4, with embedded mitigation, including out-of-season timings, defined traffic routes, and measures secured through the **Outline Construction Environmental Management Plan (as updated alongside this submission)** as stated in paragraphs 6.4.4-6.4.6. If works are done through seasonal timings, then the qualifying bird species will not be impacted and therefore are not considered vulnerable.
In-combination effects			
CWACC7.28	7.32	For the pipeline projects assessed by the Applicant, it is stated that collaboration with construction programmes could occur, but only where practicable. This strategy is not robust enough to ensure that there will be no in-combination effects, which could be significant.	The Applicant has committed to working with other developers. However, the timing of the construction phases is controlled via Requirement 3 of Schedule 2 of the **draft DCO (as updated alongside this submission)**. As such CWACC will be aware of the timings of works associated with the construction phase of the Proposed Development. It is anticipated similar controls would be applied to the planning permission for the Eni Runcorn Spur Carbon Dioxide Pipeline and the DCO for the Cadent Hydrogen Pipeline should these be consented. The final CEMP will be prepared cognisant of the programme of other phases of the Proposed Development and other construction works that may be undertaken in the area that could give rise to cumulative construction phase effects.

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			The **Outline Construction Environmental Management Plan (as updated alongside this submission)** has been revised to provide additional control in relation to the formation of a joint working group to demonstrate the Applicant's commitment to working with the other developers. Further detail is provided in the Applicant's response to CWACC16.1. On this basis, that the similar conditions / requirements are placed on the other developments, CWACC should be satisfied that there are adequate controls in place to ensure that there will be no in-combination effects, which could be significant.
CWACC7.29	7.33	Specifically addressing the Runcorn Carbon Dioxide Spur Pipeline project (Ref 78) in paragraph 6.7.3.1 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**), it is stated that the pipeline runs through Cells 1, 2 and 5, but in Paragraph 7.1.6 goes on to state that it runs through Cells 1, 3 and 5 as well. The route of the pipeline has changed during the PEIR stage, which may explain the inconsistency. The pipeline is proposed to run through Cell 1, Cell 2 and Cell 3 (NBBMA) and so introduces further additional impacts to the Cells included in the Non-breeding Bird Mitigation Strategy (NBBMS), as well as Cells used by qualifying SPA bird species elsewhere in the Order Limits. This could have significant adverse cumulative effects on the NBBMS. The only likely lower impacts would be if the pipeline was installed at the same time as construction works on each of the Cells involved. Further assessment and detail is	The Applicant has considered these cumulative/in-combination effects within **Environmental Statement: Volume 1 Chapter 13: Cumulative and In-Combination Effects (APP-046)**, the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and **the Outline Construction Environmental Management Plan (as updated alongside this submission)**. A key principle to avoid significant environmental effects occurring relates to the timing of the construction of the developments. The **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** sets out the following, which is also reflected in the **Outline Construction Environmental Management Plan (as updated alongside this submission)**: Construction works from neither project would be undertaken in Cells 1, 2 and 5 at the same time as the works being undertaken to create the NBBMA.

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		required on how this can be achieved and how significant impacts will be avoided.	Pipeline construction works would not be undertaken within the NBBMA at the same time as construction works are undertaken within Cell 1, 2 and 5 (from either project). Where construction works within Cells 1, 2, and 5 are undertaken simultaneously, these would be phased in order to avoid any potentially significant cumulative impacts, for example, by avoiding noisy activities from both projects being undertaken close to the boundary of the NBBMA at the same time. Further detail is provided in the Applicant's response to CWACC16.1 regarding the consideration of the sequence of construction works and how this can be managed to prevent significant adverse cumulative effects.
CWACC7.30	7.34	The FWF will be impacted by the project in terms of its mitigation and also in terms of the mitigation proposed for the Proposed Development. This should be added in as a project for assessment of in-combination effects.	The FWF is operational and is therefore part of the baseline. It is common and accepted practice for existing developments to form part of the baseline, and not the cumulative assessment which is for consented projects that are not yet operational. However, the Applicant does acknowledge the complexities of the Proposed Development and the interaction with the FWF mitigaiton which is currently in place. The Applicant has been very clear from the outset that Frodsham Solar must deliver additive mitigation sufficient to ensure that the Proposed Development does not have an adverse effect on the integrity of the SPA by undermining current FWF mitigation. In this regard, the Applicant has considered the cumulative/in-combination effects of the two projects. The Applicant will reinforce this approach within the HRA, and we will also include commentary within the In-Combination effects section in particular with consideration of how the two mitigation areas interact and provide complementary capacity for SPA species. It should be

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			noted that the Applicant believes that this will not change the outcome of the assessment. The concept of additive mitigation, along with a corresponding explanation of the interaction between the FWF mitigation and that for the Proposed Development, is fully detailed in Sections 1.4 and 1.7 of the **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)**
CWACC7.31	7.35	Environmental Statement: Volume 1; Chapter 13: Cumulative and In-Combination Effects (EN010153/DR/6.1)(**APP-46)**, paragraph 13.2.7 explains that Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) (**APP-40)** and ES Vol 1 Chapter 8: Ornithology [EN010153/DR/6.1] (**APP-41)** takes into consideration the potential for air quality, dust, noise and water quality to affect ecological receptors. However, it does not take into account Tourism and Recreation chapters and this should be assessed, due to the increased disturbance caused by the footpath upgrades and network expansion across the Marsh.	It is the Applicant's position that the submitted ecology and ornithology chapters consider increased recreation pressures, and that such impacts have been a design consideration throughout the evolution of the Proposed Development. **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041**) paragraphs 8.8.68 – 8.8.72 and **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)**, discuss the effects of increased recreational pressures.
Survey Data			
CWACC7.32	7.36	It is noted that Year 1 (2022/2023) of non-breeding bird surveys carried out included surveys in September and April, Year 2 (2023-2024) included surveys in September but not April, and Year 3 (2024-2025) did not include either September or April. In addition, Year 1 surveys (2022/2023) did not include Cell 3 and the NBBMA, and Year 2 surveys	Survey effort was designed to ensure that, taken together with the extensive availability of desk-study date, the assessment was made using a comprehensive dataset across the Site and across all key breeding periods.

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		(2023/2024) did not include the eastern solar array, habitats within the north-east of the Site associated with the River Weaver, or the Skylark Mitigation Area. Year 3 surveys did not include the Skylark Mitigation Area.	While not every area was covered in every year due to the evolution of the project, coverage was adjusted between years to ensure that all relevant parts of the Site, including Cell 3, the NBBMA, the eastern/western solar array areas, the River Weaver habitats, and the Skylark Mitigation Area, were surveyed within the overall programme. The core non-breeding period of October–March was consistently surveyed across all three years, which represents the key season for qualifying SPA species. Current Natural England guidance recommends a minimum of two winters of survey effort for non-breeding birds, and this requirement has been exceeded by completing three consecutive winters, which ensures inter-annual variation is captured and this has been done. In addition to the three years of targeted survey work, the assessment was informed by desk-based records from local data sources and statutory consultees, including the British Trust for Ornithology and the Cheshire and Wirral Ornithological Society. The site is very well surveyed and understood, with extensive data provided and reviewed and which enables a high degree of confidence in the baseline used for assessment. The Applicant therefore considers that the combined evidence base is robust, proportionate, and sufficient to assess the impacts of the Proposed Development and inform Habitats Regulations Assessment.
CWACC7.33	7.37	Although it is asserted that the desktop data provides information to assist with the survey data, there are still concerns in terms of the targeted development surveys missing the autumn and spring passage seasons, leading to an incomplete data set. In addition, part of the justification for the non-breeding	The Applicant disagrees with this comment. It is incorrect to state that the application asserts Cell 3 is not holding water based on ad-hoc evidence. A site investigation was undertaken on Cell 3, this is presented in Appendix G of **Environmental Statement: Volume 2**

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		bird mitigation strategy (NBBMS) is that the existing FWF mitigation is not functioning for the autumn passage seasons, however, only one set of data has been collected for Cell 3 in the autumn passage season, so this conclusion is not robust. A further assertion in that the reason for the underperformance of Cell 3 in Autumn is due to it not holding water. This is only based on ad-hoc evidence and not hydrological information. This should be provided.	**Appendix 10-1: Stage 1 GeoEnvironmental Assessment Part 1 of 2 (APP-096)**. The ground conditions are summarised in Appendix C Table C.1 of the same document and state that there was fast water ingress at depths of between at 0.5m to 2.0m during groundwater testing, and this sometimes coincides with pockets of sand. These ground conditions prevent Cell 3 from holding water in the surface deposits.
CWACC7.34	7.38	Paragraph 4.2.11 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**) states that in the SADA and NBBMA, Lapwing, Curlew, Black-tailed godwit, Golden plover and Teal numbers were highest in the middle of the season in the winter months (November to February). Although this could be the case, a factor could also be that the start and end of the seasons were not surveyed, thereby skewing the data.	The Applicant considers that this does not undermine the conclusions presented. Across the three-year survey programme, data were obtained during both early and late parts of the non-breeding season, supplemented by extensive desk-based records including records from the British trust for Ornithology, Cheshire and Wirral Ornithological Society and those presented for the Hynet application. Taken together, this provides a robust and comprehensive dataset to demonstrate that peak numbers of lapwing, curlew, black-tailed godwit, golden plover and teal occurred in the mid-winter period. See also CWACC7.32.
CWACC7.35	7.39	Table 8-13 – Year 3 (2024-25) Field Survey Result Summary from the SADA boundary (Western and Eastern extent) in Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**) does not look to have the correct Peak Counts in the first column. This should be corrected and reassessed if necessary.	The Applicant acknowledges the inconsistency in Table 8-13 (Year 3 SADA results). The Peak Count figures in the first column will be re-assessed and corrected as necessary to ensure they accurately reflect combined totals for Cells 1, 2 and 5. Subsequent to the submission of the ES and following discussions with Natural England, baseline data has been fully reviewed and re-presented in Section 4.2 of the revised

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			Information to Inform Habitats Regulations Assessment (as updated alongside this submission). The Applicant's review indicates that this correction will not alter the overall assessment or the HRA conclusions. Additional analysis of bird use data (field surveys and multiple desk study sources, including recently obtained WeBS data), including the autumn passage season, has been undertaken in response to queries raised by Natural England. The additional analysis is presented in the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and provides further analysis of bird usage on the Site.
CWACC7.36	7.40	In the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (**APP-082**), the heat tables are a useful tool for presenting data but would be more useful if the SADA was split into western and eastern arrays, due to their distinct habitat differences and ability to compare with other result tables which are split this way, as well as survey areas differing by year.	Additional analysis of bird use data (field surveys and multiple desk study sources, including recently obtained WeBS data), including the autumn passage season, has been undertaken in response to queries raised by Natural England. The additional analysis is presented in the revised **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and provides further analysis of bird usage on the Site, examining use of different species in the western and eastern SADA, as well as the NBBMA and the Canal Pools.
CWACC7.37	7.41	The desk study and field survey results from the Solar Array Development Area (SADA) and NBBMA between 2021 and 2024 in the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (EN010153/DR/6.2) ((**APP-082**), confirm the presence of SPA-qualifying species and waterbird assemblage on Site, with several species	The Applicant acknowledges that the survey data and desk-based records confirm the presence of SPA-qualifying species and waterbird assemblages across the Order Limits, with some species recorded at levels of national and international importance. This is consistent with paragraph 8.6.16 of

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		regularly exceeding national and international importance thresholds. Paragraph 8.6.16 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**), states that "the evidence above illustrates the frequent and substantial use of the Cells 1, 2, 3, 6 and part of Cell 5 by qualifying features of the Mersey Estuary in comparison to the farmlands surrounding these such as the SADA, reinforcing the role of the Cells as FLL. While the NBBMA supports the most significant populations of birds, the (SADA) demonstrably supports SPA species at ecologically relevant levels and plays a meaningful role within the wider SPA network". This indicated that even with the inconsistent survey data, wide usage of non-breeding qualifying bird species was recorded across the Site.	**Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041).** The Applicant considers that, although survey coverage varied between years (as does most with similar sized and evolving developments), the overall dataset is robust. See also CWACC7.32. Additional analysis of the data has been undertaken, supplemented with more recent WeBS data, in response to queries raised by Natural England. This is presented in the revised **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and provides further evidence of the variable distribution and use of the birds across the Site.
Work packages			
CWACC7.38	7.42	It is stated in Environmental Statement: Volume 1 Chapter 2: The Proposed Development (EN010153/DR/6.1) (**APP-035**), para 2.4.153, for Work No. 7 (– construction and decommissioning compounds) that a compound would be located within Cell 3 for the NBBMA works (labelled as West Compound 3 on Figure 201), however, the West Compound 3 looks to be in Cell 1. This requires clarification.	Figure 2.1 (as shown in **Environmental Statement: Volume 3 Chapter 2 Figures (APP-106)**) illustrates the indicative locations of construction compounds for the construction of the SADA. Paragraph 2.4.153 incorrectly sets out that the compound for the NBBMA is that as labelled as West Compound 3 in Figure 2.1. West Compound 3 is for the construction of the SADA. Paragraph 2.4.153 is correct in stating that there would be a temporary compound located on the south western section of Cell 3 to facilitate the construction of the NBBMA.

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Phasing			
CWACC7.39	7.43	In Appendix 2-2 Construction Phasing (EN010153/DR/6.2) (**APP-051**), the Western array construction begins immediately after the NBBMA construction is complete. In paragraph 8.7.28 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**), it is stated that the habitats in the NBBMA would become attractive to SPA species immediately on completion of earthworks, and therefore mitigation would be functional at that time. However, although some habitats will be ready for occupation by birds, such as the muddy areas, the wet grassland is unlikely to be in place immediately and so the area will not achieve the existing functional level prior to works and certainly not required for mitigation the impacts of construction on Cells 2 and 5.	Paragraph 8.7.28 of **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)** states that the NBBMA will provide attractive conditions for qualifying bird species on completion of earthworks. This reflects that some habitat features, particularly areas of bare wet ground and early inundation, will be suitable for SPA species immediately, with wet grassland structure and invertebrate food source populations developing progressively thereafter. Construction of the NBBMA is scheduled in advance of the Western array, ensuring that functional habitat is available before works commence in Cells 2 and 5. This will be supplemented by ongoing monitoring and management secured through the oLEMP and oCEMP to ensure the NBBMA continues to develop into high-quality wet grassland habitat over time.
CWACC7.40	7.44	The Eastern array has recorded some qualifying bird species, albeit in low numbers and construction is programmed to start two months prior to work on the NBBMA and 8 months before its completion. The construction programme should be amended so that no SADA construction takes place prior to an agreed level of functionality of the NBBMA. Further detail is required, with amendment of the construction programme.	It is agreed by the Applicant to complete the construction of the NBBMA prior to work commencing on the western and eastern SADA. Paragraph 2.4.4 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** has been updated to reflect this commitment. A consequence of this is that there would be a change in the construction traffic and consultation worker profile. However, the change would be relatively minor with the change in programme resulting in an additional 7 HGV trips (14 two-way movements) per day during the peak month. On average across the busiest 12-month period there would only be an additional 3 HGV trips per day (6 two-way movement). The change in the programme

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			would reduce the overall period of disturbance associated with construction traffic. At these levels there would be a negligible impact in terms of noise or visual disturbance. The mitigation measures proposed to control fugitive dust from vehicles would remain effective. In relation to the point at which the NBBMA is deemed to be functional it is agreed between NE and Applicant that the NBBMA is considered functional for the purposes of commencing construction in this context as follows: • All physical works within the NBBMA are completed. • The entire NBBMA area is available to support SPA bird species for which it is designed, and • The entire NBBMA is free from construction-related disturbance. Paragraph 2.4.5 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** has been updated to reflect this commitment. The **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** has been updated to reflect this position.
CWACC7.41	7.45	The Skylark Mitigation Area is not included in the Construction Phasing programme. This should be in	The Applicant confirms that the Skylark Mitigation Area will be in place and functional prior to development of the SADA. Table 5-

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		place and functional prior to any works disturbing areas where skylarks are recorded as nesting, especially as the works are likely to take place in summer months so as to avoid impacts on non-breeding birds, reducing the possible mitigation measures available.	3 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** has been updated to reflect this commitment.
		Future Baseline	
CWACC7.42	7.46	In paragraph 8.3.64 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041)**, the future baseline does not include any measures yet to be put in place by the FWF. Even if these are not considered to be significant, they should still be included for completeness.	The future baseline did not explicitly include on-going measures, which are limited to improved ruderal vegetation management, that could be implemented by the Frodsham Wind Farm (FWF). These have been discussed extensively with CWACC and Natural England prior to submission and are not considered to materially affect the habitats or conditions relevant to the assessment of the Proposed Development and the overall outcome of the HRA. The Applicant it not aware of any clear plan or measures to be put in place by FWF that are not already on-going. Para 2.3.12 of the **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)** is relevant here: *'Cell 3 is reported to be meeting standards required in the Year 5 HCMG report, which states:* *"With the continued cutting of vegetation in the cells, the planning condition is met however, it has been agreed with the HCMG that management needs to be reviewed, including grazing levels. Continued monitoring will be carried out in years 6-9 to ensure compliance with planning conditions. It is understood that there has been continued liaison between the*

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			operator of the wind farm and CWACC, and that ruderal vegetation management is on-going." *Visits to Site in summer 2024 by Avian Ecology again confirmed the extensive presence of ruderal vegetation, albeit with some evidence of a reduction on previous years'.* As such the Applicant has taken into account the ongoing management and there is no other information available to the Applicant to suggest that alternative management measures will be put in place or are required under the planning conditions for Frodsham Wind Farm.
Long-term management			
CWACC7.43	7.47	Some of the documents refer to the NBBMA being taken on long-term to form a reserve. Due to the long-term success of the NBBMA being essential to the integrity of the designated site, this approach of specialised long-term management is agreed with, however, there is no confirmation of this at this stage. This is required to be secured.	Section 4.0 of the oNBBMS (**Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)**) describes the aims and objectives of the NBBMS, including a series of outline habitat management prescriptions and outcomes. This section also identifies (para 4.3.8) that *"Measurable Targets on which to determine the success of the NBBMS and on-going management will be set and agreed with key consultees in the final NBBMS document.",* noting that the full NBBMS is secured by Requirement 9 Schedule 2 of the **draft DCO (as updated alongside this submission)**, and must be approved by CWACC in consultation with Natural England. Section 5 of the ONBBMS describes the monitoring and review of the strategy and sets out: *"Monitoring of the effectiveness of the implementation of the NBBMS would commence at a time as agreed as part of a steering group which will comprise key stakeholders including,*

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			but not limited to, Natural England, CWACC, RSPB and the Applicant, and will be undertaken for the 40-year duration of the operational period of the Proposed Development." As such the long-term delivery and success of the NBBMS is secured by the draft DCO. Positive conversations are currently underway with RSPB regards to the management of the NBBMA for the operational lifetime of the Proposed Development. The Applicant remains committed to securing a conservation-based organisation to undertake the long-term management of the NBBMA, however it is noted that the key point is that management in some form is secured, and the DCO provides for this, whichever organisation ultimately undertakes that management. Paragraph 2.75 and 2.76 of Chapter 2.0 of **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)** set out how land would be managed at the point of decommissioning.
CWACC7.44	7.48	In the Outline Landscape and Ecology Management Plan (EN010153/DR/7.13) (**APP-144**), the monitoring frequency suggested is every two years in the first 10 years. Due to the larger area and complexity and variety of habitats, this should occur annually.	Requirement 9(2)(j) of Schedule 2 of the **draft DCO (as updated alongside this submission)** DCO Requirement 12920(j) includes a requirement for the Applicant to provide '*details of the establishment, maintenance and monitoring regime for Work No.6C (which must be substantially in accordance with the non-breeding bird mitigation strategy)'*. Consequently, full details of monitoring can be agreed in full as part of the approval of the detailed NBBMS.

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Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13] (APP-144) **Frodsham Windfarm Mitigation**			
CWACC7.45	7.49	The Frodsham Windfarm (**FWF**) Mitigation areas comprise Cells 2, 3 and half of Cell 5. These are areas dedicated to compensate for the impacts of the FWF development (displacement of non-breeding birds, access to and loss of functionally linked land). The oNBBMS proposes solar panels on mitigation Cells 2 and 5 and slightly expanding and enhancing Cell 3 to compensate for this. Qualifying bird species have also been also recorded on Cell 1 and in some areas of the wider SADA (Eastern array), with a high concentration in an area known as "The Lum". Therefore, the new NBBMA, which comprises Cell 3 and a small section of Cell 2, is proposed to compensate for the loss of mitigation Cells 2 and 5, as well as areas that recorded qualifying bird species in the rest of the Site.	The NBBMA is centred on Cell 3, with a small section of Cell 2, and will be both enhanced to provide a substantially greater carrying capacity than under the current baseline conditions. Importantly, the bird-day calculations that underpin the HRA and ES were based on current, unenhanced habitat, meaning that the uplift from enhancement represents additional capacity. The Applicant also notes that qualifying bird species recorded in Cell 1. All areas of the SADA have been captured in the three-year survey dataset (in **Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) and accounted for within the assessment. This includes birds surveyed within the eastern half of the SADA, and also the birds using Cell 3. The mitigation package, including the NBBMA and wider access/habitat management measures, has therefore been designed to ensure that both the FWF overlap and usage of the wider Site are appropriately mitigated.
CWACC7.46	7.50	Paragraph 2.6.5 states that a key focus of the NBBMS is in relation foraging habitats for curlew, lapwing and golden plover, i.e., those SPA species which regularly utilise grassland habitats and for which FWF provides some specific mitigation. However, other SPA species impacted by the Proposed Development, such as Teal, Shelduck, Dunlin, Redshank and Black-tailed godwit also require mitigation.	The measures proposed in the ONBBMS, along with the opening of pools close to Marsh Farm, will mitigate any impacts and are considered beneficial to all of the listed species. The **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** has been updated to include full consideration of all SPA features (qualifying and assemblage species). The inclusion of waterbodies, wet features and varied sward structure provides a diverse habitat mosaic that functions as an

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			umbrella, supporting a broader range of qualifying SPA species. This includes dabbling ducks such as Teal and Shelduck, and waders such as Dunlin, Redshank and Black-tailed godwit, which utilise both wet grassland and open water/muddy margins. The three-year survey dataset (in **Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) confirms that these species are present within the Order Limits, and their requirements were considered in the HRA and ES assessments. For instance: • Teal and shelduck – forage in shallow flooded grassland and muddy edges. • Redshank and dunlin – feed along wet margins and short sward. • Black-tailed godwit – exploit both shallow wetlands and damp grassland.
CWACC7.47	7.51	The proposed reduction in mitigation areas means that the bird population is dependent on one smaller area of mitigation land, reducing the ability to use different areas nearby if temporary or permanent disturbances occur on that land. The range of the bird population will be reduced and it will become more vulnerable to disease, competition for food resources and overcrowding.	It is important to emphasise that the qualifying bird populations of the Mersey Estuary SPA and Ramsar site operate at the estuary scale, routinely moving between a network of suitable reserves, intertidal habitats, bye-lands and smaller inland fields. Species that utilise these habitats have evolved to form dense flocks outside the breeding season and consequently overcrowding is not considered a realistic potential impact; it is commonplace for nature reserves to create comparable habitats, and which support very large numbers of such species. Field survey data (in **Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) confirm this pattern, showing both large flocks and smaller

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			groups using different parcels across and beyond the Site. The NBBMA will therefore function as one part of this wider mosaic at a regional level, rather than an isolated refuge. This interconnectedness of the estuaries of the northwest of England by associated species is highlighted in Natural England report 'Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England (NECR361)', which is referenced in the Application.
Cleve Hill Solar Park Mitigation			
CWACC7.48	7.52	The Cleeve Hill Solar Park Mitigation is referenced in the report as an example of how to calculate the amount of area required for non-breeding bird mitigation. However, there seem to be conflicting figures through the documents. In paragraph 6.2.16 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3)(**APP-125**), it is stated that "*based on bird-days per hectare from 2021–2025 survey data, **47.8 ha of suitable habitat** is required to mitigate displacement from the Proposed Development*." In paragraph 2.6.8 of the Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13] (**APP-144**), it is stated that "*the amount of mitigation area that would be required to provide sufficient grassland habitat for golden plover, lapwing and curlew is calculated to be **63 ha.** This includes provision for numbers of birds using the entire Site of the Proposed Development; i.e., Cells 1, 2, 3, 5 and the wider farmland within the Order Limits*." This is a confusing statement, with either the whole Proposed Development included, or the three bird species	The Applicant notes the reference to differing figures of 47.8 ha and 63 ha. For the avoidance of doubt the correct figure is 63 ha and this has been updated in the relevant documents (**Information to Inform Habitats Regulations Assessment, (as updated alongside this submission)** and the **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission).**

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		specifically mitigated for as part of the FWF non-breeding bird mitigation provision.	
CWACC7.49	7.53	The oNBBMS Appendix B (EN010153/DR/7.13) (**APP-144**) does not seem to assess the 2024/2025 data, which was the only temporally complete set of non-breeding bird survey field data, recording more birds than in each of the previous two survey years. Even though the bird numbers would be less, there is a larger figure required for mitigation in the oNBBMS Appendix B (EN010153/DR/7.13) than in the more up-to-date Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) document (**APP-125**).	The Applicant notes the observation regarding the apparent inconsistency between **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission)** and **Information to Inform Habitats Regulations Assessment, (as updated alongside this submission)**. Section 4.2 of the updated HRA includes consideration of all data, using the approach requested by Natural England. This includes peak counts, secondary data sources and all field surveys undertaken by the Applicant.
CWACC7.50	7.54	In 8.3.6 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1)(**APP-041**), in reference to the Cleeve Hill Mitigation Strategy, it is stated that "*This method assumes the amount of like-for-like habitat that would be required to mitigate for habitat loss, but without consideration of the betterment of habitats present, and an increase in the carrying capacity of the mitigation area that habitat restoration of the type proposed will achieve*." Conversely, therefore, it also does not account for the fact that the majority of the proposed NBBMA is already acting as a NBBMA, negating the assertion that having a smaller area than the Cleeve Hill calculation recommends, is acceptable, due to the increase in quality.	This is considered to be a misunderstanding by CWACC. The entirety of the SADA and Cell 3 (to become the NBBMA) has been surveyed, and the total number of birds using these areas of the Site is factored into the mitigation requirements i.e. it does account for the fact that the majority of the proposed NBBMA is currently identified as a mitigation area for the wind farm. The Applicant has acknowledged this from the outset in pre-application consultation with CWACC. The design of the NBBMA will deliver a step-change in quality and capacity beyond this baseline through hydrological improvements, creation of waterbodies and scrapes, and active grassland management. This betterment represents additional carrying capacity above what Cell 3 currently provides. See **Outline Landscape and Ecology Management Plan Appendix B – Outline Non-Breeding Bird Mitigation Strategy**

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			(as updated alongside this submission) paragraphs 2.3.11-2.3.12.
CWACC7.51	7.55	Paragraph 3.1.10 states that Option 1 of for the NBBMA provides for a total of 44.64 ha of grassland overall, of which 9.5 ha will be actively managed as wet grassland. Under Option 2, the overall areas are reduced to 38.53 ha of grassland but still includes 9.5 ha of wet grassland. Paragraph 3.1.14 states that at least 16.2 ha of Cell 3 is anticipated to be available for use in the creation of wet grassland, existing scrapes and new scrapes with islands. Therefore, only achieving a third of the Cleeve Hill calculation recommendation. Although the calculation does not take into account quality of habitat, there is a significant difference between the calculation and the area of higher quality of habitat proposed.	The Cleeve Hill method produced a requirement of 63 ha on a like-for-like basis, without considering uplift in habitat quality. By contrast, the Frodsham proposals deliver 9.5 ha of actively managed wet grassland, supported by additional grassland and scrape mosaics across up to 16.2 ha of Cell 3, within a total of c. 53 ha NBBMA. This design provides a diverse and functionally rich habitat resource targeted at the needs of qualifying species and it is not agreed that the Application provides inadequate habitat quality improvements. It should be noted that the ultimate design will be informed through input from the appointed managing conservation body or professionals in order to maximise the ecological benefit of the NBBMA (see Section 4.2 of the **Outline Landscape and Ecology Management Plan Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission).** It is also relevant that the NBBMA will be managed for the operational lifetime of the solar farm, which will deliver clear benefits for at least 25 years beyond those currently enacted under the wind farm. Higher quality habitats will be available for longer during the calendar year, including the passage periods, and with dynamic management. It is the Applicant's position that the NBBMA delivers a clear benefit overall, which should not be considered solely on the basis of illustrative bird-day calculations.

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Breeding Birds			
CWACC7.52	7.57	Note it is stated in 7.8.14 of the Planning Statement (**APP-128**), paragraph 8.6.6 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**), and 3.1.9 of the Information to Inform Habitats Regulations Assessment (EN010153/DR/5.3) (**APP-125**) that the Skylark Mitigation Area is approx. 30 ha, whereas it has now been reduced to 5.5ha).	This error is noted. For the avoidance of doubt, the assessment of impacts on all birds, including skylarks, is based on the correct 5.88 ha of Skylark Mitigation Area.
CWACC7.53	7.58	In terms of breeding birds, the surveys showed that the Eastern Array of the SADA and southern boundary of the Western Array have the most aggregations of breeding birds, focused on the hedgerows and field boundaries. These will be largely retained and buffered as part of the proposals. In the Western Array, Cetti's Warbler, Sedge warbler, Whitethroat and Willow warbler are present in an area of wet grassland, which will be largely retained and enhanced as part of the proposals. However, the introduction of footpaths along some of these green buffers have not been assessed in terms of human disturbance on breeding birds using the hedgerows and other habitats. Please see comments section on "Footpaths" (Section 11 below - paragraphs 11.8 onwards) regarding public access to this area.	The breeding bird surveys confirmed that aggregations occur in these habitats, and the Proposed Development has been designed to retain and buffer the majority of hedgerows, wet grassland and boundary features, maintaining their function and connectivity across the Site. While some new permissive paths are proposed within green buffers, these will not remove breeding bird habitat. Potential disturbance effects will be managed through measures set out in the **Outline Construction Environmental Management Plan (as updated alongside this submission)**, including pre-commencement checks, seasonal working restrictions where necessary, and an ecological watching brief (but not limited to). It is also important to note that farmland and boundary-nesting/thriving species (e.g. whitethroat, sedge warbler, willow warbler and Cetti's warbler) are known to breed successfully alongside existing PRoWs, farm tracks, and similar features across the wider landscape. Such species are commonly found nesting in close proximity to footpaths on nature reserved and rural areas. The Applicant therefore does not accept there is any

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			requirement to assess disturbance of such species in the absence of any evidence such effects occur.
CWACC7.54	7.60	There is no clear explanation of the Skylark baseline currently on Site in terms of area, quality of habitat and distribution, and how the proposed mitigation (NBBMA and Skylark Mitigation Area (SMA)) is adequate. The SMA location is not near to any areas where Skylark were recorded during the surveys, as they favoured the northern area of the Site, across Cells, 1, 2 and 3. The survey results as shown in Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (EN010153/DR/6.1) (**APP-082**), show that of the 21 pairs recorded, there are nine pairs of Skylark in the NBBMA area already, as well as in Cells 1, 2 and 5. The Proposed Development will significantly restrict their current range, due to lack of open areas and disturbance from new and upgraded footpaths.	Addressed under CWACC7.70 – CWACC7.74.
CWACC7.55	7.61	The Skylark Mitigation Area has not been surveyed to see which bird species are currently using it and to give any indication of its suitability for Skylark. The SMA is beneath pylons and nearer to the M56 motorway, both potentially sub-optimal factors. Therefore, the success of the area is doubtful and further detail is required. An amendment to the proposed layout and relocation of the Skylark Mitigation Area would be welcomed.	Addressed under CWACC7.70 – CWACC7.74.

Ref	Paragraph Number	Comment	Applicant's Response
CWACC7.56	7.62	The Skylark Mitigation Area is not included in the Construction Phasing programme. This should be in place and functional prior to any works disturbing areas where skylarks are recorded as nesting, especially as the works are likely to take place in summer months so as to avoid impacts on non-breeding birds.	See comment under CWACC7.41.
CWACC7.57	7.63	In terms of other breeding bird species, paragraph 4.4.1 of Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) of the Outline Landscape and Ecology Management Plan (EN010153/DR/7.13)(**APP-144**), states that activity indicative of breeding Marsh Harrier was noted outside of the Order Limits, in the Frodsham Marsh region. No further explanation is given. The survey data in Figures 9f, 9g, 10c and 14c of the document shows that Marsh Harrier are utilising the Site. Further information and assessment of impacts is required.	As set out in paragraph 8.7.38 of the **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)**, the Applicant will implement measures to ensure that any potential impacts on breeding Schedule 1 species are avoided. To clarify there is no evidence of, or records of, marsh harriers breeding within the Order Limits. It is understood that the species breeds nearby, in areas of suitable habitat. An Ecological Clerk of Works (ECoW) will be appointed during the construction phase to oversee works, carry out pre-commencement checks, and enforce appropriate exclusion buffers should breeding activity be identified.
CWACC7.58	7.64	In Paragraph 4.4.2 it is stated that Merlin was recorded in Cells 1 and 5 during Year 1 and anecdotal evidence suggests potential breeding within the Marsh Farm area which is located inside of the NBBMA. Further information and assessment of impacts is required.	The Applicant considers that this comment is incorrect. Merlin breed exclusively in upland moorland and heathland habitats which do not occur in this part of the County. No breeding evidence was recorded during three years of targeted surveys within the Order Limits, as would be expected, and the habitats present are not suitable for breeding Merlin. The records collected during the field surveys are consistent

Ref	Paragraph Number	Comment	Applicant's Response
			with the species' use of lowland farmland and coastal hinterland as wintering and foraging habitat, which is well documented in the Mersey Estuary area.
Comments on proposed layout			
Eastern Array			
CWACC7.59	7.66	The Eastern array of proposed solar panels has smaller field parcels forming less suitable habitats, and for most of the area there is a substantial stand-off from the panels to the river/estuary area.	The Applicant agrees that the Eastern array is located in less suitable field parcels and includes a substantial stand-off from the estuary, which reduces potential impacts on qualifying species.
CWACC7.60	7.67	There are two areas of functionally linked land as shown on the final page of the Information to Inform Habitats Regulations Assessment report (EN010153/DR/5.3) (**APP-125**). One area shows an area of high potential outside of the Order Limits on what is referred to as the "Invoyn Cell", which has now become unsuitable for non-breeding birds. An area adjacent to this referred to as "The Lum", is a piece of land protruding into the River Weaver where a high concentration of relevant birds have been recorded. A large proportion of this looks to be retained, however, there is limited buffer area to protect against disturbance of these birds and so the area should be expanded.	The Applicant agrees that the Invoyn Cell is no longer suitable for non-breeding bird use and therefore does not form part of the current functional resource. The Lum is recognised as an area of higher usage by qualifying bird species. The Proposed Development has been designed to retain this area, and embedded measures, including substantial stand-offs and the creation of new scape areas which will be beneficial for wetland birds (see Figure A1.3 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**). It should be noted that The Lum area sits immediately adjacent to a well-used footpath along the River Weaver embankment and is therefore already subject to disturbance. The Lum area will be retained and enhanced for SPA birds. It is also relevant that habitats created within the NBBMA and also the opening of pools adjacent to Alder Lane and Marsh Farm will create new habitat for the same species as recorded using the Lum. As such, the Applicant does not agree that it is necessary to increase the buffer around the retained Lum pool.

Ref	Paragraph Number	Comment	Applicant's Response
CWACC7.61	7.68	Further east, the other area of FLL is shown as an area of moderate potential and referred to as the "Redwall Reedbed" in the Information to Inform Habitats Regulations Assessment report (EN010153/DR/5.3) (**APP-125**), which is field parcel 11 in Figure 4 "the Proposed Development Areas - With Cells" of the same document and an area of priority habitat reedbed in Natural England's Magic mapping tool. There is habitat loss proposed in this area. Although there were low numbers of birds recorded here and there is a buffer from the River in this field parcel, the expansion of the area of land retained would help to provide further habitat for birds if managed and also assists with issues with reedbed habitat loss in BNG calculations.	Additional analysis of the ornithology field survey data has been undertaken, supplemented with more recent WeBS data, in response to queries raised by Natural England. The additional analysis is presented in the revised **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and provides further evidence of the variable distribution and use of the birds across the Site. It is the Applicant's position that full mitigation is provided for all SPA and other bird use across the Order Limits, through both the creation of the NBBMA and habitat measures detailed in the **Biodiversity Net Gain Report (APP-143)**. Further Information On The Classification Of Reedbeds is provided as Appendix C.
Western array			
CWACC7.62	7.69	The Western Array of panels are proposed to extend out from the existing FWF area, north up to the River Mersey and west across the existing FWF mitigation Cells 1, 2 and 5 and up to the boundary of the existing non-breeding bird mitigation area in Cell 3. Concerns are: The integrity of the remaining functionally linked land is at risk due to the reduced area available to qualifying bird species, increasing isolation and vulnerability;	The Applicant considers that connectivity is maintained between the NBBMA, the adjacent estuary, and other supporting parcels, such as Cell 6. Qualifying species within the Mersey Estuary SPA/Ramsar operate at the estuary scale and are not confined to a single site, routinely moving between multiple supporting areas. This provides resilience against localised disturbance events. The risk of over-reliance on a single parcel is therefore low, and the design incorporates buffers, planting, and access management to ensure that solar infrastructure does not result in unacceptable disturbance to adjacent sensitive areas.

Ref	Paragraph Number	Comment	Applicant's Response
		The connectivity across the remaining functionally linked land, both on and adjacent to the Site, is disrupted; Reduction in mitigation areas means that the bird population is dependent on one smaller area of mitigation land, reducing the ability to use different areas nearby if temporary or permanent disturbances occur on that land. The range of the bird population will be reduced and it will become more vulnerable to disease, competition for food resources and overcrowding; and The solar panels are proposed very close to areas of ecological sensitivity.	It is clarified that the Application includes mitigation for all loss of SPA species habitat across the entire Order Limits. It is not accepted that connectivity is lost for highly mobile bird species associated with the River Mersey. There is no evidence or suggestion that birds do not fly over solar arrays. Points on vulnerability are not agreed. There is no evidence that such impacts would occur in locations that are already managed for such species (e.g. RSPB reserves) and for species which have evolved to exist in high densities (large flocks). The creation of habitat within the NBBMA is considered to represent an expansion of habitat for most SPA species (i.e. mitigation is considered only necessary for a small number of SPA bird species, whereas most SPA species will benefit from the scheme). The ES considers ecological receptors and addresses sensitivities for all features through the scoping process.
CWACC7.63	7.70	The non-breeding bird survey results as shown in Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (EN010153/DR/6.2) (**APP-082**), demonstrate that Cell 3 records the main area of usage of qualifying bird species associated with the Mersey Estuary within the Order Limits in the Western array, (with Cell 6 showing highest usage, outside of the Order Limits). Cell 2 also supports qualifying bird species and the eastern and northern areas of Cell 1. Cell 1 is located approx. 75m from the Mersey Estuary and bird surveys have recorded regular usage of qualifying species along the eastern and northern sides, and along the eastern boundary	The Applicant notes that survey data (in **Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) confirm Cell 3 as the main hub of utilisation by qualifying non-breeding bird species within the Order Limits, with additional use of Cell 2 and the eastern/northern margins of Cell 1. This was recognised from the outset, and the Proposed Development has been designed to retain, enhance and guarantee the longevity of Cell 3 as the NBBMA, delivering at least 53 ha of high-quality habitat with wet grassland, scrapes, and waterbodies. It is also important to note that the delivery of this, also comes with experienced and dynamic management. In relation to boundaries, the scheme incorporates standoffs, planting, and screening measures along the eastern edge of

Ref	Paragraph Number	Comment	Applicant's Response
		which is adjacent to the Estuary/River corridor, likely due to the mudflat habitats and sheltered conditions present. There are solar panels proposed almost right up to the eastern boundary of Cell 3, which constitutes the main non-breeding bird mitigation area (NBBMA) and there is minimal buffer from the solar panels along the northern and eastern boundaries of Cell 1.	Cell 3 and the northern/eastern boundaries of Cell 1 to minimise visual and noise disturbance as illustrated on the Indicative Environmental Masterplan, Figure 2-3 as shown in **Environmental Statement: Volume 3 Chapter 2 Figures (APP-106)** and ultimately secured via the LEMP approval under the DCO. These embedded measures ensure that the NBBMA functions effectively and that qualifying species can continue to use adjacent habitats.
CWACC7.64	7.71	In paragraph 8.8.6 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**), it states that buffer zones documented in Goodship and Furness (202225) suggest that (depending on the nature of the disturbance) effects out to 100 m and up to 650 m (curlew) may be detectable by some species during the non-breeding season. Note, Goodship and Furness (202226) is used as a standard guide to the disturbance limits for key bird species, and accordingly it is considered an appropriate resource to regard in this instance. Therefore, the solar panels should be drawn back by 100m minimum from areas of qualifying non-breeding bird use, i.e. Cells, 1, 2 and 3. This would also support green infrastructure targets, for other species present on Site.	The Applicant notes the reference to Goodship & Furness disturbance distances. These broad guidance values relate to active disturbance sources such as human presence, dog walking, and vehicle movement, rather than to static infrastructure. Solar panels are not in themselves a source of disturbance once installed; rather, disturbance risks arise during the construction phase and have been fully assessed and mitigated in the **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041) and Information to Inform Habitats Regulations Assessment (as updated alongside this submission).** During operation, the Proposed Development will be largely passive, and disturbance from public access is addressed separately through footpath design, standoffs, and screening as described in above responses. For these reasons, the application of a 100m buffer to static solar infrastructure is not considered appropriate or proportionate.

Ref	Paragraph Number	Comment	Applicant's Response
CWACC7.65	7.72	In paragraph 8.8.11 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**), it states that the Proposed Development where this adjoins the River Weaver has the potential to cause disturbance of SPA species using the river; however, this is considered likely to be minimal given the 20-50m separation distance between the river and the nearest part of construction and the raised nature of Cell 1. There is no evidence that 20-50m is sufficient; see reference to Goodship and Furness (202226) study above which has 100m as a minimum buffer distance.	The study referenced provides generic precautionary guidance on disturbance distances, but they are not intended to be applied mechanistically without regard to local context. In this case, Cell 1 is raised above the River Weaver with a steep embankment drop-off along the river margin. This topography creates a natural visual barrier such that, in practice, a person would need to approach the very edge of the embankment to create a line-of-sight disturbance event. Survey data (in **Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)**) confirm that qualifying SPA species already use the river corridor adjacent to Cell 1 despite existing activity in the area, indicating that the risk of disturbance is low. With a 20–50 m separation distance, combined with topographic screening and additional planting proposed along sensitive boundaries, the Applicant considers that disturbance risks are minimal and proportionate. A 100 m stand-off as suggested by Goodship & Furness is not considered necessary in this location.
CWACC7.66	7.73	Marsh Farm seems to have been included within the boundaries of the new non-breeding bird mitigation area e.g. Figure 4 proposed Development Areas and Figure 4 Proposed Development Areas Within Cells of Information to Inform Habitats Regulations Assessment document (EN010153/DR/5.3) (**APP-125**). This should be removed, as it does not serve any purpose for non-breeding birds.	The Applicant notes the reference to Marsh Farm in Figures 4 of **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**. Marsh Farm itself is not intended to function as a core component of the Non-Breeding Bird Mitigation Area, which is focussed on Cell 3 and adjacent parcels. The 53 ha of habitat area created for the NBBMA does not include the Farm buildings area. However, use of Marsh Farm has been allowed for to enable conservation management for e.g., storage of equipment or housing of livestock. As such it is the Applicant's position that

Ref	Paragraph Number	Comment	Applicant's Response
			Marsh Farm should be retained in the NBBMA even though it does not provide wetland bird habitat.
CWACC7.67	7.74	Cell 6 is outside of the Order Limits, but adjacent to its boundary, and holds a high concentration of recorded qualifying non-breeding bird species. There are concerns that the proposed solar panels in the western parts of Cells 2 and 5 will lead to disruption of birds flying from the Estuary to Cell 6 and the fragmentation of the area of functionally linked land, in terms of visual disturbance and disturbance to birds using all three cells as a whole. Further buffering is required, as well as ensuring a clear flight path across Cells 2 and 5 to Cell 6, from Cell 3 and the Estuary.	The Applicant notes the concern regarding potential disruption of bird movements between the Estuary and Cell 6. Solar panels are low in profile and do not constitute a barrier to flight. Furthermore, the adjacent FWF was specifically designed to maintain connectivity between the Estuary and Cell 6, and no disruption of flight paths has been identified there, a conclusion supported by three years of survey data for the current application Site and WeBS. It is also important to note that the concept of "fragmentation" does not apply in this context. The implementation of solar panels does not result in isolated patches of development interspersed with desirable habitat but rather represents a continuous and uniform land use change. As such, there are no intervening "gaps" of attractive habitat that would otherwise draw birds into potentially hazardous flight lines. Natural England has also confirmed in its Relevant Representation that glint and glare effects are not a concern and that they are satisfied with the conclusions of the HRA. Accordingly, disruption of flight paths or visual disturbance between areas are not considered likely to result in significant effects. Further buffering is therefore not required, consistent with the response already provided under comment CWACC7.11.
CWACC7.68	7.75	It is noted that further proposals for enhancement have been included within the Proposed Development proposal in the Eastern array, namely a	The design of the Proposed Development already ensures that this wetland is retained, buffered, and managed to provide long-term habitat for qualifying species. While its location means it

Ref	Paragraph Number	Comment	Applicant's Response
		wetland area by The Lum, assumed due to survey results showing qualifying species use the area. This looks to be isolated in terms of the development layout and so further habitat provision should be designed into the layout proposal, linking along the boundaries of Cell 1, to the NBBMA. This would provide further buffers to the River Weaver, which qualifying non-breeding bird species are using, as well as extending the area of habitat available for birds. This would ensure the long-term success of this area. Predator fencing should be provided.	functions as a stand-alone enhancement rather than a contiguous extension of the NBBMA, its value lies in providing distributed habitat resources within the wider Site, supporting resilience and choice for bird species. In terms of predator management, the Applicant confirms that measures such as predator fencing will be implemented where necessary, as set out in section 6.9 of the **Outline Landscape and Ecology Management Plan, Appendix B – Outline Non-Breeding Bird Mitigation Strategy (as updated alongside this submission).** These measures will ensure that the wetland area and the NBBMA function effectively for non-breeding birds.
CWACC7.69	7.76	A wetland area has been proposed adjacent to Cell 2, which is proposed as beneficial to SPA species, however, the proposal includes footpaths and boardwalks through the area, which will lead to disturbance. This is a missed opportunity to expand and help to ensure the success of the NBBMA. Is noted that these are both labelled as enhancement, when in fact they are mitigation and/or compensation for impacts of the Proposed Development.	The Applicant notes the comment regarding the wetland area adjacent to Cell 2. This feature has been included as part of the Proposed Development to ensure a habitat feature is retained, and to provide additional wetland habitat of value to SPA species, complementing the core NBBMA in Cell 3, in particular dabbling ducks, such as teal, mallard and wigeon. This area is not included in the mitigation proposals as it is not considered necessary to do so given the extensive and undisturbed habitat to be created in the NBBMA which will benefit dabbling ducks. The Applicant therefore disagrees that the habitat management measures proposed in this area are mitigation or compensation and also points out that the area is already located adjacent to a PRoW.

