



Application by Frodsham Solar Ltd for Frodsham Solar (EN010153)

The Examining Authority's written questions and requests for information (ExQ1): Issued on 18 December 2025

Responses are due by deadline 2: 19 January 2026

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the initial assessment of principal issues examination library reference OD-006 issued on the 3 October 2025. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which interested parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

You should respond to the questions by using the **Have your say** function on the [project page](#) of the National Infrastructure website and selecting 'Responses to Examining Authority's First Written Questions (ExQ1)' when asked.

If you are responding to a small number of questions, you can submit your answers by choosing 'Make a comment' and entering your answers in the 'Your comments' box. If you are answering a larger number of questions you should download a copy of the Microsoft Word version of the document, enter your answers and save the document using an appropriate file name. You can then submit the completed document by selecting 'Upload files'.

Microsoft Word version: [<link to MS Word version>](#)



Abbreviations used:

AEol	adverse effects on integrity
ALC	agricultural land classification
AOD	Above Ordnance Datum
AQMA	air quality management area
BESS	battery energy storage system
BNG	biodiversity net gain
BoR	Book of Reference
BSMP	Battery Safety Management Plan
CA	compulsory acquisition
CA Guidance	Planning Act 2008: guidance related to procedures for the compulsory acquisition of land
CAPAS	Cheshire Archaeology Planning Advisory Service
CCTV	closed-circuit television
oCTMP	Outline Construction Traffic Management Plan
CWCC	Cheshire West and Chester Council
CWT	Cheshire Wildlife Trust
dB	Decibel
DCO	Development Consent Order
dDCO	draft Development Consent Order

EA	Environment Agency
EIA	environmental impact assessment
EIA Regs	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
EM	Explanatory Memorandum
ES	Environmental Statement
ExQ1 (or 2, 3)	the Examining Authority's first, second, third rounds of written questions
FLL	functionally linked land
FRA	flood risk assessment
GWSWMP	Groundwater and Surface Water Management Plan
gCO ₂ e/kWh	grams of carbon dioxide equivalent per kilowatt-hour
ha	hectare
Habitats Regs	The Conservation of Habitats and Species Regulations 2017
HE	Historic England
HRA	habitats regulations assessment
ISH	issue specific hearing
km	kilometre
LAeq	A-weighted, equivalent sound level over the measurement period



LAm _{max}	Maximum A-weighted Sound Level
LWS	local wildlife site
MECG	Mersey Estuary Conservation Group
MMO	Marine Management Organisation
MW	megawatts
MWh	megawatt hours
NBBMA	Non-Breeding Bird Mitigation Area
NBBMS	Non-Breeding Bird Mitigation Strategy
NE	Natural England
NH	National Highways
NPA 2017	Neighbourhood Planning Act 2017
NPS	National Policy Statement
NPS EN-1	Overarching National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NPS EN-5	National Policy Statement for Electricity Networks Infrastructure
NSIP	Nationally Significant Infrastructure Project
oCEMP	Outline Construction Environmental Management Plan
oDEMP	Outline Decommissioning Environmental Management Plan

oOEMP	Outline Operational Environmental Management Plan
oLEMP	Outline Landscape and Ecology Management Plan
OL	Order Limits
PA2008	the Planning Act 2008
PRoW	public right(s) of way
PV	photovoltaic
SADA	solar array development area
SoCG	statement of common ground
SoS	Secretary of State
SPA	special protection area
SPEN	Scottish Power Energy Networks
SSSI	site of special scientific interest
tCO ₂ e	tonnes of carbon dioxide equivalent
TP	temporary possession
UK	United Kingdom
UW	United Utilities Water Limited
UXO	unexploded ordnance
WFD	Water Framework Directive
oWSI	Outline Written Scheme of Investigation
ZoI	zone of influence



The Examination Library

References in these questions set out in square brackets (for example [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [EL web link](#)

It will be updated as the examination progresses.