Ref	Paragraph Number	Comment	Applicant's Response
			Further to this, such species as the above are known to forage at night time, which consequently reduces the risk of disturbance and will allow them to use the newly created pools.[7] The Applicant recognises that areas such as the Cell 2 wetland serve both to mitigate potential effects and to enhance the ecological value of the Site overall. While described as "enhancement" in the Environmental Statement, the area's role in supporting SPA species has been fully integrated into the mitigation strategy and capacity calculations.
Skylark Mitigation Area (SMA)			
CWACC7.70	7.77	The SMA has not been fully surveyed for breeding birds to establish the baseline. Other bird species may be impacted by the proposed enhancements for Skylarks and this has not been assessed. If Skylarks are not using the area currently, there should be an assessment as to why this may be. This could include non-habitat related factors, such as location beneath pylons and proximity to the M56 motorway, which are both potentially sub-optimal factors for a species that are known to avoid predator-perches. As stated in 8.8.44 of Chapter 8 of the Environmental Statement Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**) "Skylarks prefer large, uninterrupted landscapes free from tall trees or	The Site skylark population is valued as of 'local level' value (see paragraph 8.8.39 of **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)**). It is the Applicant's position that the mitigation is adequate and proportionate for skylarks, that the conservation status of skylarks will be maintained, and that the SMA forms only part of the habitat within the Order Limits which will be available for nesting and foraging skylarks during the operational period. This is detailed in paragraph 8.8.45 of **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)**. Measures proposed in the SMA and parts of the SADA are the provision of botanically diverse grassland which is beneficial not only to skylarks but other breeding birds. It is not accepted that other birds could be negatively affected by the creation of

[7] *Tamisier, A. and Mathevet, R., n.d. The importance of protected areas as nocturnal feeding grounds for dabbling ducks wintering in Western France. [online] ResearchGate. Available at:* [redacted]

Ref	Paragraph Number	Comment	Applicant's Response
		hedgerows, which supports their territorial displays and reduces predator risk."	meadow from arable land, which is subject to farming practices currently. The NBBMA will also continue to provide habitat for skylarks.
CWACC7.71	7.78	During the PEIR stage, the area overshadowed by pylons was considered in the assessment of how large the Skylark Mitigation Area needed to be. At this stage, the SMA consisted of six fields, with pylons crossing the fields. The new proposal consists of just one field. Although the proposal is justified by providing better quality habitats, is not just the quality of habitat that is considered when providing mitigation for Skylarks, but openness of habitat as well, which is restricted in the new proposal. Further information on how this area will support the number of Skylark pairs recorded breeding, both in terms of quality of habitat and space, is required.	The PEIR included consideration of areas potentially for inclusion as skylark mitigation, not a commitment to utilise the full area shown. Use of the entire area illustrated at PEIR stage would be disproportionate to the impacts on skylarks. For the avoidance of doubt, it is not claimed that the SMA will support the number of skylark pairs (21) recorded across the entire order limits. The SMA provides valuable habitat which will be managed to meadow which will support higher breeding productivity than arable land. The SMA will also be used by skylark pairs in fields in neighbouring fields, as the average distance of foraging adults from a nest location is 200m[8]. The SMA is provided in addition to other areas across the SADA which will provide suitable resources for skylarks, as will the NBBMA. The SMA is 5.58 ha in total, which is in accordance with guidance on the minimum size field (5ha) considered suitable for use by the species under UK government guidance[9]. Further the SMA will be managed specifically for skylarks for the lifetime of the Proposed Development, whereas current farming practices could change at any time and render the area unsuitable for skylarks. The managed meadow grassland will also deliver other

[8] *Poulsen, J.G., 1996. Behaviour and parental care of Skylark Alauda arvensis chicks. Ibis, 138: 525-531*
[9] *https://www.gov.uk/find-funding-for-land-or-farms/ahw4-skylark-plots#:~:text=To%20help%20make%20sure%20there,80%20metres%20from%20field%20edges)*

Ref	Paragraph Number	Comment	Applicant's Response
			ecological benefits substantially above the current arable land use). It is the Applicant's position that the mitigation is adequate for skylarks and that the conservation status of skylarks will be maintained.
CWACC7.72	7.79	In paragraph 8.8.45 of the Environmental Statement Volume 1 Chapter 8: Ornithology (EN010153/DR/6.1) (**APP-041**) it is stated that "Skylarks are considered likely to continue to utilise marginal habitats and areas between solar panels in the SADA for foraging, and larger gaps between panelled areas are also potentially suitable for nesting birds." There is no evidence to suggest that Skylarks are using marginal areas at present and would do so post-development.	The CWACC statement is incorrect, as there is published evidence of skylarks using marginal areas around solar farms. Papers by Fox (2022[10]) and Solar Energy UK (2023[11]) clearly point out that Skylarks have been recorded many times foraging within solar arrays, and even feeding recently fledged young. The 2024 annual ecological trends report by Solar Energy UK[12] again identified the regular presence of skylarks within solar farms; the species was noted at 71% of the 87 sites monitored. During 2023 monitoring visits, a skylark was observed regularly collecting food from within the solar farm then flying to an adjacent arable field, indicating that the solar farm offered a preferred resource for foraging.
CWACC7.73	7.80	The success of the area is doubtful and further detail is required. A clear assessment of Skylark usage of the Site and a SMA that provides open, high-quality habitats, appropriate for the amount of pairs recorded, is required. An amendment to the	The Applicant disagrees that the success of the area is doubtful and that CWACC, particularly when considering all measures proposed as part of the Proposed Development.

[10] *Fox, H. (2022). Blithe spirit: Are skylarks being overlooked in impact assessment? CIEEM - In. Practice, 117: pp47-51*

[redacted]

Ref	Paragraph Number	Comment	Applicant's Response
		proposed layout and relocation of the Skylark Mitigation Area would be welcomed.	
CWACC7.74	7.81	[*Planning Officer comment*] The Mitigation section in NPS EN1 Para 5.4.35 advocates that where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised. There is a need to address concerns and enhance habitat proposals bearing in mind the comments on the proposed layout and the Western Array above and the suggestions for changes in relation to footpaths in paragraph 11.24 below.	Specifically relating to skylarks, it is important to note two key points: Skylark breeding habitat is entirely dependent on farming practices (i.e. crop types planted), and which are rotated annually on arable land. As such, numbers fluctuate and relocate on an annual basis. Populations can only be meaningfully assessed at a large geographical scale. Skylarks, like most small birds, are very short-lived birds (typically 1-2 years). Mitigation for skylarks is not predicated on encouraging individual birds to relocate, rather to maintain a population based on improved breeding productivity. Accordingly, it is not agreed that the location of the SMA is of concern. It is also relevant that skylarks will continue to use parts of the Order Limits during operation for feeding (around solar panels and margins) and within the NBBMA grassland.
Protected Species			
Bats: Roosting			
CWACC7.75	7.83	Some small functional buildings and other structures on Site were rated as holding Low bat roosting potential and are to be retained. Paragraph 7.7.16 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) (**APP-040**) stated that no trees with features suitable to support roosting bats were identified during the PEA or during either the 2023 or 2024 extended UKHab surveys. Paragraph 7.7.72 of the Environmental Statement:	**Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)** sets out that a 6m buffer between fencing surrounding solar PV modules and hedgerows / areas of substantial vegetation. However, it is also recognised that some areas of vegetation may need to be lost to facilitate the development, for example to provide access.

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		Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) (**APP-040**) states that trees present within the Main Development Area would be retained and protected during construction. However, the Frodsham Solar Arboricultural Assessment (EN010153/DR/7.15) (**APP-146**) details removal of G034 to enhance the NBBMA, and G067, G069, a section of G099 and A106 to facilitate the development.	The findings of the arboricultural assessment demonstrate that there would be very minimal losses of trees and the landscape scheme provides for the substantial provision of hedgerow and tree planting. The loss of trees and hedgerows is considered within **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)**. As noted in the comment, it is proposed to remove G034 to enhance the function of the area for SPA bird species by reducing perching/nesting opportunities for avian predators. G067 is shown as being removed due to the proposed overhead line corridor. Any tree removal would be minimised and trees protected and retained where possible in accordance with the **Outline Construction Environmental Management Plan (as updated alongside this submission)**. G069 is shown as being removed. This is a small group of elder, surveyed as Category C. These are shown on the alignment the security fence. G099, wild cherry, is proposed to be removed to facilitate an access track. A106 is a group of willow which has established within one of the agricultural fields and is proposed to be removed to facilitate part of the solar array.
CWACC7.76	7.84	It should be confirmed that the trees listed for removal in the Arboricultural report were surveyed for bat roosting potential. If not, Bat roosting surveys should be carried out on these trees by a suitably qualified ecologist to best practice guidelines. If evidence of protected species is found, mitigation	Measures to ensure the protection of roosting bats are set out in Table 5.3 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)**. Notwithstanding this, areas of tree removal were subject to further checks on 1st and 2nd October 2025 to check the

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		plans and method statement of works are required and the Competent Authority may need to carry out an assessment of The Three Tests under the Conservation of Habitats and Species Regulations 2017 (as amended).	Applicant's assumption that the trees were not likely to be suitable for bat roosting. A ground level tree assessment (GLTA) was undertaken by J. Stevens BSc (Hons) and K. Love MSc. This followed the GLTA methodology detailed in 'Bat surveys for professional ecologists: good practice guidelines' (Collins, 2023). Areas of inspection were as follows (following nomenclature as used in the **Arboricultural Assessment (APP-146)**: G034, G069, A090, G099 and A106. Access was limited to G067, and as such this area was not subject to detailed inspection. No trees subject to removal were identified as offering bat roosting potential using the criteria set-out in Colins (2023). Typically, trees were semi-mature and not of an age or stature where bat roosting features have developed.
Otters			
CWACC7.77	7.90	7.6.27 and 7.6.27 of Environmental Statement: Volume 1Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) (**APP-040**) stated that "during the combined otter and water vole survey undertaken in September 2024, three undetermined mustelid scats were recorded within the NBBMA; taking into account the consistency, contents and smell, all three scats may be that of otter, however this could not be confirmed. During the second visit of the combined otter and water vole survey undertaken in March 2025, no definitive evidence pertaining to the presence of otter was recorded within the survey area. However, four unidentified mammal holes were recorded within the NBBMA. All four holes were located adjacent to either a ditch, a waterbody or	**Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)**. The Proposed Development has been designed to avoid ditches aside from unavoidable crossings. A commitment to pre-construction surveys is included and is considered more appropriate given that locations of otter holts would be likely to change between the baseline survey period and construction. Details are provided in Table 5.2 of the **Outline Construction Environmental Management Plan (as updated alongside this submission).** In the event that pre-construction surveys identify otter holts, or likely otter holts, appropriate methods to ensure legal protections for the species are maintained will be put in place including, if required, licensing from Natural England. Consequently, the Applicant

Ref	Paragraph Number	Comment	Applicant's Response
		reedbed; due to their locations, shape and size, these holes may be those of otter." It is not clear why further survey work, such as erecting cameras in the locations where evidence was found, were not carried out, to confirm the finding and provide a more robust baseline.	does not agree additional surveys are required and maintains that the baseline is robust and adequate for impact assessment.
CWACC7.78	7.92 -7.94	7.8.45 and 7.8.110 of the of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) (**APP-040**) states that "Although the Proposed Development will result in the cessation of access to otter within the NBBMA, considering the presence of suitable habitat within the surrounding landscape such as the River Weaver, extensive network of ditches remaining available to otter within the SADA and within surrounding the Site, and large open waterbody directly south of the Main Development Area (in Cell 6), the cessation of access to the NBBMA is unlikely to adversely affect free movement of otter throughout the landscape, or the availability of food or shelter resources." Relying on areas outside the control of the Applicant to justify or mitigate impacts caused by the Proposed Development is not accepted. Otters are likely using the NBBMA as a food resource, likely due to the fish within the fishing pools. The fishing pools will be removed and the area will be fenced off as part of the NBBMS so that Otters will no longer be able to access the area. This is likely to remove an important food source, causing	The cessation of access for predators to the NBBMA is a conservation measure which is widely deployed at nature reserves where breeding and wintering wetland birds occur. Enabling access of otters and badgers to the NBBMA would significantly undermine the substantial conservation value of the NBBMA. Whilst otters are highly protected, the species is now in favourable conservation status and indeed is widespread across the county; it is not accepted that the exclusion of otters from the NBBMA would adversely impact the conservation status of the species. The Applicant also points out that additional foraging habitat for otters will be created outside the NBBMA: the opening of pools close to Marsh Farm and Alder Lane will create new resources for this species (this is shown on Figure A1.3 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission).** As such, it is the Applicant's position that the availability of food or shelter resources will not be diminished and these will continue to be available on land under the Applicant's control. As such it is not that the Applicant is 'relying' on areas outside the control of the Applicant to justify or mitigate the impacts caused by the Proposed Development, it is simply providing a characterisation of the habitats available in the area in the

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		displacement and restricting the range of the species. It is assumed that the solar panels fences will not restrict access through the ditch network in the SADA. If this is not the case, further assessment is required. It is not clear whether Otters are using the Manchester Ship Canal or travelling through the SADA to get to the NBBMA. Mitigation measures have been considered if they are travelling through the SADA, such as standard buffers from watercourses, any new crossings being open-span and some existing culverts being upgraded to open-span crossings, which will enhance some ditch connectivity. This, however, does not mitigate for the loss of food resource and access to the NBBMA where the Otters are recorded currently.	context of determining whether the conservation status of this species would be adversely affected by the Proposed Development.
CWACC7.79	7.95	Where a European Protected Species may be affected for the purpose of preserving public health or public safety, or other imperative reasons of overriding public interest, Regulation 9 (1) and 9 (3) of The Conservation of Habitats and Species Regulations 2017 (as amended) requires the Secretary of State (as competent authority) in exercising any of its functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions. It follows that Secretary of State (and the ExA in assessing the DCO application) should consider the Three Tests as set out in Regulation 55 (2) and 55	It is noted that the CWACC response conflates two different requirements of the Habitats Regulations. The Regulation 9 duty applies to all competent authorities when exercising their functions – to do so as to secure compliance with the Requirements of the Directives. Separately, Regulation 55 sets the questions that Natural England would have to ask itself in order to give a protected species licence – that being (in summary) if there is an overriding public interest to do so, that a favourable conservation status will be maintained and that there is no satisfactory alternative to the action which requires a licence. In the planning sphere, case law has established that Regulation

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		(9) the Secretary of State may need to carry out an assessment of The Three Tests under the Conservation of Habitats and Species Regulations 2017 (as amended) and it is not clear whether or not there is enough information to do that, as well as the fact that impacts to Otters have not been thoroughly considered or mitigated/compensated.	55 is only of relevance to the Secretary of State in the circumstances where NE have indicated that it unlikely that a licence would be granted (because it is not confident the above tests would be met). Licensing under the Wildlife and Countryside Act 1981 has slightly different tests again, as set out by CWACC, but these again only apply to the question of the grant of licences by Natural England. In this context, it is noted that a significant loss of foraging habitat for otters is not considered likely to occur. It is considered relevant that conservation measures often must balance the needs of different species. It is the Applicant's position that the very substantial benefits for wetland birds proposed under the oNBBMS should be weighed very favourably against any modest loss of otter foraging habitat, which itself is reliant on a fishery (the Canal Pools) which has a substantial problem with New Zealand Pigmy Weed. Even with the loss of the Canal Pools for otters, it is clear that this would have limited effects to otters at a county/ national level considering recent rapid increases in range and numbers. See also CWACC7.78. In this context, it is clear that impacts to otters and water voles would not be a reason that the Secretary of State could not grant consent for the Proposed Development for fear of not being able to show compliance with the Regulation 9 duty. In respect of the Regulation 55 tests and/or Wildlife and Countryside Act tests, currently the Applicant does not envisage a licence being required for otters or water voles (as relevant) and as such the tests are not engaged.

Ref	Paragraph Number	Comment	Applicant's Response
Water Voles			
CWACC7.80	7.103	Water voles are legally protected under Schedule 5 (Section 9) of the Wildlife and Countryside Act 1981 (as amended). The Three Derogation tests (purpose test, no other satisfactory solution test and no detrimental effect test/no significant negative impact test) as set out in Part 1 of the Wildlife and Countryside Act 1981 (as amended) should be carried out by the Competent Authority (for DCO applications this is the Secretary of State). Where a protected species may be affected for the purpose of preserving public health or public safety, or other reasons of overriding public interest, Regulation 9 (1), 9(2)(g) and 9 (3) of The Conservation of Habitats and Species Regulations 2017 (as amended) requires the Secretary of State (as the competent authority) in exercising any of its functions, must have regard to the requirements of the Directives (Habitats and Wild Birds Directives) so far as they may be affected by the exercise of those functions. It follows that the Secretary of State (and the ExA in assessing the DCO application) consider the Three Tests under Part 1 (wildlife) of the Wildlife and Countryside Act 1981 (as amended). It should be confirmed whether or not a Licence will be obtained, to enable the correct consideration of these tests by the Secretary of State (and ExA where appropriate).	See CWACC7.79. It should be noted that the NBBMA, once operational, will likely provide enhanced habitats for water voles.
Badgers			

Ref	Paragraph Number	Comment	Applicant's Response
CWACC7.81	7.105 – 7.107	Comments within the CWAC PEIR Response remain largely the same and are substantiated by an expansion in the Badger population on Site in range and size, as well as further impacts due to the introduction of an expanded and upgraded footpath network. As previously stated within the PEIR response, Badgers should be scoped in as a receptor, due to their extensive population across the Site and impacts from solar farm construction and operation, including introducing long-term human disturbance in the form of an upgraded and expanded footpath network. Although discussions with the Applicant were based on the fact that most of the setts are on field/embankment boundaries so are unlikely to be impacted due to the biodiversity/landscape buffers proposed, paragraph 4.4.2 and 4.4.3 of the Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (Confidential Badger Annex) (EN010153/DR/6.2) (**APP-078**) state that three main setts, four outlier setts and one annex sett is located within 5m of the solar panels/fencing and one main sett and three outlier setts are located within 10m of solar panels/fencing. This was raised in the PEIR response and has not been addressed. The "avoid" step of the mitigation hierarchy has not been followed, with standard 30m buffers from Badger setts not designed into the proposed layout. Simple amendments in the proposed layout would reduce	The Applicant will fully comply with the Protection of Badgers Act 1992, which makes it illegal to intentionally harm badgers or interfere with their setts without a specific licence from Natural England. With regards to the specific locations of the Proposed Development fences, it is relevant to note that the badger setts identified are within raised embankments and therefore at different elevations to proposed fencing; whilst plans suggest proximity as they are viewed from above, this does not account for elevations. It should also be noted that there is no mandatory requirement for a 30m buffer around an active badger sett. It is accepted that direct impacts on badger setts must be avoided, either through design or working methods. However, this is in the context that, as evidenced in the baseline survey data between 2022 – 2025, badger are highly mobile, and thus it is anticipated that the on-site badger population may be subject to activity and distribution change between the baseline surveys and construction phase. Pre-construction surveys are therefore considered appropriate to confirm the location of active badger setts prior to construction (and thus the need for any licences) and have been included in the **Outline Construction Environmental Management Plan (as updated alongside this submission).** Consequently, it is the Applicant's position that badgers have been fully considered in the assessment.

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		direct impacts on Badger setts during construction and operation. Also as previously stated in the Scoping response, Government Circular 06/05 on Geodiversity and Biodiversity and its consideration of Badger foraging territories and road casualties has not been included as a reference document in section 7.2.1. Government Circular 06/05 Biodiversity and Geological Conservation states "124. *The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions*."	
CWACC7.82	7.108	In terms of Badger commuting and foraging, although it is unlikely the likelihood of road or rail casualties will significantly increase, due to the lack of road network in the immediate vicinity, there is a likelihood that Badgers foraging territory, or links between them, will be disrupted. This is due to the predator-fencing around 64ha of the 253ha of the Site and the rest of the solar array is proposed to be fenced. The solar array fencing will have mammal gaps, but access to the areas of land will still be significantly restricted. Badger bait-marking surveys were previously requested, to obtain information about interactions between setts and different badger clans on Site, as well as pathways through the Site, so that impacts could be clearly understood and mitigated.	Security fencing is a standard solar farm requirement. Fences typically include mammal gates to ensure the access to land under and around the panels for badgers and brown hares. Both species are regularly recorded within solar farms (see Solar Energy UK reports[11,12]). As such, the large majority of the SADA will remain available for foraging badgers. It is also added that land management within large parts of the SADA will change to grassland from current arable use; the removal of agricultural chemicals from this local environment is likely to increase invertebrate prey availability for badgers. However, as outlined in CWACC7.78 (otters), it is proposed to specifically exclude badgers from the NBBMA as they are voracious predators which decimate ground nesting bird populations. Exclusion of badgers (and foxes) is standard practice at RSPB reserves which host breeding wetland birds.

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		This study was also recommended in paragraph 4.5.25 of RSK Survey in Annex 2 Frodsham Renewable Energy Development Preliminary Ecological Appraisal Report (RSK Biocensus, 2023) (Redacted) of Environmental Statement: Volume 2 Appendix 7-1 (EN010153/DR/6.2) (**APP-075**). The recommendation in the report was made when there were only 2 main setts and 5 outlier setts on Site in 2022 and no footpaths were proposed i.e. when potential impacts were lower than they are at this stage.	Whilst it is acknowledged this will likely reduce numbers of badgers on this part of the Order Limits, badgers will remain common and widespread both within the Order Limits and the wider Frodsham Marsh area and favourable conservation status will be maintained. Consequently, there is no basis for the undertaking of badger bait-marking studies, which are not widely undertaken for solar applications as habitats remain available to badgers. Surveys would not alter the conclusions of the Environmental Statement. The results of a badger bait-marking would not meaningfully affect the understanding of impacts from the Proposed Development on badger populations, and there is no policy or legal requirement to maintain badger numbers. As such, the Applicant does not agree that surveys are necessary to reach an informed conclusion on the likely impacts on badger populations at the Site.
CWACC7.83	7.109	Since the PEIR response, a proposal for an upgraded and extended footpath network across the Order Limits has been proposed. Some of these are on the raised areas between Cells, in a similar location as the Badgers. Setts are located on embankments, likely due to the scrub habitats present and some areas within the Cells being wetter and/or flooding. This means that the badgers' opportunities to create new setts away from human disturbance if required and ability to respond to sett closures is reduced, again, increasing significance of impacts. New Footpath A as shown on Figure 1 (Indicative Route Hierarchy) of the Outline Landscape and Ecology Management Plan (EN010153/DR/7.13) (**APP-144**) is a new proposed	See CWACC7.81 and CWACC7.82. Pre-construction surveys for badgers will be completed, at which point final layout of footpaths can be determined, avoiding setts wherever possible. Where this cannot be achieved, appropriate licenses will be sought. It is also relevant that badgers commonly co-exist with people in semi-urban areas, and that setts are often found in country parks and along field boundaries where there are public footpaths. The Applicant is not aware of any studies which demonstrate negative impacts on badger populations or individual clans due to recreational disturbance. It is the Applicant's view that badger setts can and will continue to function alongside the new footpath network, particularly as

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		footpath along a route where a significant concentration of Badger setts is located. A new cycle loop is proposed along the eastern boundary of Cells 2 and 5 is proposed, again, where a significant concentration of badger setts are located. These should be re-routed and/or downgraded.	recreational use will be almost exclusive (if not entirely) during daylight hours.
CWACC7.84	7.110	Standard measures in the Outline Landscape and Ecology Management Plan (EN010153/DR/7.13) (**APP-144**) and Outline Construction Environmental Management Plan (EN010153/DR/7.5) (**APP-136**) do not address the above issues.	See responses above which address specific comments and signpost to supporting documents where relevant. Table 5-3 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** considers impacts on badgers and describes the necessary measures to safeguard their protection.
Reptiles			
CWACC7.85	7.113	The Site provides suitable Reptile habitat in the form of marshy and rough grassland with hedgerows and a ditch network. Reptile surveys were undertaken in 2022 on the Preliminary Site Boundary. This did not include the NBBMA, which comprises ditches and larger open water areas, so a different habitat to the rest of the Order Limits, reducing the ability to extrapolate results to the area. As highlighted in the CWAC PEIR response, further justification is required as to why omission of this area in the survey does not affect the results.	No evidence of reptiles has been found within the surveyed areas, or from desk study. No reptiles were recorded within either the Sutton Causeway or East Clifton Tip survey areas during WSP UK Limited's baseline surveys for the proposed HyNet North West Hydrogen Pipeline. As such there is no evidence of the presence of reptiles in the Order Limits or immediate wider area. The presence of reptile species which receive enhanced legal protection (sand lizard and smooth snake) can be discounted, therefore impacts relate solely to common species which are protected against killing and injury only, not disturbance or habitat loss. Precautionary measures to ensure the protection of common reptile species have been included in the **Outline Construction**

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			Environmental Management Plan (as updated alongside this submission). It is therefore the Applicant's position that reptiles have been fully and appropriately considered in the Environmental Statement.
Fish			
Local Wildlife Site			
CWACC7.86	7.119 – 7.120	Paragraph 7.8.8 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) states that "The terrestrial ecology features for which all three LWSs are designated for comprise static habitat features, with the exception of invertebrates for which Frodsham, Helsby and Ince Marshes LWS and Frodsham Field Studies Centre LWS are also cited.". It is not clear what this means, as there are other terrestrial ecology features, such as mammals, that are qualifying criteria of the Frodsham, Helsby and Ince Marshes LWS. Table 7.9 of the same does not list birds or mammals as qualifying features. In Table 3-2: Non-statutory Designated Sites of the Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report, it also states that Invertebrates are the only faunal qualifying feature. The impacts on the LWS should be assessed against all of its qualifying features. In terms of impact assessment, grassland and accessible natural greenspace criteria are likely to be enhanced. The Mosaic criterion (grassland, a	**Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** states that 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. For clarity, the qualifying features of the LWS, as described in Environmental Statement: Volume 2 Appendix 7-5: Assessment of Frodsham Helsby Ince Local Wildlife Site (APP-081) are listed below and reference to where these features are assessed within the ES are provided. H2: Wet Woodland; The **Arboricultural Assessment (APP-146)** has been reviewed and there will be no loss of wet woodland (tree group G007#). H7: Neutral Grassland; impacts on neutral grassland are discussed within **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** Section 7.8.27. H11: Restorable Grassland; ES Volume 3 Figure 2-3 Illustrative Environmental Masterplan (as shown in **Environmental Statement: Volume 3 Chapter 2 Figures (APP-106)**) details areas where creation of botanically diverse grassland is proposed.

Ref	Paragraph Number	Comment	Applicant's Response
		complex ditch system, semi-natural and plantation woodland, scrub, tall ruderal vegetation, hedgerow, reed bed and an area of developing salt-marsh) will be enhanced except for the reedbed element which will be reduced. There is no saltmarsh area in the Order Limits. The criterion that will be negatively impacted are Reedbeds, Wildlife corridors/buffers, birds and mammals.	H18: Fens, swamps, nogs and reedbeds; reedbed condition within the Site and loss of reedbed are discussed in the **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** Section 7.7.73. H20: Ponds and ditches; impacts on water vole and European eel are discussed within **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** in Sections 7.8.55 and 7.8.64, respectively. H24: Wildlife corridors and buffers; if accepted the NBBMA will provide buffering habitat to the Mersey Estuary RAMSAR/SPA/SSSI. Impacts on species movement as a result the proposals are detailed within species-specific impact assessment within the **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)**. H25: High-value hedges; minor hedgerow removal will be required. The proposals details the enhancement of existing hedgerow, the creation of 3.6 km of new native hedgerows is proposed. H26: Accessible natural greenspace; Accessibility will be maintained and formalised through the upgrade of existing and creation of new PRoWs. S1: Butterflies; impacts on invertebrates are assessed within the **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** in Section 7.8.71. S2: Birds; impacts on birds are assessed within the Ornithology Chapter. S3: Mammals; impacts on mammals are assessed within the species-specific section of the Ecology Chapter.

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			S4: Dragonflies and damselflies (Odonata); impacts on invertebrates are assessed within the **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** in Section 7.8.71. S7: Fresh water fish; impacts on fish are discussed within the **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** Section 7.8.126. S13: Vascular plants; **Environmental Statement: Volume 2 Appendix 7-5: Assessment of Frodsham Helsby Ince Local Wildlife Site (APP-081)** states that European spindle (listed on Table 21 of the LWS Selection Criteria) is present within the LWS at SJ503781. This location is not within the Site boundary.
CWACC7.87	7.121	Fens, swamps, bogs and Reedbeds: There is a net loss of reedbeds as recorded within the Biodiversity Net Gain Assessment.	As stated in the **Biodiversity Net Gain Report (APP-143)**, paragraph 6.1.4, 'reedbeds' as classified in the Metric are not strictly according to the priority habitat definition and are instead isolated patches of reed associated with waterlogged areas. The Proposed Development has avoided higher value boundary habitats where reasonably practicable, including areas of reedbed. Reedbed, especially the more ecologically valuable areas, are often associated with ditches which are retained and avoided with the exception of crossing points. Further, an additional area of reedbed within the Order Limits, north east of Alder Lane is set to be enhanced as an area of wetland (shown on Figure A1.3 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**). Retained reedbed totals over 8ha across the scheme, with a further 2 ha of reedbed to be created.

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			Areas of wetland vegetation classified as reedbed being lost are generally those of lower value, showing signs of drying or of encroachment by shrub. As such, these areas are considered unlikely to meet LWS criterion H18. Appendix C to this document is a technical note which considers the status of reedbed identified at the Site and how they should be considered from a BNG perspective. Updated BNG Metric Spreadsheets have been provided alongside this submission **[EN010153/DR/8.9].** Further Information On The Classification Of Reedbeds is also provided as **Appendix C.**
CWACC7.88	7.122	Wildlife Corridors/buffers: At a smaller scale, although there will be wildlife corridors left between areas of panels, the accessibility of these to wildlife is reduced, in terms of Otters and Badgers restricted by fencing, raising concerns with food sources being restricted and badger clan interactions being disrupted, both of which are likely to lead to displacement. At a larger scale, birds are restricted in landing and utilising existing FWF mitigation cells 2 and 5 and cell 1 in the wider Order Limits. The LWS currently provides buffering habitat to the Mersey Estuary RAMSAR/SPA/SSSI and the reduction in area that can function as such is a significant concern	The Applicant disagrees with this position. Linear habitats such as hedgerows, ditches and areas of woodland will be retained. Significant areas of trees, hedgerows, wetland and species diverse grassland will be created and managed for the benefit of wildlife and the removal of arable farmland and intensive grazing across most of the Order Limits will be beneficial to wildlife; extensive use of solar farms by a wide range of mammal, bird and invertebrate species has been published to this effect. It is accepted and acknowledged that FWF mitigation cells 2 and 5, and cell 1 will no longer be available to wetland birds for usage; this forms the basis of the NBBMA mitigation strategy which is presented in the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** and, as such, the loss of these cells for wetland birds is fully accommodated for. It is the Applicant's position that the NBBMA will also provide extensive ecological benefits for many species, above existing conditions. As such the Applicant disagrees that the Proposed Development will adversely impact wildlife corridors or buffers. Environmental Statement: Volume 1

Ref	Paragraph Number	Comment	Applicant's Response
			Chapter 7: Terrestrial Ecology (**APP-040)** sets out the benefits that the Proposed Development will have on the habitats of the LWS in the longer term.
CWACC7.89	7.123	Birds: There are significant concerns regarding non-breeding birds, relating to reduction in habitat, indirect disturbance, long-term sustainability of the population and increased human disturbance from an upgraded footpath network. Please see non-breeding bird sections (**paragraphs 7.51-7.58**) above.	These points have been responded to in the relevant sections above (CWACC7.04, CWACC7.05, CWACC7.08, CWACC7.26, CWACC7.31, CWACC7.47).
CWACC7.90	7.124	Mammals: There are concerns regarding Otters and Badgers, regarding connectivity through the landscape, loss and restriction of access to food resource and displacement. Please see Otter section (**paragraphs 7.91 – 7.97**) and Badger sections (**paragraphs 7.106-7.112**) above.	These points have been responded to in the relevant sections above.
CWACC7.91	7.125	It is accepted that the commitment to long-term management and monitoring under Biodiversity Net Gain is a benefit, however, not all of the LWS criteria are based on habitats. The LWS is currently meeting all of its qualifying criteria. The impacts on the Frodsham, Helsby and Ince Marshes LWS, as outlined above, are not accepted as being mitigated.	Impacts on other qualifying features are addressed in the relevant sections of the ES, as described in CWACC7.86.
Biodiversity Net Gain			
CWACC7.92	7.129	Paragraph 7.7.72 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) **(APP-040)** states that "based on	Table 6.1 of the **Biodiversity Net Gain Report (APP-143)** demonstrates that there is no net loss overall for the Proposed Development.

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		the above habitat creation/enhancement measures, an increase of +191.86 (11.52 %) habitat units, +48.25 (88.92 %) hedgerow units and +14.65 (13.35%) watercourse units." Paragraph 7.7.74 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) states that "As the NBBMA will provide mitigation for impacts upon the Mersey Estuary, in accordance with DEFRA Guidance 'What you can count towards a development's biodiversity net gain' (DEFRA, 2023), mitigation or compensation to a special area of conservation, special protection area, or protected species can only count 'in part' towards BNG. For mitigation and compensation actions, at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation." It should be noted that Biodiversity Net Gain is not yet a statutory requirement for nationally significant infrastructure projects and so no net loss is an acceptable target and therefore, the NBBMA can be included in the metric calculations. Three separate metrics have been provided, with one for the NBBMA, one for the Site without the NBBMA and one for the Site with the NBBMA. As explained below, the NBBMA is at a net loss itself, due to habitats not being properly compensated for. The NBBMA should be included in the metric, to ensure no net loss is achieved for the Proposed Development as a whole.	There is a net loss of hedgerow units within the NBBMA alone, however the NBBMA alone delivers a net increase in habitat and watercourse units as shown in Table 6.1 of the **Biodiversity Net Gain Report (APP-143)**. Additionally, while not required to adhere to statutory requirements, at least 10% of habitat and hedgerow units come from activities not associated with SPA mitigation (i.e., from outside of the NBBMA) as shown in Table 6.2 of the **Biodiversity Net Gain Report (APP-143)**. Whilst the NBBMA does not achieve net gain in itself, habitat creation and enhancement in this area has been specifically tailored to ensure suitability for target non-breeding birds, therefore whilst the metric may not achieve a numerical net gain the habitat proposals are considered to be the most appropriate to achieve the desired ecological outcomes, and which cannot be measured solely with the application of a metric .

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CWACC7.93	7.130	When excluding the NBBMA, the metric reports a net gain in habitat units of 13.54% (178.01 units), net gain in hedgerow habitats of 90.37% (48.29 units) and a net gain in watercourse units of 8.83% (8.93 units). However, on provision of the metrics themselves this includes 59.02 units of reedbed that have not been satisfactorily compensated for, according to trading rules. Therefore, the net gains reported are the headline results, which are not correct when taken alone. When including the NBBMA, as the proposals in the NBBMA do not achieve a gain either due to trading rules not being satisfied, a net gain in habitat units of 11.52% (194.86 units), net gain in hedgerow habitats of 88.92% (48.25 units) and a net gain in watercourse units of 13.35% (14.65 units), but with 65.61 units of reedbed that have not been satisfactorily compensated for, according to trading rules. This is a significant proportion of the unit provision on Site.	Trading rules are discussed in Section 6.1.4 of the **Biodiversity Net Gain Report (APP-143)**. **Appendix C** to the Applicant's response to the CWACC RR has been provided to aid understanding of the characterisation of reedbed across the Site, with a focus on areas that are lost or modified by the Proposed Development.
CWACC7.94	7.131	Paragraph 7.7.73 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) **(APP-040)** states that the development meets all trading principles aside from Reedbed. Figure 14 of The Statutory Biodiversity Metric User Guide (Last updated: 3 July 2025, DEFRA) states that "If trading rules have not been satisfied, then a net gain in biodiversity cannot be claimed". Rule 1 of the same states "The trading rules of this biodiversity metric must be followed." This has been a key principle of the biodiversity net	It has not been claimed in either the **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** or within the **Biodiversity Net Gain Report (APP-143)** that a net gain has been achieved in strict accordance with the Biodiversity Metric user guide, only that a net increase in units has been achieved. A discussion of trading rules is provided at section 6.1.4 of the **Biodiversity Net Gain Report (APP-143)**.

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		gain metric, prior to the mandatory requirement, to ensure that habitat types are appropriately compensated for. Therefore, the Proposed Development cannot claim to be achieving a net gain, unless the trading rules are satisfied.	
CWACC7.95	7.132	Paragraph 7.7.73 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) **(APP-040)** states that even though the reedbed meets UK Habs definitions; "due to the small and isolated nature of the majority of the areas of reedbed within the Main Development Area, 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." This is not concurred with, as the UK Habs definitions are tailored for the metric and are proportionate and flexible, in terms of their classification. The Reedbeds fit the criteria according to UK Habs and should be considered as such. Although the reedbeds may dry out in the future, that does not justify misclassifying them in the current baseline survey. There is a large amount of Reedbed units generated from the reedbed present	It is not accepted that reedbeds have been misclassified; these have been presented as reedbeds in all relevant documents, including **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)**, **Environmental Statement: Volume 2 Appendix 7-1: Habitats Baseline Report (APP-075)** and the **Biodiversity Net Gain Report (APP-143)**. Furter information is provided on reedbeds in Appendix C to this report. It is however maintained that the reedbeds do not all meet priority habitat description, and as such in this instance are likely to have been overvalued within the metric which sets this habitat type as 'high distinctiveness' by default. The loss of reedbed is addressed within the **Biodiversity Net Gain Report (APP-143)**. It is added that qualifying bird species of the Mersey Estuary SPA and Ramsar are not those which are reliant upon reedbed habitats. The Ramsar designation does include reedbed habitats within its boundary as a designated feature. Impacts to all qualifying features of the Mersey Estuary Ramsar and SPA, including the Ramsar and underlying SSSI are addressed in the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**, which concludes no Likely Significant Effects with appropriate mitigation in place.

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		on Site, so the areas of reedbed are not insignificant. In addition, to have a wetland habitat not properly compensated for adjacent to a RAMSAR/SPA/SSSI site designated for its wetland habitats, further adds to the unacceptability of this approach.	
Mitigation Hierarchy			
CWACC7.96	7.133	Reedbed is a high distinctiveness habitat and should be retained in the first instance. No justification has been given for the loss of this habitat, nor for the lack of compensation proposed. The loss of some of the other high distinctiveness habitat on Site, wet woodland, has also not been justified. In line with the approach taken under the statutory biodiversity gain hierarchy, medium high and very high distinctiveness habitats are highlighted in terms of retention and avoidance of impacts. The general mitigation hierarchy should be demonstrated, as detailed in Local Plan Policy Part Two Policy DM44; "16.8 The mitigation hierarchy (avoid, minimise, mitigate, compensate) shall be followed when considering development proposals. Avoidance of damage will always be CWCC's preferred option, with compensation only acceptable as a last resort. Compensation for habitat loss should aim for like for like replacement and either be delivered on-site or off-site, secured by planning conditions, planning obligations and/or biodiversity offsetting mechanisms within the borough.".	While reedbed is assigned as high distinctiveness by default within the Statutory Biodiversity Metric Calculator it is not considered to strictly accord with the priority habitat description, and so is not considered to offer ecological value to this level. Regardless, habitats of high distinctiveness have been avoided as far as possible across the Order Limits. The Proposed Development has avoided higher value boundary habitats where reasonably practicable, including areas of reedbed. Reedbed, especially the more ecologically valuable areas, are generally associated with ditches which are retained and avoided (with the exception of crossing points). Further, an additional area of reedbed (north east of Alder Lane, by Marsh Farm) is set to be enhanced as an area of wetland, without which the reed areas here will unquestionably lost to scrub which is already well encroached. This is shown on Figure A1.3 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**. All areas of wetland vegetation classified as reedbed being lost are considered to be of lower value, showing signs of drying or of encroachment by shrub and which will very likely be lost within 5 to 10 years in the absence of intervention management.

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			The **Arboricultural Assessment (APP-146)** has now been reviewed and it is clarified that there will be no loss of wet woodland (tree group G007#). The Biodiversity Net Gain assessment has been updated accordingly.
CWACC7.97	7.134	An amended layout should be provided, to avoid loss of reedbed and woodland in the first instance as much as possible, with any residual losses justified. Further reedbed and woodland habitats should be created on Site to resolve this issue. The same should be carried out with medium distinctiveness habitats.	As stated in CWACC7.96, higher ecological value reedbed has been avoided where reasonably practicable with losses restricted principally to reedbed of lower ecological value (i.e., that frequently drying, patchy or subject to scrub encroachment). It is clarified that, as part of the Proposed Development, heavily encroached (scrubbed and deteriorating in value) reedbed in the vicinity of Marsh Farm, Alder Lane, will be re-vitalised through the creation of open water areas and the removal of scrub. This reedbed area is not protected and will be entirely lost in the absence of the interventions (and subsequent management) provided by the Proposed Development. The Applicant has applied the mitigation hierarchy to avoid and reduce losses where practicable, in particular, higher value areas of the reedbed. It has then mitigated and compensated the impact through enhancing existing sub-standard areas of reedbed and providing new areas of reedbed.
CWACC7.98	7.135	A Biodiversity Net Gain Strategy document would be useful, to understand the approach on Site and provide justifications for decisions made on retention and loss of habitats.	The landscape design has been developed to deliver biodiversity benefit The approach to the biodiversity design is described in the **Design Approach Document (APP-130)**. The **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** sets out how habitats specified within the BNG Report will achieve their targeted habitat type and conditions within the anticipated timeframe. It also provides monitoring criteria and commits to identifying

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			remedial/contingency measures to be implemented in the event that these targets are not achieved.
CWACC7.99	7.136	Currently the Proposed Development is considered to generate a net loss in biodiversity.	This statement is not substantiated or agreed.
CWACC7.100	7.137	There are various Technical Metric Issues: The River Weaver and Manchester Ship Canal look to be within 10m of the Order Limit boundary, so there may be impacts on the Riparian Zones of both watercourses. These watercourses have not been included in the calculation. As per Pages 43-45 of The Statutory Biodiversity Metric User Guide (Last updated: 3 July 2025, DEFRA). This is a significant omission and could alter the results of the calculation significantly. It has not been explained in the report, but notes in the Metric indicate that the "5% rule" has been used, as per Guidance published by Building Research Establishment, which recognises that on average 95% of a site used for solar farm development is "still accessible for plant growth and potentially for wildlife enhancements and complementary agricultural activities such as conservation grazing" Therefore, 5% of the land containing solar panels is categorised as 'Urban – Developed land; sealed surface'. There is, however, a UK Habs code for Solar Array (83),	This Applicant has conducted an update survey in relation to the areas of the watercourses identified and these have been included within the revised BNG Metric Spreadsheets updated alongside this submission **[EN010153/DR/8.9].** The UKHab category 'developed land; sealed surface has not been chosen as it not considered to accurately represent the ecological value of the Site. Sealed surface is a category that can be used for buildings, hardstanding and other developed land of negligible biodiversity value, while the land underneath panels would be accessible for biodiversity and be vegetated. It should be noted that when applied strictly the UKHab methodology uses a 'top down' mapping approach, and while biodiversity net gain is based on the UKHab, habitat classifications does not strictly follow the methodology. It is evident that the land within the site will be accessible for biodiversity and so provides some value, which would not be accurately reflected by the Developed Land Sealed Surface category. The updated UKHab guidance in relation to solar proposals has been in place since the release of version 2.01 in July 2023. Since this time, a series of solar applications have been

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		which requires the panels to be recorded as strips of 'Urban – Developed land; sealed surface' and then the vegetation recorded as strips of between the panels. This could significantly alter the BNG calculation and it should be justified why this category has not been chosen to record the panel areas. Baseline habitat type and condition assessments should be provided, to ensure the most appropriate habitat types have been assigned correctly according to UK Habs and the correct condition has been assigned. The classification of watercourse types is required to be detailed, to understand why different habitat types have been allocated. Baseline and proposed plans with the habitat references used in the Habitat Reference Number column of the metric, should be provided.	approved through both DCO, under the TCPA and locally by CWACC. The approach taken to the Frodsham Solar Farm application is fully consistent with that accepted on these other developments. Examples are provided as follows: **CWC** 24/01484/FUL Shocklach Hall Farm. **DCO** Tillbridge – Approved - 5% of PV areas assessed as 'developed land'. (EN010142/APP/7.14) Stonestreet Green (recommended for approval - awaiting decision). No allowance for panel infrastructure (EN010135/APP/7.1). Oaklands Farm Solar Park – Approved. No allowance for panel infrastructure (EN010122/APP/6.1/Appx 6.12). Byers Gill solar – Approved. No allowance for infrastructure (EN010139/APP/6.6).
Other habitats			
CWACC7.101	7.138 – 7.141	Table 7-3: Scoping of Ecological Features of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (EN010153/DR/6.1) (APP-040) states that "There are no peat dependent ecological habitats or species within the Main Development Area. Furthermore, ground investigation surveys undertaken of the SADA identified no peat to a depth of 5.0 m. As such, the Proposed Development would	As set out by CWACC, the site investigations undertaken for the Proposed Development do not identify surface or shallow observations of peat or peat-forming conditions across the Site. Peat deposits are capped by tidal sediments indicating marine transgression. Given the nature of the development, additional loading due to solar farm infrastructure is likely to be minor and minimised

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		not impact any peat that may be present". However, this does not account for compaction and hydrological impacts and this should be assessed. Paragraph 10.3.36 of the Environmental Statement: Volume 1 Chapter 10: Ground Conditions (EN010153/DR/6.1) (APP-043) states "Whilst peat was found at depth beneath the MSCDDG (depths in excess of 10m BGL) peat has not been encountered beneath the eastern half of the Site (the Frodsham and Helsby Marshes area) during the ground investigation of June 2024 (which involved drilling to a maximum depth of 5.5m bgl). The reconnaissance survey has also concluded that any fen peat which may have developed on Site historically is likely to have been wasted in light of the current usage of the Site for agriculture". Table 10-3: Scoping Responses with Respect to Ground Conditions states "The impact of disturbance and/or removal of peat on climate change and removal of peat resource has also been considered within ES Vol 1 Chapters 7: Terrestrial Ecology", however, it is not clear where this assessment is. A clearer assessment of the peat depths across the Site and assessment of compaction and hydrological impacts is required.	further by the use of shallow piles. Vehicles access the Site would be akin to loading experienced from agricultural practices. The peat horizons lie below the envisaged piling depth. This will further limit any hydrological impacts to the relic peat body and any preserved archaeological remains therein. Although no significant peat impacts are envisaged mitigation measures such as the use of low-pressure piling machinery will be used should detailed site investigation prior to construction identify any areas of peat at depths of less than 5m. This commitment has now been identified in the **Outline Construction Environmental Management Plan (as updated alongside this submission)**. Given the relic nature of the peat bodies present this will ensure that peatland hydrology and therefore carbon and any archaeological remains are preserved insitu. Table 10-3 erroneously referred to Chapter 7. The assessment of climate change impacts is provided in **Environmental Statement: Volume 1 Chapter 5: Climate Change (APP-038)**, where the impact on peat is specifically addressed.

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8. Peat resources			
CWACC8.1	8.7 – 8.8	As noted in the habitat and archaeological sections, further investigation of peat deposits should be carried out, with assessment of issues such as compaction and hydrology, as well as the archaeological aspects. The assessment of peat deposits requires further discussion with the Applicant, including any implications for of the natural environment and climate change / peat management issues.	**Environmental Statement: Volume 1 Chapter 10: Ground Conditions (APP-043)** has assessed the potential for peat to be present across the Site and whether there would be any impact on peat present. The ground investigation data shows that there is no peat present at depths which could be impacted by the Proposed Development. Within the western half of the Solar Array Development Area (SADA), including the NBBMA, there has been extensive site investigation to depth as part of the Frodsham Wind Farm development. This shows typical depths of made ground to 9m below ground level (bgl), with fibrous peat/organic silts at a depth of 10m bgl. (ref Table 10-10 of **Environmental Statement: Volume 1 Chapter 10: Ground Conditions (APP-043)**). Within the eastern half of the SADA, there was less historical site investigation data available, so the Applicant undertook specific investigation, including fourteen windowless sample boreholes and one hand-dug pit, as well as a 1-day soil and peat survey. This is reported in the Peat Reconnaissance Survey contained in Appendix I of **ES Vol 2 Appendix 10-1 Stage 1 Geo-Environmental Assessment (APP-097)**. The investigation data provided information to depths of 5m, which is below the maximum depth of the proposed foundations. The investigation did not identify the presence of any peat. Regarding archaeology, the Applicant has responded to matters concerning peat deposits at Ref CWACC9.1. The Applicant has outlined a programme of geoarchaeological investigation in paragraph 11.9.1 of **Environmental Statement: Volume 1, Chapter 11: Cultural Heritage and Archaeology (APP-044)**.

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			This is secured within Table 5-6 of the **oCEMP (as updated alongside this submission)**. CWaCC will also have approval of the archaeological mitigation strategy for the Proposed Development, as secured by Requirement 18 of the draft DCO. Regarding compaction and hydrological impacts a response has been provided at Ref CWACC7.101. This confirms that based on the information gathered to date and the nature of the construction and operation of the Proposed Development, there would not be adverse effects on buried peat. Although no significant peat impacts are envisaged mitigation measures such as the use of low-pressure piling machinery will be used should detailed site investigation prior to construction identify any areas of peat at depths of less than 5m. This commitment has been identified in the **Outline Construction Environmental Management Plan (as updated alongside this submission)**.
9. Archaeology and Cultural Heritage			
CWACC9.1	9.13	Remaining archaeological potential is focussed on the deep accumulation of sediments which have built up since the end of the last glacial c 11.5 thousand years ago. Studies elsewhere in the area have demonstrated that these comprise alluvial deposits and peat, with a recorded depth of over 10m at the nearby Ince marshes. These sediments may contain archaeological remains which have been deliberately deposited and, perhaps, evidence of deeply-buried early settlement which was subsequently engulfed by alluvium and peat associated with rising sea levels. They also have the potential to preserve evidence of the past environment. This potential is recognised in	The Oxford Archaeology: Desk-Based Geo-Archaeological Study for the HyNet CO2 Runcorn Spur Project has been reviewed. The report has been entered into the Cheshire Historic Environment Record (HER) under HER report number R4851. The associated HER Event number is ECH741. It is noted that the transects and modelled deposit depths recorded in HER report number R4851 support the conclusions of **Environmental Statement: Volume 1, Chapter 11: Cultural Heritage and Archaeology (APP-044).** The modelled peat depths will be used to target the programme of

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		Chapter 11 (Cultural Heritage) in Volume 1 of the EIA but it is suggested that ground disturbance associated with the Proposed Development is unlikely to reach depth where deposits of interest, particularly peat, will be disturbed. Reference is made to the geo-technical studies that have been undertaken which seem to show an absence of peat on the Site, although the assessment acknowledges that studies have not been undertaken to depths greater than 5m below present ground level and that peat is almost certainly present at greater depth (as indicated by evidence from historic boreholes in the immediate vicinity and the work at Ince Marshes). It is not entirely clear why peat has not been found at a similar level during recent geo-technical works but it may be that the investigations have been carried out within a paleochannel of the Mersey or Weaver where peat never developed. This may indicate that peat does lie at shallower depths in un-surveyed parts of the Site. In view of this uncertainty, APAS supports the proposal contained in Section 11.9 of Chapter 11 in Volume 1 for a further programme of geo-archaeological investigation across those parts of the Site not within the deposit dredging ground. It may be noted that a desk-based geo-archaeological study has already been prepared in connection with the adjacent HyNet CO2 Runcorn Spur development. This report is now a public document and will be of value in designing and refining the programme of geo-archaeological work undertaken as part of the solar farm mitigation.	geoarchaeological investigation outlined in 11.9.1 **of Environmental Statement: Volume 1, Chapter 11: Cultural Heritage and Archaeology (APP-044)** and which are secured within Table 5-6 of **the oCEMP (as updated alongside this submission)**.

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CWACC9.2	9.14	This mitigation, which may be secured by an appropriately-worded requirement, should provide a clear picture of the sedimentary sequence across the Site, extending to its full depth, and will provide an opportunity to secure samples from suitable deposits for assessment and, if appropriate, full analysis. Any such assessment and analysis should cover pollen, macrofossils, etc and may involve radiocarbon dating. If particularly deep intrusions prove necessary (drainage ditches) in areas where peat is detected close to the surface, a programme of archaeological observation and recording may also be required to inspect the open cuts. Once again, this work may be secured by a requirement. A report on the full programme of mitigation will be required and, where information of particular significance is gained, consideration will need to be given to publication of the results.	An **outline Archaeological Written Scheme of Investigation (oAWSI) (AS-028)** has been produced for the required programme of archaeological works. Where archaeological work is required, a specific full Written Scheme of Investigation (WSI) will be prepared in consultation with Cheshire Archaeology Planning Advisory Service (CAPAS) for Cheshire West and Chester Council (CWACC). As above, the results recorded in HER report number R4851 will be used to target the programme of geoarchaeological investigation. The development of, and compliance with the approved AWSI is secured via Requirement 18 of the **Draft DCO (as updated alongside this submission)**.
10. Flood Risk and Drainage			
CWACC10.1	10.5 – 10.8 & 10.12 – 10.18	It is considered that the Applicant's on-site sequential approach needs further discussion and consideration in terms of avoiding where practical areas of higher flood risk (from whatever source). Policy NPS EN1 refers to new energy infrastructure in flood risk areas, in the context of being allowed in exceptional circumstances, and then to make it safe	Paragraph 1.1.1 and 3.1.1 of NPS EN-1 states that there is an urgent need for a significant amount of large-scale energy infrastructure; and that there needs to be a significant number of deliverable locations for CNP infrastructure; and that in each case and for each location development should maximise the available capacity (Paragraph 4.2.21).

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		for the lifetime of the Proposed Development and not increasing flood risk elsewhere (preferably reducing overall flood risk overall). There is a clear national need for the development of energy infrastructure, and CWCC does not query the scale of the development *per se*. However, given the grid connection of 100MW, and the development of up to 147MW of solar array, it does appear there may be scope to avoid or reduce the amount of development in areas of highest flood risk without detriment to the commercial prospects of delivery. It is noted that with the BESS, and potential private wire connection to the west. a development in excess of 100MW appears deliverable. CWCC's request is simply for the ExA to examine whether the Applicant's on-site sequential approach is robust (having regard to any comments from the EA). It does appear that at least avoiding those 'pockets' of surface water flood risk to the margins of the elevated deposit ground cells referred to above would be achievable at minimal impact to the Proposed Development, and any 'pulling back' of solar array from the edges of the NBBMA and River Weaver would be beneficial in terms of habitat considerations. Avoidance is at the top of the mitigation hierarchy[13] and it is not clear why such	CWACC does not query the scale of development, but does question whether, with a grid capacity of 100MW, and a development of 147MW, there may be scope to avoid or reduce the amount of development in areas of highest flood risk without detriment to the commercial prospects of delivery. Paragraph 2.10.55 of NPS EN-3 states that: *"The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays[92]."* Footnote 92 explains the logic of 'overplanting'. It states: *"'Overplanting' refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting."*

[13] *Glossary to NPS-EN1 - A term to incorporate the avoid, reduce, mitigate, compensate process that Applicants need to go through to protect the environment and biodiversity.*

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		areas have not been avoided in developing the proposals. The Applicant has submitted the Sequential Test provided in Section 10 of ES Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2] (APP-084) and ES Vol 2 Appendix 3-1: Alternative Site Assessment [EN010153/DR/6.2] (APP-053) to demonstrate that it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk. CWCC raised the issue of providing a sequential assessment focussed on flood risk, rather than the broader alternative site assessment at the PEIR stage (page 121 of the Consultation report Appendix 10 – Section 42 Applicant Response (APP-032)). The methodology for the alternative site assessment at (paragraphs 1.2.3 to 1.2.6 of APP-053) refer to important opportunities that existed in relation to the Site, but it should be noted that those opportunities would exist for a commercial / NSIP scale of development in relation to the elevated western portion of the Site without the need to develop on the Flood Zone 3a area. The option of disaggregating the project to say two sites/parcels does not appear to have been investigated in depth, but it is acknowledged that the site area used for site selection was small enough to consider the point (i.e. at 119ha – paragraph 2.3.6).	The Proposed Development has been assessed on the basis of the capacity applied for, and the overplanting allows for both degradation in panel efficiency and consequential fluctuations in electricity generation. It is for these reasons that the Proposed Development has been 'sized' as it has, in order to ensure that the available grid capacity is met, and that this is maximised across the life of the development. The Applicant has explained the scale of the development in the context of the current grid offer in its response to the section 51 advice following the issue of the decision to accept the application for examination (**AS-001**). The response describes the basis of the capacity in terms of using a private wire connection to local businesses and Battery Energy Storage optimisation, as well as the requirement to over-plant the Site to ensure the project is designed in the most efficient way to optimise the solar resource at the Site. It is on this basis that the Applicant considers that the current grid connection capacity is not the correct way to view the optimum installed capacity at the Site, to do so would result in an inefficient scheme which does not achieve the Government's objective of maximising available capacity and meeting the urgent need for more low carbon electricity generation. Paragraph 5.8.6 of NPS EN-1 confirms that the aim of planning policy on development and flood risk is to ensure that flood risk from all sources of flooding is taken into account and to steer development to area with the lowest risk of flooding. Where it is necessary in flood risk areas; *"…for example where there are no reasonably available sites in areas at lower risk. The policy aims to make it safe for its lifetime without increasing flood risk elsewhere…"* Consequently, prior to developing in higher flood risk areas, a sequential test assessment should determine whether there are

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		The Aston Grange Farm, Aston Flood Risk Sequential Test Assessment (May 2025) for a 20MW solar farm and 6MW energy storage system (submitted under reference 24/03807/FUL (Appendix H) is provided, as it includes an assessment of four potential sites One other possible sequentially preferable arrangement in terms of flood risk might have entailed one parcel on the elevated deposit grounds under the FWF, and one elsewhere outside of Flood Zone 3 (e.g. the land within Option Area B forming a swathe along the south of the M56 motorway (paragraph 2.5.3)). In assessing the three identified Option Areas (Table 2.2 – APP-032), the Site (which is within Option Area A) represents a more constrained option in relation to flood risk than Option Areas B and C that are in Flood Zone 1. Option Areas B&C are also notably less constrained in terms of ecological designations.	any reasonably available [our emphasis] sites in areas at lower risk. PPG Flood Risk Paragraph 28 Reference ID:7-028-20220825 defines what constitutes a 'reasonably available' site. It states that: *"Sites should be considered 'reasonably available' for the purpose of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal."* In applying the Sequential Test, PPG Flood Risk Paragraph 27a Reference ID: 7-027a-20220825 of states that: *"For individual planning applications subject to the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the need it is proposing to address."* PPG Flood Risk Paragraph 27a goes on to state: *"The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need."* These PPG extracts were updated in September 2025 following the High Court judgment in Mead Realisations Ltd v Secretary of State for Housing Communities and Local Government 2024 (at paragraph 94), which is referenced in the **Environmental Statement Volume 2 Appendix 3-1: Alternative Site Assessment (APP-053)** and set out that when sequentially considering suitable sites there is a need for *"flexibility and realism"* from all parties, and that (at paragraph 98) a *"…broad, non-specific approach by planning authorities to sequential assessment which generally disregards development requirements could lead to inappropriate business decisions*

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			being imposed on developers or the market." Furthermore, it recognised (at paragraph 98) that some development types (such as power stations, transport infrastructure, schools or waste disposal facilities) may be of *"…a specialised or highly specific nature with particular or intrinsic requirements as to the site, form, scale of development, access and catchment."* Finally, these considerations should be seen in the context that Paragraph 2.10.24 of NPS EN-3 states that: *"…the connection voltage, availability of network capacity, and distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal…"* Taking these policy and judicial pronouncements together, it is noted that: • the 'catchment' for the Proposed Development has to relate to the connectability to a grid connection. In this case a 5km search area adopted within the **Environmental Statement: Volume 2 Appendix 3-1: Alternative Site Assessment (APP-053)** has been justified, and CWACC appear to accept that; • the development 'need' that is required to be met is a site that can maximise electricity generation capacity at an available grid connection, in this case the Frodsham SPEN substation, and thus the scheme has been sized and scaled accordingly; and • the Applicant has considered a range of factors of relevance to being able to develop a solar farm, including access, the distance to the point of connection (including the cost and programme implications that come with being a greater distance away) and meeting

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			policy requirements to be able to benefit from the presumption of consent which comes from meeting NPS requirements. CWACC acknowledge the: • 'clear national need for the development of energy infrastructure', and that this need is urgent (NPS EN-1 paragraph 3.1.1); • that CNP infrastructure should be progressed as quickly as possible (NPS EN-1 paragraph 3.3.63); • that a significant number of deliverable locations for CNP infrastructure is required and for each location to maximise its capacity (NPS EN-1 paragraph 4.2.21); and • that applicants should seek to maximise existing grid infrastructure (NPS EN-3 paragraph 2.10.25). Reducing or 'pulling back' the development would undoubtedly reduce the energy generated, and conflict with the need to maximise the capacity available from the grid. Having identified the available grid capacity at the Frodsham SPEN Substation, and the pressing and urgent need to maximise the capacity of it, then in accordance with the PPG on Flood Risk Paragraph 24 Reference ID: 7-024-20220825, the Applicant has undertaken a Sequential Test Assessment to identify if there are areas at lower risk of flooding that are 'reasonably available' and could deliver the same development project and the same time as the Proposed Development. This requires judgement and proportional assessment against a number of site selection criteria. This process is fully set out in

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			the **Environmental Statement: Volume 2 Appendix 3-1: Alternative Site Assessment (APP-053)**. CWACC suggest that the option of disaggregating the project into two parcels does not appear to have been investigated in depth. The Applicant recognises that PPG Flood Risk Paragraph 27a Reference ID:7-027a-20220825 states: *"It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at low risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively."* However, disaggregating the project into two parcels so that the lower flood risk area is fully utilised, and the remaining grid capacity is taken up by developing land elsewhere within a lower flood risk area, would require development south of the M56 corridor. The available land between Helsby and Frodsham strongly serves the purposes of Green Belt, most notably purpose (b) *"to prevent neighbouring towns merging into one another".* Furthermore, developing part of the site south of the M56, or further to the south of Frodsham, would require substantial engineering of any grid connection under the M56 and Helsby / Frodsham railway. The Applicant's assessment of possible alternative sites within the **Environmental Statement: Volume 2 Appendix 3-1: Alternative Site Assessment (APP-053)** demonstrates that the alternative Option Areas (B and C) are heavily constrained by almost all of the criteria used, such that they would never be considered 'reasonably available' in that they would not be suitable for the type of development proposed or have a reasonable prospect of being developed at the same time as the

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			proposal. It was for this reason that disaggregating the Site was not considered further. CWACC has made reference to the Aston Grange Farm (20MW solar and 6MW BESS) planning application (reference 24/03807/FUL), specifically to the Aston Flood Risk Sequential Test Assessment. This appears to be because it includes an assessment of four potential additional sites. The Aston Grange Flood Risk Assessment has been undertaken because there are areas of the site that are at medium and high risk of surface water flooding. The Aston Grange application site is beyond Option Area C and consequently does not meet the inclusionary criteria (within 5km) applied by the Applicant (**Environmental Statement: Volume 2 Appendix 3-1: Alternative Site Assessment (APP-053)**). The four alternative sites considered within the Aston Grange Flood Risk Assessment are: • Land South of Aston (within Option Area C) • Aston Heath (within Option Area C) • Dutton (beyond the 5km search area) • South Higher Lane (beyond the 5km search area) All four of the option areas considered include areas of medium to high surface water flooding. Only 'Land South of Aston' and 'Aston Heath' are located within the 5km search area for the Frodsham Solar proposal. The Aston Grange Farm assessment concluded that the alternative sites rated poor to moderate against the assessment criteria used (previously developed land; visual impact; local constraints; and access). This broadly reflects the assessment undertaken is support of the Proposed

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			Development: **Environmental Statement: Volume 2 Appendix 3-1: Alternative Site Assessment (APP-053)**, in which the Option C Area performed more negatively than the Order limit area (Area A) in all criteria (network connection; proximity to dwellings; agricultural land classification; irradiance and topography; accessibility; cultural heritage impact; landscape sensitivity; landowners; Green Belt) save for: proximity to ecological designations and flood risk. Critically, as set out above, to satisfy the sequential test new development should be steered to areas with lower risk of flooding, albeit they must be 'reasonably available' appropriate for the proposed development that can meet the identified need at the same time. The alternative sites identified within the Aston Grange Farm application could not meet that need in much the same way as the Option Areas B and C could not meet that need. In conclusion in respect of fluvial flooding, the Applicant acknowledges that part of the Proposed Development is located within Flood Zone 3, and the identification of alternative sites as part of the sequential test assessment process identifies areas that are in lower Flood Zone area (albeit still subject to surface water flooding). The Applicant has undertaken an appropriate assessment to determine whether these sequentially preferable areas are 'reasonably available'. That process has demonstrated that, taking into account the multiple factors that influence the suitability of a site for the development of a solar farm, that the alterative options would not be suitable for the type of development proposed, would not be able to meet the same development needs, and / or would not have a reasonable prospect of being developed at the same time as the proposal. In coming to this judgement, factors such as proximity to

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			ecological designations have been factored in (but not considered to be a 'show-stopper' as impacts to proximate ecological receptors can be mitigated), a point specifically raised by CWACC in the relevant representation. For all these reasons the Applicant considers that the sequential test is met. CWACC has questioned why areas (edges of the NBBMA and areas in flood zone 3) have not been avoided in developing the proposals. In designing the Proposed Development, the Applicant has designed the scheme to place the most sensitive equipment, i.e. the BESS compound and the substation, in areas at low risk of flooding, i.e. flood zone 1. In flood zone 3 areasthe panels and the power conversion units have been raised above flood levels, with heights being set to the flood return periods agreed with the Environment Agency to ensure that the development is capable of operating even in times of flood and therefore making the most efficient use of the Site. Flood risk modelling has been undertaken to ensure that the development would not increase off-site flood risk as reported in the **Flood Risk Assessment (AS-019, AS-021, AS-023, AS-024 and AS-027)**-. . Proposed works within the NBBMA would only be undertaken for the sole purpose of providing mitigation for wetland birds associated with the Mersey Estuary SPA, Ramsar and SSSI and for other beneficial ecological / conservation purposes (Paragraph 7.8.4 of **Environmental Statement Volume 1 Chapter 7: Terrestrial Ecology (APP-040)**). CWACC raise a point in relation to modifying the layout in areas identified at risk of surface water flooding (as different from fluvial flooding). This matter is considered within the **Flood Risk Assessment (page 29) (AS-019)** where it is identified that the easternmost extent of the Option 1 BESS and Frodsham Solar

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			Substation encroaches into the 'low' risk surface water flood extent during the present day and climate change scenarios. EA surface water flood depth mapping shows that during the 'low' risk climate change event, flood depths do not reach up to 200mm. It is evident that these areas of surface water flooding are associated with low spots / depressions within this area of the dredging deposit ground. The area of the BESS and Frodsham Solar Substation compound would be re-engineered as part of the development process, which is likely to eliminate the localised survey water flooding in this area. Furthermore, as can be seen from Figure 2-5f, the BESS units and Power Conversion Units would be raised above ground level and thus not susceptible to localised shallow surface water flooding. Given the low risk and shallow nature of the surface water flooding, along with the ability to introduce design measures to mitigate any localised flooding it is evident that BESS and substation compound can be designed to ensure the built development components remain operational and that operatives would remain safe. This is in accordance PPG Flood Risk Paragraph 027 Reference ID: 7-027-20220825 which states: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping),*

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			without increasing flood risk elsewhere, then the sequential test need not be applied." On this basis the Applicant does not consider it necessary to revisit the Proposed Development in the areas identified by CWACC.
CWACC10.2	10.9	The sequential approach to the construction period e.g. in terms of the selection of construction compounds at risk of flooding should be addressed.	The construction compounds are located to best service the construction phase of the development. The **Outline Construction Environmental Management Plan (as updated alongside this submission)** sets out in Table 5-4 that a Flood Warning and Evacuation Plan would be implemented. The plan will include flood monitoring and warning measures. Should the Site be at risk of flooding measures would be adopted to keep operatives safe and move equipment and materials outside areas of flood risk.
CWACC10.3	10.10	CWCC supports the EA's approach in relation to seeking commitment and / or contribution from the Applicant towards maintaining Frodsham pumping station (page 112 of the Consultation report Appendix 10 – Section 42 Applicant Response (APP-032)).	The Applicant has assessed the flood risk associated with the failure of Frodsham Pumping Station within **ES Volume 2 Appendix 9-1 Flood Risk Assessment (AS-019)** and demonstrated that the Proposed Development would remain operational in such an event. The pumping station serves a wider flood risk management function than just the Site, and so at present the Applicant does not consider it necessary to provide a commitment to maintaining Frodsham pumping station. This position has now been agreed with the Environment Agency and will be documented within the Statement of Common Ground with them.

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CWACC10.4	10.11	With regard to whether the Proposed Development is safe for its lifetime, the EA's comments need to be taken into account, and further discussion between the Applicant and the Council's Emergency Planning team is needed before a view can be reached on whether the Proposed Development satisfies this point, and whether the Flood Warning and Evacuation Plan (Appendix M) (APP-088) is satisfactory. The Applicant was advised to liaise with the Emergency Planning team, with specific reference to flood warnings in CWCCs' response to the PEIR in December 2024 (pages 48 and 123 of the Consultation report Appendix 10 – Section 42 Applicant Response (APP-032) (which was additional to the general comments on emergency planning in relation to the BESS raised in June 2023 for the scoping assessment). However, it is understood that no discussions took place with the Emergency Planning team prior to submission of the DCO application.	The Applicant met with the Lead Emergency Planning Officer of the Joint Cheshire Emergency Planning Team on 19 September 2025. Response reference CWACC12.2 describes the outcome of the meeting.
CWACC10.5	10.19 – 10.20	The Alternative Site Assessment (paragraph 2.5.17 - APP-032) acknowledges CWCC's Policy DM40 Development and Flood Risk: "…flood risk should be avoided or reduced by locating development within areas of lower flood risk through application of a borough-wide sequential test' (CWCC highlighting). Contrary to what the Applicant states, CWCC does not consider that DM40 is inconsistent with NPS policy on energy infrastructure. The DM40 policy	CWACC state that Policy DM40 is not contrary to the NPS policy on energy infrastructure on the basis that it allows for criteria to be applied that would potentially quickly narrow down the suitability of sites. Fundamentally Policy DM40 requires that the sequential test be applied through a borough-wide assessment. Critically it is not the extent of the administrative borough that defines whether a site or area represents a sequentially appropriate alternative. It

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		allows for criteria to be applied that would potentially quickly narrow down the suitability of sites, but the starting point should be a borough wide approach. Notwithstanding that a borough-wide approach should be taken CWCC acknowledge the importance of factors such as the availability of grid connection, and constraints to connection over longer distances, and the locational significance of much energy related infrastructure and heavy energy users seeking to decarbonise along this Mersey belt. The benefits of deliverability of the Proposed Development at speed is also acknowledged.	is identifying a location that can meet the same development needs and have a reasonable prospect of being developed at the same time. The extent of the borough boundary is irrelevant and does not represent a search criterion within national policy. It is on this basis that the Applicant has used the point of connection at Frodsham Substation, which has an identified capacity to accept additional low-carbon electricity generation, as the originating factor for the area of search. This is entirely appropriate approach for a sequential assessment of an energy-generating project.
11. Tourism and recreation (including Footpaths / Public Rights of Way)			
CWACC11.1	11.1	As noted in the Natural Environment Officer's comments Chapter 12: Cumulative and In-combination Effects (APP-046) does not take into account the Tourism and Recreation chapter (APP-045). This should be assessed, due to the increased disturbance caused by the footpath upgrades and network expansion across the SADA.	As set out in the Applicant's response at CWACC7.31, **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)** paragraphs 8.8.68 – 8.8.72 and **Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)** paragraphs 7.8.97 – 7.8.88, assess the effects of increased recreational pressures. These impacts have been a design consideration throughout the evolution of the Proposed Development as described in paragraph 5.3.32 and 5.6.8 of the **Design Approach Document (APP-130)**. It is noted that Natural England concludes that the proposed screening measures will be sufficient to manage any additional recreational pressure as a result of the development (**NE28 RR-012**). Paragraph 13.2.5 of **Environmental Statement: Volume 1 Chapter 13: Cumulative and In-Combination Effects (APP-046)**, sets out that "Consideration of intra project effects is an

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			inherent part of the EIA assessment process for many ES topics.". Paragraph 13.3.3 identified that in-combination effects related to ecological receptors are assessed within Chapters 7 and 8 of the ES. As set out above these potential in-combination effects have been assessed in the ES and as such the Applicant considers relevant in-combination effects from the Tourism and Recreation chapter have been taken into account.
CWACC11.2	11.2	Further discussion with the Applicant to clarify the mechanisms for triggering the delivery of the visitors' car park on land to the north of Moorditch Lane (Para 2.4.128. APP-035 - EN010153/DR/6.1 Vol.1 Ch2. Proposed Development); as well as other matters including the responsibility for management and maintenance.	The Applicant has discussed this matter with the Council. It has been agreed that an appropriate approach is to secure a regular review mechanism within the Outline **Operational Environmental Management Plan (oOEMP) (as updated alongside this submission).** This commitment has been introduced at paragraph 4.1.7 of the oOEMP, and includes a commitment for the provision of the car park to be included as an agenda item on Community Liaison Group meetings during the operational period.
CWACC11.3	11.11 – 11.12	For the construction period, a programme of works should be made available for local PRoW users, so they know which PRoWs will be closed and when. This should include a communications plan detailing how changes will be advertised. There needs to be clarity over which paths are due to be closed during the construction. If they are to be closed for the full duration of the construction (which	The **Outline Public Rights of Way Management Plan (oPROWMP) (as updated alongside this submission**) describes which PRoW would be affected by the construction works with reference to the **Street Works, Public Rights of Way, Vehicular Usage and Access Plans (AS-008)**. Paragraph 3.3.5 of the oPROWMP sets out the hierarchy used for management of the PRoW to ensure the safety of the public. The Applicant has sought to keep the vast majority of PRoW within the Site would open during the construction phase through management measures which are described in section 4 of the oPROWMP.

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		could be around 3 years14), this is a very long time for them to be closed. The Applicant should look to reduce full closures and include information within the communications plan.	Paragraphs 3.3.6 to 3.3.9 of the oPROWMP describe the proposed approach to providing signage and information during the construction works. An additional commitment has been included in the **Outline Public Rights of Way Management Plan (oPROWMP) (as updated alongside this submission**) at paragraph 3.3.10 for the full PROWMP to include details of how temporary closures and diversions of any PROW will be advertised to the local community.
CWACC11.4	11.13 – 11.14	The closure of RB40 to pedestrians for circa 30-34 months represents a long diversion (in duration and distance) for those that do use this route, e.g. employees walking from Helsby to some of the large industrial sites around the Protos site. NPS-EN3 (paragraph 2.10.41) advises applicants to keep, as far as practicable and safe, all PRoW open during construction. The closure of other routes such as RB98 and RB103 for long durations impacts on the availability of circular routes, especially for non-pedestrians using Frodsham Marshes.	As set out above in CWACC11.3 the Applicant has adopted the approach set out in NPS EN-3 paragraph 2.10.41 by keeping open as many PRoW across the Site as possible where it is safe to do so. In relation to RB40 the Applicant has proposed an approach which would maintain access along RB40 outside the construction working hours, and within the construction working hours cyclists would still be permitted to use RB40. It should be noted that during the construction of Frodsham Wind Farm the same approach was adopted to the management of the RB40, which was approved by CWACC pursuant to Condition 29 (Public Rights of Way Strategy) of 10/00597/DECC. Whilst the temporary closure of RB103 and RB98 will limit the availability of circular routes for the duration of the construction,

[14] Note that there appears to be some inconsistency in terms of the period of construction, some reference is made to 30 months and other documents refer to 34 months).

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			alternative PRoW provide suitable alternative routes to ensure that access through the Site is maintained.
CWACC11.5	11.15	Presentation of the proposal in relation to the impacts on PRoW in the Street Works, PROW, Vehicular Usage and Access Plans (APP-10 EN010153/DR/2.4 including Rev P02) could be clearer, e.g. the colouring on the key for 'permanent stopping up of PROW' is not dissimilar to that used for 'new public rights of way' and similarly the alteration of streets - permanent. The distinction between 'Proposed managed crossing point' (green) and 'Permanent use of motor vehicles of PROW' (also Green) is another example. Whilst useful to have information in one (set of) drawing(s), the overlay of information adds to the difficulty of assimilating the information being shown. It may assist to also have separate drawings to show closures (temporary and permanent) and works. An outline phasing/programming plan for the construction phases would also assist.	The Applicant notes the comments of CWACC on the presentation of the **Street Works, Public Rights of Way, Vehicular Usage and Access Plans (APP-010).** However, the Applicant considers these plans contain the necessary information and are illustrated in a manner consistent with other plans of this nature on other schemes. . In relation to phasing / programming, **Environmental Statement: Volume 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule (APP-051)** provides a high-level indicative programme. At this stage in the design and development process, prior to detailed design, it is not possible to provide a precise programme. However, as set out in CWACC11.3 the Applicant is committed to advertising closures and diversions to the local community. It is also noted that Requirement 3 of Schedule 2 of the **draft DCO (as updated alongside this submission)** requires phasing plans to be submitted to and approved by the planning authority.
CWACC11.6	11.16 – 11.18	The assessment of the impact of the Proposed Development on PRoW routes in terms of the visual experience of users should not reply just on the viewpoint representations, which are just points along a journey.	**Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)** includes an extensive section assessing the effects of the Proposed Development on users of PRoW routes within and beyond the boundary of the Site (paragraphs 6.8.84 to 6.8.105). As such the Applicant has not

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		As a general point, the Proposed Development is considered to have a greater adverse impact on the local and wider (beyond the Order Limits) enjoyment of the footpath network than the ES assessment indicates. It is not clear on what basis the quantitative conclusion is reached at paragraph 12.8.55 of APP-045 that there would be little impact on the number of visitors or users. However, even accepting that premiss, consideration should be given to the qualitative impact in terms of the experience of the PRoW users. Table 12-8 'Importance criteria' in APP-045 refers to local public rights of way used for local exercise by local people as of 'negligible' importance, yet there are 15,000 estimated number of annual PROW users (Table 12-11) (plus the cyclists and birdwatchers), which referring back to Table 12-8 would (in quantitative terms) be considered of 'low importance' as a visitor attraction (rather than 'not deemed of importance' or 'negligible'). The assessment at paragraph 12.8.56 refers to the sensitivity to the impact being considered low, which seems to be based on the assessment that there would be little impact on the number of PROW users. The impact on numbers is difficult to quantify, but the qualitative impact in terms of the experience of the PROW users would appear to be greater than given credit for, and this may lead to fewer users, as other local routes	relied solely on the selected representative viewpoints set out in the assessment. The conclusions outlined in APP-045 have been informed by the professional judgement of the assessors, taking into account the assessment presented in Chapter 6, noted above. The multifaceted nature of the landscape within which the Site is situated means that users of the PRoW experience a wide range of landscape types and visual, auditory, and historic influences. The introduction of the Proposed Development into the locality does not significantly change the landscape experience for the majority of the PRoW network that users will access in the area. It is on this basis that it was concluded the operation of the solar PV facility would have little negative impact on the number of users of the PRoW and NCN Furthermore, the various improvements proposed as part of the Proposed Development are intended to increase access opportunities at the Site. Table 12-8 sets out a methodology to provide a semantic scale of importance, common in EIA practice. This reflects the differences in status between routes, for example those which have a national significance are judged to be of the highest importance and local routes with no regional or local status significance are judged to be of the lowest category of importance. With regard to Table 12-11 it should be made clear that the table states *"Unknown but potentially in the order of 15,000 leisure uses per annum*.". CWACCs reference to a visitor attraction is erroneous when referring to a PRoW, which is distinguished separately within Table 12-8.

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		become relatively more attractive. Given the mitigation planting would take up to 10 years to establish (based on the visualisations in the LVA) it seems logical to attribute PROW users sensitivity (Table 12-5) to medium sensitivity. The magnitude criteria (Table 12-6) refer to the extent of the area subject to impact. Impacts extending to the Site are considered of small spatial extent, resulting in this being attributed as a 'negligible' magnitude. This is considered to underplay the actual impact, because the Site (SADA) is so extensive in its own right (particularly in reference to local use and users). The magnitude impact would be low to medium given the impact on Frodsham. The initial level of effect for PROW users would be at least low rather than negligible. An overall level of effect (during the operational phase) (and including the National Cycle Network as high importance) would therefore be at least minor to moderate not negligible to minor; and therefore, a potentially significant effect in EIA terms (following paragraph12.5.20).	The Applicant's analysis of the impact of the Proposed Development on users of PRoW, in light of the mitigation and enhancement measures proposed, is set out within **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)** and **Environmental Statement: Volume 1 Chapter 12: Tourism and Recreation (APP-045).** The **Design Approach Document (APP-130)** provides further detail on the measures considered to enhance the experience of users at the Site. The rationale set out in the Environmental Statement is therefore considered appropriate to identify likely significant effects on tourism and recreational receptors. The Applicant disagrees that the impact on users of rights of way would result in fewer users. As outlined in Table 12-10 of **Environmental Statement: Volume 1 Chapter 12: Tourism and Recreation (APP-045)**, there is relatively low use of the Site for recreation. It is considered that the range of measures, including the provision of additional linking routes, improved surfacing, signage, and facilities such as seating, bird viewing areas, and information boards, would encourage greater use. The rationale for the sensitivity and magnitude of effects is provided in the assessment. The Applicant considers that the users of the Site would have some capacity to tolerate the impacts that would arise, as a) diversions and closures would be minimised, and b) the setting of the Site means that users are already exposed to a variety of rural, urban, and industrial experiences, and thus would not be categorised as having limited capacity to tolerate impact. In relation to magnitude, the impacts would be site-based and there is not considered to be a reduction in users in the operational phase as set out above.