Citation of questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, for example ExQ1 1.0.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1. General and cross-topic questions		
Q1.0.1	The applicant	Terminology and Acronyms Can the applicant clarify what is meant by the description “site” and “main development area” within the ES Chapters. For example ES Chapter 7 Terrestrial Ecology [APP-040] and ES Chapter 10 Ground Conditions [APP-043] refer to site, and main development area is referred to in ES Chapter 7 Terrestrial Ecology [APP-040] and ES Chapter 8 Ornithology 10 Ground Conditions [APP-041]. It is unclear if these descriptions refer to land within the Order Limits (OL), or to land forming the Solar Area Development Area (SADA), or to another land extent.
Q1.0.2	The applicant	Terminology and Acronyms Can the applicant check the acronyms it has used throughout application document for typo errors. For example Chapter 7: Terrestrial Ecology [APP-040] paragraph 7.7.10 bullet point i) notes NBMMA (rather than NBBMA?).
Q1.0.3	The applicant	Commitment Register The Nationally Significant Infrastructure Projects: Commitments Register guidance notes that the final version submitted with the application should be provided as a separate appendix to the Environmental Statement (ES). However it is unclear in the applicant's Commitments Register [APP-133] introduction and purpose of this register whether it forms part of the ES (and it has not been listed in Schedule 10 - Documents to be certified). Can the applicant advise whether this commitments register should be secured in the dDCO?
Q1.0.4	The applicant	Management Plans/Strategy Can the applicant provide a list of documents/plans that would not be in place prior to commencement of permitted preliminary works. For example, would any of the documents listed in paragraph 1.3.3 of the Outline Construction Environmental Management Plan (oCEMP) [APP-136] not be in place prior to commencement of permitted preliminary works?
Q1.0.5	The applicant	Management Plans/Strategy Paragraph 7.7.14 of Chapter 7: Terrestrial Ecology [APP-040] states a soil resources management plan would be implemented during any works. Can the applicant explain the relationship of the soil resources management plan with the outline soil management plan?
Q1.0.6	The applicant	Management Plans/Strategy Paragraph 2.4.2 of the oDEMP [APP-138] states that it is also likely that below ground cabling would be removed from site and recycled. Can the applicant advise where this scenario (including the parameters used) was assessed in the ES for ground cabling?
Q1.0.7	Cheshire West and Chester Council (CWCC)	oDEMP - CWCC comments CWCC commented on the oDEMP [APP-138] submitted with the application in its relevant representation [RR-037], including in paragraphs 19.12, 19.14, 19.15, 19.19 and 19.23. The applicant responded [PD2-027] and submitted an update to the oDEMP [PD2-019]. Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?
Q1.0.8	The applicant CWCC Environment Agency (EA) Natural England (NE)	Pollution Control Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are satisfied that: <ul style="list-style-type: none"> • potential releases can be adequately regulated under the pollution control framework; and • the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits. i) Please could the relevant bodies comment, highlighting any specific concerns?

ExQ1	Question to:	Question:
		ii) Please could the applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain? iii) Please could the applicant set out the steps that will be taken to resolve any outstanding concerns? iv) Please could the relevant bodies and the applicant provide regular updates to the examination?
Q1.0.9	CWCC EA NE	Local Authority and Other Statutory Body Resourcing Do the relevant bodies have any concerns about their resources for the consideration of submissions, approvals and monitoring necessary for the implementation of the proposed development?
2. Need case, effects on climate change, site selection, alternatives, electricity generation, grid connection, decommissioning		
2.0 Need case		
Q2.0.1	The applicant	Policy Please could the applicant provide an update on any changes in government policy in relation to the need case for the proposed development since the application was submitted, and please could this be updated at the close of the examination?
2.1 Effects on climate change		
Q2.1.1	The applicant	Operational phase i) Please clarify the level of replacement activity considered in the assessment of effects on climate change [APP-038] , [APP-060] and justify why it represents a reasonable worst-case scenario? ii) Should a maximum permitted extent of replacement be secured? iii) Does the oOEMP [APP-137] secure appropriate mitigation for greenhouse gas emissions during the operational phase?
Q2.1.2	The applicant	Offset electricity comparison The assessment [APP-038] considers that the proposed development would generate electricity which would offset the greenhouse gas burden of producing electricity by 1,291,016 tCO _{2e} compared with the grid average in 2023/24. It stated that the greenhouse intensity of the electricity generated would be 53.6 gCO _{2e} /kWh, compared with: <ul style="list-style-type: none"> • 380 to 500 gCO_{2e}/kWh for unabated combined cycle gas turbines • 90 to 245 gCO_{2e}/kWh for gas with carbon capture and storage • 5 to 55 gCO_{2e}/kWh for nuclear • 5 to 24 gCO_{2e}/kWh for offshore wind • 7 to 20 gCO_{2e}/kWh for onshore wind • 20 to 85 gCO_{2e}/kWh for solar photovoltaics i) Please could the applicant compare the greenhouse gas burden of the proposed development with other solar photovoltaic developments? Why is the proposed development not closer to the lower end of the range for solar photovoltaics of 20 gCO _{2e} /kWh? Do the comparisons demonstrate that the measures proposed to mitigate greenhouse gas emissions are appropriate and represent best practice? ii) Is more up-to-date information now available on the grid average used in the assessment? iii) Does comparison with the grid average in 2023/24 lead to an overestimate of the offset greenhouse gas burden? Should the projected grid average in each year be considered? iv) Should it be considered that (perhaps for commercial reasons) solar photovoltaic developments would potentially displace other, less greenhouse gas intensive, methods of generating electricity such as offshore or onshore wind, or nuclear? v) Following the above, please could the applicant update the assessment as necessary to ensure that it considers a reasonable worst case?
2.2 Site selection and alternatives		
		No questions currently.

ExQ1	Question to:	Question:
2.3 Electricity generation and grid connection		
Q2.3.1	The applicant	<p>Grid connection and utilisation of the full generation capacity</p> <p>The applicant [APP-128], [APP-145], [AS-001] said that:</p> <ul style="list-style-type: none"> the current grid connection agreement was capped at 100MW because, at the time the connection offer was issued, that was the capacity that it was estimated could be accommodated on the available land as well as a connection agreement with SP Manweb it entered into a Bilateral Embedded Generation Agreement with the National Grid Electricity System Operator as the facility could affect the GB Transmission System it had maintained contact with Scottish Power Energy Networks (SPEN) and the National Energy Systems Operator to facilitate the grid connection date of 2029 set out in the agreements the proposed development was strategically aligned with grid reform efforts to prioritise ready-to-build capacity the Clean Power 2030 Action Plan published by the National Electricity System Operator in 2024, indicated that after accounting for the known project pipeline in the region where the site was located, there was still approximately 1000MW of additional solar capacity required to achieve the 1,500MW regional target for 2030 whilst its connection agreement was currently only for 100MW, it saw no substantive impediment to this being able to be increased by SP Manweb if desired and that it was engaging with SP Energy Networks in relation to options for securing a second grid connection offer to enable export of the surplus capacity, on the premise that there will be increased network capacity available in the future was in commercially confidential discussions with businesses operating near to the site who have large scale industrial operations, have expressed interest in the prospect of securing private-wire connections to Frodsham Solar, but there are no agreements in place as the project is several years from supplying electricity the onsite Battery Energy Storage System (BESS) that forms part of the proposed development would be capable of storing any surplus electricity generation that cannot be exported onto the national grid <p>The ExA is seeking updates on the connection agreements and, in the absence of any firm undertakings for the use of the private wire connection, to improve its understanding of whether the full generating capability of the Proposed Development would be likely to be utilised.</p> <ol style="list-style-type: none"> The applicant variously refers to SP Manweb, SP Energy Networks, and SPEN. Please could it clarify any differences between these bodies, and which is relevant for the grid connection? Please could the applicant provide updates on its discussions with relevant bodies regarding the grid connection agreement and Bilateral Embedded Generation Agreement, and on any grid reform developments relevant to the grid connection for 100MW and for any increase to 140MW? Please could the applicant provide justification that the BESS would be capable of storing any surplus electricity generation that could not be exported to the national grid, including during a series of long sunny days? Please could the applicant provide an update to its responses at the close of the examination?
2.4 Decommissioning		
Q2.4.1	The applicant	<p>Decommissioning timing</p> <p>Requirement 20 of the dDCO [PD2-005] includes that decommissioning works must commence no later than 40 years following the date of the final commissioning of the solar photovoltaic generating station. The oDEMP [PD2-019] included that decommissioning would be expected to take between 12 and 24 months, would be undertaken in phases, and that the DEMP prepared for any phase of decommissioning would be accompanied by a programme setting out the main phases of works.</p> <p>CWCC [RR-037] requested that appropriate provision is made for both decommissioning and restoration not just after the 40-year life span of the DCO, but in the event that a relevant part of the proposed development stops generating energy (or storing energy in the case of the BESS) or is otherwise redundant/ unused for a period of 24 months. It said that it expected that the decommissioning stage be completed</p>