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			Therefore a negligible magnitude of change is considered appropriate.
CWACC11.7	11.19 – 11-24	Permissive path impacts on ecology, and re-routing of Permissive Path A and B	The approach the Applicant has taken to the assessment of impacts on ecology from disturbance of users of the existing PRoW and the proposed permissive paths across the Site is set out at CWACC11.1. As noted in this response, it is considered that adequate mitigation is proposed to enable these proposed enhanced recreational opportunities to be realised whilst ensuring that the ecology of the area is protected. On this basis the Applicant is not proposing to re-route Permissive Path A and B. It is noted that Natural England concludes that the proposed screening measures will be sufficient to manage any additional recreational pressure as a result of the development (**NE28 RR-012**).
CWACC11.8	11.26	Further clarity is sought in relation to the control over ensuring that the various mitigation works (e.g. formation of permissive paths) are carried out, and	The delivery of the permissive paths, including their specification, is controlled through the implementation of the Landscape and Ecological Management Plan pursuant to

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		approval of a phasing implementation programme for the mitigation works (including opening up of the permissive paths for use by the public).	Requirement 9 of Schedule 2 of the **draft DCO (as updated alongside this submission)** specifically ((2)(h) which requires the final routing, specification and maintenance regime for each permissive path to be approved by the relevant planning authority.
CWACC11.9	11.27	Further information is needed from the Applicant in relation to the management and maintenance of the permissive paths. Confirmation of the details of any agreements with the landowners in relation to or relevant to the paths should be provided. CWCC consider it important to secure a management plan to include contact details, provision for reporting and dealing with complaints during the operational phase, including standards for resolution of complaints/carrying out remedial action, and ensuring that paths do not remain temporarily closed for longer than necessary.	The management and maintenance of the fabric of the permissive paths is secured as per the response to CWACC11.8. Requirement 15 of Schedule 2 of the **draft DCO (as updated alongside this submission)** requires a Public Right of Way Management Plan to be submitted and approved by the relevant planning authority. This provides the opportunity for the control of measures such as those described in the construction and operational phase of development.
CWACC11.10	11.28	Operational Impact 5 – disturbance to the recreational usage of PRoW and other recreational routes that pass through Frodsham. The disagreement in relation to the LVA and the significance of the Frodsham Hill War Memorial site and Viewpoint 9 (referred to in the Landscape and visual section (6) further above) applies similarly in relation to the impact on PRoW users on this, and to an extent other PRoW vantage points (e.g. Castle Park/St. Lawerence's Church). The existing expanse of largely undeveloped fields being transformed by	As set out in CWACC11.6 the judgements provided in relation to Operational Impact 5 were informed by **Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity (APP-039)** paragraphs 6.8.84 to 6.8.105. The analysis in paragraph 12.8.73 of the **Environmental Statement: Volume 1 Chapter 12: Tourism and Recreation (APP-045)**, recognises the moderate adverse effects that would occur regarding views from Frodsham Hill War Memorial, but it also considers that the fundamental nature of the expansive panoramic view, which is one of the key experiences at this

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		the Proposed Development would be more significant that described at paragraph 12.8.73. Whilst the assessment at paragraph 12.8.74 concludes that the change would not deter walkers from using the Sandstone Trail, the assessment fails to give any weight to the impact on the qualitative impacts on users' enjoyment or a diminution of recreational value.	location, would remain. Therefore, it is considered that the qualitative impacts on users' enjoyment and recreational value are taken into account.
CWACC11.11	11.29	In terms of cumulative impacts (paragraph 12.11.4), reference is made to the HyNet Hydrogen pipeline being constructed at the same time as the Proposed Development. There does not appear to be any certainty/detail/control mechanism over this (or the phasing of the Runcorn Spur CO2 pipeline). Further examination / explanation of the cumulative impacts is needed.	The Applicant is not in control of the mitigation measures that would be adopted by the two cumulative projects described. However, it is noted that Runcorn Carbon Dioxide Spur Pipeline planning application includes an Outline Public Rights of Way Management Plan and it is anticipated that the requirement for a full Public Rights of Way Management Plan will be a condition of planning permission should this be granted by the Council. Similarly, it is anticipated that such control would also be stipulated as a requirement of the HyNet Hydrogen Pipeline.
CWACC11.12	11.31 and 11.33	Further clarity and commitment on the position in terms of the permissive paths remaining open during (and preferably after) decommissioning would be welcome. The Proposed Development will have adverse impacts on the PRoW and recreational users for the duration of the Proposed Development, with some mitigation, such as the enhanced surfacing and development of permissive paths and additional landscaping. However, to mitigate for in excess of 40years of a mixture of disruptions and changed	The delivery of the permissive paths is controlled through the implementation of the Landscape and Ecological Management Plan pursuant to Requirement 9 of Schedule 2 of the **draft DCO (as updated alongside this submission)**. As such, the Applicant must retain the permissive path in place for the lifetime of the Proposed Development, which includes the decommissioning period, subject to maintaining the safety of users across the Site during decommissioning activities. For the duration of the development, the Applicant will be liable for maintenance of the permissive paths and PRoW within the

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		landscape character to enjoy, CCWC advocates a mechanism to secure longer term retention of the permissive paths beyond the life of the DCO. CWCC advocates that the permissive paths be longer term or designated PROW to secure enhancement of the PROW network beyond the 40-year life of the Proposed Development as mitigation for this residual adverse impact. Further discussion is needed with the Applicant regarding the maintenance liabilities in relation to any newly designated PRoW, and provision of contributions and / or maintenance commitment to ongoing maintenance of paths beyond the 40-year lifetime of the DCO.	Site in accordance with the details to be approved under the Landscape and Ecological Management Plan and the Public Rights of Way Management Plan, pursuant to Requirement 9 and 15 respectively of Schedule 2 of the **draft DCO (as updated alongside this submission)**. Paragraph 2.4.4 of the **Outline Decommissioning Environmental Management Plan (as updated alongside this submission)** confirms that following decommissioning, the landowner may or may not retain the permissive footpaths created across the Site. After decommissioning, the Applicant will no longer be in control of the land, so there is no mechanism to secure the long-term retention of the permissive paths beyond the life of the DCO.
CWACC11.13	11.32	Overall, CWCC considers there is liable to be a residual negative impact on recreational users of the existing PRoW due to the change in character of the SADA post development from a largely open agricultural expanse, (albeit with some built features including the FWF turbines) into a solar farm environment on an industrial scale. Mitigation with additional landscaping to filter views of the solar arrays from the PRoW is appropriate, and welcome, but the visual amenity and experience from within the SADA will be subject to significant change and likely residual adverse impact for recreational users of the PRoW. The footnote to paragraph 2.10.43 of NPS – EN 3 provides virtually the same point about	The Applicant has provided a response at reference CWACC6.5 relating to impacts on users of the public rights of way within the Site. This identifies that the experience of open landscape character varies along the different sections of the existing PRoW network, with more open views typically experienced from more elevated sections of footpaths (e.g. along flood embankments and on deposit ground structures) and with enclosure experienced elsewhere due to the presence of mature vegetation and / or topography. There is a gradation of experience in between, with more filtered views and intermittent openness. As set out in the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** and as recognised in two of the limbs to Design Principle 2: Landscape and Views set out within Appendix A of the **Design Approach Document (APP-130)** and secured through DCO Requirement: a. Retain and enhance the open character of

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		impacting on the ability of PRoW users to appreciate the surrounding landscapes.	Frodsham Marshes, where feasible; and g. Retain open vistas looking across Frodsham Marshes and the wider estuary, where feasible; the need to maintain qualities of open character are recognised and will be addressed appropriately in the detailed design and in the setting of management regimes for mitigation planting. The footnote referred to sets out that "*screening along public right-of-way networks to minimise the outlook into the Solar Park may, impact on the ability of users to appreciate the surrounding landscapes*". This has been explicitly recognised by the Applicant at paragraph 6.6.51 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** where the need to keep hedgerows maintained at heights to retain views in certain locations is recognised as forming part of the annual maintenance regime.
12. Health and Community			
CWACC12.1	12.3	The ExA is requested to consider the noise environment of the SADA in relation to / in conjunction with the landscape character impacts, as part of the overall assessment. Essentially, assessing the degree to which the construction and operational noise of the Proposed Development would impact on the acknowledged relative tranquillity of the area of this locally valued landscape (once within the site and far enough away from the influence of the M56 Motorway). This may require a subjective judgement (as tranquillity does not equate directly to quiet areas) but adding noise into a tranquil area should be included as part of the overall assessment of the impact of the Proposed Development.	The Applicant notes the request for the Examining Authority to consider the relationship between the noise environment and landscape character, including the concept of tranquillity. Tranquillity is understood as a perceptual quality influenced by both sound and visual context, rather than being defined by silence. The existing environment within and around the Site is influenced by notable sources of human activity and infrastructure. The M56 motorway generates constant background noise, and the presence of Frodsham Wind Farm, pylons and industrial operations along the Mersey Estuary all contribute to the sensory baseline. These features inevitably reduce the area's overall sense of tranquillity. Nevertheless, once away from the main transport corridors, parts of the Site

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			can feel open and relatively remote reflecting the flat topography, sparse settlement and wide horizons typical of the estuarine fringe. No local or national landscape designations apply to the Site. It is not within an Area of Special County Value identified in the Cheshire West and Chester Local Plan, and while the 2016 Landscape Sensitivity Study and Guidance on Wind and Solar Photovoltaic Developments provides general background information, it does not confer any designation or establish the land as "valued" in policy terms. The term "valued landscape" under paragraph 187(a) of the National Planning Policy Framework was clarified by Lord Justice Ouseley in Stroud DC v Secretary of State & Gladman Developments Ltd [2015] EWHC 488 (Admin), as requiring demonstrable physical attributes that take a landscape out of the ordinary. Those characteristics are not present here. The noise and vibration assessment demonstrates that construction effects would be temporary and well-managed through standard mitigation measures, and that operational noise would be low and consistent with existing background levels. Accordingly, the Proposed Development would not materially alter the established acoustic or perceptual environment, nor would it introduce effects likely to change the existing character or perceived tranquillity of the surrounding landscape.
CWACC12.2	12.12	With regard to matters of flood risk, proximity to hazardous installations/pipelines, and fire safety associated with the BESS, CWCC recommended that the Applicant engage with the Emergency	The Applicant met with the Lead Emergency Planning Officer of the Joint Cheshire Emergency Planning Team on 19 September 2025. The Applicant described the approach taken to flood warnings and evacuation of the Site and matters relating to

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		Planning team in response to the PEIR (CWCC letter of 18 December 2024). However, it is understood that there has not been contact with the Emergency Planning team prior to submission of the DCO application. Contact details have been provided to the Applicant for discussions to take place; and it is expected further comment will be made in the LIR and / or written representations, as needed.	BESS safety and the **Outline Battery Safety Management Plan (APP-139).** The Applicant has designed the project to include the necessary buffers from the utilities and pipelines which cross the Site. The Applicant has also held a meeting with Cheshire Fire and Rescue Service on the 16th October 2025 in relation to flooding and BESS safety. Both CWACC Emergency Planning Team and Cheshire Fire and Rescue Service were satisfied that the Applicant had considered the relevant matters at this stage in the development process. As a result of discussion with Cheshire Fire and Rescue Service, the **Outline Operational Environmental Management Plan (as updated alongside this submission**) has been revised to include a requirement to review safety procedures and emergency action plans with Cheshire Fire and Rescue Service should the Runcorn Spur CO2 Pipeline be constructed.
13. Land Contamination			
CWACC13.1	13.3 - 13.5	EPU recommend that further detailed investigation and assessment is carried out at the detailed design phase, with a focus on proposed areas of piling and ground disturbance and the areas of the Site where there is the potential for localised contamination. Design of the proposed buildings on site also need to consider potential gas risk. Requirement 17 Ground Conditions of the draft DCO would cover the requirement for the submission of a Phase 2 site investigation. However, the wording of	The Applicant acknowledges the need for further detailed investigation as part of the detailed design phase as set out in paragraph 10.9.1 i) of **Environmental Statement: Volume 1 Chapter 10: Ground Conditions (APP-043)**. As noted by CWACC Requirement 17 of the **draft DCO (as updated alongside this submission)** identifies the need for a 'ground conditions investigations and assessments strategy' to be submitted and approved by CWACC prior to works commencing on any phase. Provision for a 'strategy' will allow agreement of the overall approach to contamination management which takes account of

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		the above requirement does not include provision for submission of a remediation strategy and verification plan to be submitted prior to the construction works being undertaken. There is also no requirement for a verification report to be submitted to demonstrate that the remedial works have been carried out in accordance with the remediation strategy. CWCC recommend that the DCO requirement be reworded in line with the Land Contamination Risk Management (LCRM) approach for dealing with land contamination.	the detailed design of the scheme, without prescribing at this earlier stage a specific approach that may need to change. Requirement 1 of the draft DCO defines 'ground conditions investigations and assessments strategy' and lists the following elements which must be included in the strategy: (a) unexploded ordnance assessment; (b) ground investigations; (c) **remediation strategies and verification report**s; (d) materials management; (e) piling risk assessment; (f) approach to be taken for dealing with ground conditions in respect of Work No. 6C; and (g) earthworks specifications. Paragraphs 4.1.23 to 4.1.25 and Table 5-5 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** provides further details of the controls that would be provided in relation to contamination. It is considered that the measures outlined are in accordance with the LCRM approach.

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CWACC13.2	13.6 – 13.9	Whilst an unexpected contamination protocol (UCP) and other measures relating to unexpected contamination are included as part of the Outline Construction Environmental Management Plan (APP-136), CWCC recommends that an additional requirement in relation to any unexpected contamination is included in the Schedule 2 Requirements of the DCO. CWCC considers that a separate requirement is appropriate rather than being dealt with via the oCEMP. Any reports required above need to be completed in accordance with the Environment Agency Land Contamination Risk Management Framework. Detailed suggested wording for the requirements will be provided for the Examination. The reason for the Requirement is to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised together with those to controlled waters, property and ecological systems and to ensure that the Proposed Development can be carried out safely without unacceptable risks.	The need to provide an unexpected contamination protocol is explicitly identified in Requirement 12(2)(c) of the draft DCO (as updated alongside this submission). Paragraph 4.1.24 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** sets out that: "If significant unexpected contamination is identified CWaCC, and where necessary, the Environment Agency, shall be notified promptly in writing confirming risk assessment, investigation, and if necessary, the remediation and validation measures to be undertaken. Following the implementation of the approved remediation strategy, a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures, will be provided to CWaCC and the Environment Agency.". Requirement 12(2) sets out that the construction environmental management plan submitted for approval must be substantially in accordance with the outline construction environmental management plan. Accordingly, the Applicant considers that the draft DCO includes adequate measures to ensure the necessary protection of controlled waters, property, and ecological systems.

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14. Accessibility – Transport and highways			
CWACC14.1	14.3	A travel plan (as required under paragraph 5.14.7 of NPS EN-1) is referred to in the oCTMP but has yet to be submitted.	The outline measures relating to staff sustainable travel considerations set out in Section 4.4 of the **Outline Construction Traffic Management Plan (oCTMP) (as updated alongside this submission)** provide the basis of what would be included within a construction staff travel plan, and cover the requirements set out in the bullet points in para 5.14.7 of EN-1. The oCTMP includes a commitment to prepare a full staff travel plan as part of the full CTMP, and this would be prepared once the final composition of the construction workforce is known. Requirement 14 (2) of the **draft DCO (as updated alongside this submission)** sets out that the construction traffic management plan must include a construction travel plan (which must be substantially in accordance with section 4.4 of the outline construction traffic management plan).
CWACC14.2	14.7	The Protos site has a cap on levels of HGV movement and any HGV movement attached to the Proposed Development either through the construction stage or the subsequent operational stage is expected to demonstrate that it falls below that capped overall level as it would be using the same road network. A means of securing this is expected.	The **Transport Assessment (TA) (APP-134)** includes a comparison of the forecast trip generation against the Protos cap (paragraphs 7.5.27 to 7.5.32) as a way of demonstrating that the level of traffic impact would be minimal. However, Protos is a separate development, and there is no planning or transport reason to tie the HGV trip generation of the Proposed Development to the Protos cap. During the operational phase for the Proposed Development, the level of HGV trips would be minimal as described in section 5.4 of the TA, or in the case of replacement campaigns, less than construction. The main traffic impact of the development would be only for a limited period during construction, and it is considered that this is adequately managed through the measures set out in the **Outline Construction Traffic Management Plan (as updated**

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			alongside this submission) without the need for a tie to the Protos cap.
CWACC14.3	14.8 & 14.16	The impacts of abnormal traffic movements relating to the Proposed Development and considered cumulatively with other projects needs consideration. The full CTMP is expected to include reference to liaison with other projects to co-ordinate the programming of abnormal indivisible loads in order to minimise disruption of the highway network. The establishment of a Construction Traffic Management Working Group (paragraph 7.1.4 of the oCTMP) is welcome. Confirmation of agreement with the other representatives comprising the group to co-ordinate in this manner should be confirmed (noting the assumption at paragraph 7.15).	Section 8.4 of the **Transport Assessment (TA) (APP-134)** sets out that the access route to the Site is considered to be of an appropriate standard for abnormal load access. As set out in Section 5.5 of the **oCTMP (as updated alongside this submission)**, all abnormal load movements would be planned and agreed in advance with CWACC and National Highways in accordance with the Road Vehicles (Authorisation of Special Types) (General) Order 2003. It would be a responsibility of the proposed Construction Traffic Management Plan Working Group (paragraph 7.1.4 of the oCTMP) to co-ordinate the planning of abnormal load movements across the identified cumulative developments. This responsibility has been clarified within paragraph 7.1.4 of the **oCTMP (as updated alongside this submission).** The Applicant (and the DCO) cannot require the other developments to attend the group, but they will be invited to do so, and it is open to CWACC to require it through imposing controls on the consents for those projects.
CWACC14.4	14.10	CWCC supports the restriction of construction access to avoid access from Frodsham. However, there are issues that may arise from circumstances on the SRN that will be of relevance to the local highway network, which CWCC have responsibility for and need to consider. For example, what arrangements will be made to access the Site, in the event of a prolonged closure of the M56 motorway? Under such circumstances access to the SADA for construction purposes by alternative routes to the identified route via Pool Lane and Grinsome Road may be regarded	The only route proposed for construction access is via Pool Lane and Grinsome Road. No HGVs would be routed through the villages of Frodsham, Ince or Elton as stipulated in paragraph 4.1.3, the **Outline Construction Traffic Management Plan (oCTMP) (as updated alongside this submission)**. Compliance with the oCTMP is secured via Requirement 14 of the **draft DCO (as updated alongside this submission)**. In the event of a prolonged closure of the M56, or any closure that would restrict access to Pool Lane and prevent the use of

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		as attractive in terms of reducing journey length or time, but the potential alternative routes may be unsuitable and detrimental to amenity etc. Further discussion with the Applicant is required to clarify matters and the arrangements for access in such circumstances.	the identified construction access route, the Applicant would coordinate with CWACC and National Highways and would follow any temporary diversion route that might be in place.
CWACC14.5	14.11	In principle, the use of the existing FWF tracks to access the Proposed Development during construction and operation is an example of one of the benefits of co-location with the FWF. However, the impacts of construction and operational traffic passing alongside Cell 3 and the NBBMA is potentially adverse in terms of biodiversity impacts.	Paragraph 6.3.9 of the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)** and paragraph 8.8.9 of **Environmental Statement: Volume 1 Chapter 8: Ornithology** considers the impact of traffic along the road alongside Cell 3. The assessment concludes that noise and visual disturbance would not result in a significant effects on the birds using Cell 3 and the NBBMA.
CWACC14.6	14.12	One of the main impacts in terms of construction (and decommissioning) is the temporary closure of PRoW for extended periods of time. Advice is provided in NPS-EN-3 regarding PRoW (paragraphs 2.10.40 – 2.10.45), and 2.10.41 refers to keeping PRoW open during construction where practicable. It is acknowledged that the Applicant addresses the needs of cyclists (bearing in mind that part of the construction route includes part of the National Cycleway Network) by allowing passage for cyclists to continue during construction. However, the daytime closure to pedestrians (and horse riders) is an adverse impact of sustained duration during construction. (See also para 11.3 above under the public rights of way).	The Applicant has adopted the approach set out in NPS EN-3 paragraph 2.10.41 by keeping open as many PRoW across the Site as possible where it is safe to do so. In relation to RB40 the Applicant has proposed an approach which would maintain access along RB40 outside the construction working hours, and within the construction working hours cyclists would still be permitted to use RB40. It should be noted that during the construction of Frodsham Wind Farm the same approach was adopted to the management of the RB40 as approved by CWACC pursuant to Condition 29 (Public Rights of Way Strategy) of 10/00597/DECC. The measures to be taken with regards to PRoW users during construction would be able to be approved by CWACC as part

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			of approving the detailed public rights of way management plan pursuant to DCO Requirement 15.
CWACC14.7	14.13	Clarification should be provided in documentation when referencing Marsh Lane, as there are several Marsh Lanes in the vicinity, e.g. Marsh Lane, Frodsham, Marsh Lane, Ince, Marsh Lane adjacent to former CF Fertilisers site, Marsh Lane, Elton. Reference to an HGV/construction traffic access plan should be provided as part of a control document.	The proposed construction traffic access strategy is outlined within Section 4.1 of the **Outline Construction Traffic Management Plan (oCTMP) (as updated alongside this submission)**. A plan identifying the specified construction traffic access route, which will clearly identify the specific sections of Marsh Lane that form part of the access route, will be included within the full CTMP. This commitment is included at paragraph 4.1.6 of the **oCTMP**.
CWACC14.8	14.14	Access and parking of contractors' vehicles on accesses surrounding the Site is liable to be a source of potential complaint, and appropriate management / enforcement provisions within the oCTMP for all contractor related traffic/ parking should be set out in the full CTMP (as noted in 5.3.3 and expanded in 8.3. of the oCTMP) (APP135).	Section 4.3 of the **Outline Construction Traffic Management Plan (oCTMP) (as updated alongside this submission)** describes the construction staff parking arrangements. Paragraph 4.3.7 sets out "No construction traffic will be parked outside of these compounds, or indeed outside of the site. Parking will be managed and carefully monitored by the site manager to ensure that parking is provided in an efficient and safe manner, with sufficient separable distance from any plant, materials, or construction activity." CWACC will be able to consider the details of this via its approval of the detailed CTMP pursuant to Requirement 14 of the **draft DCO (as updated alongside this submission).**
CWACC14.9	14.15	Details of arrangements to ensure forward traffic movements on the highway and access track are expected, with turning areas within the main construction areas (as noted in 5.2.4 of the oCTMP) (APP-135), and possible adoption of one-way routes to simplify access arrangements. The control over	The details of arrangements to ensure forward traffic movements will be finalised at the detailed design stage. Where it is not possible to facilitate a forward turning movement, then suitably designed turning heads will be provided. As set out in paragraph 5.2.5 of the **Outline Construction Traffic Management Plan (oCTMP) (as updated alongside this**

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		HGV's during peak hours (paragraph 5.4.1 of oCTMP) is welcome, and further discussion with the Highway Authority is recommended to establish the peak hours for the full CTMP. It is noted that the peak hours referred to in the oCTMP differ from the peak hours referred to at paragraph 6.3.1 of the TA (APP-134); the latter finishing at 17:30 rather than 17:00.	**submission)** any reversing manoeuvres by construction traffic within the Site will be controlled by a qualified banksman The requirement to confirm the correct peak hours to be included in the full CTMP with the LHA is set out in the oCTMP. The Applicant confirms that the correct PM peak hour is set out in the **Transport Assessment (TA) (APP-134),** and the hours have been corrected within the oCTMP (as updated alongside this submission).
CWACC14.10	14.17	Arrangements for condition surveys before and after construction and making good any construction damage to the PRoW during and on completion of the Proposed Development are expected. Given the potential for cumulative development (e.g. Hynet) utilising parts of the same access tracks / PRoW the responsibilities / mechanisms for maintaining and carrying out remedial works (potentially apportioning responsibilities) needs to be clear / confirmed.	Paragraph 2.4.127 of the **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)** sets out that the section of NCN5 that runs through the Site, would be improved at the end of the construction period to repair damage and potholes. This commitment has been confirmed within an update to Table 5-7 of the **Outline Construction Environmental Management Plan (as updated alongside this submission**) which is secured via Requirement 12 of the **draft DCO (as updated alongside this submission)**. Paragraph 5.1.7 of the **Outline Public Rights of Way Management Plan (as updated alongside this submission)** also sets out a commitment to improve the condition of the PRoW network within the Order Limits and that the full PROW Management plan will include the approach taken to monitor the condition of the PRoW network and identify areas where improvement works are required. Where there is potential for cumulative impacts on the condition of PRoW e.g. with Hynet, paragraph 7.1.4 of the **Outline Construction Traffic Management Plan (oCTMP) (as updated alongside this submission)** has been revised to confirm that the Construction Traffic Management Working Group agree a

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			mechanism for identifying and apportioning shared responsibilities for maintenance / remedial works for any PRoW damaged during the course of construction works.
15. Decommissioning			
CWACC15.1	15.4	Experience from the FWF (and other developments) show that the original undertaker will often transfer a development once operational to another undertaker or undertakers (noting that there is both the Solar PV and BESS which may be subject to different operation / operators). Therefore, it is not only necessary to ensure that Applicant has the necessary funding to construct, operate and decommission the Proposed Development, there should be a robust mechanism for ensuring the funding for decommissioning is available in relation to potential future undertakers. CWCC would welcome clarification on the funding needed to carry out decommissioning, how this will be secured from the revenue generated by the Proposed Development, and preferable including a decommissioning fund to be in place, so as to avoid the need to resort to enforcement of any decommissioning Requirement.	The Applicant will have sufficient funds to undertake the decommissioning of the Proposed Development. As set out in the Funding Statement (APP-019), the costs of decommissioning will be covered by revenue generated by the Proposed Development, through its operations Requirement 20 of the **draft DCO (as updated alongside this submission)** secures the decommissioning of the Proposed Development no later than 40 years following the date of the final commissioning. It would be a criminal offence under section 161 of the Planning Act 2008 to breach this requirement. Paragraphs 2.10.146 to 2.10.151 of NPS EN-3 set out the Government policy in relation to project lifetime and decommissioning. This requires the applicant to put forward outline plans for decommissioning the generating station and, where the scheme is time limited, a requirement to secure the decommissioning of the generating station after the expiration of its permitted operation. The Applicant has provided an **Outline Decommissioning Environmental Management Plan (as updated alongside this submission)** and as set out above Requirement 20 secures the decommissioning of the Proposed Development at the expiration of its permitted operation. NPS-EN3 does not require funding to have been secured to carry out decommissioning.

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			This approach is consistent with recent Secretary of State's (SoS) decisions such as the Oaklands DCO (paragraph 4.41 to 4.45 of the SoS decision letter) and Stonestreet Solar (paragraph 7.3.10 to 7.3.15 of the ExA report).
CWACC15.2	15.5	CWCC expect that the decommissioning stage be completed within two years of the trigger for decommissioning to commence following energy generation ceasing, or within two years after the 40-year expiry date, whichever is sooner.	The Proposed Development has been designated as one of critical national priority. Once constructed, it should be permitted to be able to generate the urgently needed low carbon energy for the entirety of its 40-year operational lifespan. To safeguard the condition of the Site throughout the operational period, the Applicant has included a commitment in the Operational Environmental Management Plan (as updated alongside this submission) that the authorised development is maintained in good operational condition throughout the duration of the consented period. Imposing early decommissioning before this period would be unjustified given the urgent national demand for renewable energy generation. As such, the Applicant considers that the Proposed Development should be allowed to remain in place and operational for its full duration. Requirement 20 necessitates the decommissioning works to commence immediately after 40 year operational period in line with the approved DEMP. The Outline DEMP has been updated alongside this submission to provide that the DEMP submitted for approval must include a programme for the decommissioning works. Once approved, the Applicant would be required to stick to that programme. This gives CWaCC further reassurance that once the DEMP is approved, the decommissioning works will be carried out.

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16. Cumulative and In-Combination Effects			
CWACC16.1	16.1-16.6	At the end of paragraph 13.4.3 of Chapter 13 of the ES (**APP-046**) dealing with Cumulative Inter-Project Assessment and the HyNet Hydrogen pipeline (ref. 38 in the Appendix 4-5 short list (**APP-058**), reference is made to the oCEMP [EN010153/DR/7.5] **(APP-136**) describing the *"commitment to proactive collaboration throughout the construction phase with Cadent Gas, the Applicant for the HyNet Hydrogen pipeline, to co-ordinate construction programmes and environmental mitigation where practicable".* It is considered that further information based on a worst-case scenario in terms of construction programmes not being aligned should be presented, to fully understand the potential cumulative effects. With regards to the proposed Runcorn Spur CO2 Pipeline (ref. 78 in **APP-058**), the route of this Proposed Development through Cells 1, 2 and 3 (which includes the proposed NBBMA) is identified as having potential likely significant environmental effects. Paragraph 13.4.4 of **APP-046** states: *"Commitments to the timing of works are not set out in the documentation available. However, timing of*	Paragraphs 16.1 and 16.2 of **the CWACC Relevant Representation (RR-037)** relate to the HyNet Hydrogen pipeline. CWACC questions the effects that would arise from a 'worst-case scenario' of the construction of the HyNet Hydrogen pipeline not being aligned with the construction of the Proposed Development. The route of the HyNet Hydrogen pipeline (illustrated on Figure 4.3, **Environmental Statement: Volume 3 Chapter 4 Figures (APP-108)**) runs along the southern boundary of the Site, parallel to the M56, within agricultural fields approximately 1.8km to the south of the Mersey Estuary. The bird surveys for the Proposed Development and for the Hynet Hydrogen pipeline (contained within the Preliminary Environmental Information Report for that project) confirm that there is very little use of this area by SPA birds. As set out in paragraph 13.4.3 of **Environmental Statement: Volume 1 Chapter 13: Cumulative and In-Combination Effects (APP-046)** the pipeline works would proceed at a rate which would mean that the pipeline would be laid in approximately one month, meaning effects would be short-term and temporary. The Applicant considers that differences in the construction sequencing of the HyNet Hydrogen pipeline and the Proposed Development i.e. whether they are undertaken at the same time or in sequence, would result in materially different environmental effects, as the mitigation proposed for both projects, principally through the respective Construction Environmental Management Plans, would prevent significant effects arising during construction. Paragraphs 16.3 to 16.6 of the **CWACC Relevant Representation (RR-037**) relate to the cumulative effects from

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		the construction works and programming with the Proposed Development is considered key to avoiding likely significant environmental effects, especially in relation to the Mersey Estuary SPA / Ramser site." Paragraph 13.4.5 sets out the Applicant's commitment to controls via the full CEMP for the Proposed Development. Controls via a CEMP on each project are advocated, but the potential that the projects could be permitted and not aligned should be considered in terms of worst-case scenarios. For example, what implications might there be for the establishment of the NBBMA if the Runcorn Spur Pipeline is constructed before the NBMMA; and conversely, if the pipeline programme follows the establishment of the NBBMA, the impacts of further works in the mitigation area need to be assessed. Further discussion with the Applicant and further consideration is needed as to whether the proposed controls over programming set out in paragraph 13.4.5 i) to iii) are appropriate and sufficiently robust. The consequences of the control may serve to extend the duration of construction/disturbance and potentially result in multiple impacts rather than a more co-ordinated/consolidated programme of construction. Either way it is not clear as yet, whether there is sufficient clarity/control to avoid significant adverse cumulative effects.	the Runcorn Spur CO_2 Pipeline ('the pipeline') and the Proposed Development. Again CWACC raise a question relating to the nature of cumulative effects if the construction of the projects are not aligned. At the time of the submission of the Frodsham Solar DCO application, details of the pipeline were limited to pre-application consultation materials and the EIA Scoping Report for the project. The planning application has now been submitted by Liverpool Bay CCS Limited, the applicant for the pipeline. The application was validated on 15 August 2025, the planning reference is 25/02108/FUL. The application boundary for the pipeline covers the same area as illustrated on Figure 4.3, **Environmental Statement: Volume 3 Chapter 4 Figures (APP-108)**. In relation to development within the Site the pipeline would cross Cell 1, Cell 2 and Cell 3 of the Manchester Ship Canal Dredging Deposit Ground. Construction access to these areas is shown on Figure 3.3 of the pipeline ES. Access for the construction of the pipeline would be provided along Brook Furlong from the south and Grinsome Road and the Frodsham Wind Farm access tracks from the west. The pipeline would require an easement corridor through the proposed solar array in Cell 1 and 2. The Applicant has discussed this requirement with Liverpool Bay CCS Limited and this easement can be accommodated. Within Cell 3 the pipeline would cross east-west along the northern boundary of the cell, immediately to the south of the canal ponds. Trenched construction techniques are proposed through Cell 1, 2 and 3 by Liverpool Bay CCS Limited, with a trenchless crossing proposed at the western extent of Cell 3 into Cell 4.

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		Further consideration/information is needed to confirm the conclusions set out in Table 13-4 (**APP-058**) Summary of Cumulative Inter-Project Effects.	Relevant timings associated with the construction works are set out in the pipeline ES as follows:
			• Construction is anticipated to commence in 2027 (Paragraph 3.7.87).
			• The underground pipeline through Cells 1, 2 and 3 would be constructed between April 2027 and October 2027 (Table 3-3)
			• Estimated progress of trenched installation is expected to be around 75 meters per day, with a maximum of 200 m open at any one time (Paragraph 3.7.45).
			The application is supported by a comprehensive **Outline Environmental Management Plan (OEMP) .** Commitments set out in the OEMP which are of particular relevance are:
			• Reference RU-BD-026: Vegetation and site clearance works will be undertaken in September and/or October of the season prior to construction commencing, outside of the bird nesting period (March – August, inclusive) and outside of the wintering bird period (November – March).
			• Reference RU-BD-051: High-disturbance activities within land functionally linked to the Mersey Estuary SPA, Ramsar and SSSI will be completed outside of the winter months (November – March, inclusive). These seasonally-restricted works will include:
			  • Soil stabilisation within Cells 1-4;
			  • Open-cut trenching through Cells 1-4 and Frodsham Marshes;

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			• Construction of the launch/drive shaft for the River Weaver trenchless crossing, within Cell 1; • The trenchless crossings between Cells 3 and 4 (TRS-02), and across Lordship Lane (TRS-03); and • Percussive piling activities associated with the trenchless crossings. • Reference RU-LV-008: Land disturbed to make way for Construction that isn't then utilised as part of the Runcorn Spur Pipeline Proposed Development during operation will be reinstated and returned to original land uses following completion of the Construction Stage, including consideration of effects to existing land drainage and reinstatement of any existing drainage features. The OEMP contains various other best practice commitments relating to matters such as pollution incident control, contaminated land, noise, air quality etc. Relevant timings associated with the construction works in relation to the Proposed Development are set out in **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)** as follows: • It is anticipated that works would start on Site in January 2028 and be completed in mid 2030 (paragraph 2.5.1). • The construction of the NBBMA would be undertaken at the beginning of the development programme and it is anticipated to take 6 months to complete the works (paragraph 2.5.4 – 2.5.5)

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			• Construction of the NBBMA would also be timed to be undertaken outside of the core non-breeding bird period, November to February inclusive. i.e. construction would be undertaken between March to October (paragraph 2.4.142). This is also secured in the Outline CEMP. Paragraph 2.4.142 of **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)** also states that the construction of the NBBMA will be completed before works begin in the western Solar PV Array Areas on the former MSC Dredging Deposit Ground cells, while works in other locations, such as the eastern Solar PV Array Area, may occur simultaneously with the creation of the NBBMA. During the pre-examination period the Applicant has been liaising with Natural England and has agreed to complete the construction of the NBBMA in advance of construction across the entirety of the SADA. In order to control the phasing of works in this way, the O**utline Construction Environmental Management Plan (oCEMP) (as updated alongside this submission)** has been revised. Specifically, paragraph 2.4.4 and Table 5-3 of the oCEMP have been amended. The oCEMP is secured via Requirement 12 of the **draft DCO (as updated alongside this submission).** The Applicant has outlined below its position regarding the three possible scenarios concerning the sequence of the pipeline construction and the works to establish the NBBMA. **Scenario 1: Pipeline constructed prior to the NBBMA** This scenario is considered in the pipeline planning application, which assumes the pipeline is constructed and in place prior to the commencement of the Proposed Development.

Ref	Paragraph Number	Comment	Applicant's Response
			If the pipeline is constructed before the NBBMA is established, the works would be undertaken between April and October, outside the main wintering bird season as stipulated in the OEMP which accompanies the planning application (set out above). This is the primary mitigation measure that Liverpool Bay CCS Limited is implementing to prevent impacts on the wintering bird population for which the Mersey Estuary SPA is designated. The pipeline corridor runs along the northern edge of Cell 3, so the construction activities would not affect the existing scrapes, which are the habitats of greatest value to the wintering bird population. Once the pipeline works are completed, the land would be reinstated and available for subsequent establishment of the NBBMA, with no long-term constraints on its function or effectiveness. If the work to create the NBBMA were to start the following March, as secured via **the oCEMP (as updated alongside this submission)**, the birds using Cell 3 would have been undisturbed during the preceding wintering bird season. The work to create the NBBMA would be completed by October, and the area would become available for use again by wintering birds prior to the main wintering bird season. For both construction projects all remaining cells within the Site, as well as the land in the eastern half of the SADA, would remain accessible for wintering birds. It is recognised that the birds for which the Mersey Estuary SPA is designated utilise the estuary and the associated Functionally Linked Land (FLL) during migratory periods on either side of the main wintering bird period. Cell 3 will not be accessible for two consecutive years during these times. However, as previously mentioned, the other cells and the eastern half of the SADA will

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			remain undisturbed during the construction of the pipeline and the creation of the NBBMA and this habitat would remain available for birds present in the migratory periods. In this scenario, the environmental control measures which are secured by each consent, primarily via the mechanisms set out in the respective project's Environmental Management Plans for the construction period, would be sufficient to avoid significant effects arising from the sequential approach to construction. The residual cumulative effect under this scenario is therefore assessed as *not significant*. **Scenario 2: Concurrent Construction of the Pipeline and the NBBMA** If both projects are being built simultaneously, the constraints stipulated by the respective environmental management plans, would ensure that construction activities within Cell 3 are undertaken outside the main wintering bird season. In particular, as set out at paragraph 2.4.3 of the **oCEMP (as updated alongside this submission**), all work would need to be completed, and the area vacated by personnel and machinery, before the start of the next wintering bird season, at which point the area could be used by over-wintering birds. Furthermore, as set out in paragraph 4.1.58 of the **oCEMP (as updated alongside this submission),** construction works would not be undertaken in Cells 1, 2 and 5 at the same time as the works being undertaken to create the NBBMA. Given the ecological reasoning that has led to the Applicant imposing that restriction on itself, it is considered reasonable to expect that construction of the pipeline in Cell 1 and 2 would be also be prevented from being undertaken whilst the NBBMA is being

Ref	Paragraph Number	Comment	Applicant's Response
			created. This would need to be secured via a condition of the planning permission for the pipeline if it is granted. Should both projects undertake construction in Cells 1 or 2 concurrently, these works would be phased to avoid any potentially significant cumulative effects arising, for example, through avoiding noisy activities from both projects being undertaken close to the boundary of the NBBMA at the same time. The Applicant's commitment to this is set out in paragraph 4.1.58 of the **outline CEMP (as updated alongside this submission)** meaning that this outcome is secured. The details of the specific phasing accounting for the pipeline (where that is necessary) would be set out in the detailed CEMP for CWACC's approval. In order to seek to coordinate programmes and implement the necessary environmental mitigation measures to avoid significant effects the Applicant proposes to establish a joint working group, which would also extend to the developer of the proposed Hynet hydrogen pipeline. The **oCEMP (as updated alongside this submission)** has been revised to include this commitment. In this scenario, the coordination between projects, which would be secured via the respective CEMPs, would ensure that measures such as timing of works, noise and dust controls, and ecological supervision are appropriately integrated. The potential for significant cumulative effects would therefore be avoided through agreed management measures. The residual cumulative effect under this scenario is therefore assessed as *not significant*.

Ref	Paragraph Number	Comment	Applicant's Response
			Scenario 3: Pipeline constructed following establishment of the NBBMA This is not a scenario that has been assessed by Liverpool Bay CCS Limited. The Habitat Regulation Assessment for the pipeline states that the programme for the pipeline has been developed so that all works within Cells 1-3 will be completed prior to works for the Frodsham Solar Project commencing, and prior to creation of the NBBMA i.e. Scenario 1 above. The Applicant is not in control of the delivery of the pipeline and therefore cannot comment on the likelihood of it being constructed in advance of the Proposed Development. Similarly, the Applicant is not in a position to speculate on the possible mitigation measures that Liverpool Bay CCS Limited may put in place to mitigate impacts on the NBBMA should the pipeline be constructed after the NBBMA and the solar array has been constructed. Ultimately, based on the current application and the associated assessments, it will be necessary for CWACC to impose controls on the planning permission of the pipeline that requires it to be constructed in advance of, or at the same time, as the construction of the NBBMA i.e. Scenario 1 or 2. Alternatively, Liverpool Bay CCS Limited would need to propose adequate mitigation measures to ensure there will be no likely significant effects on the integrity of the Mersey Estuary SPA as a result of the temporary impacts from construction of the pipeline through the NBBMA. These measures would need to be secured through the planning permission for the pipeline. Either of these options are considered reasonable and would avoid cumulative inter-project effects arising.

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			Accordingly, the Applicant considers that the assessment provided in Table 13-4 **of Environmental Statement: Volume 1 Chapter 13: Cumulative and In-Combination Effects (APP-058)**, and the controls which are secured through the oCEMP (as updated alongside this submission) provide sufficient information to determine that there would not be a likely significant cumulative effect on the environment as a result of inter-project effects from the Proposed Development and the pipeline.
CWACC16.2	16.7 – 16.12	The NSIP: Advice on Cumulative Effects Assessment Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment - GOV.UK refer to Schedule 4 paragraph 5(e) of the EIA Regulations 2017 requiring the Environmental Statement to include a description of the likely significant effects of the Proposed Development on the environment resulting from: *"the cumulation of effects with other existing and, or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources*" As acknowledged in Appendix B – Outline Non-breeding Bird Mitigation Strategy to the oLEMP (APP-144)) paragraph 1.4.4: 'The effects arising from the Proposed Development will be separate to, and in addition to, those already arising from the Frodsham Wind Farm'.	The Applicant has, by virtue of recognising Frodsham Wind Farm as part of the baseline and recognising that any mitigation provided for the Proposed Development must be additive to that already provided for Frodsham Wind Farm, accounted for the cumulation of effects with the Frodsham Wind Farm. In relation to Cell 6 this cell does not form part of the Site and is not under the control of the Applicant. The mitigation proposed for Frodsham Wind Farm, in relation to effects on the Mersey Estuary SPA, is predominantly focused on creating improved wetland habitat within Cell 3. This includes creating additional scrapes and associated muddy edge habitats. The mitigation for the Proposed Development is not reliant on Cell 6. The Applicant has recognised the usage of SPA birds in Cell 6, paragraph 8.6.13 of **Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)** *"These high counts were primarily recorded at the Frodsham Sludge Lagoons BTO sector, although discreet locations within the sector are not provided and therefore cannot be definitively attributed to be from within the Site. It is considered likely that a large number of these records provided come from Cell 6, which is located outside (but adjacent to) the Site. This is because habitats within*

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		A further issue to be addressed is in relation to the duration of Proposed Development extending beyond the life-time of FWF. Whilst acknowledging that an application for re-powering of FWF appears likely, a worst- case approach should be tested, and assuming FWF is decommissioned at the end of the 25 year period, there would no longer be a commitment from Manchester Ship Canal Company in relation to continued Cell 6's use as a deposit ground. At the ES scoping stage CWCC responded to the Applicant's Scoping Report (May 2023) in its submission on 28 June 2023 that: *"In the approved Outline Habitat Creation Management Plan (20 August 2014) (8702 / Rev 6) (Atmos) (HCMP) for the windfarm (14/2525/DIS) it states (2.1.3) "It was highlighted within the SEI that the Manchester Ship Canal Company (MSCC) will continue to use Cell 6 as a deposit ground (thus retaining its attractiveness to waterfowl) for the duration of the 25 year life of the wind farm. Written confirmation has been obtained from MSCC that it is intended that deposition will continue in Cell 6 for the duration of the life of the wind farm… "Consideration needs to be given to the lifetime of the Proposed Development in the context that there is no commitment to continue to use Cell 6 as a deposit ground beyond the 25 year life of the wind farm".*	*Cell 6 are considered suitable for wetland species as it contains habitats such as a large, permanent, shallow waterbody, with muddy edges".* Should Cell 6 cease to be used as a deposit ground, noting that the Applicant does not know if this is the case, then the scrapes and muddy edge habitats proposed as part of the Proposed Development would become even more valuable assets in this part of the Mersey Estuary. Such habitats are not found anywhere else within the Site of the Proposed Development. Indirect effects from construction on the SPA and the Cell 6 FLL have been considered in the Information to Inform Habitats Regulations Assessment (as updated alongside this submission). In relation to Cell 6, it is concluded that there are no direct sight lines or acoustic pathways between construction areas and the habitats within Cell 6, and therefore no likely significant effects in this regard.

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		The FWF Habitat Creation Management Plan (approved under 14/2525/DIS) is provided at **Appendix I**. The implications for the proposed oNBBMA (**APP-144**) need careful consideration in relation to scenarios, where elements such as Cell 6 are no longer providing support for the overall mitigation strategy.	
CWACC16.3	16.13	Paragraph 146 of the oNBBMA refers to extending the lifetime of the FWF measures by an additional 27 years (required until 2042 only). It should be clarified whether this includes Cell 6?	The Applicant confirms that the reference at paragraph 146 of the **oNBBMS (Appendix B to the Outline Landscape and Ecology Management Plan) (as updated alongside this submission)** is in relation to the continued mitigation on Cell 3, not Cell 6 which lies on land outside the Applicant's control. This has been clarified in the oNBBMS updated alongside this submission.
CWACC16.4	16.14	The relationship between FWF and the Proposed Development poses some difficulty / complexity. At a relatively basic level there should be reasonable clarity over the respective requirements and responsibilities between the FWF operator and the undertaker for Frodsham Solar. For example, in terms of the construction of the Proposed Development under the DCO, this would result in a breach of the conditions on FWF (e.g. in terms of maintaining the deposit cells as habitat mitigation for FWF). The intention may well be for the NBBMA to provide enhanced / additive mitigation, but the two consents would be somewhat inconsistent with each other. Another example is that FWF is subject to	Article 38 of the **draft DCO (as updated alongside this submission)** provides the statutory powers which ensures that the overlapping consents of the Frodsham Solar DCO and the Frodsham Wind Farm Section 36 Consent under the Electricity Act 1989 are both capable of being implemented and operated without being rendered undeliverable or subject to enforcement action. The proposed **NBBMA** is specifically designed to complement and enhance the mitigation proposed as part of Frodsham Wind Farm. As such, compliance with Requirement 9 of the draft DCO, which secures the establishment, maintenance, management and monitoring regime for the NBBMA, will ensure

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		ongoing habitat monitoring and reporting requirements; and the Proposed Development is liable to have its own and potentially different requirements, which again may be inconsistent.	that the obligations of Frodsham Wind Farm in relation to habitat management continue to be complied with.
CWACC16.5	16.15 – 16.17	There is also a somewhat philosophical point of conflict in the relationship between FWF and the Proposed Development. For example, FWF is a time-limited consent, and yet its current presence is taken as part of the baseline of the assessment of the impacts of the Proposed Development (e.g. in establishing the baseline for much of the Frodsham Solar assessment, including landscape character and visual assessment, and the habitat impacts, the presence of the wind farm turbines as imposing build structures forms part of the current landscape character and/or potential reasoning for why bird data is currently as it is). However, a 'worst-case' assessment ought to consider the FWF as **time-limited** and that it will be decommissioned at the end of the 25 year period, and in that scenario, in the absence of the turbines, the character of the site would revert to being more open/undeveloped, and the usage of the site by the various species, could be expected to be very different from the current baseline. The above point is made. not necessarily expecting it to be taken as requiring a change to the assessment of the impacts, but it illustrates how what at the start is presented as time-limited and reversible (i.e. FWF), quickly becomes part of the fabric of the	The Applicant notes the philosophical point raised and does not contend that the continuously evolving nature of development within the UK has an impact on the baseline environment, which is subject to environmental assessment for new development. Frodsham Wind Farm is an implemented, operational development with an extant planning consent and, as such, forms an integral part of the current environment. It is therefore appropriate and necessary to treat the wind farm as part of the environmental baseline for all relevant assessment topics. While it is noted that the FWF is subject to a time-limited consent, the potential decommissioning at the end of its consented period would itself be a separate and regulated process. Given the recognised need for ongoing and increased low carbon electricity the likely scenario is that it would be subject to a repowering proposal (as noted by CWACC at paragraph 16.9), the form of which is unknown. There are so many uncertainties as to what would happen at the end of the FWF, it would be speculation and conjecture to try and assess it from an EIA perspective, something specifically discouraged by the recent *Finch* case. The Applicant notes that CWACC is not expecting a change to the assessment of the impacts to arise from these comments. The Applicant maintains that the ES provides the environmental

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		environment, which is then used to justify further development, making the reality of a return to the pre-development state implausible. Decisions on these time-limited consents (FWF or Frodsham Solar) have far reaching and long-lasting consequences, potentially far beyond the period of the initial consent.	information to enable the likely significant effects of the development on the environment to be established.
18. Agricultural Land and Soil Management			
CWACC18.1	18.10 – 18.12	In terms of stockpile management during construction, consideration needs to be given to the potential for Badger setts to be formed within stockpiled areas, and appropriate precautions carried out. Paragraph 7.1.10 of the oSMP refers to flood mitigation *"Parts of the Site are in Flood Zone 3. The Proposed Development design incorporates maintaining flood storage capacity. From a soil perspective, this means large stockpiles will not be left in flood zones that could displace water".* (CWCC highlighting). Further detail / clarification in relation to any stockpiling in areas at risk of flooding should be	CWACCs comments are noted in relation to the potential for badger sets to be formed within stockpiled areas. Table 5-3 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** has been updated to include specific requirement to monitor stockpiles for use by badgers prior to their disturbance. The measures outlined in the **Outline Soil Management Plan (APP-141)** commits to avoiding placement of large soil stockpiles within the flood zones is considered sufficient to manage this matter. Requirement 16 of the **draft DCO (as updated alongside this submission)** secures the production of a soil management plan that must be substantially in accordance with the outline soil management plan.