ExQ1	Question to:	Question:
		<p>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 was sooner.</p> <p>At issue specific hearing 1, the applicant [EV4-005] said that it would update the dDCO to point to decommissioning timing provisions in the relevant environmental management plan(s) and that these would allow flexibility for the start of decommissioning in relation to matters such as refurbishment of the substation or a force majeure. CWCC [EV4-005] said that it would be content with dDCO provisions based on those in the Oaklands Farm Solar Park Order 2025.</p> <ul style="list-style-type: none"> i) The ExA notes the Oakland Farm provisions and, for reasons of certainty and security, is minded to include similar provisions to those for Oaklands Farm in its recommended DCO. ii) Please could the applicant, on a without prejudice basis, suggest decommissioning timing wording for the dDCO that is based on the Oaklands Farm provisions and that address any concerns in relation to matters outside the undertaker's control? iii) Please could the applicant comment on when any decommissioned part of the proposed development would be returned to current uses, and how that is secured?
Q2.4.2	The applicant	<p>Decommissioning funding</p> <p>The applicant [APP-019, PD2-027] explained that costs during the decommissioning phase would be covered by revenue generated by the proposed development, through its operations, and that it would have sufficient funds for decommissioning.</p> <p>CWCC [RR-037] said that the original undertaker will often transfer a development once operational to another undertaker or undertakers and considered that there should be a robust mechanism for ensuring the funding for decommissioning is available in relation to potential future undertakers. It would welcome clarification on the funding needed to carry out decommissioning and how this would be secured from revenue generated by the proposed development. CWCC preferred that a decommissioning fund would be in place to avoid the need to resort to enforcement of decommissioning.</p> <p>The ExA is considering the risks and consequences of relying on enforcement of decommissioning, the pros and cons of establishing a decommissioning fund during the operational stage, whether that would be precise, enforceable, necessary, relevant to the development, and whether it would cause the applicant significant difficulty. The ExA notes the decommissioning fund provisions included in the Oaklands Farm Solar Park DCO recommended to the Secretary of State.</p> <p>The applicant [EV4-005, PD2-027] said that:</p> <ul style="list-style-type: none"> • it would be a criminal offence under s161 of the PA2008 to breach the dDCO [PD2-005] requirement to decommission • the national policy statement does not require decommissioning funding to be secured • its approach is consistent with recent Secretary of State's decisions • DCO provisions for a decommissioning fund were not necessary and it would not agree to them. <p>Please could the applicant provide any additional evidence to support its position and, on a without prejudice basis, suggest decommissioning funding wording for the dDCO that is based on the Oaklands Farm provisions?</p>
3. Ground conditions		
3.0 Baseline conditions		
Q3.0.1	The applicant	<p>Contamination sources</p> <p>Paragraph 10.1.4 of Chapter 10 Ground Conditions [APP-043] states that “where contamination sources outside of the OL may have the potential to affect the Site, these have also been considered”. Can the applicant provide evidence to demonstrate how it satisfied this statement?</p>
Q3.0.2	The applicant	<p>Mersey Estuary SSSI</p> <p>Paragraph 10.6.17. of Chapter 10 Ground Conditions [APP-043] states “The whole Site is located within a SSSI impact risk zone of the Mersey Estuary SSSI”. Can the applicant elaborate on the meaning of this statement?</p>

ExQ1	Question to:	Question:
3.1 Assessment		
Q3.1.1	The applicant	Ecological receptors Can the applicant summarise its approach to ecotoxicity and consideration of the potential effects on ecological receptors?
Q3.1.2	CWCC, EA, NE	Migratory pathways for contaminants Are you satisfied that the migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact sites of special scientific interest (SSSI) and ecology within surface water and terrestrial habitats would not be significant in EIA terms. If you disagree with the applicant's assessment, provide relevant justification and evidence to support your position.
3.2 Mitigation measures		
Q3.2.1	CWCC, EA, NA	Migratory pathways for contaminants Are you satisfied that migratory pathways for contaminants within soils and perched groundwater and soil dusts to impact SSSI and ecology can be mitigated by measures such as Groundwater and Surface Water Management Plan? If no, please provide justification and relevant evidence to support your position.
Q3.2.2	The applicant	Groundwater and Surface Water Management Plan Can the applicant clarify why mitigation applied during construction phase relies upon Groundwater and Surface Water Management Plan (GWSWMP) to be produced and implemented as part of oDEMP? (Refer to Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Mitigation Applied of Chapter 10 Ground Conditions [APP-043]).
Q3.2.3	The applicant	Remediation of soils Paragraph 7.7.14 of Chapter 7: Terrestrial Ecology [APP-040] states that soils types are returned in the order of removal. Can you expand on this statement particularly for permitted preliminary works?
Q3.2.4	The applicant	Geotechnical approach Paragraph 10.2.16 of Chapter 10 Ground Conditions [APP-043] states that "a geotechnical assessment will be completed following DCO approval, to inform detailed design and to mitigate any significant risks identified to the development from land instability". Can the applicant provide further information regarding its approach, the mechanism it would adopt to consult and approve, and clarify how was geotechnical works for land stability assessed in the ES?
Q3.2.5	The applicant	Ground mobilising water pollutants i) Can the applicant advise how it would mitigate against any disturbed ground that could mobilise surface water/ground water pollutants? ii) Has the applicant undertaken any soil sampling tests that shows suspended solids would settle prior to discharge to ground/watercourse/river? Has the ES considered the use of coagulants and/or flocculants?
Q3.2.6	CWCC, EA, NE	Mobile contaminants Are you satisfied that migration of leachable and otherwise mobile contaminants to groundwater within superficial deposits from soils and perched groundwater can be mitigated by the management practices noted by the applicant in its oCEMP [APP-136]? (Refer to Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Mitigation Applied of Chapter 10 Ground Conditions [APP-043]). If no, please provide justification and relevant evidence to support your position.
Q3.2.7	EA, Canal and Rivers Trust	Foundation and excavation works Do you have any outstanding concerns regarding the applicant's proposed methodology for foundation and excavation works in relation to the potential for mobilisation of contaminants or the potential for silt-laden runoff, given the continuity between the River Weaver and the Weaver Navigation watercourses? If so, can you provide details of your remaining concerns.
Q3.2.8	The applicant	Ground disturbance at the NBBMA Can the applicant clarify whether ground disturbance would occur during permitted preliminary works at the NBBMA?
Q3.2.9	CWCC, EA, NE	Mitigation approach for contaminants