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		provided in accordance with any comments / guidance from the EA (or LLFA).	
19. Comment on the control documents			
CWACC19.1	19.3	Whilst included in the Documents and Plans to be Certified in the draft DCO (Schedule 10) as Appendix M to the Flood Risk Assessment and Drainage Strategy, it would be more transparent to also include the following in the list of control documents and to identify such as a separate document within Schedule 10: Outline Flood Warning & Evacuation Plan	The Applicant has updated the Outline Flood Warning & Evacuation Plan following comments from CWACC and the Environment Agency. This has been provided as a separate document with this submission and replaces the version included as Appendix M of **ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 5 of 5 (AS-028)**. The Outline Flood Warning & Evacuation Plan is now identified as a separate document within Schedule 10 in the draft DCO updated alongside this submission.
CWACC19.2	19.8	Replacement activities are referred to in the DCO (e.g. under Requirement 13 (2) e) and clarification should be provided as to what constitutes replacement activities. The ES chapter 2 'Proposed Development' refers to replacement of equipment and 'times of significant replacement campaigns' (Paragraph 2.6.3 and table 2-13 of APP-035).	Replacement activities refers to the replacement of plant, machinery, parts or components (for example, replacement of modules, panels, inverters, substation equipment) so long as those works fall within the scope of the "authorised development" as defined in Schedule 1 of the **draft DCO (as updated alongside this submission)** and don't give rise to materially new or different environmental effects beyond those assessed.
CWACC19.3	19.9	The oCEMP (and Requirement 12) should be applied to replacement activities (replacement activities referred to in the oEMP), but the similarities of replacement activities to construction activities suggests that the controls covered in the oCEMP	Paragraph 2.4.6 - 2.4.7 of the **Outline Operational Environmental Management Plan (as updated alongside this submission)** takes into account the need for specific management measures to be submitted to CWACC prior to any replacement activities which involve the replacement of more

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		(and oCTMP) ought to apply during replacement activities.	than 50% of the solar panels within the Proposed Development. It confirms that these measures should be consistent with the principles of the CEMP, PROWMP, CTMP and OEMP. The Applicant considers this to provide the necessary controls requested by CWACC.
CWACC19.4	19.12	Para 1.3.1 of the oDEMP lists various specific management plans that the final DEMP will work alongside. Clarification should be provided that these documents are required and will be adhered to as part of the DEMP. CWCC welcome that that these plans will be submitted for approval by CWCC in consultation with other bodies. Note that paragraph 1.3.3 '*prior to construction*' should read '*prior to decommissioning'*.	The Applicant confirms that it considers the documents listed at paragraph 1.3.1 of the **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** will be required. Requirement 20(3) of the **draft DCO (as updated alongside this submission)** secures that the full DEMP must be substantially in accordance with the relevant part of the outline decommissioning environmental management plan and lists out the specific matters that must be addressed, which reflect those documents listed at paragraph 1.3.1 of the oDEMP. Paragraph 1.3.3 of the oDEMP has been revised to read 'prior to decommissioning'.
CWACC19.5	19.13	With regard to the Decommissioning Transport Management Plan (DTMP) it is stated that this will be prepared to optimise vehicle movements and minimise unnecessary trips. CWCC consider that the scope of the DTMP should be to minimise the environmental and other potentially adverse impacts associated with the transport aspects of the decommissioning. This should include minimising the extent and duration of temporary road closures and	The **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** has been revised to include the proposed amendments.

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		closures of PROW and the permissive paths. This also applies to Table 5-8 (page 40).	
CWACC19.6	19.14	At para 1.3.2 reference is made to specific monitoring and reporting requirements. CWCC consider that the various plans should, where relevant to the specific plan, include programming as part of the final document(s) submitted for approval.	The **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** has been revised to include the requirement for the DEMP for any one phase of decommissioning to be accompanied by a programme for the works proposed.
CWACC19.7	19.15	At paragraph 2.4.2 it refers to the removal of below ground cabling being likely. The circumstances relating to whether/in what circumstance cabling should be removed should be clarified.	The precise circumstances on whether cables would be removed or left in place depends on various factors at the time of decommissioning. The environmental advantages of recovering and recycling cables suggest that, if disturbance from cable recovery does not cause unacceptable environmental impacts, they should be recovered. Such impacts might include habitat loss that would take more than five years to recover or the need to exclude or translocate protected species. In such instances the alternative of leaving the cable in situ would be the preferred option. The **Outline Decommissioning Management Plan (as updated alongside this submission)** has been revised to include a commitment for the detailed DEMP to include a benefits/impacts analysis of the impacts of the preferred approach to the removal or retention of cables.
CWACC19.8	19.16	Further discussion is required with the Applicant regarding decommissioning of the mitigation areas (e.g. NBBMA, Skylark Mitigation Area (SMA), area adjacent to the LUM). As a minimum there should be no loss of the habitat mitigation areas until after decommissioning of the Proposed Development on	The **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** has been revised (Table 5-3) to confirm that should mitigation areas be lost as part of the decommissioning works a programme setting out when these areas would be lost shall be agreed with CWACC. The table has also been revised to secure the

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		the SADA. Decommissioning should be to an approved programme to ensure that any reversion of the mitigation areas (e.g. NBBMA and SMA) would be post decommissioning of other elements of the SADA and not removed prematurely.	retention and management of the NBBMA until all decommissioning works on the SADA have been completed. The draft DCO has also been updated to provide that, to the extent that the mitigation areas fall within the SSSI, they shall be considered to form part of the statutory management scheme for the SSSI, meaning the measures would need to be retained by landowners post decommissioning (subject to any variation agreed by Natural England under the Wildlife and Countryside Act 1981).
CWACC19.9	19.17	CWCC consider it appropriate that the habitat mitigation areas be maintained post-decommissioning, and further discussion with the Applicant is needed to establish appropriate control/commitment over important habitat areas.	The Applicant has discussed this with CWACC. The Applicant will retain control of the land for the period of the Proposed Development, i.e. until the decommissioning phase has been completed. Following this the land will be managed by the landowner. Paragraphs 2.7.5 – 2.7.6 of **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)** described the anticipated outcome of the landscaping and mitigation areas following completion of the decommissioning works, i.e. that they will be left in situ by the Applicant, but it is then up to the landower to determine how they want to deal with those areas.
CWACC19.10	19.18	Paragraph 2.4.4 refers the permissive paths being retained at the end of decommissioning, which CWCC support. CWCC would encourage the Applicant to secure longer term retention of the paths, either as PROW or with a continuing/longer term commitment by the landowners to retaining the	The Applicant has discussed this with CWACC. The Applicant will retain control of the land for the period of the Proposed Development, i.e. until the decommissioning phase has been completed. Following this the land will be managed by the landowner and it will be up to them if they would be willing to retain the paths.

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		permissive paths and access to them. CWCC encourage the Applicant to carry out further negotiation on this with the relevant landowners. The Proposed Development will adversely impact on the local population in terms of their current access and enjoyment to the relative and somewhat unexpected tranquillity and openness of Frodsham Marshes beyond the impact of the M56 motorway. This impact is proposed to be mitigated in part by the provision of enhanced access with permissive paths, which is welcome, but removal of the mitigation at the end of the life of the DCO would cut short the value of the permissive paths as being genuine mitigation for such a long-term impact on the wide extent of the SADA. The provision of improvements to public accessibility beyond the life of the Proposed Development would actually be perceived as true mitigation (i.e. by allowing enjoyment wider enjoyment of the returned open areas that have in effect been denied to the local population during the construction, operational and decommissioning periods of the Proposed Development. Similarly, for the car park on Moorditch Lane if that is to be provided.	
CWACC19.11	19.19	The continuation of the Community Liaison Group (CLG) through decommissioning is welcomed, and even if the CLG is found not to be active during later stages of the operational period, reinstatement for the decommissioning should be a priority. Paragraph	Paragraph 3.2.2 of the **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** has been revised to include CWACC.

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		3.2.2 refers to membership of the CLG. This should be expanded to include a CWCC representative.	
CWACC19.12	19.20	Paragraphs 4.1.7 – 8 refers to PROW. Is it considered the permissive paths be included.	Paragraph 4.1.7 of the **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** has been revised to include permissive paths that can be safely retained in use during the decommissioning works.
CWACC19.13	19.21	In respect of lighting during decommissioning (paragraphs 4.1.23 to 4.1.26) the impacts on habitats/protected species needs to be addressed.	The **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission)** has been revised to include the need for lighting, where required, is to be directed away from sensitive habitats.
CWACC19.14	19.22	In table 5-3 (page 31) under '*Displacement of wintering and breeding birds due to removal of habitats and noise disturbance*'". More detail of the 'key bid seasons' should be specified, as it is not just bird breeding seasons that are significant.	Table 5-3 of the **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission**) has been revised to include reference to the core non-breeding bird period (Nov-Feb).
CWACC19.15	19.23	The oDEMP should provide more detail of the end-state (restoration) of the Site following decommissioning.	Section 2.4 of the **Outline Decommissioning Environmental Management Plan (oDEMP) (as updated alongside this submission**) describes the measures that would be adopted in relation to decommissioning. All infrastructure would be removed and the Site would be returned to a condition suitable for its current use, albeit noting that the areas of landscaping would be retained with the only exceptions being the potential requirement by the landowner to revert the grassland created on the eastern

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			half of the Site (to the east of Brook Furlong) and the Skylark Mitigation Areas back to land suitable for arable farming.
CWACC19.16	19.27	Clarification is sought regarding the need for the undertaker to authorise the permanent use of motor vehicles on various PRoW under Article 13(7)[15] of the draft DCO (as set out in 3.3.1 ii). The PRoW effected being Ellesmere Port and Neston RB40 / Frodsham 106 and National Cycle Network Route 5, Frodsham RB103 / Frodsham RB98, Frodsham 108 (Alder Lane) and Frodsham RB108. Provision of access to the Proposed Development for construction, operation and decommissioning may be acceptable, but if the intention is for opening up to the public as a byway could cause issues. Further discussion with CWCC's PRoW team should be undertaken.	The Applicant confirms that the powers under Article 13(7) of the **draft DCO (as updated alongside this submission)** are sought to provide use of motor vehicles for the purposes of the authorised development and not for the opening up to the public as a byway. Paragraphs 3.2.4 and 3.3.9 of the **Outline Public Rights of Way Management Plan (as updated alongside this submission)** have been revised to refer to Article 13(7) of the draft DCO.
CWACC19.18	19.30	CWCC approval of a programme for the construction and opening of the Permissive Paths is needed.	Paragraph 5.1.4 of the **Outline Public Rights of Way Management Plan (as updated alongside this submission)** has been updated to require the full Public Rights of Way Management Plan to include a programme of implementation of the permissive paths. Requirement 15 of the **draft DCO (as updated alongside this submission)** secures the submission and approval of the full Public Rights of Way Management Plan.

[15] At paragraph 3.3.9 reference to article 13(3) relating to permanent use by motor vehicles appears to be an error and should be article 13(7).

Ref	Paragraph Number	Comment	Applicant's Response
CWACC19.19	19.31	Paragraph 4.4.2 sets out proposals to allow for controlled access along Section 1: Ellesmere Port and Neston RB40 / Frodsham RB106 / NCN5. It is queried why equestrian users cannot be provide similar access to cyclists?	In order to facilitate the passage of cyclists it will be necessary to hold traffic accessing the Site at either end of the restricted section of Ellesmere Port and Neston RB40 / Frodsham RB106 / NCN5. It is considered that this has the potential to startle horses and so passage of equestrian users is not deemed appropriate in the same way as cyclists. It is noted that during the construction of Frodsham Wind Farm the same approach was adopted to the management this section of the PROW network, which was approved by CWACC pursuant to Condition 29 (Public Rights of Way Strategy) of 10/00597/DECC.
CWACC19.20	19.32	Removal of the permissive routes due to antisocial behaviour as referred to in paragraph 5.1.4 is expected to be subject to the approval of CWCC.	The Applicant agrees with this point. Should it be necessary to remove any of the permissive paths this would require approval under an amendment to the approved landscape and ecological management plan pursuant to Requirements 5 and 9 of the **draft DCO (as updated alongside this submission)**. Requirement 9(2)(h) specifically requires the final routing, specification and maintenance regime for each permissive path to be approved by CWACC and implemented in accordance with the approved plan.
CWACC19.21	19.33	CWCC welcome the in-principle commitment to enhancement of PRoW to improve their condition. Further details such as the process of identification and programme for approval of carrying out enhancements and involvement of CWCC and any other bodies (e.g. Frodsham Town Council in approving works) should be clarified. An example location of the need for enhancement is Frodsham	Paragraph 5.1.7 of the **Outline Public Rights of Way Management Plan (as updated alongside this submission)** confirms that the *"full PRoW Management Plan will set out the approach to be adopted to monitor and review the status of PRoW within the Order Limits and the maintenance schedule for improvements or upgrades."*. This is secured under Requirement 9 of the **draft DCO (as updated alongside this submission)** and therefore provides the opportunity for the approach to

Ref	Paragraph Number	Comment	Applicant's Response
		FP81 between Ship Street and the motorway bridge. This section suffers from considerable flooding most of the year.	identifying these improvements to be agreed with CWACC at the detailed design stage.
CWACC19.22	19.34	Provision of details over the surfacing of the hierarchy of various PROW and maintenance provisions including responsibilities and a maintenance regime need to be secured.	Paragraphs 6.5.18 – 6.5.21 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** describe the intended surfacing, paragraph 6.5.22 of the oLEMP confirms that the full detail of the permissive paths will be set out in the LEMP. This paragraph has been amended to confirm that the LEMP will also set out the maintenance regime for the permissive paths and PROW on the Site. Requirement 9(2)(h) of the draft DCO (as updated alongside this submission) secures the final routing, specification and maintenance regime for each permissive path.
CWACC19.23	19.37	The oLEMP (or other control document) needs to include implementation of landscaping, not just its management.	The **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** describes the implementation and management of the landscaping. Implementation of trees, shrubs and proposed planting is set out in paragraphs 6.6.16 to 6.6.23, grassland in paragraphs 6.7.7 to 6.7.8, and wetlands in paragraphs 6.8.7 to 6.8.10. The proposed timing of the landscape works is set out in Table 3, 4 and 5. Requirement 9(2)(e) of the **draft DCO (as updated alongside this submission)** secures the provision of an implementation timetable.

2.2 Response to Environment Agency Relevant Representation (RR-024)

2.2.1 During the pre-examination period, the Applicant met with the EA on 29 July 2025, 04 September 2025 (joint meeting with CWACC), and 20 October 2025. A joint site visit between the Applicant and the EA was carried out on 03 October 2025. The Applicant has exchanged draft responses regarding all the matters raised and, in most cases, has reached a position of agreement, subject to the EA reviewing the formal responses provided within this document and supporting updated application documents.

2.2.2 The Applicant has replicated the tables contained within RR-024 for ease of reference within Table 2-2, adding a row to provide the Applicant's position.

Table 2-2: Response to Environment Agency Relevant Representation (RR-024)

Issue ID: EA001		
Document Reference: AS-013 3.1 Development Consent Order (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference: Requirement 11	**Issue**	We are not listed as a relevant authority for the approval of Requirement 11. (1) Surface Water Drainage Strategy.
	Impact	Risks of deterioration of WFD water quality to surface water bodies.
	Solution	We request to be listed as a relevant authority for Requirement 11. (1) Surface Water Drainage Strategy.
Additional comments:		
Applicant's response: Requirement 11(1) of Schedule 2 of the **draft DCO (as updated alongside this submission)** has been modified so that the relevant planning authority shall approve the scheme in consultation with the lead local flood authority and the Environment Agency.		

Issue ID: EA002		
Document Reference: AS-013 3.1 Development Consent Order (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference:	**Issue**	We are not listed as a relevant authority for the approval of Requirement 11. (3) Construction Groundwater and Surface Water Management Plan.
	Impact	Risks of deterioration of WFD water quality to surface water bodies.
	Solution	We request to be listed as a relevant authority for Requirement 11. (3) Construction Groundwater and Surface Water Management Plan.
Additional comments: As outlined in section 9.10.2 '*Surface water sampling and analysis will be undertaken so a water quality baseline can be established prior to the construction works commencing.'.* Water quality monitoring should reflect any locational variation in the site, seasonal variation and weather variation, where possible. We request to be a consultee for the Construction Groundwater and Surface Water Management Plan.		
Applicant's response: Requirement 11(3) of Schedule 2 of the **draft DCO (as updated alongside this submission)** has been modified so that the relevant planning authority shall approve the scheme in consultation with the lead local flood authority and the Environment Agency.		
Issue ID: EA003		
Document Reference: AS-013 3.1 Development Consent Order (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference:	**Issue**	Environmental risks are not adequality manged for works occurring under preliminary works.
	Impact	Risks of deterioration of WFD water quality to groundwater bodies.
	Solution	We request that "remedial work in respect of any contamination or other adverse ground conditions" is removed from the permitted preliminary works list, and that such works are undertaken with controls that apply at commencement (i.e., controls within Requirement 12 and 17 apply).
Additional comments: We note that "commence" is defined as the following:		

- ""commence" means beginning to carry out a material operation, as defined in section 56(4) of the 1990 Act(j) (which explains when development begins), comprised in, carried out, or for the purposes of, the authorised development other than the permitted preliminary works (except where stated to the contrary) and "commencement", "commenced" and cognate expression are to be construed accordingly;"

Works considered under "permitted preliminary works" are pre-commencement activities that could be undertaken without the controls that only apply following commencement. Remediation of the site could take place without the Construction Environmental Management Plan (CEMP) (Requirement 12) and Ground conditions (17) being approved or in place, due to the exclusion permitted preliminary works from the definition of "commence".

Applicant's response:

Requirement 12(4) of Schedule 2 of the **draft DCO (as updated alongside this submission)** identifies that 'commence' includes any permitted preliminary works comprising above ground site preparation for temporary facilities for the use of contractors and site clearance (including vegetation removal and demolition of existing buildings and structures) and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work no. 6C. As such a CEMP for these phases of work is required prior to them being undertaken.

ES Volume 2 Appendix 2-3 (APP-052) also confirms that the Ground Conditions Investigation and Assessments Strategy requirement, Requirement 17 of Schedule 2 of the **draft DCO (as updated alongside this submission)**, must be discharged prior to undertaking any permitted preliminary works under the category of "Remedial work in respect of any contamination or other adverse ground conditions". Ground Conditions Investigation and Assessments Strategy is defined in Requirement 1 of Schedule 2 of the **draft DCO (as updated alongside this submission)** and covers remediation.

As such, no change is needed to the definitions. Following discussion with the EA in respect of this response, it is understood that they are satisfied with this response and agree that no change is required to the draft DCO.

Issue ID: EA004		
Document Reference: AS-013 3.1 Development Consent Order (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference:	**Issue**	We note that an unexpected contamination protocol is proposed as part of the requirements 12, 13 and 20 (CEMP, OEMP and Decommissioning respectively). We do not believe this unexpected contamination protocol contains enough detail.
	Impact	Risks of deterioration of WFD water quality to surface water bodies.

	Solution	We request the unsuspecting contamination protocol wording, that is outlined in the additional comments, be included within the respective requirements, or within the respective plans.

Additional comments:
Unsuspected Contamination Protocol Wording

1. In the event that contaminated land is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the local planning authority, and where necessary, the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the local planning authority, and where necessary, the Environment Agency.

2. Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the local planning authority, following consultation with the Environment Agency.

3. Remediation must be carried out in accordance with the approved scheme under sub paragraph (2).

4. Following the implementation of the remediation strategy approved under sub-paragraph (2), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency.

Applicant's response:

The approach to managing Unexpected Contamination Protocol is included in paragraph 4.1.24 of the O**utline Construction Environmental Management Plan (oCEMP) (as updated alongside this submission)**. Requirement 12(2)(c) of Schedule 2 of the **draft DCO (as updated alongside this submission)** requires this to be developed in detail and to be in substantial accordance with the oCEMP. The Environment Agency must be consulted on the full CEMP and the documents listed in Requirement 12(2) prior to its approval by the relevant planning authority.

The Applicant has included the wording proposed by the Environment Agency in Table 5-5 of the **(oCEMP) (as updated alongside this submission).**

Following discussion with the EA in respect of this response, it is understood that they are satisfied with this response and agree that no change is required to the draft DCO or the OCEMP.

Issue ID: EA005		
Document Reference: AS-013 3.1 Development Consent Order (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference:	**Issue**	Under requirement 10 (Fencing and other means of enclosure), we are not listed to be consulted on any plans relating to proposed fencing in proximity to main rivers.
	Impact	Fencing in proximity to main rivers and/or flood defences may preclude access for maintenance and thereby increase flood risk.
	Solution	We request to be consulted on any fencing and other means of enclosure plans.
Additional comments:		
Applicant's response: Requirement 10 of Schedule 2 of the **draft DCO (as updated alongside this submission)** has been modified so that the planning authority shall approve the scheme in consultation with the Environment Agency. Although the Applicant has made this change for clarity, it should be noted that Schedule 23 of the **draft DCO (as updated alongside this submission)** contains protective provisions which require the undertaker to obtain approval for any work within the specified distances of flood defences, this would include fencing.		

Issue ID: EA006		
Document Reference: AS-013 3.1 Development Consent Order (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-015 3.2 Explanatory Memorandum (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference:	**Issue**	Protective provisions for the protection of the Environment Agency are included in Schedule 23. We cannot agree to the disapplication of Flood Risk Activity Permits (FRAPs). Therefore the protective provisions cannot be included in the draft DCO.
	Impact	Including protective provisions when disapplication of FRAPs isn't possible will cause delays for project commencement and may increase flood risk.
	Solution	Remove the protective provisions.
Additional comments:		

We note that under Part 2 Principal Powers 7. (1) that following provisions will be disapplied: (d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of authority) to the Water Resources Act 1991(d); (e) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(e) in respect of a flood risk activity only; The explanatory memorandum states that the disapplication of (d) is for flood risk only. We cannot agree to the disapplication of FRAPs, due to a lack of detail relating to method statements, drawings and an inappropriate development on a flood defence asset. Furthermore there is a level of ecological risk associated with activities due to protected species present (water vole). We therefore cannot agree to the protective provisions input within the DCO. Please review what is required for FRAPs within Develop a management system: environmental permits for flood risk activity - GOV.UK.
Applicant's response: This matter is being discussed with the Environment Agency. The Applicant notes that the Agency is requesting more information than is usually requested at this stage of the DCO process to agree to the disapplication. Whilst it is continuing to discuss what information it can provide at this stage, this is matter that may need to be explored in Examination. The Applicant considers there to be sufficient control in the protective provisions afforded to the Environment Agency within Schedule 23 of the **draft DCO (as updated alongside this submission)**, to provide adequate control such that the FRAP can be disapplied with confidence that the environment will be sufficiently protected. It notes that these Protective Provisions used as a base the Environment Agency's 'standard' Protective Provisions which it requests for all DCO projects.
Issue ID: EA007
Document Reference: AS-019 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-021 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 2 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-023 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 3 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-025 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 4 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed

AS-027 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 5 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed APP-042 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water APP-076 6.2 Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report APP-106 6.3 Environmental Statement: Volume 3 Chapter 2 Figures APP-136 7.5 Outline Construction Environmental Management Plan		
Section/ pages/ table reference: Figure 2-5j (APP-042) Table 5-3 (APP-136)	**Issue**	The position of bridge abutments and soffit level.
	Impact	Will reduce conveyance of water during high flow conditions, preclude access to, and threaten the stability of the riverbanks. Additionally, this may cause damage to ecological processes and species, leading to a deterioration in WFD water quality.
	Solution	Setback bridge abutments at-least 2m from the bank top edge and increase the soffit level to at least 0.6metres higher than the top of the bank on both sides of the river. Either through a commitment, or a requirement in the DCO, we require the following: • Detailed drawings of crossings for each main watercourse (to scale including the design flood level + 600mm above bank level, as stated in guidance). • Drawings of existing culverted crossings at CP14 and CP22 • Confirmation of the width of the deck of each crossing
Additional comments: Figure 2-5j – Indicative Permanent Watercourse Crossings is observed to have bridge abutments on/close to the bank top edge. We acknowledge in Section 9.8.9 states '*The footings will be positioned away from the bank edge to mitigate potential bank erosion.*' We further note the outline CEMP Table 5-3, outlines there is anticipated impacts to retained onsite habitats including watercourses and ponds stating '*Non-tidal watercourses to include a minimum 10m buffer, excluding new crossing points, in which no works (other than landscaping and access) are to occur.*' and '*Tidal watercourses to include a minimum 16m buffer, excluding new crossing points, in which no works (other than landscaping and access) are to occur*.' The Flood Risk Assessment (FRA) provides justification for the bridge design and abutments to be placed landward side of the riverbank top. In our previous response to the client, we requested that the bridge abutments should be set back 8-10m from the bank top edge, to ensure there is no encroachment on the riparian corridor that may cause geomorphological impacts or impede flood flows.		

Based on the above information, we understand there is no determined distance for the abutments to be set-back and they will be positioned in the bank top. Setting the abutments too close to the bank top edge may reduce conveyance of water, during high flow conditions and encroach into the riparian zone and impede Biodiversity Net Gain (BNG) metrics. We request that a soffit level at least 0.6metres is provided from the bank top, as set out in the Standard rules SR2015 No 28 guidance. We require a 2m offset for the abutments to ensure that geomorphological processes aren't impacted. Providing drawings of the existing crossings at CP14 and CP22, and comparison with drawings for the proposed replacement crossings, will help identify whether there's environmental betterment on the existing culverted crossings. We note a number of watercourses have been assessed as suitable to support water voles. The positioning may be considered as encroachment of the riparian area under the BNG watercourse metric. The Internal Drainage Board will need to be consulted on any alterations to existing crossings, or proposed new crossings, over non-main rivers.
Applicant's response: Following these comments, the Applicant has shared a technical note, cross section drawings of the existing Main River crossings, outline drawings of the application of the committed design principles to the crossings, and undertaken a site visit with the EA to discuss this issues (and others set out in their Relevant Representation). The Applicant has confirmed to the EA that the current submitted design (**AS-019-AS-028**) entails a soffit level set 600mm above the in-channel flood level (of the watercourse which is being spanned by the bridge) during a 1% AEP plus 67% climate change event (flood level detailed in APP-094). This is on the basis that the nature of the watercourses are such that they have very limited fall and as such the flow velocity is minimal. The bridge capacity therefore has negligible impact on the flow dynamics. Nevertheless, following the discussion with the EA, the Applicant has provided a series of drawings showing cross sections and elevations of the main river bridge crossings to the Environment Agency (see Appendix A to this submission). The Main River bridge crossings CP14 andCP17 will be constructed to provide a 600mm freeboard between the bridge soffit and top bank level, and abutments set 2m back from the bank, in line with the EA's requests. This change has not been made at CP22, as there is insufficient space to enable a 600mm freeboard. However, it was agreed with the EA that the reduced freeboard provided for by the Applicant in the design would still provide betterment at this existing crossing by providing a new clear span bridge which is currently culverted.

Schedule 23 of the draft DCO provides protective provisions for the protection of the Environment Agency. These protective provisions require the Applicant to submit and obtain approval of the bridge crossings (as a specified work) prior to the commencement of their construction. Table 5-4 of the oCEMP (as updated alongside this submission) has also been revised to include the above design requirements for the main river bridges such that the above design parameters are secured by the DCO.

The comments relating to water vole (the ES considers impacts to water voles from the Proposed Development as a whole) and BNG impact on riparian zones (the relevant habitats have been identified in the submitted metric) have been accounted for in the application documents.

There is not an IDB in this location. However, CWACC as the Local Lead Flood Authority has been consulted by the Applicant and has provided a Relevant Representation. CWACC has not raised any concerns with the proposed approach to crossings of the ordinary watercourses on the site.

It is understood that on the basis of the above, this matter is now resolved from the EA's perspective.

Issue ID: EA008		
Document Reference: APP-042 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water		
Section/ pages/ table reference: 9.10.2	**Issue**	Insufficient post-construction water quality monitoring.
	Impact	Inadequate assessment of the construction phase impacts may lead to a deterioration in WFD water quality.
	Solution	Water quality monitoring should take place during construction, and immediately following the completion of construction works. Monitoring should reflect any locational variation in the site, seasonal variation and weather variation, where possible We request these details to be included in the outline CEMP and outline OEMP.
Additional comments:		
Applicant's response: This is agreed. Table 5-4 of the oCEMP (as updated alongside this submission) sets out that water quality baseline will be established prior to the construction works commencing, with confirmatory water quality data obtained at agreed periods during, and immediately following completion, of the works. The oCEMP has been updated to require the monitoring positions and parameters of testing to be set out in the CEMP.		

Issue ID: EA009		
Document Reference: APP-035 – 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development APP-042 – 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water AS-019 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-021 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 2 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-023 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 3 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-025 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 4 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed AS-027 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 5 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference:	**Issue**	Several land parcels are surrounded by watercourses and rely on vehicular crossings. Proposed access / egress routes may be oversimplified and mainly consider formal roads, rather than routes between parcels and potential dry islands.
	Impact	There is a risk that Flood events may cut off workers unaware of rising water or compromise emergency services' access. Therefore, the site may not be operational in the event of a flood event.
	Solution	Update evacuation plans to reflect risks associated with each land parcel which may become a dry island when the proposed bridges become submerged (e.g., during the tidal Mersey design flood event or the Weaver design flood event). Provide detailed access route mapping across the entire site. Use this information to inform appropriate placement of refuge areas. Use hazard mapping to inform decision making. The Emergency Planning Team at the Local Planning Authority will need to be consulted on these plans.
Additional comments:		

Safe refuge areas must be distributed across all parcels which have the potential to become dry islands. Bridges may become submerged in a flood event, therefore this risk needs to be considered in more detail within the assessment of evacuation routes.

We would welcome the input of the local planning authority on the matter of safe access and egress, and the associated safe refuge areas proposed in the event that workers on-site cannot evacuate in a flood event.

Appendix M states that:

"Where safe evacuation is not possible, for example parts of the site become cut off by flood water, proceed to the nearest point of safe refuge. Places of safe refuge include the elevated western extent of the site (Frodsham wind farm) and all inverter / transformer substations on site (shown on the Flood Evacuation Route Plan provided as Appendix C). Operatives will be required to stay in the place of safe refuge until flood waters have receded. In an emergency, dial 999 and await rescue."

We welcome the consideration of safe refuge areas, however the finished floor level (FFL) should be designed to the H++ level, This is a resilience measure and proposed in the absence of dry egress routes. The applicant needs to consider the duration of the flood event.

We note the additional public rights of way (PROW) proposed. The risk to members of the public may also need to be considered within the evacuation plan.

There should be further discussion on safe access and egress. For example, the applicant could consider a permeable raised walkway to ensure safe access and egress during the Mersey Estuary or Weaver design events. It is unlikely to be sufficient to consider only the access and egress along the Brook Furlong and Weaver lane, if the site may contain dry islands.

Notably Appendix 5-3: Climate Resilience Assessment states that:

"The vulnerability is considered to be moderate because the local access routes for workers may be at risk of flooding. The risk of flooding is likely to increase throughout the lifetime of the Proposed Development."

The Ince and Frodsham model is being used to inform the soffit level of crossings CP14, CP17, and CP22. The proposed crossing levels of 5.34 mAOD (CP14 and CP17) and 5.36 (CP22) would be 600mm above the 1% (1 in 100) annual exceedance probability (AEP) plus 67% climate change water level. The site is however at tidal flood risk through overtopping of defences, and this would result in water levels in the tidal design scenario (5.89 mAOD) which are higher than the soffit level of the bridges which cross the Ince and Frodsham watercourses. From previous discussions with

the applicant, it is noted that it would not be practical or sensible to raise the soffit levels over the Ince and Frodsham watercourses without widespread access track raising throughout the eastern site. The appropriateness of this approach depends on whether the use of refuge areas is considered reasonable. Please note our issue EA010. The Overarching National Policy Statement for Energy (EN-1) states that new energy infrastructure should "be designed and constructed to remain operational in times of flood" (Section 5.8.7).
Applicant's response: A meeting with the EA and the CWACC Local Emergency Planning Team was held on 19th September 2025 where it was confirmed that: • The site is not permanently staffed. Engineers would visit site 1 – 2 times a week to undertake maintenance and checks. • EA, Met Office and local Council flood and weather warnings will be signed up to and taking a precautionary approach, no staff will attend site during an EA Flood Alert or Flood Warning, or during a Met Office Amber Weather Warning. Therefore, there will be no staff on site to evacuate when flooding occurs. • Any staff already on site will evacuate on receipt of flood / weather warnings, or if flooding occurs without warning. • Safe refuge areas on site are provided as a last resort and failsafe. Any permissive paths would be closed on receipt of weather / flood warnings (with signage put up to alert the public). The areas of safe refuge (raised inverter / transformer areas) are set 600mm above the Mersey 0.5% AEP plus Upper End climate change flood level. They are also above all fluvial and tidal breach flood levels. Further raising i.e. above a H++ event is not considered necessary (as the H++ event is not a design flood event) as discussed in the meeting and subsequently agreed with the EA. The outline Flood Warning and Evacuation Plan has been updated to reflect the outcomes of the meeting with CWACC Emergency Planning Team and the EA and is provided as document EN010153/DR/8.8 (noting that this is a revision of the outline Flood Warning and Evacuation Plan included as Appendix M to the Flood Risk Assessment (AS-027). The Applicant also held a meeting with the Cheshire Fire and Rescue Service on the 16th October 2025 to describe the approach adopted to flood warnings and evacuations. Cheshire Fire and Rescue Service were satisfied with the outline Flood Warning and Evacuation Plan and that the measures proposed within the plan are appropriate and proportionate to the risks presented by the Proposed Development. It is understood that on the basis of the above, this matter is now resolved from the EA's perspective.

Issue ID: EA010		
Document Reference: APP-035 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development APP-050 6.2 Environmental Statement: Volume 2 Appendix 2-1: Indicative Watercourse Crossing Schedule (inc. figures)		
Section/ pages/ table reference:	**Issue**	The applicant has proposed to embed cables within the proposed crossings.
	Impact	Risk of site not remaining operational in some design event scenarios, due to bridges being submerged and debris damaging crossings and embedded cables. Potential legacy issues with cabling in crossings if not removed during the decommissioning phase.
	Solution	We require the following: • Assess structural stability of proposed crossings in the Mersey estuary Weaver design flood events. • Design cable crossings such that cables remain safe in the event of a flood. • Commit to the removal of embedded cables during decommissioning.
Additional comments: As the applicant has chosen to base the bridge soffit level on the less conservative flood event derived from the Ince and Frodsham model, rather than the Weaver or Mersey Estuary design events, this raises concerns regarding the adequacy of flood resilience. To address this, we would require the applicant to provide a freeboard of 600mm above the top of bank, rather than 600mm above the design flood level, This is a more precautionary and robust approach, which aligns with the Standard Rules SR2015 document cited in Appendix S of ES Chapter 9. Furthermore, in line with good practice, we would expect an appropriate setback to be provided from the flood defence (riverbank), and any foundations associated with the bridge. Structural independence is essential as the proposed bridges are likely to become submerged in the Mersey Estuary design event, and should be designed accordingly. We require detailed designs on the proposed crossings and how the cables will be embedded in each case. These matters could be addressed at detailed design if the applicant provides adequate commitments now. For example: • adopt a permeable/vented deck detail to relieve uplift; • provide sufficient anchorage to resist buoyancy with agreed factors of safety;		

- incorporate debris deflection/protection;
- develop and maintain a flood operability/inspection plan for cables and bearings at detailed design.

Cables must be at least 600mm above the design flood level of the watercourse they are crossing, or 600mm above the top of bank - whichever is more conservative.

At cable crossings, there must be:

- an agreement to maintain the crossing they're embedded within
- installation of the cables at an appropriate height
- clearly set out plans for cable removal from the bridge at decommissioning
- evidence that cables will remain safe during a Mersey Estuary tidal design event (including from water and debris), and include an emergency response plan if adversely affected in a flood event

We require more information about the proposed temporary crossing and how these will be safe in a flood event.

The Overarching National Policy Statement for Energy (EN-1) states that new energy infrastructure should "be designed and constructed to remain operational in times of flood" (Section 5.8.7).

Please note, the Internal Drainage Board will need to be consulted on proposed crossings over non-main rivers.

Applicant's response:

As outlined in response to EA007, the proposed main river bridge crossings will be designed with a soffit level 600mm above the top of bank level, and bridge abutments will be set 2m back from the bank, except for CP22 where maximum practicable clearance above the bank will be provided. Noting that at this crossing point, the provision of a clear span bridge will provide betterment to the current situation, where a culvert serves as the existing crossing.

Appendix B to this document provides a technical note (14740-WCD-XX-XX-TN-S-001) which considers the integrity of the new bridges in flood events in relation to uplift of the bridge deck, impact from floating debris and protection of service ducts. This sets out that:

1) The self weight of the bridge deck, and supporting steelwork would be sufficient in resisting the uplift forces on the bridge

2) The self weight of the abutments in combination with the dead load only reactions of the bridge structure, would be sufficient in restraining the overturning and sliding of the bridge deck against impact loading
3) service ducts would be suspended from the underside of the cross beams (within the total structural depth of the bridge and so would be protected from direct impact from large items of floating debris

There is not an Internal Drainage Board in this location. However, CWACC as the Local Lead Flood Authority has been consulted by the Applicant and has provided a Relevant Representation. CWACC has not raised any concerns with the proposed approach to crossings of the ordinary watercourses on the site.

The Applicant has shared the design details with the EA and is awaiting a response.

Issue ID: EA011

Document Reference:
APP-035 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development
APP-136 7.5 Outline Construction Environmental Management Plan
APP-137 7.6 Outline Operational Environmental Management Plan
APP-138 7.7 Outline Decommissioning Environmental Management Plan
AS-019 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed
AS-021 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 2 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed
AS-023 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 3 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed
AS-025 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 4 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed
AS-027 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 5 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed

Section/ pages/ table reference:	**Issue**	Insufficient flood risk management and monitoring measures within the CEMP, OEMP and Decommissioning Environment Management Plan (DEMP).
	Impact	Inadequate input in the management of flood risk.
	Solution	We require the following details to be included:

		• further consideration of works being stopped during high astronomical tides during all phases of the development. The Applicant should monitor water levels and agree a safe threshold • regular condition surveys of the flood assets • inspection of crossings following a flood event
Additional comments: The applicant should commit to regular condition surveys of the flood assets. This relates to safe access and egress in the breach event. The eastern site is protected by raised embankments from flooding from the River Weaver, Manchester Ship Canal, and River Mersey. Whilst we acknowledge that the development incorporates embedded mitigation against the residual risk posed by flood defence failure, there does remain a residual risk to the operatives who may be onsite. We would recommend a yearly inspection of the flood defences which protect the eastern portion of the site, to check that there has been no notable deterioration in flood defence asset condition. This is particularly important as degradation in flood defence condition could have implications for the flood evacuation and warning plan for the site. Considering Table 5-4 within the oOEMP, after a flood event, bridges will need to be inspected for damage and remediated as they contain cables key to the operability of the site. We welcome mitigations within the oOEMP such as 4.1.57 which states that: *"Permissive footpaths proposed as part of the Proposed Development will be closed to the public at times of flood risk, with temporary signage erected at either end of each route to ensure the public are aware."* Cables within crossings should be removed as part of the DEMP to prevent legacy maintenance issues.		
Applicant's response: The **Outline Flood Warning and Evacuation Plan (EN010153/DR/8.8)** requires site management and operatives to register to receive EA Flood Alerts / Warnings and Met Office Weather Warnings. The plan also sets out that no site operatives should be on site when an EA Flood Alert, Flood Warning or Met Office Amber or Red Weather Warnings are in place. Should a flood or weather warning be received when operatives are on site, then immediate evacuation should take place. Operatives should not travel to site when flood or weather warnings are in place.		

The oOEMP has been updated to ensure that flood defences are inspected annually and any defects are reported to the Environment Agency. Additionally, after a flood event, bridges will need to be inspected for damage and repaired as necessary. These measures are secured in Table 5-4 of the **Outline Operational Management Plan (as updated alongside this submission).**

Paragraph 2.4.2 of the **Outline Decommissioning Management Plan (as updated alongside this submission)** confirms that cables would be removed from the Site as part of the decommissioning works where this results in the best environmental outcome, balancing the impact of disturbance from cable recovery against the sustainability benefits of recycling the cables.

Issue ID: EA012		
Document Reference: AS-019 6.2 Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy Part 1 of 5		
Section/ pages/ table reference: Page 26 Table 2-1	**Issue**	The solar arrays are proposed to be circa 4m elevated above ground levels within the areas at risk of flooding.
	Impact	Panel support frames could destabilise during times of flood in turn increasing debris and flood risk to others.
	Solution	Assess structural stability of the proposed solar arrays within a flood event. Panels should be designed such that they are able to withstand the forces that would be placed on them during a flood. The FRA should provide evidence that this has been considered.
Additional comments: Please review the velocity, depth, and hazard data from the detailed hydraulic modelling, to confirm that the solar panel support frames can withstand the forces that would be placed on them during a flood event. This section (part 1 of 5 Page 26) of the FRA talks about the H++ climate change scenario and the resilience of the development. Given that the Credible Maximum climate change scenario is important for assessing development resilience, it would be sensible and conservative to consider this scenario when assessing the potential forces placed on solar panel mounting structures.		
Applicant's response:		

ES Volume 1 Chapter 2 describes the piling options available for the solar panel supports in paragraphs 2.4.19 – 2.4.22. The final design will be subject to detailed geotechnical investigation and assessment. However, as set out in the ES there are a variety of piling options available that will provide the necessary structural resilience during a flood event.

The panel supports will be designed so that they are structurally resilient to the estimated flood depths and velocities. The requirement for this to be undertaken at the detailed design stage is secured within Table 5-4 of the **Outline Construction Environmental Management.**

It is understood that on the basis of the above, this matter is now resolved from the EA's perspective.

Issue ID: EA013		
Document Reference: APP-035 – 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development APP-062 6.2 Environmental Statement: Volume 2 Appendix 5-3: Climate Resilience Assessment		
Section/ pages/ table reference: Figure 2-5b Table 2-2: Inverter, Transformer and Switchgear Design Parameters	**Issue**	Figure 2-5b suggests a freeboard of 200mm and Table 2-2 suggests 600mm for the string inverters.
	Impact	Lack of clarity in the proposal.
	Solution	Clarify which is correct.
Additional comments: We require a 600mm freeboard.		

Applicant's response:

The Applicant can confirm that 600mm freeboard is applicable. This will be confirmed within the Statement of Common Ground with the EA.

Issue ID: EA014

Document Reference:

APP-035 – 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development

Section/ pages/ table reference: Section 2.4.101	**Issue**	Undefined height for above ground cable crossing of the River Weaver.
	Impact	It is unclear if there would be sufficient space for emergency works to the flood assets.
	Solution	Assess an appropriate clearance / height to allow for access and emergency works to flood assets.

Additional comments:
In regards to vertical limits over the river, there is no vertical limit over a main river beyond which a permit would not be needed, e.g., works 20m above the river or bank would require a permit. Note that there is an exemption in place for power lines crossing the river, with a minimum acceptable height. This can be found here *https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#electrical-cable-service-crossing-over-a-main-river-fra2*

Applicant's response:

The Applicant has reviewed the guidance provided by the Environment Agency in relation to exempt flood risk activities. Section 2 refers to Electrical cable service crossing over a main river (FRA2). It states that for a 132kV power line the vertical clearance above bank or flood bank crest level must be 12m and the horizontal clearance of any tower or support landward from the top of the bank of the main river must be 15m.

As set out in paragraph 4.4.2 of the **Landscape and Ecology Management Plan (as updated alongside this submission)**, a 16m buffer would be applied to watercourse defence structures, as such the horizontal clearance requirement would be met.

In relation to the vertical clearance the supporting trident poles would be up to 15m in height as set out in the Design Parameters Statement (APP-132). As noted in Table 5-7 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** the overhead cabling between the Site and SPEN Frodsham Substation will be no lower than the existing bridge 300m downstream of the cable crossing, which as noted in paragraph 2.4.101 of Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035) is 12.2m. The flood defence crest lies at circa 7.2m AOD and the land on the western side (where the overhead line support pole would be located) is at circa 4.9m AOD. As such, the cable crossing the flood defence would be capable of achieving a vertical clearance in excess of 12m.

Issue ID: EA015		
Document Reference: APP-035 – 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development APP-042 – 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water		
Section/ pages/ table reference: Figure 2-3b (APP-035) Figure 2-3c (APP-035) Figure 2-3e (APP-035) Section 9.9.4 (APP-042)	**Issue**	The applicant has proposed a water storage area on a flood asset.
	Impact	Increase likelihood of failure.
	Solution	Remove this from the proposed design. Any works which alter a flood asset are unlikely to be acceptable and should be highlighted within the FRA.
Additional comments: Similarly considering Figure 2-3c/e which seems to be proposing new walkways on the crest of a flood asset, this will require further discussion if changes to the flood asset are being made (e.g., altering the crest level). Although a footpath may be acceptable, we need clarity on what changes are proposed to the flood asset if any. Tree planting will require root protection and may not be acceptable on a flood asset. The proposed water storage area is one of the reasons preventing us from allowing the disapplication of FRAPs for this project.		
Applicant's response:		

The Applicant has confirmed with the Environment Agency that it is not creating a water storage area on an EA flood asset and this point is now agreed.

The only location where the Applicant is proposing a new footpath on a flood defence is the permissive path along the northern boundary of Cell 1, shown as permissive path B on Figure 1 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)**. In this location the flood defence is the raised ground formed by the Manchester Ship Canal Dredging Deposit Ground.