ExQ1	Question to:	Question:
		Further to the Issue Specific Hearing 1 and item agenda 5h, can you advise if you are satisfied with the applicant's management approach to: <ul style="list-style-type: none"> i) Elevated concentration of lead ii) Polychlorinated biphenyls iii) Hydrocarbons in soils iv) Leachable contaminants from dredging materials v) Ground gases from the organic dredging silts and clay
Q3.2.10	The applicant	Waste permits Can the applicant clarify waste that will require a permit(s) and which waste would be registered as exempt?
Q3.2.11	The applicant	Study area Can the applicant clarify the extent of the study area which has been defined in paragraph 10.5.3 of Chapter 10 Ground Conditions [APP-043] as on or near to the site?
Q3.2.12	CWCC, EA	Approach to the risk management of land contamination <ul style="list-style-type: none"> i) Are you satisfied with the wording in Schedule 2, Requirement 1 of the draft DCO [PD2-005] in regard to the controls secured relating to further detailed investigation of ground contamination, including verification and remediation, specifically the wording of Requirement 1(c)? If not, please explain why not. ii) Are you satisfied with the wording in the oCEMP [PD2-015] in regard to detailed investigation of ground contamination, including verification and remediation? If not, please explain why not. iii) Are you satisfied with the wording in Schedule 2, Requirement 12(2)(c) of the draft DCO [PD2-005] in regard to the controls secured relating to unexpected contamination? If not, please explain why not. iv) Are you satisfied with the wording in the oCEMP [PD2-015] in regard to unexpected contamination? If not, please explain why not.
Q3.2.13	The applicant	Agriculture Can the applicant identify and quantify the land currently being grazed by livestock and summarise the effects of the proposed development on agriculture including agriculture land classification (ALC) during construction, operation and decommissioning?
Q3.2.14	CWCC, EA	Policy Are you satisfied that the proposed development meets paragraph 5.11.5 of NPS EN-1 that "Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance [Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance] as a minimum". If no, please provide justification and relevant evidence to support your position.
Q3.2.15	CWCC, EA, NE	Potential compaction and hydrological impact to peat Are you satisfied with the applicant's response [PD2-027] to CWCC's concern [RR-037] regarding potential compaction and hydrological impacts to peat, which state that ground investigation shows there is no peat present at depth which could be impacted by the proposed development? If not, please explain why not.
4. Biodiversity and ecology		
4.0 Baseline conditions		
Q4.0.1	The applicant	Zone of influence Can the applicant clarify if its zone of influence was the same as the extent of its ecological study data?
Q4.0.2	The applicant, CWCC, NE	Great Crested Newts Can you advise if restricted access to ponds/waterbodies within 0.5km of the Main Development Area could have a meaningful impact on the significance of effects assessment including mitigation for Great Crested Newts?
Q4.0.3	The applicant	Development buffer wintering birds

ExQ1	Question to:	Question:
		Figure 1- Zone of influence in the Ornithology Survey Report [APP-082] shows a 600m development buffer wintering birds. Can the applicant explain with evidence, why a 600m buffer was appropriate and how this buffer informed its ornithology assessment?
Q4.0.4	The applicant	Ecological study area and Dust Assessment Area Can the applicant clarify if the ecological study area for baseline conditions matched the Dust Assessment Area?
Q4.0.5	The applicant	Site surveys Can the applicant respond to Cheshire Wildlife Trust (CWT) relevant representation [RR-019] that many areas of the site were not surveyed across all years?
Q4.0.6	CWCC, NE, Cheshire Wildlife Trust (CWT)	Consideration of reptiles in the Environmental Statement Are you satisfied with the applicant's relevant representation response (reference CWACC7.85 [PD2-027]) that reptiles have been fully and appropriately considered in the Environmental Statement? If no, please provide justification and relevant evidence to support your position.
4.1 Species		
Q4.1.1	The applicant	Other species Can the applicant clarify if its ecological study of the skylark mitigation area included consideration of any other species?
Q4.1.2	CWCC, NE, CWT	Badger Paragraph 7.7.32 of Terrestrial Ecology [APP-040] notes that habitats will be largely retained and protected during the construction process. Can you please provide your comments on this statement and can NE confirm whether you intend to grant or refuse a licence to interfere with a badger sett for the purposes of the proposed development?
Q4.1.3	CWCC, NE, CWT	Badger and Otter Are you satisfied with the applicant's relevant representation response (reference CWACC7.88 [PD2-027]) that the proposed development would not adversely impact wildlife corridors or buffers? If no, please provide justification and relevant evidence to support your position.
Q4.1.4	The applicant, NE, CWCC	Bat Can you comment on whether spring surveys, additional static detectors, and surveys of the NBBMA would alter the conclusion of no significant residual effects on bats?
4.2 Flora and fauna		
Q4.2.1	The applicant	Habitats Can the applicant submit into the examination a summary table to quantify the impact of the proposed development on: <ul style="list-style-type: none"> • habitats <ul style="list-style-type: none"> i) hedgerows and quantify separately important hedgerows, ii) woodland and ancient woodland, iii) trees, with veteran trees and tree preservation orders identified, iv) ponds, v) ditches, vi) reedbed, vii) wetland, viii) grassland, and ix) neutral grassland • quantify total habitats loss (to those listed i-xi in the first bullet point) • new habitats (to those listed i-xi in the first bullet point) • habitat difference between new and the loss (to those listed i-xi in the first bullet point) • quantifying habitats earmarked for enhancement management (to those listed i-xi in the first bullet point)
Q4.2.2	The applicant	Flora For notable flora, such for example bluebell, can the applicant confirm the potential affected area size in ha and summarise its approach to mitigate?
4.3 Management Plans/ Strategy		
Q4.3.1	The applicant	Environmental masterplan

ExQ1	Question to:	Question:
		Can the applicant clarify if the environmental masterplan is indicative or an illustration? The title heading above paragraph 7.7.1 in ES chapter 7 [APP-040] is “Indicative Environmental Masterplan”, and also paragraph 7.7.2 starts with “An indicative Environmental Masterplan...” However the relevant Figure 2-3 is called “Illustrative Environmental Masterplan”
Q4.3.2	The applicant	Outline Landscape and Ecology Management Plan The Outline Landscape and Ecology Management Plan (oLEMP) [PD2-023] refers to long-term management and maintenance. Can the applicant: <ul style="list-style-type: none"> i) Confirm the duration of this time period? ii) Explain how long-term management and maintenance is to be safeguarded by a future service provider? iii) Explain how management and maintenance would be funded and whether transfer of the Order would affect this approach?
Q4.3.3	The applicant	Outline Construction Environmental Management Plan Paragraph 4.1.36 of the Outline Construction Environmental Management Plan (oCEMP) [PD2-015] notes that sensitive lighting strategy should ensure that lighting is not directed towards the NBBMA. Can the applicant confirm what would be the lighting strategy on functional linked land?
4.4 Mitigation measures		
Q4.4.1	The applicant	Non-Breeding Bird Mitigation Area (NBBMA) Paragraph 8.7.5 of Chapter 8 Ornithology [APP-041] notes the NBBMA as 66.7ha. However, paragraph 4.2.3. of Volume 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096] states that the NBBMA covers an area of approximately 52.1ha and is located across the MSCDDG Cell 3 plus the area to the north of MSCDDG Cell 3, some of which forms part of the Frodsham Marshes SSSI. Furthermore in paragraph 5.2.6 it states that that “Part of the north section of the NBBMA forms part of the Mersey SSSI and Mersey Estuary SPA”. Taking into account the above statements can the applicant confirm the area in ha for the following: <ul style="list-style-type: none"> i) Total NBBMA size ii) Neutral grassland size in the NBBMA iii) Grassland size in the NBBMA iv) Wetland size in the NBBMA v) and clarify whether the NBBMA and any associated works would encroach into the Mersey SSSI and Mersey Estuary SPA?
Q4.4.2	CWCC, NE, CWT, MECG	NBBMA Are you satisfied with: <ul style="list-style-type: none"> i) The applicant’s Cleeve Hill Solar Park mitigation method to calculate the amount of NBBMA required to accommodate the types of non-breeding bird utilising the OL ii) The relevant representation response (reference CWACC7.51 [PD2-027]) that the NBBMA would provide adequate mitigation If no, please provide a summary and reasons for your position.
Q4.4.3	The applicant, CWCC, NE	Frodsham windfarm mitigation areas Can you respond to CWT’s relevant representation [RR-019] that the applicant should not be re-allocating Frodsham windfarm mitigation areas for its NBBMA and should be providing additional mitigation areas on top of that?
Q4.4.4	The applicant	Retention of mitigation measures Can the applicant advise if any incorporated mitigation and enhancement mitigation, and any additional mitigation and enhancement measures, would not be retained following handover of the land to the landowner.
Q4.4.5	The applicant	Skylark mitigation area Can the applicant advise on: <ul style="list-style-type: none"> i) How existing land utilised by skylark has informed the location and size of the proposed skylark mitigation area including how noise from the adjacent motorway was considered?