The **Design Approach Document (APP-130)** sets out that for the more distant sections of route (such as permissive path B), the paths may simply be grassed or possibly gravel if conditions underfoot require. To avoid disturbance to birds, bird screening measures may be erected along sections of this route. The cross sections shown on the Illustrative Masterplans (see section 2 and 4 on Figure A1.3 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission))** demonstrate there is quite a substantial gap between the crest of the raised land and the proposed solar array fence line (15-20m). Therefore, there is considered to be the ability to provide sufficient setback from the crest of the raised land to avoid impacting the flood defence function of the raised land in this location.

Schedule 23 of the draft DCO contains provisions which require the undertaker to obtain approval for any work within the specified distances of flood defences. Furthermore, as noted in the response EA011 the flood defences would be inspected annually for damage. On this basis, it is considered possible to provide permissive path B without detriment to the flood defence function of the raised ground in this location, and the EA consideration of the detailed design of these works is secured via the draft DCO.

Issue ID: EA016		
Document Reference: AS-019 6.2 Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy Part 1 of 5		
Section/ pages/ table reference:	**Issue**	The applicant is adding receptors into an area drained by Frodsham pumping station.
	Impact	This may lead to the residual life of the pumping station needing to be extended.
	Solution	Further discussions on either financial contributions to improving the asset or passing on ownership to the applicant.
Additional comments:		

We note that all sources of flood risk that could pose a risk to the site, could benefit from Frodsham pumping station mitigating those risks through draining the floodplain.

The Local Planning Authority should be consulted on the risk of surface water flooding.

Applicant's response:

The LPA has been consulted on the risk of surface water flooding and has not raised any concerns in this regard. The Proposed Development has been designed to be resilient to flooding by raising the sensitive equipment located within the flood zone above the predicted design flood levels stipulated by the Environment Agency. It has been agreed with the Environment Agency that as the design flood is based on a scenario where the pumping station isn't operational that the assessment is appropriately conservative with respect to flood risk.

Issue ID: EA017

Document Reference:

AS-020 6.2 Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy Part 2 of 5

APP-091 6.2 Environmental Statement: Volume 2 Appendix 9-3: Hydraulic Modelling Report Part 2 of 4

Section/ pages/ table reference: Appendix K Modelled Output Mapping (AS-020) Appendix G Flood Mapping (APP-091)	**Issue**	It is not clear from the depth difference mapping whether flood extent is increased in any locations
	Impact	Flood risk impacts could be underestimated.
	Solution	The FRA needs to be updated to ensure Wet/Dry areas are added to the maps. If there is no change in flood extent between the baseline and with development scenarios, please make this clear within the FRA.

Additional comments:

Wet/dry areas are those which become wet because of the proposed development when compared to the baseline.

Wet/dry areas can be identified using the depth difference maps within Appendix K of the FRA and Appendix G of the modelling report, which compare the baseline.

Applicant's response:

It has been agreed with the Environment Agency that the flood depth difference mapping provided in Appendix K of the Flood Risk Assessment (AS-023) shows areas where flood extents have increased and where flood depths increase. There are no areas of increased flood extent as a result of the Proposed Development.

Issue ID: EA018		
Document Reference: APP-090 Environmental Statement: Volume 2 Appendix 9-3: Hydraulic Modelling Report Part 1 of 4 Proposed development		
Section/ pages/ table reference: Page 7 Model Updates	**Issue**	The FRA has not fully assessed flood risk. It is unclear if floodplain volume lost from new crossings has been included in the assessment.
	Impact	Flood risk impacts could be underestimated, thus undermining the flood risk mitigation strategy.
	Solution	Clarify whether the volume lost because of new crossings and abutments is included within this assessment. If this isn't included, please confirm the impact that these would have on flood risk over and above the modelling assessment that has already been undertaken.

Additional comments:

This section notes that 1400m2 of floodplain will be displaced by the proposed structures considering the dimensions of structures such as fence posts and module piles etc. To account for this 14 10 x 10m2 cells has been removed from the 2d modelled floodplain. This is welcomed although it is not clear whether the volume lost because of new permanent and temporary crossings is also included in this assessment.

Clarification could be achieved through a quick sensitivity run if the additional volume lost over and above 1400m2 because of the new crossings and abutments is considerable.

Applicant's response:

The design of the access crossings, with abutments set 2m from the riverbank, will entail some minimal ground level raising (for the bridge access ramp). In response to the EA's comments, the Applicant has undertaken additional modelling **Hydraulic Modelling Report Addendum [EN010153/DR/8.10]**.

The modelled results for the Mersey Estuary model show that, accounting for this ground raising that, as reported in the Application, there is still negligible change in flood risk elsewhere when the Proposed Development scenario is compared with the baseline scenario. The modelled results for the River Weaver model show that there is no increase in flood risk elsewhere when the proposed development scenario is considered.

The hydraulic modelling report, and modelling data, has been shared with the Environment Agency during the pre-examination period.

Issue ID: EA019		
Document Reference: AS-027 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 5 of 5 (Clean) - Revision 2 - Subject to acceptance at the discretion of the Examining Authority once appointed		
Section/ pages/ table reference: Appendix M Flood Warning and Evacuation Plan	**Issue**	It is noted that in the tidal design event water takes 1 hour to disperse across the site. It is not clear how long water would remain on-site and potentially cut-off egress from the site.
	Impact	Operatives could be cut off from egress from the site for long periods of time.
	Solution	Add detail to the Flood Warning and Evacuation Plan regarding how long flood waters would remain on-site in the tidal design scenario, and how long someone could potentially be cut-off from egressing the site, if they were to be located at a refuge point during the tidal design event. This information will help to understand the practicalities of using refuge points, rather than maintaining access off site during times of flood. It would be useful also to have an awareness of river levels on the Mersey and the flood line telephone number. This information should be added to the Flood Warning and Evacuation plan, and consultation should be sought with the local planning authority's emergency planning department.
Additional comments: The time of inundation mapping provided in Appendix B of the Flood Warning and Evacuation Plan is useful. It is noted that in the design tidal event at 1 hour there are notable depths which would likely present a hazard of "danger for most" to "danger for all". Event at 30 minutes there is notable inundation and depth of water for a large proportion of the site. A key consideration is how long water would remain on-site in such a scenario and how long someone could remain cut-off at a refuge point on the site if this scenario were to occur. It is appreciated that land raising of access tracks within the site could result in flood risk impacts elsewhere. Consideration should be given to the practicalities of an elevated grated walkway on stilts, which would allow flow to move underneath and access to be maintained during times of flooding.		

Levels at the River Mesey Liverpool gauge (Gladstone Dock) will be of interest particularly when levels start to exceed 6 metres Above Ordnance Datum (mAOD), particularly when coupled with strong north westerly winds. Levels for the Mersey at the Liverpool (Gladtone Dock) can be viewed in real-time at River Mersey level at Liverpool - GOV.UK. If you have any queries regarding the potential for flooding the 24-hour flood line service available at 0345 988 1188 can be useful.

Applicant's response:

See response to EA009. Workers will not attend the site during a flood alert, warning, or amber weather warning. Therefore, there will be no workers to evacuate in the event of flooding.

Following a tidal flood event, flood water could remain on site for over 12 hours. In the unlikely event a worker needs safe refuge on a raised inverter / transformer platform during flooding, rescue by emergency services would be required.

The Outline **Flood Warning and Evacuation Plan [EN010153/DR/8.8]** has been updated to include additional information on egress routes and the timings involved in leaving the site and the timings associated with predicted flood events.

As set out in response to EA009 the Applicant has met with the CWACC Emergency Planning Team and the Cheshire Fire and Rescue Service to describe the approach adopted to flood warnings and evacuations. Some minor additions to the **Outline Flood Warning and Evacuation Plan** were proposed by CWACC and these have been adopted in the updated plan **[EN010153/DR/8.8].** It was agreed with both parties that the measures proposed within the plan are appropriate and proportionate to the risks presented by the Proposed Development.

It is understood that on the basis of the above, this matter is now resolved from the EA's perspective.

Issue ID: EA020		
Document Reference: APP-137 7.6 Outline Operational Environmental Management Plan		
Section/ pages/ table reference:	**Issue**	Risk of chemical and fuel spillages near sensitive water receptors during the operational phase.
	Impact	Deterioration of WFD water quality is a risk to water bodies if leaks and spillages of fuel, chemicals, or hazardous materials occur.
	Solution	Update the outline OEMP to ensure chemicals and fuels are located a minimum of 10m from all watercourses, with bunded areas or site drainage system to prevent leaching of contaminants.

Additional Comments:
We request that Table 5-5 of the outline OEMP is updated to ensure that Water bodies are adequately protected from leaks and spillages from chemicals or fuels.

The outline CEMP makes it clear that bunded locations are still 10m from watercourses, and will be covered where possible to prevent the accumulation of rainwater.

We request a consistent approach be taken and both the outline CEMP and outline OEMP to be aligned.

Applicant's response:

Table 5-5 of the **Outline Operational Environmental Management Plan (as updated alongside this submission)** has been updated to reflect the same requirements as the OCEMP as requested.

Issue ID: EA021

Document Reference:
APP-144 7.13 Outline Landscape and Ecology Management Plan

Section/ pages/ table reference:	**Issue**	Within the Outline Landscape and Ecology Management Plan Section 6.8.3 & 6.8.4. Reed Canary Grass (Phalaris arundinacea) is intended to be seeded/planted.
	Impact	Canary Grass (Phalaris arundinacea) can become dominant along watercourses in some circumstances, lowering biodiversity of watercourses in the riparian zone.
	Solution	Consideration should be given whether this species will create a management problem over the long term.

Additional Comments:

Applicant's response:

Reed Canary Grass (*Phalaris arundinacea*) has been removed from the planting specification of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission).**

Issue ID: EA022

Comment:

(Appendix B)
Abstraction and discharge permits:

Section 9.8.17 of the Environmental Statement Chapter 9 Flood Risk and Surface Water states that canal pools to the north of Cell 3 may be drained to facilitate the construction of the mitigation area in Cell 3. Discharges to the Manchester Ship Canal will need to be assessed to ensure suspended solids are not being added to the environment during construction. A Water Discharge Activity Permit will therefore be required.
If any abstractions needed for the purpose of firewater do not exceed 20m3 per day, then an abstraction will not be required. If an abstraction of greater than 20m3 is needed, then please contact the Environment Agency for instructions on how to apply for an abstraction licence.

Applicant's response:

The Applicant notes this requirement. The potential requirement for a Water Discharge Activity Permit is recognised in the **Other Consents and Licences Statement (APP-127)**

Issue ID: EA023

Comment:

(Appendix B)
Flood risk activity permits and disapplication:

We cannot agree to the disapplication of FRAPs, due to a lack of detail relating to method statements, drawings and an inappropriate development on a flood defence asset. Furthermore there is a level of ecological risk associated with the activity due to protected species present (water vole). We therefore cannot agree to the protective provisions input within the DCO. Please review what is required for FRAPs within Develop a management system: environmental permits for flood risk activity - GOV.UK

Applicant's response:

This matter is being discussed with the Environment Agency. The Applicant notes that the Agency is requesting more information than is usually requested at this stage of the DCO process to agree to the disapplication. Whilst it is continuing to discuss what information it can provide at this stage, this is matter that may need to be explored in Examination.

The Applicant considers there to be sufficient control in the protective provisions afforded to the Environment Agency within Schedule 23 of the **draft DCO (as updated alongside this submission)**, to provide adequate control such that the FRAP can be disapplied with confidence that the

environment will be sufficiently protected. It notes that these Protective Provisions used as a base the Environment Agency's 'standard' Protective Provisions which it requests for all DCO projects.

Issue ID: EA024

Comment:

(Appendix B)
Flood risk and development lifetime:

The proposed year of assessment up to 2075 does not allow for a five-year delay to commencing development (as suggested in 9.7.17), because decommissioning will take circa two years. Assuming the decommissioning lasts two years as stated, this would give only 3 years for delays. There may be a risk of further delays, which would mean the year to which flood risk is assessed is exceeded (2075).

Applicant's response:

The Applicant acknowledges the Environment Agency's comment. Based on the current programme, a three-year allowance remains between the completion of the two-year decommissioning phase and the 2075 assessment year. This is considered an adequate margin to accommodate potential delays without exceeding the year to which flood risk has been assessed.

In addition, while flood risk is recognised as a potential hazard during decommissioning, the operational phase represents the longest and most consequential period in terms of exposure to future flood risk. The Applicant therefore considers the selected assessment year appropriate and sufficiently precautionary given the nature and duration of the Proposed Development.

Issue ID: EA025

Comment:

(Appendix B)
Water Framework Directive terminology:

Within 6.2 Environmental Statement: Volume 2 Appendix 9-2: Water Framework Directive Assessment it is stated "Hydromorphological elements - Supports Good". Use of old terminology may imply that the hydromorphology of a watercourse does not need improvement and that no actions need to be undertaken to achieve uplift as it already "supports good" habitat status. This should be updated to reflect a recent change in terminology from "Supports Good" to "Not High" that has been made to the Hydromorphological Supporting Elements/Regime. This is due to the "Supports Good" terminology implying the condition of the river is "OK" and no uplift is needed to improve the hydromorphology. The new term "Not High" demonstrates hydromorphology is not "OK" and requires uplift.

Applicant's response:

The Applicant notes this comment and recognises that the incorrect terminology may have been used inadvertently. However, the terms used do not affect the outcome of the assessment, and the Outline Construction Environment Management Plan, Outline Operational Environment Management Plan, and the Outline Decommissioning Environment Management Plan contain measures to safeguard the water quality of the catchment. Furthermore, it is noted that the temporary cessation of intensive agriculture on part of the Site will help improve the water quality in the catchment.

Issue ID: EA026

Comment:

(Appendix B)
Outline Landscape and Ecology Management Plan:

Section 6.8.18 & 6.8.3 states that maintenance actions, such as the removal of sediment, may be required. When works to the bed and banks are required, consideration should be given to carefully extracting and replanting areas of target vegetation. This may reduce the requirement for importing/replacing plugs, as well as help retain aquatic ecology during maintenance works.

Applicant's response:

Paragraph 6.8.19 of the **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** has been updated to review the potential for the extraction and replanting of target vegetation as part of maintenance actions. This will be carried out if considered to be viable, ecologically beneficial, and does not impact the desired outcomes of the specific maintenance actions being undertaken

Issue ID: EA027

Comment:

(Appendix B)

Within Sections 6.8.20 and 6.8.30, the decision on what 'prejudices drainage' needs to be considered on an ecological basis, and whether the reduced drainage from the site could be a benefit to ecology and the target habitat on the site. It should not be assumed blocked or partially blocked drainage should be remedied.

Applicant's response:

The **Outline Landscape and Ecology Management Plan (as updated alongside this submission)** has been amended to confirm that any management decisions to clear drainage obstructions would be undertaken in consultation with the ECoW to confirm that the proposed maintenance actions do not prevent the achievement of the intended ecological outcome for the affected waterbody/ditch.

Issue ID: EA028
Comment: ***(Appendix C)*** ***Section 3.2.2 – Invasive species treatment:*** It is suggested that you may use a herbicide application to manage invasive New Zealand Pigmy Weed. Further details on what options of herbicide, and any water quality risks associated with this, should be considered. They should explain how this won't enter watercourses or groundwater. *(Appendix C)*
Applicant's response: Paragraph 6.5.12 of **Outline Landscape and Ecology Management Plan (as updated alongside this submission),** Table 5-3 of the **Outline Construction Environmental Management Plan (updated alongside this submission)** and Table 5-3 of the **Operation Environmental Management Plan (as updated alongside this submission)** have been revised to confirm that if herbicide is used to control invasive species, the INNSMP must contain measures to ensure that the use of chemical herbicides do not enter watercourses or groundwater.
Issue ID: EA029
Comment: ***(Appendix C)*** ***Section 6.4.19 – Controlled water management:*** This section states that there will be "year-round habitat availability through controlled water management", however details around what this water management plan involves is unclear. Further details should be provided.
Applicant's response: The Non Breeding Bird Mitigation Area (NBBMA) will be managed by persons experienced in managing wetland environments. The **Outline Non Breeding Bird Mitigation Strategy (Appendix B to the Outline Landscape and Ecology Management Plan (as updated alongside this submission))** is supported by a Water Balance Model which demonstrates that, for most of the year, there is likely to be sufficient water from rainfall

to maintain the wetland habitats proposed as part of the NBBMA. However, the ponds located to the north of Cell 3 will be used for additional water management if this is ultimately considered beneficial for the maintenance of the NBBMA and the Mersey Estuary SSSI.
Issue ID: EA030
Comment: ***(Appendix C)*** ***Section 6.4.29 – Risk management measures:*** This section states that water quality monitoring will be carried out in nearby surface watercourses. We require further details of this monitoring plan. If a monitoring plan is not suitably designed, then it may not be able to detect relevant trends on water quality during the construction phase. The monitoring plan should reflect locational variation in the site. For example, monitoring upstream and downstream of any proposed water discharges/water crossings. The monitoring plan will need to include enough monitoring samples to detect any seasonal variation, for example Twice per month for at least six months prior to the construction phase; and then continued during the construction phases, particularly during earthworks and concrete works, decreasing to once a month for six months after the construction phase.
Applicant's response: The details of the water monitoring proposed as part of the NBBMA and the wider water quality monitoring outlined within the Outline CEMP will be specified in the NBBMS and the CEMP, which must be submitted to and approved by the relevant planning authority, with the CEMP subject to consultation with the Environment Agency. These plans are secured via Requirement 9 and 13, respectively, of the draft DCO.
Issue ID: EA031
Comment: ***(Appendix C)*** ***Section 4.1.4 – Non-Breeding Bird Mitigation Area:*** We note that the Non-Breeding Bird Mitigation Area (NBBMA) will be completed in advance of works on areas most used by wetland birds, ensuring continuity of suitable habitat. However, there appears to be a contradiction in section 4.1.4. It is stated that works to construct the eastern array area may be undertaken at the same time as the construction of the NBBMA. We recommend that an explanation is provided as to how there will still be enough suitable habitat available in this scenarios.
Applicant's response:

Following discussion with NE, it has been agreed that the works to construct the Eastern Array must not commence until the NBBMA is functional. This has been reflected in the updated **Outline Construction Environmental Management Plan** (**as updated alongside this submission**).

2.3 Response to Natural England Relevant Representation (RR-012)

2.3.1 During the pre-examination period, the Applicant met with Natural England on 13 August 2025, 30 September 2025, and 24 October 2025 to discuss the additional information NE required regarding the Habitat Regulations Assessment. This has informed the Applicant's response in Table 2-3. The Applicant shared a draft of Table 2-3 with Natural England to help reach an agreement on several of the points discussed and to facilitate the update of the Information to Inform Habitat Regulations Assessment report in the manner required by NE.

2.3.2 The Applicant has used the references provided by NE in its RR and has provided a verbatim extract of the comments provided by NE in Table 2-3 for ease of reference.

Table 2-3: Response to Natural England's Relevant Representation (RR-012))

NE Reference	NE commentary and advice	Applicant Response and Progress Update
NE01	It is stated that the construction of the NBBMA will be undertaken early in the development programme and will be constructed and functional prior to construction on the western array (Cells 1,2 and 5). This approach is not acceptable as the NBBMA provides mitigation for the entirety of the development and this includes both the eastern and western array areas. The NBBMA must therefore be constructed and functional (which must be defined, see below) ahead of any other construction works taking place within the SADA. We advise further detail is added within the HRA to define the term 'functional'. In this case we consider that habitats within the NBBMA will become functional for SPA birds once all earthworks, water level management and reseeding works in the NMMBA have been	For the avoidance of doubt, the Applicant does not consider that the Eastern SADA supports SPA birds in numbers or at the frequency which would typically be considered to constitute FLL. However, it is recognised that SPA birds do use the Eastern SADA. As such the assessment, and the approach to mitigation, accounts for SPA bird use across the entirety of the Site, including the Eastern SADA and the land proposed for the NBBMA. For the purposes of impact assessment, mitigation design and HRA it is assumed that the entirety of the Order Limits is either FLL or has the potential to be FLL, and thereby a precautionary approach has been adopted. The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has provided additional analysis requested by NE in

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	completed, and all plant and construction personnel are no longer present within the NMMBA in order to remove visual/ noise disturbance from the mitigation area. We would be pleased to work with the Applicant to define success criteria for the mitigation area to determine if habitat creation works have been successful and are able to support the required SPA bird populations. This is required in order to determine if further remediation works are required if habitat creation has not been successful. Table 4.1 sets out the construction programme however it is not clear from this table which elements of works will overlap and when. Further clarity is required within the HRA on the construction timings and activities taking place.	relation to identifying those species which are present at numbers exceeding 1% of the Mersey Estuary SPA within the boundary of the Site. The Applicant has discussed the approach to the phasing of the construction works and at what point the NBBMA is considered functional. It is agreed by the Applicant to complete the construction of the NBBMA prior to work commencing on the western and eastern SADA. Paragraph 2.4.4 of the Outline Construction Environmental Management Plan (as updated alongside this submission) has been updated to reflect this commitment. A consequence of this is that there would be a change in the construction traffic and consultation worker profile. However, the change would be relatively minor with the change in programme resulting in an additional 7 HGV trips (14 two-way movements) per day during the peak month. On average across the busiest 12-month period there would only be an additional 3 HGV trips per day (6 two-way movement). The change in the programme would reduce the overall period of disturbance associated with construction traffic. At these levels there would be a negligible impact in terms of noise or visual disturbance. The mitigation measures proposed to control fugitive dust from vehicles would remain effective. In relation to the point at which the NBBMA is deemed to be functional it is agreed between NE and Applicant that the NBBMA is considered functional for the purposes of commencing construction in this context as follows: • All physical works within the NBBMA are completed. • The entire NBBMA area is available to support SPA bird species for which it is designed, and • The entire NBBMA is free from construction-related disturbance.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		Paragraph 2.4.5 of the Outline Construction Environmental Management Plan (as updated alongside this submission) has been updated to reflect this commitment. The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been updated to reflect this position.
NE02	It states here that Functionally Linked Land (FLL) '*is typically defined as land within 20km of an SPA regularly used by significant numbers of qualifying bird species, specifically supporting at least 0.5% of GB population or over 1000 individuals. Regular usage is defined as being used by significant numbers of birds for 7 or more years since 2010'*. We do not agree that this definition is used as part of the HRA assessment. It is the definition that was used in a report to identify FLL on a regional scale in the North West of England. The report[16] used 0.5% of GB population as the criteria because it was difficult to say which SPA birds belonged to which designated site when the sites were adjacent, and buffers overlapped. In assessing individual development proposals and to determine the importance of a piece of land to an SPA population a calculation of the proportion of the SPA population supported by the site is required, and if it supports more than 1% of the SPA population, this is considered significant and further assessment of the feature is required.	The Applicant has represented the data in the format requested by NE (i.e. 1% of the Mersey Estuary SPA population) and this is provided in the revised Information to Inform Habitats Regulations Assessment (as updated alongside this submission). The Applicant exchanged this data with NE in advance of this submission. Regularity of use is interpreted on the basis of repeated presence across multiple years and/or multiple seasons, in line with WeBS data availability. Taking account of this data, the Applicant's position on FLL is set out in NE01 above. NE welcomed the updated information and assessment provided by the Applicant in the pre-examination stage. NE have commented that although some data is not provided in the expected format, it considers the additional work completed does now provide sufficient clearly presented and detailed data. NE requested that this be included within the updated HRA and referenced appropriately within the supporting text of the assessment which the Applicant has done in the updated document submitted alongside this submission.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		NE requested that the commentary on the data summary tables that the Applicant provided to NE is required within the HRA to ensure that there is clarity on how any conclusions can be drawn based on the data and requested that analysis of the survey data recognise that the spatial coverage across the three years of survey was different. NE also advised that the peak counts from Years 2 and 3 are helpful and can be used to characterise current carrying capacity of the SADA. NE also provided a number of other specific comments on the data and how it is presented and analysed. The Applicant has revised the Information to Inform Habitats Regulations Assessment (as updated alongside this submission) to account for all of the comments provided by NE.
NE03	Here it states the Eastern SADA supports comparatively lower numbers of birds but then references HyNet counts of 811 lapwing and 150 golden plover. If these were recorded in the Eastern SADA this is significant, and comparable to the counts in the Western SADA. Even if the eastern area does support fewer birds, these will still be displaced and the loss of functionally linked land needs to be appropriately assessed and mitigated for. It is our advice that the impacts of the development need to be assessed as a whole, not just the fields with the highest numbers of birds, and appropriate mitigation provided. The HRA should recognise this and ensure the assessment considers the SADA as a whole as Functionally Linked Land.	The Applicant wishes to highlight that both the eastern and western SADA are explicitly acknowledged collectively (i.e. data from each extent were pooled) in the HRA results table 4-2 within Information to Inform Habitats Regulations Assessment (AS-017) and is further broken down within Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041) table 8-11 to 8-16. Baseline data has been fully re-presented in Section 4.2 of the Information to Inform Habitats Regulations Assessment (as updated alongside this submission). To clarify further, the HyNet survey transects extended into the eastern SADA (Transect 7b; figure 5O.3 within HyNet Northwest Hydrogen Pipeline Project Draft Environmental Statement, Appendix 5O Non-breeding Waterbird Survey Interim Report – January –June 2024); however, the higher counts of golden plover and lapwing reported by HyNet were recorded within Cell 3 and areas outside the Order Limits, rather than within the eastern SADA boundary itself.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		Within the Western SADA (specifically Cell 5), peak counts recorded during the 2024 surveys within Transect 6 included 130 lapwing (Figure 5O.4; sheet 2/48), along with single peaks of 65 black-tailed godwit (Figure 5O.4; sheet 2/48), 50 golden plover (Figure 5O.4; sheet 2/48), and 26 curlew (Figure 5O.4; sheet 2/48). The surveys within Easten SADA (Transect 7b) recorded of low numbers of mallard (1), teal (8) and lapwing (4) (Figure 5O.4- Sheet 19/46). These figures are consistent with the results presented in the Frodsham Solar application. The significance of these records for the assessment of FLL is considered further within Section 4.2 of the **Information to Inform Habitats Regulations Assessment (as updated alongside this submission)**. The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) considers all birds recorded across the Eastern and Western SADA together within the assessment (this includes those birds which fall below the 1% threshold within the Eastern SADA), and data from all sources has been considered (e.g. WeBS, AEL surveys, and HyNet surveys).
NE04	Table 4.2 presents peak numbers as a proportion of the national/international thresholds for importance, i.e. the thresholds for SSSI/SPA designation. As noted, this criterion was used by Natural England (NE) in identifying FLL at a regional scale, and the NE report already identifies that the areas at Frodsham have met those criteria. The relevant scale for the HRA of an individual development is to examine the proportion of the SPA impacted. The HRA needs to assess the impact on the integrity of the SPA population, not the national population.	The results in Table 4-2 of Information to Inform Habitats Regulations Assessment (AS-017) represented the pooled peak counts across the eastern and western SADA combined (collectively referred to as “the SADA”), therefore taking the largest peak count to represent the month, and the same process was followed for the main NBBMA (“Cell 3”) alone. Cell 2 records were considered to be in the SADA despite part of Cell 3 being part of the NBBMA, thus a precautionary approach was adopted. The Applicant has analysed and presented the existing baseline data Cell by Cell and region and present the thresholds as per NE02 and has updated the assessment and compared it to the BTO most up to date WeBS data (up to

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	It would be helpful if the applicant could clarify whether the peak numbers presented in Table 4.2 are the peaks for just one cell, or the combined peak of all birds seen in the SADA on that visit? The mean presented for the SPA in the HRA is the 5-year peak mean (18/19 - 22/23) from WeBS Online. The text states that this is the SPA mean, but this is incorrect. The Mersey Estuary WeBS site is larger than the Mersey Estuary SPA and includes sectors downstream (part of Liverpool Bay SPA), upstream and includes the Frodsham sectors. The HRA needs to present the results more clearly and we advise that a summary table is needed to draw out the overall peak counts for each species across all years of survey effort across the entire site and that these peaks are then used to calculate the proportion of the SPA population (using the correct figure as set out above), where the percentage is greater than 1% this should be highlighted so that it can easily be seen which species are required to be considered further in the assessment and may require mitigation. Natural England is happy to provide further advice to the applicant to ensure that the correct information is displayed within the summary table.	23/24) in the revised Information to Inform Habitats Regulations Assessment (as updated alongside this submission). The most recent 'WeBS' data from the BTO has been reformatted in line with NEs request (i.e. expressed as a percentage of the SPA population). Re-presented data was provided to NE to support on-going discussions. The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been updated to reflect the additional analysis and the subsequent discussions with NE.
NE05	A similar summary assessment table should be provided for the information presented in Table 4.3 as for Table 4.2. To understand where significant numbers of birds have been found in close proximity to the redline boundary.	The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been revised to take these comments into account in line with the response to NE04 above.
NE06	We support the statement made here and reiterate our comments made above (NE03) that the assessment must cover the entirety of the SADA and that mitigation is required for the entire SADA.	The Applicant confirms that the entirety of the Order Limits has been assessed within the Information to Inform Habitats Regulations Assessment (as updated alongside this submission), Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082) and Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041).

NE Reference	NE commentary and advice	Applicant Response and Progress Update
NE07	The listed qualifying features for the Mersey Estuary Ramsar in Table 5.2 are incorrect and require updating. Although we note that that the correct information sheet has been accessed.	The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) been updated to correct this.
NE08	This is not the criteria Natural England recommend for identifying FLL, as discussed in our above point NE02. The HRA should be updated accordingly.	The Applicant has represented the data in the format requested by NE (i.e. 1% of the Mersey Estuary SPA population) and this is provided in the revised Information to Inform Habitats Regulations Assessment (as updated alongside this submission). The Applicant exchanged this data with NE in advance of this submission.
NE09	Natural England notes the land would be handed back to landowners on completion of decommissioning, however we question if there is scope for future purchase or lease by an appropriate conservation body to continue to manage what may be by the time of decommissioning an even more important key site for birds in the area.	The Applicant is progressing discussions with RSPB as a potential conservation organisation that could manage the NBBMA. RSPB provided a letter of intent dated 20th November 2025, which is included as Appendix D. In the letter RSPB confirms that, at present, the RSPB would be interested in fulfilling the role as the managing conservation organisation, subject to further discussion with Frodsham Solar and agreement on the specific mechanisms and finance for RSPBs' engagement. RSPB further states that it will continue engaging constructively with Frodsham Solar Ltd as the proposals for the NBBMA progress in order to help deliver a quality mitigation with sustainable long term management in place. As part of the decommissioning process the landscaping works undertaken across the Site would remain in place, and the land would be handed back to the landowner, with the only exception being the potential requirement by the landowner to revert the grassland created on the eastern half of the Site (to the east of Brook Furlong) and the Skylark Mitigation Area to land suitable for arable farming. This is set out in paragraphs 2.4.3 and 2.4.4 of the Outline Decommissioning Environmental Management Plan (APP-138). The commercial agreements do not provide for the retention of the NBBMA post decommissioning and so the DCO application must be determined on the basis of the land being handed back at the point of decommissioning.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		However, this does not prevent this matter from being subject to parallel discussions with the landowner once the scheme is operational. We also note that in respect of those parts of the NBBMA which form part of the Mersey Estuary SSSI, the Applicant has updated the draft DCO alongside this submission to require that the management of the NBBMA in that area in accordance with the NBBMS will become part of the Management Scheme of that SSSI for the purposes of the Wildlife and Countryside Act 1981.
NE11	It is stated that cells 1, 2, 3 and 5 have been identified as FLL, the eastern SADA is not FLL but may still support SPA birds. The question of whether individual parts of the development site are FLL is unhelpful. The non-breeding bird surveys show that all parts of the site support SPA birds at times, just that some parts are more important than others. But the crucial point for the HRA is that all the wetland birds found on the site will be associated with the SPA due to its proximity. All birds currently using the SADA will be displaced by the solar farm and so all need to be mitigated. The HRA should be updated to take this into account.	The Applicant has considered the use of the Site in its entirety, irrespective of the interpretation of the Eastern SADA being FLL or not. As such the mitigation proposed in the NBBMA considers usage by SPA species across the whole of the Site. As such we agree with NEs position that *"all the wetland birds found on the site will be associated with the SPA due to its proximity. All birds currently using the SADA will be displaced by the solar farm and so all need to be mitigated."*
NE12	It is stated that the long-term loss of FLL is of cells 1, 2 and 5 only. This is wrong because it does not take account the cumulative loss of the whole area. Bird surveys show that SPA birds did use the eastern SADA, e.g. in January 25, 80 lapwings were recorded. It is a failing that surveys were not undertaken in year 2 on the eastern SADA. Higher bird numbers were found on the western SADA in year 2 than in year 1. As no surveys were done on the eastern SADA in year 2, it is not possible to say whether the same pattern would have been seen on the eastern SADA. We therefore do not agree with this conclusion.	The Applicant wishes to clarify that the entire Order Limits have been assessed and therefore the cumulative loss of land for use by birds of the SPA has been considered. For the avoidance of doubt, the Applicant confirms that the Year 3 surveys included all areas- eastern, western SADA and Cell 3. Surveys were not undertaken within the Eastern SADA during Year 2; however there remains an extensive data set due to the large volume of desk study records available for the Site. Of particular relevance, HyNet surveys covering the Eastern SADA, as referenced in paragraph 4.2.7 of the Information to Inform Habitats Regulations Assessment (as updated alongside this

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		submission), paragraph 2.1.2 of the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082), and paragraph 8.5.45 of Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041) were undertaken between January and July 2024. This baseline data has been further analysed to supplement the existing baseline collected for the Frodsham Solar development and also includes up to date (2023/24) WeBS data for the Mersey Estuary SPA, Frodsham Sludge Lagoons (Western SADA and Cell 3) and Weston Marshes (eastern SADA). The area is a considered a hotspot for bird species and is systematically surveyed and understood. [17] With regards to inter-annual variability in the data, at least 2 years of field data collection has taken place on all parcels of the development, the eastern SADA, Western SADA and Cell 3 (but not limited to). Within Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082) the survey coverage is shown for year 1 (Figure 3a)- eastern and western SADA, Year 2 – Cell 3 and western SADA (Figure 3b) and Year 3 which included all areas- eastern, western SADA and Cell 3 (not limited to).
NE14	It is stated that the NBBMA will be constructed outside of the peak sensitive period for non-breeding birds (March onwards), however survey data shows significant numbers of birds for most SPA species are present during both March and October (in addition to November to February). Further consideration is needed regarding the impacts of any works on the NMMBA that will take place during the months of March and October.	The **Information to Inform Habitats Regulations Assessment report [APP-125], as updated alongside this submission**, has been revised to consider passage (spring and autumn periods), see paragraphs 8.2.5 to 8.2.7 of that document. See also point NE01.
NE15	Clarity should be provided within the HRA regarding the works within the Mersey Estuary SSSI that these works do not form a part of the	The Applicant confirms that it does not consider the removal of the NZPW to be 'mitigation' for the effects of the Proposed Development per se, but its

[17] *Birdingplaces.eu, 2023. Frodsham Marsh. [online] Available at:* [redacted]

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	mitigation proposals but are a requirement placed on the SSSI owner/occupier.	management is required to deliver the NBBMA successfully, and its treatment will be an improvement on the current baseline position. The area of the SSSI falling within the NBBMA is considered to form part of the overarching mitigation package as this land will be managed and contribute to the NBBMA. Management of the NZPW will be undertaken as an essential part of the oNBBMS and management of invasive species is controlled via the Outline Operational Environmental Management Plan (as updated alongside this submission) at paragraph 1.3.3 and Table 5-3. It is considered relevant that Unit 1011753 (Mersey Estuary SSSI - Frodsham Lagoons (012)[18]), i.e., that which includes the part of the SSSI inside the Order Limits, is considered by NE to be in unfavourable condition due to the presence of New Zealand pigmyweed (NZPW), as noted in NE's most recent assessment which is dated 19/02/2020. The Applicant is not aware of any measures or actions undertaken by the landowner or tenants to treat NZPW in the five years since that NE assessment. As part of the development, eradication and long-term control of NZPW will be undertaken by the Applicant. This will enable requirements from the landowner/occupier to the management of the SSSI to be fulfilled whilst also supporting the betterment provided by the NBBMA. It is clarified that land within the NBBMA is not under the ownership of the Applicant and will be leased following award of the Development Consent

[18] *Natural England, n.d. Unit detail for Site of Special Scientific Interest (SSSI) – Unit 1011753. [online] Available at:* [redacted]

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		Order. As such the Applicant has no obligation to, or mechanism for, control of NZPW in the SSSI in the absence of the Development Consent Order. The level of intervention proposed by the Applicant as part of the development goes beyond the baseline management duty of the landowner and is specifically required to enable the land to function as part of the NBBMA for SPA bird mitigation. On this basis, the Applicant considers it appropriate that the area within the SSSI is included within the overall mitigation design, whilst eradication will provide betterment to the baseline situation the eradication of the NZPW is not considered direct mitigation for the effects on the SPA. Its role within the NBBMA has been clearly set out in the oNBBMS, with success criteria linked to eradication of NZPW, water level management and bird usage which is well above that which the landowner is obliged to deliver, and which will increase the level of support for the SSSI features. Section 2.8 of the outline Non Breeding Bird Mitigation Strategy Appendix B of the Outline Landscape and Ecology Management Plan (as updated alongside this submission) confirms this position. The Applicant notes that it has updated the draft DCO to provide that the management of the NBBMA, to the extent it falls within the SSSI boundary, shall be considered to form part of the management scheme for that SSSI for the purposes of the Wildlife and Countryside Act 1981; ensuring that the NBBMA management prescriptions will apply in the long term, unless agreed to be varied by Natural England.
NE16	The HRA describes two options for the Canal Pools. Appendix B of the oLEMP explains that this is to allow flexibility depending on Environment Agency permitting requirements.	The Applicant confirms that it would remain possible within the SSSI to provide features suitable for use as a high tide roost. This is compatible with the current proposals for the NBBMA.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	Table 6.1 shows the peak counts of species recorded using the Canal Pools during the field surveys however no assessment is drawn from the survey results. It appears significant numbers of some species may use the pools and so further assessment within the HRA is required. Natural England expects to provide further advice on the potential options for the Canal Pools (noting that an assent notice will be submitted to Natural England by the applicant for these works).	The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been revised to include analysis of the use of the Canal Pool by birds of the SPA. The Applicant also notes that the draft DCO seeks to disapply the need for a SSSI consent from NE (to be replaced instead with Natural England's involvement in the discharge of the detailed NBBMS. The Applicant would welcome confirmation from NE that this can be agreed.
NE17	Here the HRA should make reference to the SPA bird species that require mitigation to be provided and the specific habitat requirements, clearly setting out how the proposed mitigation will address these.	Table 8.2 of the Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been revised to include references to the relevant SPA bird species, their habitat requirements, and the proposed mitigation and/or enhancement measures are clearly set out for each.
NE18	It is stated that the bird days calculation suggests 47.8ha mitigation is required. However, this figure is not in the bird days calculations at Appendix B Annex 1 of the oLEMP. It is then stated that much of the current NBBMA is unsuitable due to tall ruderals. It would be helpful if the applicant could set out how much land is currently unsuitable, as this would give a better picture of the area that could be enhanced. Natural England has examined the survey result maps in Appendix 8-1 (Ornithology Survey Report). The year 2 survey results for Sept 23 to Mar 24 (fig 8a-8g) indicate that birds were only found in the eastern half of the NBBMA. Was this due to vegetation or water levels? Does this give any indication that habitat could be improved on the western half of cell 3 and numbers of birds could be doubled? In year 3, the birds seem to be present throughout cell 3, though in the south of the site birds only seemed to be associated with the two sets of existing scrapes in the SE and SW corners. It would be helpful if the applicant	Areas of nettle and thistle versus open habitat (as favoured by lapwing, curlew and golden plover) in Cells 2, 3 and 5 were not mapped at the time of survey. However, field survey notes and photographic records taken at the time illustrate the prevalence of nettle and thistly over large parts of Cell 3 in particular. The Applicant has re-visited the NBBMA on 13th September 2025 (Howard Fearn of Avian Ecology). All parts of the NBBMA were checked for their suitability for wetland birds. In summary: Cell 2 and Cell 5 were managed as relatively short sward grassland, in accordance with the requirements of the FWF mitigation management. Cell 3 was dominated by extensive patches of nettle and thistle, estimated to occupy approximately 60-70% of the Cell bed. All scrapes were completely dry, with the exception of that in the south-western corner which held a small pool (approximately 20m^2) only. This pool supported 147 lapwing and 7 ruff.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	provided some commentary on the locations of birds in the NBBMA and any habitat-management-related reasons for the differences seen between years 2 and 3. It is also stated that habitat enhancement measures will be implemented to deliver high quality grazing marsh in line with species' needs with the focus on habitat quality over size. Only 9.5ha wet grassland will be delivered on land that is already providing for SPA birds, and this figure is nowhere near the bird-days figures suggested in Annex 1 of the oLEMP. Even if the additional scrapes and islands are included in the 'high-quality habitat' figure, this is still just 13.5ha. Further justification is required within the assessment regarding the potential for the proposed habitat creation to provide sufficient suitable habitat that could accommodate capacity for both the existing use of Cell 3 and for the birds displaced from the SADA.	Coverage of thistle and nettles in Cell 3 in September is considered very similar to that observed during baseline field surveys. It is relevant that this visit was undertaken during the autumn migration period and over the high-tide, when wetland birds would be expected to be present. Except for the lapwing mentioned above, which were roosting/loafing, no other SPA birds were present on any parts of Cells 3, Cell 2 or Cell 5. It is relevant that the management of Cells 2, 3 and 5 is undertaken by the site tenant farmer, with direction from the FWF mitigation steering group (which includes NE). It is not managed by a conservation organisation. The Applicant notes NEs comments on variable bird use of the Order Limits. The apparent variation in bird use between Years 1 to 3 reflects a combination of factors, including water levels, vegetation growth, weather conditions and survey effort (but not limited to). In Year 2, concentrations were recorded in the eastern half of the NBBMA where conditions were likely most suitable at that time, while in Year 3 birds were more widely distributed across Cell 3, particularly around the existing scrapes in the south-east and south-west. This confirms that habitat condition and water management directly influence distribution and highlights the potential for numbers to increase across the whole of Cell 3 once enhancements are implemented. The Applicant emphasises that the 53 ha NBBMA will be delivered as a mosaic of habitats including grassland, wet grassland, scrapes and shallow pools. It is not suggested that the entire area will be wet grassland in any of the documents submitted; however, the whole site will be reengineered, reseeded, and managed solely for the benefit of birds.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		The bird-days calculations brought into the assessment are provided as part of the assessment only. They represent a starting point by offering quantitative data; however, bird-day calculations consider habitats like-for-like without any enhancement and (or) betterment which is described throughout the supporting documents. The very large habitat enhancements included in the NBBMA should be considered alongside bird-day calculations, along with the commitment to identify an independent conservation body to manage the area for forty years. It is the Applicant's position that this is very substantial improvement on any habitat quality which could or would be achieved in the absence of the Proposed Development. The enhancements/betterment of the NBBMA represents a step-change from current management, which is linked to FWF mitigation and enacted by the tenant farmer, alongside farming practices and therefore where day to day decisions not taken with the objective of maximising suitability of Cell 3 for birds. Under the Proposed Development, the NBBMA will be managed specifically for the benefit of SPA species. Permanent water management and tailored grazing will ensure optimal conditions are continuously available. The Water Balance Report that has now been included as Annex 4 to the Outline Non Breeding Bird Mitigation Strategy (as updated alongside this submission) demonstrates that the re-engineering of Cell 3 and lowering ground levels across the central area of the cell will be successful in allowing water to be retained within the cell so that areas of open water and wet grassland can be successfully created. Bird distribution within large wetland units is inherently dynamic and varies between years and across seasons in response to hydrology, sward structure, prey availability, disturbance and weather. The Year 2 and 3 results illustrate this natural variability, which is why NE typically requests at least two years of field data to capture inter-annual differences. In this case, a minimum of two years of site survey data are available for the eastern and western SADA and

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		Cell 3, supported by additional BTO WeBS data and evidence from nearby projects such as HyNet. The NBBMA design explicitly addresses the factors that drive distribution by combining permanent water management, reseeding, and targeted scrape creation across the full 53 ha, supported by adaptive management as detailed in Sections 3 and 4 of Outline Landscape and Ecology Management Plan and Section 4 of the outline Non Breeding Bird Mitigation Strategy Appendix B of the Outline Landscape and Ecology Management Plan (as updated alongside this submission). The assessment therefore focuses on ensuring that sufficient high-quality, heterogeneous habitat is available across the site as a whole, rather than expecting uniform use of every hectare in every year. Monitoring will ensure that if any areas underperform, management will be adjusted to optimise their contribution.
NE19	Natural England does not agree with the conclusions made here. Insufficient detail on the mitigation proposals for habitat loss has been provided at this stage. Land will no longer be available across the SADA, which includes areas currently specifically managed to maintain conditions for SPA species as mitigation for wind farm impacts. Insufficient evidence has been presented that the quality of the habitat in Cell 3 will be improved to the extent that it will be able to support displaced birds from the SADA as well as existing birds. A small proportion of the site is proposed as grazing marsh, which the applicant suggests is high-quality habitat. Ground investigations described in Appendix B of the oLEMP have determined that a greater area of grazing marsh is not possible given hydrological conditions. Although water control	As set out in the Applicant's response to NE18 a Water Balance Report has been included as Annex 4 to the oNBBMS (as updated alongside this submission). This demonstrates that the re-engineering of Cell 3 and lowering ground levels across the central area of the cell will be successful in allowing water to be retained within the cell so that areas of open water and wet grassland can be successfully created.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	structures are proposed, the site is only fed by rainwater, so the opportunities for reliably increasing wetness across the site are limited. Further information is required within the NMMBS to set out how water will be effectively managed on site and how sufficient water levels will be maintained, including the capacity expected within the water storage areas.	
NE20	It is stated here that no disturbance is anticipated within the SPA/Ramsar boundary, however no evidence is provided to show that construction noise will be sufficiently low within the designated site boundary to avoid SPA bird disturbance impacts. Appropriate noise data should be provided (as detailed in NE22) to support this statement.	See response to NE22. Additional noise data has been provided as Appendix 2 to the Information to Inform Habitats Regulations Assessment (as updated alongside this submission). This information has been provided to NE in the pre-examination period and NE have confirmed this point has been addressed sufficiently.
NE21	We are satisfied that visual disturbance is unlikely to be an issue for Cell 6 due to the height separation and dense surrounding vegetation, however noise data (as detailed in NE22) should be provided to show that peak noise levels will not impact on SPA birds within Cell 6.	See response to NE22. Additional noise data has been provided as Appendix 2 to the Information to Inform Habitats Regulations Assessment (as updated alongside this submission). This information has been provided to NE in the pre-examination period and NE have confirmed this point has been addressed sufficiently.
NE22	Noise thresholds are mentioned here with reference made to Natural England guidance however this does not align with the detail of Natural England's internal guidance document[19]. 3dB is not the threshold to consider mitigation, it is the change in noise that is perceptible, and as such represents a change in baseline, which could be considered as likely significant effect. A change in noise of more	Additional noise data has been provided as Appendix 2 to the Information to Inform Habitats Regulations Assessment (as updated alongside this submission). This information has been provided to NE in the pre-examination period and NE have confirmed this point has been addressed sufficiently.

[19] *Natural England Internal document: A Review of the Effects of Noise on Birds Version 1 Allan Drewitt, Emma Hawthorne, Richard Saunders & Sarah Anthony. Natural England, October 2018*

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	than 3dB does not necessarily need mitigation, it just means that noise should be considered further within an Appropriate Assessment. 70dB LAmax is not a threshold for impacts to occur or otherwise. The noise guidance specifically states that Natural England does not advocate use of thresholds as birds' reaction to noise is site- and species-specific. We advise the HRA is updated to reflect this.	The additional analysis confirms that there are unlikely to be significant effects on birds within the SPA, SSSI, River Weaver or the NBBMA. To inform this, the Applicant has utilised noise levels described in published guidance as thresholds where noise could trigger disturbance impacts. The Applicant acknowledges that this does not necessarily establish the likelihood of a significant impact occurring and there is not an established NE guidance threshold, but on the basis that these threshold levels identify points at which disturbance could occur they have been used as a proxy to identify the potential need for mitigation.
NE23	Natural England advises mapping of predicted noise contours in 5dB increments from 55dB upwards for both LAeq and LAmax levels. This way it can be clearly seen how much of an SPA (or area of FLL) will be affected by different noise levels (not just above 70dB) compared to the baseline. Appendix 5 of Appendix 4-1 includes the noise mapping results. However, the SPA is the key ecological receptor and is difficult to discern clearly on the maps. The majority of the construction noise maps are presented as LAeq only. In particular, maps 7-15 present the noise modelling for various different piling options, but not in LAmax contours. It is important to know how far into the SPA the different LAmax contours extend, to be able to determine whether the birds using the site will be affected, and whether mitigation is required. Birds are most impacted by loud, sudden noises, like those from piling works, which are best characterised by LAmax, as they can be hidden in average noise levels. We note that mitigation measures will be applied for noise where needed and that disturbance distances have been derived however,	The Applicant acknowledges NE's advice that LAmax is a more appropriate indicator than LAeq for impulsive noise such as piling. While Appendix 5 of Appendix 4-1 [APP-054 - 6.2 Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment] presents construction noise contours as LAeq, LAmax has been considered within the assessment, including through baseline monitoring and prediction of maximum noise levels for piling and other activities. To provide greater clarity, the Applicant has prepared additional LAmax noise contour mapping in 5 dB increments, with SPA boundary clearly overlaid so that the spatial extent of potential disturbance effects can be readily understood. Noise levels below 55dB have been included in the mapping as it is considered that this helps aid interpretation of noise impacts, especially since, in many of the mapped scenarios, the noise levels at the identified ecological sensitive receptors are below 55dB. This additional data and analysis has been provided as Appendix 2 to the Information to Inform Habitats Regulations Assessment (as updated alongside this submission). The Applicant considers that variable working distances set out in Table 5-3 of the Outline Construction Environmental Management Plan (oCEMP) (as updated alongside this submission) are capable of being implemented as set out. Table 5-3 of the oCEMP has been modified to require real-time monitoring

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	we question how practical it will be to ensure different distances (for weekdays and Saturdays) are adhered to on-site whilst works are being undertaken and advise simplification of any noise buffer distances.	and adaptive management to be implemented if works are undertaken within the distances specified, during the peak non-breeding bird season therefore ensuring effective mitigation is delivered. As set out in the oCEMP mitigation will be overseen by an Ecological Clerk of Works (ECoW), who will carry out behavioural monitoring and bird counts and apply mitigation as required. This approach ensures that mitigation is applied in a practical, enforceable way on-site, with the flexibility to adjust measures as necessary.
NE24	Where noise mitigation measures are required detail on all the proposed measures and the maximum reductions these can offer should be included in the assessment. We advise that further types of hoarding could be used to achieve a greater reduction in noise levels if required. It is stated that an Ecological Clerk of Works (ECoW) will oversee implementation of works including undertaking behavioural monitoring and bird counts, with data being used to assess whether qualifying species are present in numbers exceeding 1% of the relevant population thresholds and to inform whether construction activities need modifying, whether they should proceed or be suspended, in accordance with an agreed protocol. This protocol will need to include a method statement to set out how any monitoring and assessment will be undertaken and how and when any actions will be required and what type of subsequent modifications may be used. The sensitive period is again stated to be November to February however as stated previously (NE14) this period should consider the entire period when significant numbers of SPA birds are present (October to March inclusive).	Standard hoarding or acoustic barriers typically provide a reduction of 5–10 dB, with enhanced measures such as acoustic blankets or double-stacked barriers capable of achieving in excess of 20 dB reduction when placed close to the source. These measures will be available for use if monitoring indicates additional attenuation is required. The Applicant does not consider it is appropriate to specify the detailed hoarding at this stage, as the construction methods have not yet been determined by the contractor that will deliver the construction works. The noise levels will depend on the source noise level of the specific plant or machinery and the techniques used. Therefore, providing adequate control within the Outline Construction Environmental Management Plan (oCEMP) (as updated alongside this submission), committing to the review and approval of acoustic screening, is considered appropriate. As set out in in Table 5-3 of the oCEMP an ECoW will oversee the implementation of works, including behavioural monitoring and bird counts. A protocol will be required to be included within the CEMP that will detail the monitoring methods, thresholds for action (e.g. numbers exceeding 1% of the relevant SPA population), and the process for determining whether construction activity of the Proposed Development should proceed, be

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		modified or be suspended. Possible modifications will include changes to sequencing, temporary suspension of works, or the introduction of additional acoustic barriers. The sensitive period for over wintering birds has been updated to October–March inclusive within the oCEMP and the Information to Inform Habitats Regulations Assessment (as updated alongside this submission), to reflect the period when significant numbers of SPA birds may be present. However the core period of importance for SPA species is considered to be November to February (inclusive), as discussed in paragraphs 8.2.5 to 8.2.7 of the HRA.
NE25	Natural England welcomes the principles set out within the proposed sensitive lighting strategy, and that construction lighting will be directed away from the NBBMA and FLL. However we do not currently agree with the definition used with the HRA regarding FLL (NE02 and NE03) We advise that the lighting strategy is applied across the entire development area.	Paragraph 4.1.36 of the Outline Construction Environmental Management Plan (oCEMP) (as updated alongside this submission) has been revised to confirm that the sensitive lighting strategy will be adopted across the Site. NE has agreed that this sufficiently deals with its concerns.
NE26	Natural England does not agree with the conclusions made here at this stage and advise further information is submitted to support the conclusions with regards to noise disturbance.	The Applicant response to this matter is set out in NE24.
NE27	It is noted that intermittent human presence is listed here as an ongoing disturbance during the operational stage however this should also include vehicles. Such vehicle use should be detailed and assessed in the HRA.	Section 6.4 of the Information to Inform Habitats Regulations Assessment (as updated alongside this submission) identifies intermittent human presence as a potential operational disturbance, and this will by necessity include the use of light vehicles for inspection, vegetation management, and component replacement. Larger vehicles (e.g. HGVs for equipment replacement) will only be required on an ad-hoc basis and are expected to be infrequent over the operational life of the project. Mitigation including screening (Table 5-2) and routing arrangements (Table 5-3) secured through the Outline Operational Environmental Management Plan (oOEMP) (as updated alongside this submission) would be used to mitigate

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		effects. The assessment of operational disturbance therefore covers both human and vehicle presence, and the low frequency and controlled nature of operational traffic means effects are not predicted to be significant. Furthermore, the development itself, i.e., the panels and other development components, will provide screening (noise and visual) along with the enhanced vegetation screening secured through the Outline Landscape and Ecology Management Plan (as updated alongside this submission). It is therefore anticipated that the only areas of the site where increased operational disturbance may occur that could affect the SPA/NBBMA are within Cell 2 and the eastern extents of Cell 5. Table 5-3 of the Outline Operational Environmental Management Plan has been updated to require monitoring and reporting of disturbance to the NBBMA as a result of increased recreational pressures and the EcCoW, would implement adaptive management, e.g., timing, frequency, working methods, where required to reduce the potential for disturbance. Additional explanation of the nature and magnitude of the maintenance vehicle, and measures used to control impacts during operation, has been included in will be included in the Information to Inform Habitats Regulations Assessment (as updated alongside this submission).
NE28	We note the measures included here to manage and mitigate recreational pressure, including screening and planting at key locations, realignment of new permissive paths, signage, avoiding cycling and horse-riding on paths close to the NBBMA and cell 1/River Weaver and provision of a dedicated bird watching/viewing area overlooking Cell 3 with screens and a bird hide. We consider that these measures will be sufficient to manage any additional recreational pressure as a result of the development. However, to ensure that these measures remain sufficient in the long term we advise that any incidences of recreational disturbance to birds are	The Applicant welcomes NE's confirmation that the proposed measures to manage recreational pressure are sufficient. The Applicant also agrees that incidences of recreational disturbance should be recorded during the monitoring period. Table 5-3 of the Outline Operational Environmental Management Plan (oOEMP) (as updated alongside this submission) has been revised to include the requirement for monitoring and if necessary implementation of adaptive management measures. NE has agreed that this sufficiently deals with its concerns.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	recorded during the monitoring period and any additional measures required to manage recreational disturbance sit under the proposed Adaptive Management Plan.	
NE29	Natural England considers that the bird-days calculations do not fully account for all the bird species to be mitigated for by the NBBMS, therefore further assessment is required as stated in NE04.	All SPA species have been taken into account in the enhancements and improvements to the NBBMA – the bird day calculations only apply to grassland waders, this methodology is not suitable for other species present in the order limits that form designated features of the SPA. However, the bird day calculations have helped inform the development of the NBBMA which ultimately deals with all of the SPA species that will be affected, Table 8.2 of the revised Information to Inform Habitats Regulations Assessment (as updated alongside this submission) sets out with more clarity how the habitats provided within the NBBMA, and other areas of the Order Limits, will fully mitigate for impacts on all SPA features potentially affected by the Proposed Development.
NE30	Natural England does not agree with the conclusions at this stage. A dynamic adaptive management plan of NBBMA is discussed to minimise disturbance, but the HRA does not mention who might manage the area in the long term. A conservation management body would be required who had the expertise to implement habitat modification, screening or access restrictions. Without this, there is no certainty that this mitigation measure is deliverable. The HRA must set out the criteria the mitigation land needs to achieve and how this is to be monitored so that clear success criteria are presented as part of the assessment.	It is proposed that the NBBMA is dynamically managed by persons with necessary expertise in wetland habitat management. This is set out in paragraph 5.1.3 of the Outline Landscape and Ecology Management Plan (as updated alongside this submission) and Section 1.5 of the of the outline Non Breeding Bird Mitigation Strategy (oNBBMS) Appendix B of the Outline Landscape and Ecology Management Plan (as updated alongside this submission). Discussions are on-going with the RSPB, but other conservation based organisations are also considered appropriate. The Applicant will update progress made with the RSPB over the course of the examination. Full details of the management arrangements will be confirmed prior to commencement of works set out in paragraph 5.1.3 of the Outline Landscape and Ecology Management Plan (OLEMP) (as updated alongside this submission).

NE Reference	NE commentary and advice	Applicant Response and Progress Update
		Section 4 of the oNBBMA describes the management aims and objectives of the NBBMA, with Aim 3 specifically related to on-going dynamic management. Commitment to setting a series of measurable targets is set out in paragraphs 4.4.8 to 4.4.9, which identify the principles of the targets that could be applied to grassland and hydrological management. Section 5 of the oNBBMS provides details of the approach that would be adopted to monitoring and review. Monitoring will be undertaken in accordance with an agreed protocol, and results will be compared against the success criteria. Where monitoring indicates that criteria are not being met, remedial measures such as reseeding, water level adjustments, or changes to access/screening will be implemented under the Adaptive Management Plan. This approach provides certainty that the NBBMA will be functional and deliverable over the long term. This will be implemented in the final version of the NBBMS.
NE31	Natural England welcomes the proposed mitigation measures listed, however at present we are unable to provide advice on whether these are sufficient. Natural England expects to provide further advice on ground water by 3 October 25.	Advice awaited from NE.
NE34	The in-combination assessment should focus on the potential pathways where any in-combination effects could occur. The assessment has considered the potential for impacts to FLL however we note that there is not yet sufficient information available for this development at this stage. We are aware that the DCO for the Hydrogen Pipeline project is due to be submitted this year, therefore we advise the in-combination	The in-combination assessment has considered potential effects on FLL from relevant consented and submitted projects for which sufficient information is available. At this stage, detailed information on the Hydrogen Pipeline project is not yet available to enable assessment and the application has not been submitted at the point of this submission. The Applicant confirms that, should the Hydrogen Pipeline project progress and further information become available during examination the in-combination assessment will be revisited to ensure potential

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	assessment is reconsidered should the Hydrogen Pipeline project progress prior to the HRA being finalised.	pathways for in-combination effects are fully addressed, although notes the commitments it has already made in respect of that project in its application documentation. NE has agreed that this sufficiently deals with its concerns. The Applicant will continue to keep the in-combination review under active consideration throughout the Examination.
NE35	Natural England is aware that the planning application for the Runcorn Spur Pipeline has now been submitted to Cheshire West and Chester Council and Halton Borough Council, and we have concerns regarding the overlap of the footprint of the pipeline route and the NBBMA. We note the in-combination assessment has considered construction stage effects to limit any overlap between the two developments; however it is not clear at this stage how the developments are expected to proceed. If the pipeline works are to be undertaken when the NBBMA is required to support SPA birds this may result in noise and visual disturbance impacts on SPA birds and prevent them from using the mitigation area. Such impacts need to be fully assessed in order to ascertain whether the pipeline works would hinder the NBBMA's ability to support SPA birds and provide suitable mitigation for the loss of the wider project site. We advise that the pipeline works are planned in advance of the NBBMA being required to provide SPA bird mitigation in order to avoid this impact. Also there has not yet been consideration of the operational impacts of the pipeline on the NBBMA once the pipeline is in the ground and what impacts this may have on the functionality of the NBBMA habitats and the success of the mitigation overall. The HRA must include operational and maintenance activities. We also question if overlapping works could impact on the construction programme for the NBBMA, noting that to limit impacts as	The Applicant has included this project in the cumulative/in-combination effects within Environmental Statement: Volume 1 Chapter 13: Cumulative and In-Combination Effects (APP-046), the Information to Inform Habitats Regulations Assessment (as updated alongside this submission) and the Outline Construction Environmental Management Plan (as updated alongside this submission). The Applicant has reviewed the Runcorn Spur Pipeline and this has not affected the conclusions of the assessment. A key principle to avoid significant environmental effects occurring relates to the timing of the construction of the developments. The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) sets out the following, which is also reflected in the Outline Construction Environmental Management Plan (as updated alongside this submission): Construction works from neither project would be undertaken in Cells 1, 2 and 5 at the same time as the works being undertaken to create the NBBMA. Pipeline construction works would not be undertaken within the NBBMA at the same time as construction works are undertaken within Cell 1, 2 and 5 (from either project). Where construction works within Cells 1, 2, and 5 are undertaken simultaneously, these would be phased in order to avoid any potentially significant cumulative impacts, for example, by avoiding noisy activities from both projects being undertaken close to the boundary of the NBBMA at the same time.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	much as possible all works need to be completed outside of the non-breeding bird period. We also question how any agreements reached between developers are to be secured.	Further detail is provided in the Applicant's response to CWACC16.1 regarding the consideration of the sequence of construction works and how this can be managed to prevent significant adverse cumulative effects. This includes a commitment by the Applicant to establish a Joint Working Group should the construction phases of the two projects overlap. The Applicant has discussed the phasing of the two developments with CWACC and the need for the planning permission for the Runcorn Spur Pipeline to contain similar commitments and controls to those being offered by the Applicant.
NE36	Natural England does not agree with the overall conclusions of the HRA at this stage, we consider that further assessment detail additional justification is required regarding the mitigation proposals.	The Applicant notes this comment. The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been updated to respond to the comments that have been raised by NE and has held proactive discussions in the pre-examination period to resolve outstanding issues. The Applicant has provided further assessment detail and additional justification as to the likely effects of the Proposed Development and the effectiveness of the proposed mitigation and enhancement measures.
NE37	Natural England notes that land within the red-line boundary includes areas that have existing ornithology obligations under planning conditions for the Frodsham Wind Farm permission (ref. 10/00597/DECC (dated 19 October 2012), DECC) .The applicant must check that their proposals are allowable on the same land and provide details on how the two permissions will be enacted on the same areas of land.	Article 38 of the draft DCO (as updated alongside this submission) provides the statutory powers which ensures that the overlapping consents of the Frodsham Solar DCO and the Frodsham Wind Farm Section 36 Consent under the Electricity Act 1989 are both capable of being implemented and operated without being rendered undeliverable or subject to enforcement action. The NBBMA is specifically designed to complement and enhance the mitigation proposed as part of Frodsham Wind Farm. As such, compliance with Requirement 9 of the draft DCO, which secures the establishment, maintenance, management and monitoring regime for the NBBMA, will ensure that the obligations of Frodsham Wind Farm in relation to habitat management continue to be complied with.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
NE38	Mitigation is considered here to be primarily for golden plover, curlew and lapwing, however the NBBMS should detail all of the species to be mitigated for as a result of the proposals. Additional work within the HRA as advised in NE04 should draw out which species the mitigation is providing for and the detail from the HRA should then be brought into the oNBBMS.	The NBBMA follows the FWF precedent to mitigate for golden plover, lapwing and curlew. However, the proposed habitat mosaic would also provide beneficial foraging and roosting opportunities for all other SPA / qualifying and assemblage species recorded within the SADA, ensuring that mitigation and enhancement applies across the full displaced bird community. Table 8.2 of the revised Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been updated to provide additional detail on how the mitigation proposed would serve all of the SPA species effected by the Proposed Development.
NE39	Survey results presented in Tables 2.1 and 2.2 for Cell 3 show that greater numbers of birds were recorded at a greater frequency in year 3 compared to year 2. It would be helpful if the applicant could give any habitat quality reasons for this difference, which might provide evidence that the conditions in year 3 could be replicated more consistently.	The higher numbers of birds recorded in Cell 3 during Year 3 compared to Year 2 are considered most likely to reflect increased survey effort during that period, which improved detection rates relative to the previous years; details of survey effort is provided in the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082), Annex 8-9 (19 visits between September and April), Annex 8-10 (12 visits between September and March) and Annex 8-11 (30 visits between October and March). No material changes in habitat management or habitat quality were identified between Years 1 and 3 that would account for a difference in bird usage. However, bird movements in this region are highly dynamic, as is discussed in NE18. The Applicant therefore concludes that the Year 3 results are consistent with the underlying importance of Cell 3 when considered in the context of survey effort across the three years. The Applicant further refers to the extensive data set available for the Site, including the recent Hynet surveys as highlighted in response to NE03. Full consideration of all data sets is included in Section 4.2 of the Inform Habitats Regulations Assessment (as updated alongside this submission) report.
NE40	Table 2.3 provides summary data on the SPA bird species recorded on the Canal Pools however it is not clear whether any species have been recorded in significant numbers and if the areas affected by the	The Information to Inform Habitats Regulations Assessment (as updated alongside this submission) has been revised to include analysis of the use of the Canal Pool by birds of the SPA.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	development are functionally linked to the SPA. Further clarity should be provided within the NBBMS.	
NE41	Table 2.4 focuses on bird counts for lapwing, curlew and golden plover only, other species should be included where they are relevant to the mitigation proposals.	The Applicant refers to the response to NE38.
NE42	Natural England has been unable to review the water management and hydrology aspects of the NBBMA for this deadline. We will provide further advice with regards to the water management for the NBBMA by 3 October 25.	Advice awaited from NE.
NE43	Natural England notes that the NBBMA is stated to be 66.7ha in total of which 53.3ha is suitable for new and enhanced habitats for wetland birds as detailed in Table 3.1. However, as shown on figures 3a and 3b of the oLEMP, the 53.3ha figure includes land forming a 'pan handle' in the north-east of the NBBMA. Given the shape and topography, it is uncertain that this part of the NBBMA will be used by SPA birds, as open, flat areas tend to be more suitable for SPA bird use. Further clarity should be provided within the oNBBMS on this area of land and its suitability for SPA birds.	The Applicant notes NEs comment regarding the north-eastern 'pan handle' section of the NBBMA. While this land is included within the overall NBBMA boundary, its shape and topography mean it is not relied upon as core functional habitat within the mitigation capacity calculations. However, the Applicant does consider that the area will be used by SPA birds (e.g. golden plover and lapwing) given it will remain completely open to the north and west and provides a very open aspect view across to the Mersey Estuary. The 53.3 ha figure represents the total area available for new and enhanced habitats, but the areas designed to deliver the majority of bird usage are the open, flat fields within the central and western parts of the NBBMA. The outline Non Breeding Bird Mitigation Strategy (oNBBMS) Appendix B of the Outline Landscape and Ecology Management Plan (as updated alongside this submission) has been updated to clarify the anticipated role of the north-eastern parcel.
NE44	Natural England supports the main components of the oNBBMS as set out here, providing that the habitat delivery via appropriate water level management and grassland management can be achieved and managed for the lifespan of the development.	The Applicant welcomes NEs support for the main components of the outline Non Breeding Bird Mitigation Strategy (oNBBMS) Appendix B of the Outline Landscape and Ecology Management Plan (as updated alongside this submission).

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	One of the key components is the on-going dynamic management of all mitigation provided and we recognise that this will require an appropriate conservation manager to ensure that the habitats can be maintained in optimum conditions for SPA birds. We understand that the applicant is continuing discussions with RPSB in this regard and expect that an indication of how these discussions are proceeding can be provided in due course so that sufficient information can be submitted to provide the required certainty to the mitigation being successful in the long term can be achieved.	Section 4 of the oNBBMA describes the management aims and objectives of the NBBMA. Section 5 of the oNBBMS provides details of the approach that would be adopted to monitoring and review. It is clear from these sections that sufficient controls have been included to ensure that there will be on-going dynamic management of all mitigation proposed in the NBBMA. Discussions with the RSPB are ongoing as set out in NE30. The Applicant will provide an update on the outcome of those discussions in due course. In any case, the Applicant confirms that management arrangements will be secured for the full lifespan of the development, through agreement with a suitable conservation manager, to ensure that the mitigation remains effective and habitats are maintained in optimum condition for SPA birds.
NE45	Natural England notes the options set out for the Canal Pools and that option 2 will retain the existing pools and be used as a water source to manage water levels on Cell 3 following the eradication or management of New Zealand Pigmy Weed (NZPW). We question the ongoing risks if NZPW is not eradicated and the suitability of this water source being used in Cell 3. How long will any NZPW eradication take before water can be safely stored and enter Cell 3 without the risk of spread?	The Applicant wishes to clarify that two options presented in the Outline Non Breeding Bird Mitigation Strategy (oNBBMS) Appendix B of the Outline Landscape and Ecology Management Plan (APP-144) were proposed to enable alternative potential environmental permitting approaches to be taken in relation to the management of the soils that would be re-engineered from Cell 3. The Environment Agency have not raised concerns with either of the options from a waste management perspective. As such the preferred approach, and the optimal approach in relation to control of NZPW, will be to drain the ponds, treat the base and sides of the ponds with herbicide, fill the ponds in and re-create ponds within the boundary of the SSSI (in a similar location to the current eastern ponds). This approach will maximise the success outcome of NZPW eradication. The Outline Construction Environmental Management Plan (as updated alongside this submission) and Outline Operational Environmental Management Plan (as updated alongside this submission) secure the production of an Invasive Non-Native Species Management Plan (INNSMP)

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		which would include measures for the ongoing monitoring and if necessary future treatment of NZPW beyond the establishment of the NBBMA. The Applicant wishes to clarify that the location of the reservoir feature included in the oNBBMS is indicative. The central location shown on the Indicative Environmental Masterplan contained in the Outline Landscape and Ecology Management Plan (as updated alongside this submission) and on Figure 2-3 of the Environmental Statement: Volume 3 Chapter 2 Figures (APP-106) positions the recreated pond / water storage area only partially within the SSSI. However, following engagement with NE it has been agreed that it would be appropriate to recreate ponds within the boundary of the SSSI, and that the ponds should cover broadly the same area as is currently provided as a high tide roost site. The precise location and design will be subject to approval pursuant to Requirement 9, noting that NE must be consulted prior to approval of the landscaping scheme and NBBMS.
NE46	The detail behind the bird-days calculations should be provided, together with reference to the literature, or justification as why 1000 bird-days/ha has been used for curlew. It is accepted that golden plovers and lapwings use the same fields, and so unused golden plover habitat capacity can be used by lapwings, and vice versa. However, it is unclear why the bird-days calculation produces a result that suggests that less land is needed for lapwings plus golden plovers than for lapwings alone. We advise further justification is provided. Ideally the bird-days calculation would combine data across the three years to account for variation between years. However, as the surveys in different years covered different areas this is not possible.	Survey results demonstrate that lapwing, golden plover and curlew are consistently recorded using the same fields within the SADA and Cell 3, often concurrently, and all exploit grassland habitats with short sward and some areas which has shallow surface water. On this basis, they can be considered to form a single non-breeding guild of open-field waders within the Site. Further, the bird-days/ha carrying capacity benchmark applied to lapwing (1,000 bird-days/ha) is considered precautionarily applicable to curlew, reflecting their overlapping habitat use with lapwing and golden plover as demonstrated in the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report] figures 14a, 14b, 14c, 14d and 14e. This is supported by survey evidence from Cell 3 and wider SADA, as well as by precedent at the FWF mitigation area, which was designed for this guild collectively. However, it is important to highlight here that the bird-day

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	The year 3 survey is the only survey that included Cell 3 and the whole SADA so is the only year that gives the full picture of bird use. The year 3 survey data suggests that 63ha of mitigation land is needed for golden plovers, lapwings and curlews combined (although bearing in mind the questions/comments noted above). The 63ha figure is used in Appendix B of the oLEMP, but not in the Ornithology chapter or HRA. Indeed, the bird-days figure used in those documents is 47.8ha, which is not found in Annex 1 of the oLEMP. Clarification on the areas determined by the bird-days calculations is required.	calculations are used as a precautionary input into the design of the NBBMA and form only part of the mitigation rationale (see also NE18). The above approach to use of bird-days is consistent with ecological studies showing curlew make regular use of terrestrial pasture habitats for earthworm foraging (Mander, 2023[20]). Combined with dietary overlap in soil invertebrates, this supports treatment of curlew, lapwing, and golden plover as an inland non-breeding wader guild for mitigation purposes. With regards to the numbers produced through the bird-day calculations, it has previously been accepted by NE as calculations of combinations between lapwing and golden plover are recognised to share habitats as extracted as confirmed through Dr Gillings in the Cleeve Hill HRA[21]. Note accepted calculations include the following: Golden plover alone = 18.5 ha, Lapwing alone =65 ha. Both species combined = 33.2 ha. This is directly comparable to Frodsham bird day calculations. Bird-days have been calculated from Years 1 through to 3. These calculations, and further commentary on their use and applicability in informing the mitigation strategy, is now provided in Section 8.2 of the Information to Inform Habitats Regulations Assessment (as updated alongside this submission).
NE47	Table 8-12 shows Year 2 survey results. It enables a comparison between numbers within the SADA (western extent only) and Cell 3.	As stated in NE02, in order to provide the additional presentation of data requested by NE, the Applicant has obtained the most recent 'WeBS' data from the BTO. This data, along with the existing survey information, has been

[20] Mander, L. (2023). Understanding space and habitat use of the Near Threatened Eurasian Curlew to inform the value of habitat restoration schemes for the species' conservation. Doctoral dissertation, University of Hull.

[21] Planning Inspectorate, n.d. Cleve Hill Solar Park Habitats Regulations Assessment (HRA) Final. [pdf] Available at: <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010085-001954-Cleve%20Hill%20Solar%20Park%20HRA%20Final.pdf> [Accessed 16 Sep. 2025]

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	For example, Cell 3 supports an average of 162 lapwing and the SADA supports an average of 114. Cell 3 supports an average of 81 golden plovers and the SADA supports 32. The SADA supports a higher average number of curlew (28) than Cell 3 (16). This shows that the NBBMA has to, for example, support a 70% increase in lapwing, 40% increase in golden plover and a 175% increase in curlew, i.e. the habitat has to be very significantly improved compared to the current conditions. Table 8-13 shows the Year 3 survey results. However, the table headings may be incorrect as the numbers don't make sense. For example, the column with the peak count for the SADA (including cells 1, 2 and 5 and the eastern extent) should not be less than the peak count for the individual cell 1, 2 or 5. The numbers would make more sense if the first column had data for just the eastern extent. But in that case it is unhelpful to not include information on peak count, average count and frequency for the SADA as a whole. Table 8-14 contains data on the year 3 results for Cell 3. But it is difficult to compare this to the SADA results (in the same way as was possible for year 2) because a total for the SADA is not provided. Further clarity is required across the presentation of data within Tables 8-13 and 8-14.	reformatted in line with NEs request (i.e. expressed as a percentage of the SPA population). The re-presented data is provided in Section 4.2 of the Information to Inform Habitats Regulations Assessment (as updated alongside this submission).
NE48	Natural England notes reference here to the fact that there are no managed wetland reserves around the Mersey Estuary SPA. This represents a risk for the long-term management of the NBBMA if there is no suitable land manager to manage the mitigation area.	As noted in NE09 and NE30 the Applicant is progressing discussions with the RSPB and progress will be reported to NE and the ExA during the examination. Full details of the management arrangements will be confirmed prior to commencement of works set out in paragraph 5.1.3 of the Outline Landscape

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	Further to our earlier point (NE43) certainty is required on future management to ascertain the fine-scale management needed to achieve the mitigation requirements for SPA birds.	and Ecology Management Plan (OLEMP) (as updated alongside this submission).
NE49	Natural England notes the approach to cumulative effects and the preparation of a shortlist of relevant projects (Appendix 4-5) however having reviewed the shortlist we consider that the Frodsham Wind Farm should be added and considered as part of the cumulative assessment due to the direct overlap of land within the red-line boundary and similar effects of both developments.	The FWF is operational and is therefore part of the baseline. It is common and accepted practice for existing developments to form part of the baseline, and not the cumulative assessment which is for consented projects that are not yet operational. However, the Applicant does acknowledge the complexities of the Proposed Development and the interaction with the FWF, in particular related to mitigation. The Applicant has been very clear from the outset that Frodsham Solar must deliver additive mitigation sufficient to ensure that Frodsham Solar does not have an adverse effect on the integrity of the SPA, alone or in-combination with the FWF. In this regard, the Applicant has considered the cumulative/in-combination effects of the two projects. Section 8.6 of the Information to Inform Habitats Regulations Assessment (as updated alongside this submission) now includes additional commentary within the In-Combination effects section in relation to in-combination effects with the FWF and in particular how the approach to mitigation accommodates both projects. It should be noted that this does not change the outcome of the assessment.
NE52	There are overlapping birds features of concern (curlew, golden plover, pintail, teal and wigeon) for both the SSSI and SPA therefore our comments with regards to Internationally designated sites are the same for the SSSI with respect to our concerns regarding bird features. Clarity should be provided here on the area of SSSI within the red-line boundary and subject to changes via the oNBBMS.	As set out in the Applicant's response to NE45 it is proposed that ponds will be recreated within the boundary of the SSSI to ensure this feature of the SSSI is retained whilst providing a water source for the NBBMA. The Applicant notes that it has updated the draft DCO to provide that the management of the NBBMA, to the extent it falls within the SSSI boundary, shall be considered to form part of the management scheme for that SSSI for the purposes of the Wildlife and Countryside Act 1981; ensuring that the NBBMA management prescriptions will apply in the long term, unless agreed to be varied by Natural England.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
NE53	It is not clear in Table 3.1 if the area for water storage also includes the SSSI area. The SSSI area should not be included within the overall mitigation area calculations as these works are required to be undertaken by the landowner to manage the SSSI appropriately.	The Applicant has described the proposed approach to the re-creation of ponds within the boundary of the SSSI in response to NE15 and NE52. While works within the SSSI are consistent with the landowner's management obligations, the water storage function also forms an integral part of the design of the NBBMA and contributes to the ability to manage the hydrology of the NBBMA. For this reason, the ponds are appropriately considered within the overall mitigation design and would be managed in accordance with the duty of the landowner to manage the site so that the notified features are maintained in a favourable condition. The Applicant has revised the Outline Non Breeding Bird Mitigation Strategy (oNBBMS) Appendix B of the Outline Landscape and Ecology Management Plan (as updated alongside this submission) to distinguish between works that represent baseline SSSI management and those that are specifically necessary to deliver the mitigation scheme.
NE57	Natural England has no specific comments to make at this time regarding BNG, we note that the applicant has undertaken a BNG assessment and has made a commitment to achieving a minimum increase of 10% in habitat and hedgerow units and no net loss in watercourse units, which we welcome. We recommend that the target increase in BNG across all biodiversity unit types is secured by a suitably worded requirement in the DCO. Biodiversity gains should ideally be secured for a minimum of 30 years and be subject to adaptive management and monitoring. We wish to provide the general advice on incorporation of BNG within NSIP proposals below.	The Applicant notes NE's position on BNG.

NE Reference	NE commentary and advice	Applicant Response and Progress Update
	The Environment Act 2021 includes NSIPs in the requirement for BNG. The biodiversity gain objective for NSIPs is defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. The biodiversity baseline should include all land contained within the site's red line boundary and proposals can be iteratively refined over time and throughout detailed design. We encourage developers to: • develop their BNG proposals in adherence with well-established BNG principles. • use the latest version of the Defra biodiversity metric, adhering to the metric guidance	

2.4 Response to National Highways Relevant Representation (RR-031)

2.4.1 During the pre-examination period the Applicant met with National Highways on the 11 September 2025 to discuss points raised within NH's RR and the protective provisions assigned to NH as contained in the draft DCO. This has informed the Applicants response in Table 2-4.

2.4.2 The Applicant has assigned a unique reference to each substantive point raised by National Highways.

Table 2-4: Response to National Highways Relevant Representation (RR-031)

Ref	Comment from Relevant Representation	Applicant's Response
NH1	National Highways raise concerns in respect of various provisions in the DCO and their applicability to the SRN and in relation to the bridges over the M56.	The Applicant's starting point is that it is not changing the user profile for the Weaver Lane and Brooks Furlong bridges such that the Protective Provisions need to incorporate National Highways' preferred drafting around detailed works approvals, securities, and pre-works surveys and potential remedial action to be taken. The Applicant has specifically committed in its Management Plans to not allowing for any construction or maintenance vehicles to use either of these bridges – only emergency vehicles if required. Whilst it is also the case that the Applicant has provided for a potential car park to be put in place on Moorditch Lane (if agreed with CWaCC to resolve parking issues), this would be a small car park for potential walkers around the Site. Given that this bridge is already used by visitors to the area to park on verges of Moorditch Lane, the Applicant's proposals are not considered to engender such a change of usage so as to necessitate surveys/remedial action. Further to the commentary of National Highways, the Applicant has sought to make this starting point clearer within the DCO by: • amending article 13 to provide clarity on the regulation of vehicular use for PRoW statuses that currently do not permit them where that is necessary; and

Ref	Comment from Relevant Representation	Applicant's Response
		• amending Schedule 7 to restrict the land powers previously sought, to ensure they match to what the Applicant has proposed. The Applicant also notes that the ProWs on the bridges are not referenced in Schedule 5 as it does not intend to generally provide for motor vehicular uses on them for the Proposed Development, and the amended article 13 deals with the exceptions to this. With these changes, the Applicant does not consider that the Protective Provisions need to deal with the interaction of the Proposed Development with the bridges. More broadly, to reflect what has always been the intention in terms of the interaction with the SRN, the Protective Provisions have been amended to: • provide that the various generic and streets powers raised as concerns by National Highways cannot be utilised on the SRN; and • updated the land powers consent restriction in the Protective Provisions to be specific to the articles referenced that require National Highways' consent to be utilised, where they are proposed to be used on the SRN. With these amendments, it is considered that detailed Protective Provisions are not required for National Highways. The Applicant would not be agreeable to any suggestion that detailed Protective Provisions are required just because the Proposed Development is in the vicinity of the SRN. Finally, in light of these changes, the Applicant has not made any amendments to article 46, as the only 'consent' that the Applicant would be seeking from National Highways would be in respect of land powers, not works/street powers and as such there are no safety considerations which could suggest that the deemed consent provision in article 46(4) is not appropriate.
NH2	National Highways raise concerns about the Applicant's proposals for each plot of land in which it holds an interest as identified in the Book of Reference, as well as plot 5/17 where it is not currently said to hold an interest.	In respect of National Highways' queries about plots: • it is hoped that the changes discussed in response to NH1 should alleviate National Highways concerns about (a) controls on the use of powers and (b) the nature of the powers sought for the plots on Weavers Lane/Brooks Furlong;

Ref	Comment from Relevant Representation	Applicant's Response
		• the Book of Reference has been updated alongside this submission to remove reference to National Highways structures in plots 04-20 and 05-017; and • it has signposted National Highways to more information on what is proposed in plots 4-014 and 05-008.
NH3	National Highways request confirmation that the Applicant's green infrastructure proposals (including the skylark mitigation area) will not impact on the SRN, including its ability to maintain accesses.	The Applicant has confirmed to National Highways that the works to create green infrastructure, including the skylark mitigation area would not affect the SRN or National Highways' ability to access fencing. The latter point is also now dealt with in the updates to the Protective Provisions in the draft DCO updated alongside this submission.
NH4	National Highways request confirmation that the Applicant's drainage proposals will not affect the SRN.	The Applicant has confirmed to National Highways that no part of the drainage proposals will involve drainage to the SRN (as set out in the **Flood Risk Assessment and Drainage Strategy** (**as updated alongside this submission)).**
NH5	National Highways request to be added as a consultee to various DCO Requirements	The Applicant has updated the **draft DCO** alongside this submission to add National Highways as a consultee to Requirement 13(OEMP), and notes that it is already a listed consultee for the DEMP (Requirement 20). However, the Applicant has not added National Highways as a consultee to the following requested Requirements (with reference to the reasoning given by NH in their representation): • Requirement 6 (detailed design): there are no new accesses being built directly from the Weaver Lane/Brooks Furlong bridges – the nearest extent of Work No. 8 is some distance away from the bridges and so National Highways does not need to be a consultee; • Requirement 7 (fire safety): the Applicant does not see why National Highways should be a consultee to this requirement. The **Outline Battery Safety Management Plan** (**APP-139**) has been submitted with reference to NFCC

Ref	Comment from Relevant Representation	Applicant's Response
		Guidance and the fire and rescue service will be consulted. There is therefore no need for National Highways to be consulted on this plan; • Requirement 11 (drainage) – as no part of the drainage proposals will involve drainage to the SRN, National Highways do not need to be a consultee on the detailed drainage design; • Requirement 12 (CEMP) – the Applicant do not consider NH need to be a consultee on this plan given the distance of the works from the SRN, noting, for example, that given the conclusions of the **Construction Dust Assessment** (APP-055), there is low risk to the SRN from the dust; and • Requirement 15 (PRWOMP) – the Applicant's proposals in terms of managing impacts to PRoWs from Proposed Development works relate to PRoWs that are some distance away from the bridges which pass over the SRN. National Highways there do not need to be a consultee for this plan.
NH6	The Applicant has made a commitment to establish a Construction Traffic Management Working Group, which is welcomed. To ensure the continued safe operation of the SRN during the construction period, NH makes a request to be a member of this group. It should also include engagement with Cheshire Oaks retail park and consideration of their existing Peak Traffic Management Plan in order to minimise construction impacts during known periods of peak traffic relating to Cheshire Oaks.	These matters are already considered in the Application. The Transport Assessment considers cumulative impacts (APP-134), and the **Outline CTMP (as updated alongside this submission)** already provides for National Highways to be a member of the Working Group (paragraph 7.1.4) and makes commitments in respect of Cheshire Oaks (paragraph 7.1.6).

2.5 Response to the Maritime and Coastguard Agency Relevant Representation (RR-013)

2.5.1 The Applicant has not met with the MCA. However, this was not considered necessary in relation to the single point raised within their RR.

Table 2-5: Response to Maritime and Coastguard Agency Relevant Representation (RR-013)

Ref	Theme	Applicant's Response
MCA1	The MCA has an interest in works within the marine environment, particularly regarding their potential impacts on other marine users. It is our understanding that the location of the works do not fall within the Weaver Navigation (Canal and Rivers Trust). The applicant has also stated that there are no works being undertaken below the mean high water springs on this occasion. The only potential impact therefore expected is the overhead line installation and the closure of the River Weaver during those overhead works. The river is however navigable by vessels and risk mitigation measures will be required. We note the overhead line crossing will be set no lower than the sofit of the bridge located approximately 260m downstream of the proposed SPEN Grid Connection crossing point. The MCA main areas of interest are: 1) Ensuring that sufficient overhead clearance is maintained considering the size of vessels and vessel type operating in the area. The applicant states there are no works below Mean High Water Springs, however we note that consultation with the Marine Management Organisation has been undertaken which should	As noted by the MCA the proposed SPEN Grid Connection overhead line will be designed to provide the same extent of vertical clearance from the water level of the River Weaver as the closet limiting structure, some 260m downstream. The Applicant therefore considers that at sufficient overhead clearance would be maintained along the River Weaver particularly as there is no dock or other destination requiring access between the overhead line crossing and the downstream bridge crossing. Table 5-7 of the **Outline Construction Environmental Management Plan (as updated alongside this submission)** confirms that at least 3 months' advance notice shall be given to the recreational clubs (including Weaver Sailing and Ski Club and Frodsham Kayaking) on the River Weaver of any closure of the River Weaver. Notices shall also be published in local newspapers and online community resources e.g. Frodsham Town Council newsletters of scheduled closures. The Marine Maritime Organisation (MMO) have provided a relevant representation (RR-0.38). The MMO do not contest the Applicant's position that there are no works below the Mean High Water Springs and that a licence is therefore not required.

Ref	Theme	Applicant's Response
	confirm any potential requirements for marine licensing for the overhead cable installation phase of the project. 2) Ensure that the river closure is suitably managed through the Construction Environmental Management Plan.	

Appendix A - Main River Bridge Crossings Elevations and Sections

PROJECT No. **14740** | DRG No. **002**

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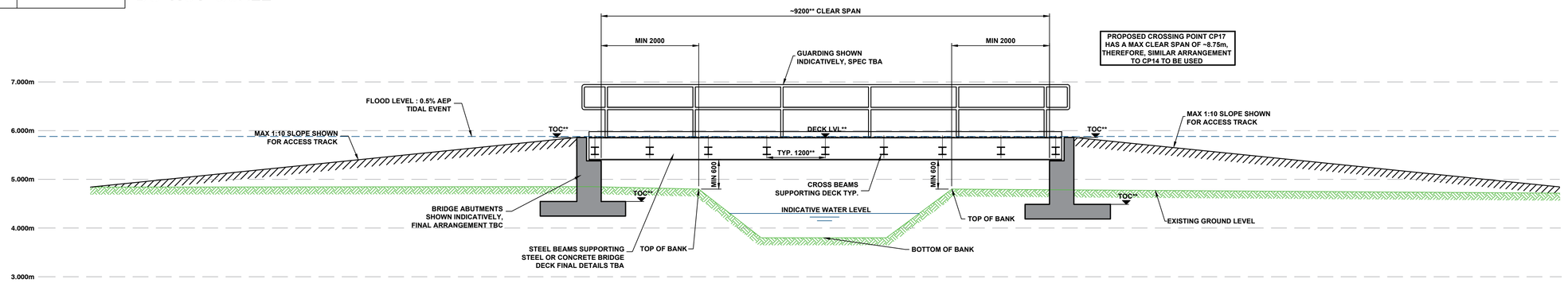
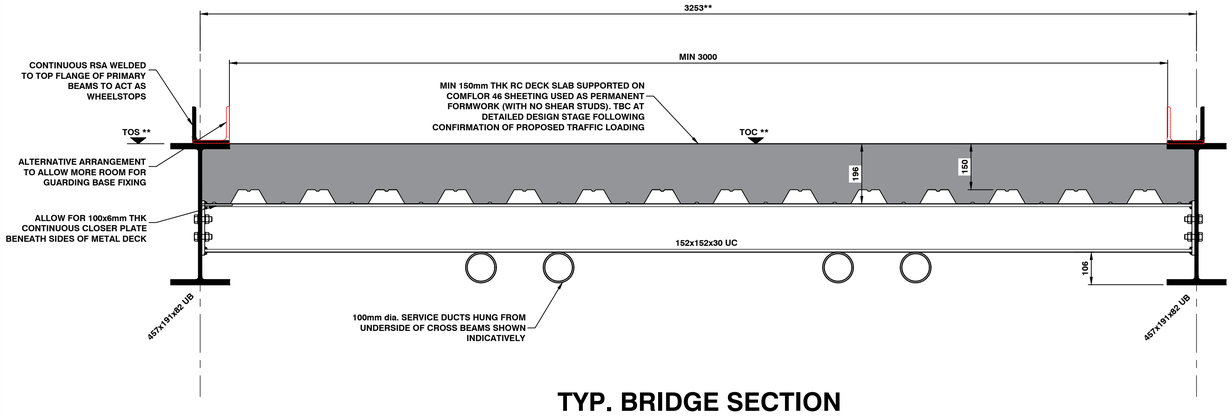


CROSSING CP14 PROPOSED SECTION B-B
1:50

OPTION TO RAISE CROSS BEAM TOS LEVEL AND TOC LEVEL TO GIVE ADDITIONAL DEPTH FOR SERVICE DUCTS HUNG FROM SOFFIT

GUARDING OMITTED ON SECTION - FINAL DETAILS AND BASE FIXITY TO BE AGREED



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(CONCRETE OPTION)
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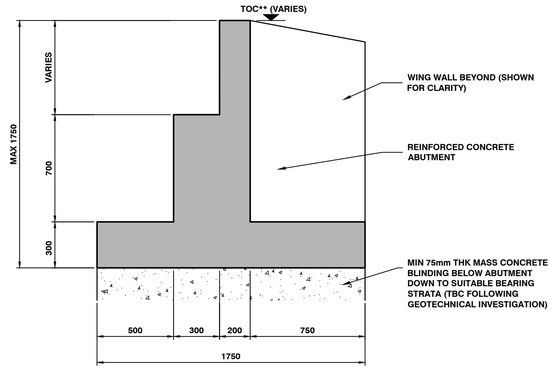

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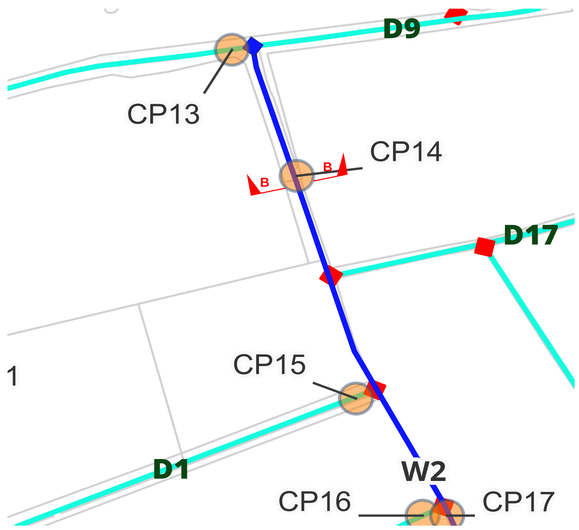

CROSSING LOCATION PLAN
NTS

NOTES:

ALL DIMENSIONS ARE IN MILLIMETRES U.N.O ON THE DRAWINGS. ALL LEVELS IN METRES.

ALL SETTING OUT AND LEVELS SHOWN ARE FOR THE PURPOSE OF DISCUSSION AND APPROVAL BY THE RELEVANT PARTIES.

PRELIMINARY STEEL MEMBER SIZES SHOWN ARE BASED ON A MAX VEHICLE WEIGHT OF 44t.

CONCRETE DECK SHOWN ON DRAWING, ALTERNATIVE STEEL (OPEN MESH GRATING) DECK COULD BE USED SUBJECT TO AGREEMENT WITH RELEVANT PARTIES. ADDITIONAL STEELWORK MAY BE REQUIRED TO PROVIDE SUFFICIENT VERTICAL SUPPORT TO DECK AND LATERAL STIFFNESS TO BRIDGE DECK STRUCTURE.

REFER TO TECHNICAL NOTE 14740-WCD-XX-XX-TN-S-001 FOR COMMENT ON INTERITY OF STRUCTURE SUBJECT TO HUDRAULIC (AND OTHER ASSOCIATED) ACTIONS FOR THE 0.5% AEP TIDAL FLOOD EVENT.

ABUTMENTS SET BACK MIN 2m FROM TOP OF EXISTING BANK AND MIN 600mm FREEBOARD ABOVE EXISTING TOP OF BANK LEVEL (WHERE PRACTICALLY POSSIBLE). PRINCIPLES APPLY TO ALL NEW AND REPLACEMENT CROSSINGS

REV	DATE	DESCRIPTION	BY	CHK	APP
P03	18/11/25	TITLE BLOCK AMENDED	SW	JS	JS
P02	17/10/25	NOTE ADDED	SW	JS	JS

REVISIONS

CLIENT
Frodsham Solar Ltd

PROJECT
Frodsham Solar

TITLE
Proposed Crossing CP14 Elevation & Sections

Waterco DATRYS

DRAWN	SW	CHECKED	JS	PASSED	JS
DATE	15/10/25	CLIENT'S REF.			
SCALE AT A1	As Shown	AUTOCAD REF.			

DRAWING No. **14740-WCD-XX-XX-SK-S-002**

REVISION **P03**

PROJECT No. 14740 | DRG No. 003

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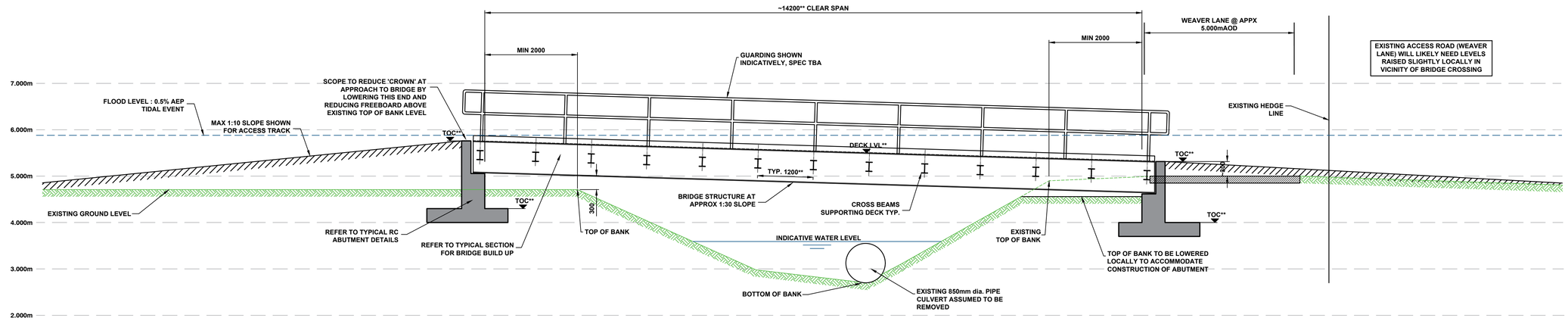

CROSSING CP22 PROPOSED SECTION B-B
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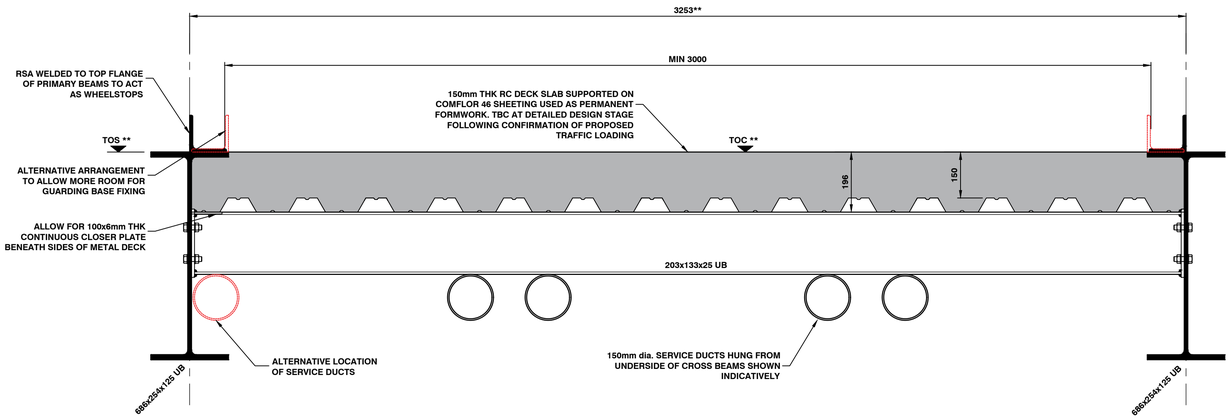

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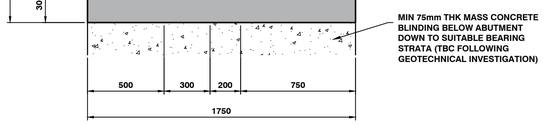

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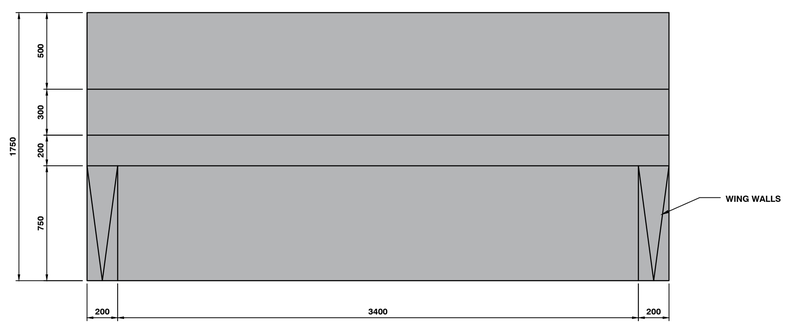

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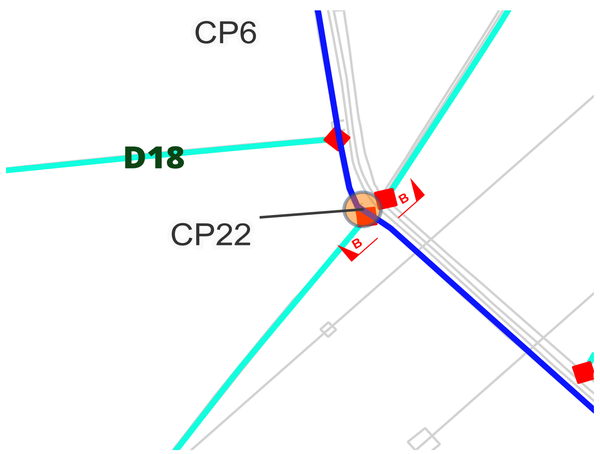

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P02	17/10/25	NOTE ADDED, EX. CULVERT CALL OFF AMENDED	SW	JS	JS

REVISIONS

CLIENT

Frodsham Solar Ltd

PROJECT

Frodsham Solar

TITLE

Proposed Crossing CP22 Elevation & Sections

Waterco DATRYS

DRAWN	SW	CHECKED	JS	PASSED	JS
DATE	15/10/25	CLIENT'S REF.			
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DRAWING No. **14740-WCD-XX-XX-SK-S-003**

REVISION **P03**

PROJECT No.	14740	DRG No.	004

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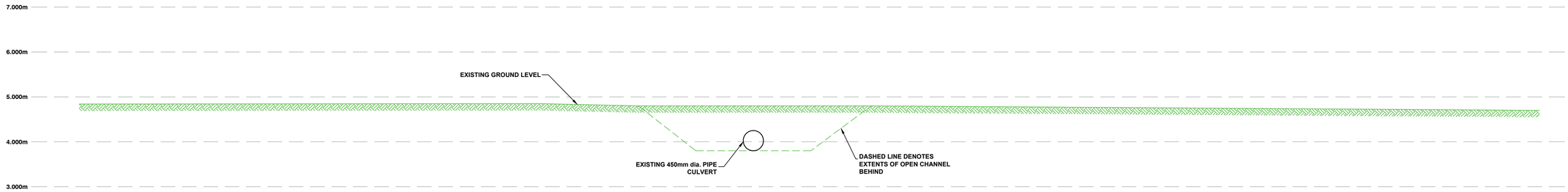

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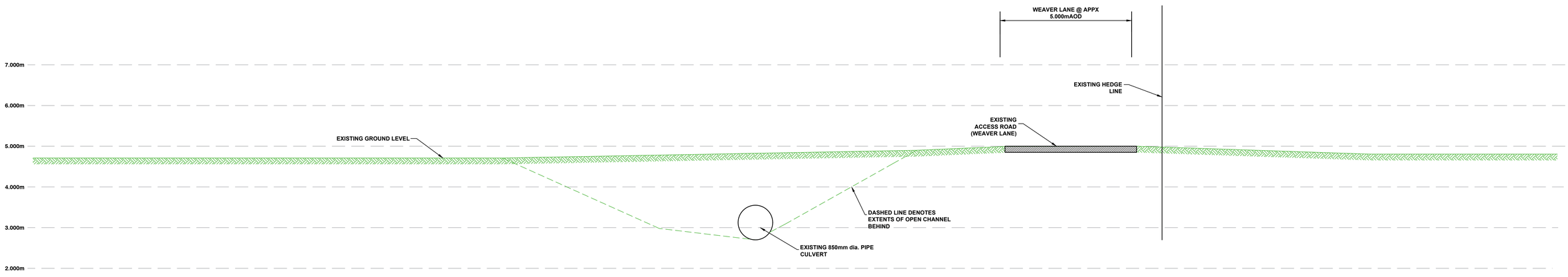

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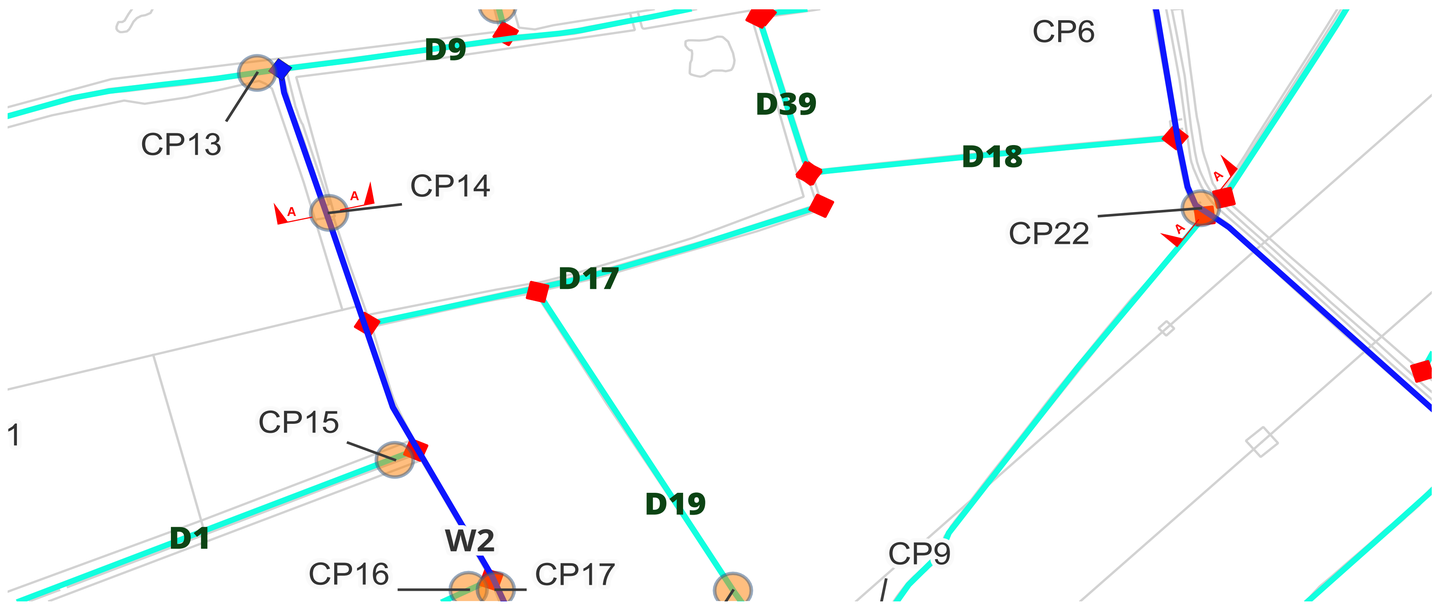

CROSSING LOCATION PLAN
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REV	DATE	DESCRIPTION	BY	CHK	APP
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REVISIONS

CLIENT

Frodsham Solar Ltd

PROJECT

Frodsham Solar

TITLE

Crossing CP14 & CP22 Existing Sections

waterco DATRYS

DRAWN	SW	CHECKED	JS	PASSED	JS
DATE	15/10/25	CLIENT'S REF.			
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DRAWING No. **14740-WCD-XX-XX-SK-S-004**

REVISION **P02**

PROJECT No. 14740 | DRG No. 005

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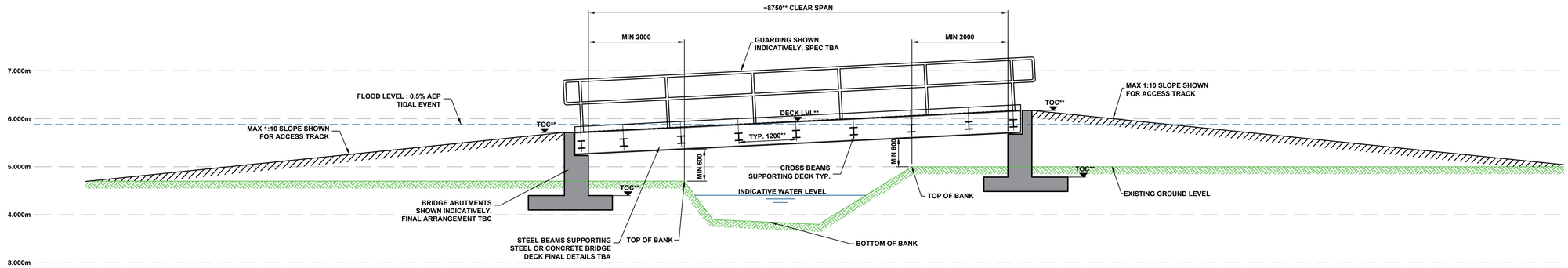

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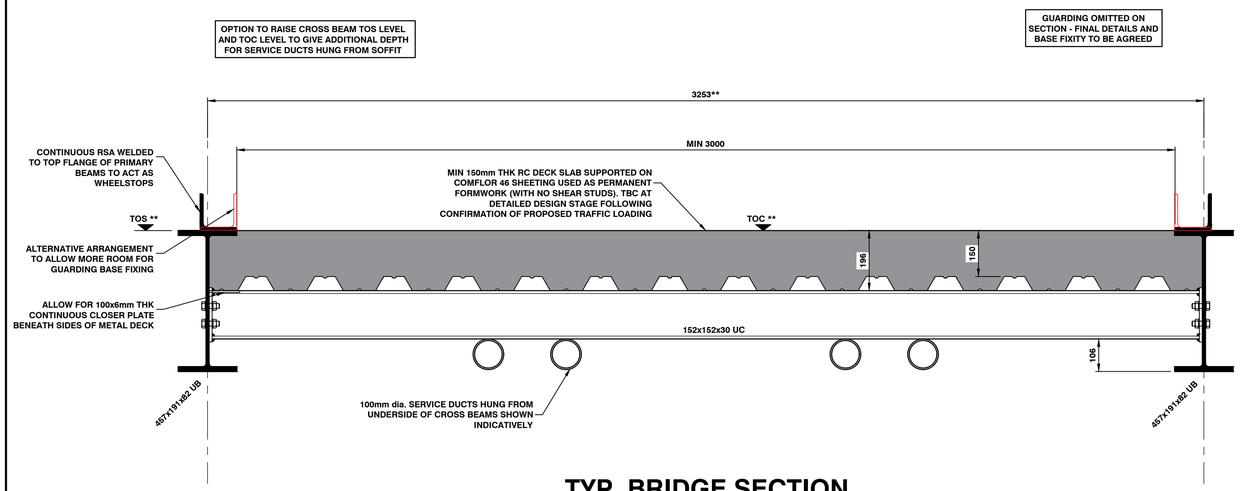

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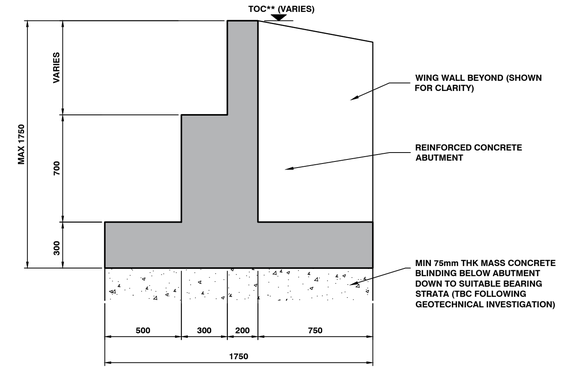

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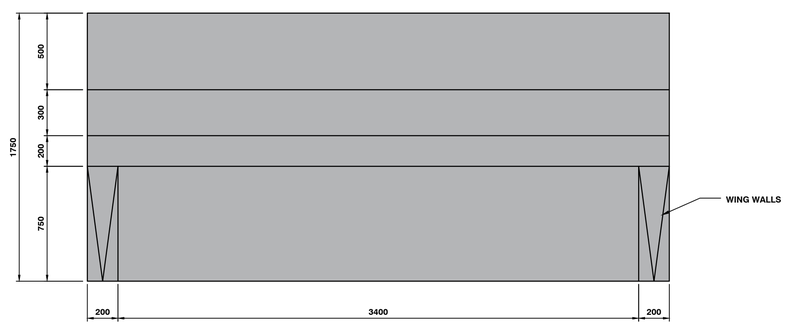

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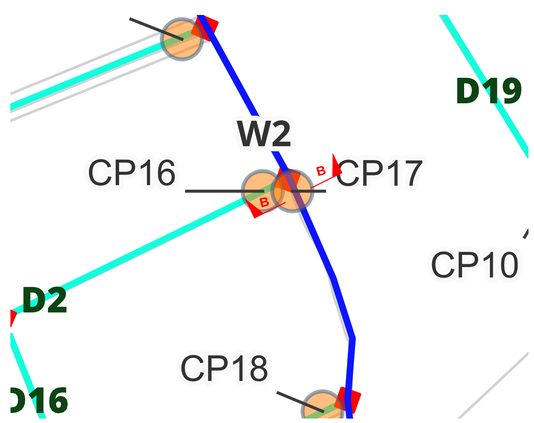

CROSSING LOCATION PLAN
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ALL SETTING OUT AND LEVELS SHOWN ARE FOR THE PURPOSE OF DISCUSSION AND APPROVAL BY THE RELEVANT PARTIES.

PRELIMINARY STEEL MEMBER SIZES SHOWN ARE BASED ON A MAX VEHICLE WEIGHT OF 44t.

CONCRETE DECK SHOWN ON DRAWING, ALTERNATIVE STEEL (OPEN MESH GRATING) DECK COULD BE USED SUBJECT TO AGREEMENT WITH RELEVANT PARTIES. ADDITIONAL STEELWORK MAY BE REQUIRED TO PROVIDE SUFFICIENT VERTICAL SUPPORT TO DECK AND LATERAL STIFFNESS TO BRIDGE DECK STRUCTURE.

REFER TO TECHNICAL NOTE 14740-WCD-XX-XX-TN-S-001 FOR COMMENT ON INTERITY OF STRUCTURE SUBJECT TO HUDRAULIC (AND OTHER ASSOCIATED) ACTIONS FOR THE 0.5% AEP TIDAL FLOOD EVENT.

ABUTMENTS SET BACK MIN 2m FROM TOP OF EXISTING BANK AND MIN 600mm FREEBOARD ABOVE EXISTING TOP OF BANK LEVEL (WHERE PRACTICALLY POSSIBLE). PRINCIPLES APPLY TO ALL NEW AND REPLACEMENT CROSSINGS

REV	DATE	DESCRIPTION	BY	CHK	APP
P02	18/11/25	TITLE BLOCK AMENDED	SW	JS	JS

REVISIONS

CLIENT
Frodsham Solar Ltd

PROJECT
Frodsham Solar

TITLE
Proposed Crossing CP17 Elevation & Sections

DRAWN	SW	CHECKED	JS	PASSED	JS
DATE	17/10/25	CLIENT'S REF.			
SCALE AT A1	As Shown	AUTOCAD REF.			

DRAWING No. **14740-WCD-XX-XX-SK-S-005**

REVISION **P02**

Appendix B - Technical Note Integrity of New Bridges in Flood Event (14740-WCD-XX-XX-TN-S-001)

TECHNICAL NOTE

Project:	Frodsham DCO Site	**Scheme No:**	14740
Subject:	Integrity of New Bridges in Flood Event	**Revision:**	01
Client:	Axis	**Date:**	15/10/25
Doc Ref:	14740-WCD-XX-XX-TN-S-001	**Status:**	First Issue

Author:	[redacted] BSc (Hons) Msc GMICE
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Approver:	[redacted] BEng (Hons) CEng MIStructE

Introduction

The proposals involve the construction of new crossings over existing watercourses to create robust access pathways for a proposed solar farm development. The proposed locations of multiple crossings lie on land to the south of the River Weaver.

The new crossing structures will be submerged during the River Mersey 0.5% AEP Tidal Event, with a maximum water level of 5.88mAod reported. (based on flood modelling conducted by Waterco Datrys to date).

This technical note will provide a summary of the hydraulic and other associated actions imposed on the crossing during the flood event referenced above and will comment on the integrity of the proposed structures.

Uplift of Bridge Deck

An approximate deck level in the range 5.3 – 5.8mAod has been determined for crossing points CP14, CP17 & CP22, which would result in the entire deck being submerged for the flood event noted above.

Based on initial calculation, for a concrete deck option, the self weight of the bridge deck, and supporting steelwork would be sufficient in resisting the uplift forces on the bridge soffit determined in accordance with CD356 of the Design Manual for Roads and Bridges (DMRB) and Australian Standard AS5100.2 Bridge Design Part 2 Design Loads.

An alternative open mesh steel grating deck construction was considered, however, due to the passage of water through the voids, the uplift force was considered negligible when compared to the self weight of the bridge deck and supporting steelwork.

Impact from Floating Debris

In accordance with section 4.21 CD356 of the DMRB a minimum single item debris mass of 3000kg has been assumed. This is considered conservative given the nature of the flood event (tidal) and the site's open flat terrain. Equation 7.51 (CD356, DMRB) was used to determine a conservative value for the impact load. The impact load scenario has been considered an accidental action in accordance with BS EN 1990 & NA to BS EN 1990, to be verified at Ultimate Limit State.

The proposed bridge structures will be designed and detailed so that they act as a rigid plate in the transverse direction. Cross beams and diagonal bracing (or diaphragm action of the concrete slab) will act as a deep truss to

support the lateral load due to impact or drag. These lateral loads would then be transferred to the supports on the abutments at each end. Bridge bearing details will be designed to adequately transfer these horizontal reactions to the reinforced concrete abutments.

The worst case considered for impact from debris will be a single item of debris striking the top of one of the reinforced concrete abutments directly. This would provide the greatest value for the overturning moment induced.

The self weight of the abutments in combination with the dead load only reactions of the bridge structure, would be sufficient in restraining the overturning and sliding against impact loading at ULS.

Service Crossings

It is proposed to include a crossing route for services underneath the bridge deck. It is anticipated that these service ducts would be suspended from the underside of the cross beams (within the total structural depth of the bridge, i.e not projecting below the bottom flange of the principal bridge beams) and as such, would be protected from direct impact from large items of floating debris.

Conclusion

The initial calculations indicate that the proposed bridge structures would not have their structural integrity compromised during the flood event noted above.

Appendix C - Further Information On The Classification Of Reedbeds

avianecology

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t. 0843 506 5116 | w. www.avianecology.co.uk | e. enquiries@avianecology.co.uk

Clarification Note for Frodsham Solar in response to Relevant Representations by Cheshire West and Chester Council.

Further Information on the Classification of Reedbeds

Introduction

Background and Report Purpose

This note has been prepared to provide further ecological information additional to that presented in Environmental Statement (ES) Vol 1 Chapter 7 Terrestrial Ecology [EN010153/DR/6.1] (**APP-040**) Biodiversity for the Proposed Frodsham Solar Development ('the Proposed Development'.

Specifically, this note presents further information relating to reedbed habitats within the Order Limits. The review of existing information has been undertaken following Relevant Representations received from Cheshire West and Chester (CWACC) council dated 19th August 2025.

Definitions

For the avoidance of doubt, the following areas are defined, as shown in ES Vol 3 figure 1-2 [EN010153/DR/6.3] **(APP-105)**:

- the 'Solar Array Development Area (SADA)' comprising the area that would include solar photovoltaic (PV) modules and support frames, internal access tracks, cabling, inverters, transformers, the solar array substation (known as the 'Frodsham Solar Substation') and the BESS;
- the 'Non-Breeding Bird Mitigation Area (NBBMA)' comprising land primarily within Cell 3, which currently forms part of the Frodsham Wind Farm mitigation. This area of land would be used as a mitigation area for the anticipated displacement of wetland birds associated with the Mersey Estuary;
- the 'SPEN/National Grid Substation and Access' comprising the existing SPEN/National Grid Substation and access road;
- the 'Skylark Mitigation Area' comprising land where it is anticipated that neutral grassland would be created during the operational lifetime of the Proposed Development for the benefit of skylarks;
- the 'Main Site Access with Private Wire Connection' comprising the access road with Protos private wire connection to the west of the SADA; and,
- the 'Main Site Access without Private Wire Connection' comprising the access road without private wire connection to the west of the SADA.

For the purpose of Chapter 7: Terrestrial Ecology [EN010153/DR/6.1] **(APP-040)** and this note, the SADA, the NBBMA and the SPEN/National Grid Substation and Access are collectively termed the 'Main Development Area', as shown in ES Vol3 figure 7-1 [EN010153/DR/6.3] **(APP-122)**.

Methods

This document has been informed by a walkover survey undertaken by Avian Ecology Principal Ecologist J. Stevens BSc (Hons) on 1st October 2025. The survey focussed on areas of identified reedbed that are proposed to be impacted by the Proposed Development and involved assessing the habitats against Joint Nature Conservation Commission (JNCC) 'priority habitat' descriptions as well as UKHab survey guidance.

Overview of Existing Information

Baseline habitat survey information in relation to the Proposed Development is presented in ES Vol 2 Technical Appendix 7.1 Habitats Baseline Report [EN010153/DR/6.2] **(APP-075)**. Baseline habitat survey of the Order Limits was undertaken following the UKHabitat Survey (UKHab) Methodology and identifies several areas of reedbed (UKHab primary code f2e) within the Order Limits.

For this note, four areas were looked at in detail as outlined below and shown on **Figure 1**:

NBBMA - SJ4863478295

Marsh Farm - SJ4992479194

Frodsham Windfarm East - SJ5070978474

Wildfowlers - SJ5174778553

Conservation Status

Reedbeds are listed as a Habtiat of Principal Importance (also known as Priority Habitats) as required by Section 41 of the Natural Environmental and Rrual Communities (NERC) Act 2006.

JNCC Definition

The JNCC description for reedbed Habitat of Principal Importance is provided in full as **Appendix 1a** however key information is provided below:

Reedbeds are wetlands ***dominated by stands of the common reed*** *Phragmites australis, wherein the* ***water table is at or above ground level for most of the year*** (emphasis added).

The JNCC definition does not include specific criteria to assess against, it does however make clear that soil moisture regime is important to the definition of the habitat. Additional detail is provided in the UKHab description, below.

UKHab Description

The UKHab description is provided in full as **Appendix 1b** however key information is provided below:

Wetlands that are dominated by ***>5m wide stands of common reed*** *and where the* ***water table is at or above ground level*** *for most of the year* (emphasis added).

As such, the full definition of a reedbed is not only reliant on the presence of common reed, but also on the water table and soil moisture regime. In UKHab terminology, the water table being at or above ground level for most of the year would correspond to ground being 'waterlogged' or 'inundated' as indicated by secondary codes 504 and 505, respectively, and defined below:

504 – waterlogged: *Water table at the surface with standing water for 50-70% of year with soil completely saturated. Only small patches remain wet in midsummer. Wet defined as water table within 40cm of the surface and soil contains free water most of year*

505 – Inundated: *Water table distinctly above the level of substrate for most of the year.*

The UKHabitat classification also includes other habitats of relevance to this assessment, including f2f Other Wetlands, and broad habitat g3 neutral grassland.

Habitat f2f is a broad habitat that includes any habitats not captured in f2a-e. There is however a specific exclusion to this habitat of 'parcels dominated by common reed… where no part is inundated for most of the year' and suggests that instead broad habitat g3 (neutral grassland) should be used with secondary code 16 (tall forbs).

Assessment of Reedbeds with the Order Limits

A description of each of the four reedbed areas assessed is provided in **Table 1** below. Photographs are presented as **Appendix 2**.

Areas of reed associated with ditches were not specifically assessed, however due to the functioning of these ditches in holding water it is assumed that the water table would be at surface level for most of the year.

The four survey areas, along with all areas classified as reedbed in ES Vol 1 Chapter 7 Terrestrial Ecology [EN010153/DR/6.1] (**APP-040**) are shown on **Figure 1**.

Table 1: Summary of survey findings

Area	Description	Photo No
NBBMA SJ4863478295	An area measuring c. 0.5ha dominated by common reed at the western edge of a series of pools. A single willow tree is present within the centre of the area. At the time of survey water levels appeared to be below the surface level however may be higher at other times of year. This area meets size criteria (>5m wide) and following a precautionary approach is assumed to meet inundation criteria. **Meets the UKHabs definition of reedbed** however not priority reedbed due to size. Could also be considered as reed dominated marginal vegetation of wider pond.	1, 2
Marsh Farm SJ4992479194	Area measuring approximately 1.75ha dominated by reeds within a large depression/ bowl. While water levels at the time of survey were not clearly at surface level given the landform it is likely that the land is inundated more frequently in winter months. This area meets size criteria (>5m wide) and following a precautionary approach is assumed to meet inundation criteria. **Meets both the UKHabs and JNCC definitions of reedbed.**	3,4

Area	Description	Photo No
Frodsham Windfarm East SJ5070978474	This comprises several smaller patches dominated by common reed with patches themselves separated by areas of grazing pasture grassland. Cumulatively, the area measures c. 2.5ha. Each of the patches likely exceed 5m however the ground was very dry and it is considered likely that the water table is not regularly at or near surface level. This habitat parcel is considered to **best meet the definition of g3.16** (neutral grassland with tall forbs). **Not considered to meet either definition of reedbed.**	5, 6
Wildfowlers SJ5174778553	Area measuring approximately 1.1ha dominated by reeds with willow and birch scrub. Access was limited at the time of survey due to dense vegetation however amongst the trees more open and wetter areas appeared evident. This area meets size criteria (>5m wide) and following a precautionary approach is assumed to meet inundation criteria. **Meets the UKH definition of reedbed, however, not a priority habitat** due to extensive willow shrub cover.	7

Summary

Following receipt of Relevant Representations by CWACC a review has been undertaken of particular reedbed habitats against both JNCC and UKHab definitions. Following the review, an area formerly classified as reeded located within Frodsham Windfarm East has now been reclassified as g3.16 instead due to not meeting soil moisture criteria. Further, several areas which may meet the UKHab definition of reedbed, are not considered priority habitat but rather smaller stands of reed.

Areas of reed associated with ditches were not specifically assessed, however due to the functioning of these ditches in holding water it is assumed that the water table would be at surface level for most of the year.

Prepared by: [redacted] BSc (Hons), Principal Ecologist

Reviewed by: [redacted] MSc MCIEEM, Managing Director

S:\Avian Data\Project Folders\Axis\Frodsham Solar DCO\Geospatial\3_QGIS_Files\32_Data_Prep\Reedbeds\Reedbeds.qgz

Marsh Farm

NBBMA

Windfarm East

Wildfowlers

Order Limits

Survey Area

Reedbed

Inset Scale 1:150,000

N

0 300 600 900 1,200 1,500 m

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0344 8700 007
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Project

FRODSHAM SOLAR

Figure Number

Figure 1

Figure Title

Reedbed Survey Plan

Scale

1:15000@A3

Date

October 2025

Appendix 1a: JNCC Reedbed Priority Habitat Description

UK Biodiversity Action Plan
Priority Habitat Descriptions

Reedbeds

From:
UK Biodiversity Action Plan; Priority Habitat Descriptions. BRIG (ed. Ant Maddock) 2008.

This document is available from:
http://jncc.defra.gov.uk/page-5706

For more information about the UK Biodiversity Action Plan (UK BAP) visit
http://www.jncc.defra.gov.uk/page-5155

Please note: this document was uploaded in November 2016, and replaces an earlier version, in order to correct a broken web-link. No other changes have been made. The earlier version can be viewed and downloaded from The National Archives:
http://webarchive.nationalarchives.gov.uk/20150302161254/http://jncc.defra.gov.uk/page-5706

Reedbeds

The definition of this habitat remains unchanged from the pre-existing Habitat Action Plan (https://webarchive.nationalarchives.gov.uk/20110303150026/http://www.ukbap.org.uk/UKPlans.aspx?ID=19), a summary of which appears below.

Reedbeds are wetlands dominated by stands of the common reed *Phragmites australis*, wherein the water table is at or above ground level for most of the year. They tend to incorporate areas of open water and ditches, and small areas of wet grassland and carr woodland may be associated with them. There are about 5,000ha of reedbeds in the UK, but of the 900 or so sites contributing to this total, only about 50 are greater than 20ha, and these make a large contribution to the total area. Reedbeds are amongst the most important habitats for birds in the UK. They support a distinctive breeding bird assemblage including six nationally rare Red Data Birds: the bittern *Botaurus stellaris*, marsh harrier *Circus aeruginosus*, crane *Grus grus*, Cetti's warbler *Cettia cetti*, Savi's warbler *Locustella luscinioides*, and bearded tit *Panurus biarmicus*, provide roosting and feeding sites for migratory species (including the globally threatened aquatic warbler *Acrocephalus paludicola*), and are used as roost sites for several raptor species in winter. Five GB Red Data Book invertebrates are also closely associated with reedbeds, including red leopard moth *Phragmataecia castanaea* and a rove beetle *Lathrobium rufipenne*.

Appendix 1b: UKHab Reedbed Habitat Description

Code and Name

g3 Neutral grassland

Category Type

Primary Level 3

Spatial Feature Type

Area

Definition

Vegetation dominated by grasses and herbs on a range of neutral soils, usually with a pH of 4.5 – 6.5.

Landscape and ecological context

This habitat includes enclosed mesic hay meadows and pastures, together with a range of grasslands that are periodically inundated with water or permanently moist.

Synonyms

Mesotrophic grasslands.

Species

These communities have few diagnostic indicator species but lack strong calcicoles or calcifuges that are characteristic of base-rich and acid soils, respectively. They differ from modified grassland (see g4) by having a less lush sward, a greater range and higher cover of herbs, and usually <25% cover of Perennial Rye-grass *Lolium perenne*.

Back to Grassland Ecosystem

Code and Name

f2e Reedbeds

Category Type

Primary Level 4

Spatial Feature Type

Area

Status

Priority Habitat

Definition

Wetlands that are dominated by >5 m wide stands of the Common Reed *Phragmites australis* and where the water table is at or above ground level for most of the year.

Landscape and ecological context

Reedbeds tend to incorporate areas of open water and ditches. Small areas of wet grassland and carr woodland may also be associated with them.

Inclusions

Parcels that meet the size threshold in the definition and that include both a reed-filled ditch and reed-dominated vegetation extending onto dry land.

Parcels where Common Club-rush *Schoenoplectus lacustris* and Reed Canary-grass *Phalaris arundinacea are prominent.*

Reedbeds with a saline influence (see 702) that include saline-tolerant species such as *Atriplex spp.*.

Exclusions

Parcels of Common Reed *Phragmites australis* that are <5 m wide (see f2d, f2f).

Common Reedmace *Typha latifolia* swamp (see f2d, f2f).

Back to Wetland Ecosystem

Code and Name

f2f Other wetlands

Category Type

Primary Level 4

Spatial Feature Type

Area Line

Definition

Wetlands that are not included in f2a, f2b, f2c, f2d or f2e, including swamps other than reedbeds (see f2e).

Exclusions

Parcels dominated by Common Reed *Phragmites australis* where no part is inundated for most of the year (see g3~ 16).

Species

Reed Canary-grass *Phalaris arundinacea* is likely to be constant, as is Great Willowherb *Epilobium hirsutum*, Nettle *Urtica dioica*, Common Couch *Elymus repens* and Yorkshire Fog *Holcus lanatus*.

Back to Wetland Ecosystem

Code and Name

504 Waterlogged

Category Type

Additional Secondary Codes - All Habitats

Spatial Feature Type

Area Line

Allowable Primary Codes

w~ f~ c~ u~ s~

Definition

Water table at the surface with standing water for 50-70% of the year or with the soil completely saturated. Only small patches remain 'wet' in mid-summer.

Back to Additional Secondary Code List

Code and Name

505 Inundation vegetation

Category Type

Additional Secondary Codes - All Habitats

Spatial Feature Type

Area

Allowable Primary Codes

g~ f~ s~ r~

Definition

Frequently inundated vegetation, the water table distinctly above the level of the substrate for most of the year.

Back to Additional Secondary Code List

Appendix 2: Photographs

	
Photo 1:	**Photo 2:**
	
Photo 3:	**Photo 4:**

	
Photo 5	**Photo 6**
	
Photo 7	

Appendix D – RSPB Letter of Intent dated 20th November 2025

This letter is sent by email only

Mark Flaherty
Cubico

18/11/2025

Dear [redacted],

Letter of Intent relating to the Frodsham Solar Non-Breeding Bird Mitigation Area (NBBMA)

I am writing on behalf of the Royal Society for the Protection of Birds (RSPB) to confirm the engagement that has taken place between the RSPB and Frodsham Solar Ltd throughout the pre-application period in relation to the potential effects of the Proposed Development on the Mersey Estuary Special Protection Area (SPA), and in particular the proposed mitigation measures for the proposed Frodsham Solar project.

The RSPB has worked proactively with Frodsham Solar Ltd to discuss the approach to mitigating impacts on non-breeding birds, including the concept of the proposed Non-Breeding Bird Mitigation Area (NBBMA). These discussions have been helpful in clarifying the intended function, scope and potential long-term management requirements of the NBBMA, which is intended to address potential displacement of the SPA species as a result of the development, and support the integrity of this part of the Mersey Estuary SPA.

For the avoidance of doubt, the RSPB wishes to make clear that this letter should not be interpreted as expressing support for, or objection to, the Proposed Development as a whole. This part of our engagement with the proposals and Frodsham Solar Ltd and their consultants has focused solely on

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the ecological mitigation proposals, and in particular on ensuring that any mitigation brought forward is appropriately designed, deliverable and effective.

Based on current proposals, the RSPB considers that the creation of the NBBMA has the potential to deliver a significant improvement in the quality of habitats within Cell 3 for SPA species. If implemented as described, the NBBMA could provide a valuable and much-needed resource within this part of the Mersey Estuary, which at present lacks any formally managed areas of wetland habitat specifically targeted at those SPA species. We consider that the proposed habitat enhancements could materially benefit a range of non-breeding bird species for which the Mersey Estuary SPA is designated. t

The RSPB is continuing to review the potential to act as the conservation organisation responsible for the day-to-day management of the NBBMA throughout the operational lifetime of the development. This is primarily because we are convinced that in order to deliver the mitigation required there needs to be a sustainable solution to securing ongoing pro-active management of the mitigation area. As discussed, this would be on the understanding that the costs of creation, ongoing management and any remedial works required to deliver and maintain the agreed target habitats would be funded by Frodsham Solar Ltd.

We can confirm that at present RSPB would be interested in fulfilling the role as the managing conservation organisation, subject to further discussion with Frodsham Solar and agreement on the specific mechanisms and finance for RSPBs' engagement. We will continue engaging constructively with Frodsham Solar Ltd as the proposals for the NBBMA progress in order to help deliver a quality mitigation with sustainable long term management in place.

Yours sincerely,

[redacted]

RSPB Area Manager – NW England

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The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.