ExQ1	Question to:	Question:
		ii) The influence of song by the skylark to establish and maintain nesting territory (and therefore breeding success), and whether this could be inhibited by the ambient noise levels?
Q4.4.6	CWCC, NE, CWT	Mersey SSSI Are you satisfied that the mitigations proposed by the applicant will mitigate any harmful aspects of the proposed development on the Mersey SSSI and, where possible, would conserve and enhance the SSSI affected by the proposed development?
4.5 Assessment		
Q4.5.1	CWCC, NE, CWT, Mersey Estuary Conservation Group (MECG)	Environmental Statement conclusions for terrestrial ecology Are you content with the applicant's assessment in its Terrestrial Ecology Chapter 7 (Vol 1) [APP-040] that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.
Q4.5.2	The applicant	Potential impacts of decommissioning works on the proposed mitigation areas Can the applicant clarify if the ES has assessed the potential impacts of decommissioning works on the proposed mitigation areas such as NBBMA and skylark mitigation area?
Q4.5.3	The applicant	Fragmentation of connecting habitat/ commuting routes Can the applicant clarify whether fragmentation of connecting habitat/ commuting routes within and adjacent to the OL have been assessed?
Q4.5.4	NE, CWCC, CWT, MECG	Impacts on Local Wildlife Site (LWS) Can you advise if you agree with the applicant's assessment that although there would be significant temporary adverse effects on Frodsham, Helsby and Ince Marshes LWS during the construction phase, and that there would be significant positive effects in the medium-long term? If you disagree with the applicant's assessment, please provide justification and evidence to substantiate your position.
Q4.5.5	The applicant CWCC, NE, CWT, MECG	Frodsham, Helsby and Ince Marshes LWS Can the applicant confirm if its significance of effects conclusion (during permitted preliminary works/construction, operation, and decommissioning stages) took into account Frodsham, Helsby and Ince Marshes LWS qualifying features? If any party believes the applicant's significance of effects conclusion omitted any qualifying features associated with Frodsham, Helsby and Ince Marshes LWS, please provide justification and evidence to substantiate your position.
Q4.5.6	CWCC, NE, CWT, MECG	Noise assessment Are you satisfied with the applicant's noise assessment and that there would be no significant effect on any species? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.
Q4.5.7	CWCC, NE, CWT	Biodiversity net gain metric Are you satisfied that the latest BNG metric [PD2-032] : i) Follows best practice/guidance? ii) Contains the necessary information? iii) That habitat, hedgerow and watercourse are classified accurately? iv) The metric results are correct? If no, please provide justification and relevant evidence to support your position.
Q4.5.8	CWCC, NE, CWT	Biodiversity net gain proposal Are you satisfied with the Applicant's assessment that the proposed development will deliver a measurable gain in biodiversity units? The project design committed to achieving a minimum increase of 10 % in habitat and hedgerow units and no net loss in watercourse units (paragraph 7.7.66 of ES Chapter 7: Terrestrial Ecology [APP-040]. If no, please provide justification and relevant evidence to support your position.
4.6 Policy		

ExQ1	Question to:	Question:
Q4.6.1	The applicant	NPS EN-1 Paragraph 5.4.44 of NPS EN-1 states that ‘the Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained’. Can the applicant provide suitable wording for a Biodiversity Net Benefit Requirement in its dDCO? (For reference, see example R8 in the made order for EN010142-001365-Development Consent Order Tillbridge Solar Project.pdf)
Q4.6.2	The applicant, CWCC, NE, CWT	NPS EN-1 Can you comment whether paragraph 4.6.7 of NPS EN-1 has been satisfied which notes that the latest version of the biodiversity metric is encouraged and that calculation data for biodiversity baseline and present planned biodiversity net gain outcomes are presented in full as part of the application?
Q4.6.3	CWCC, NE, CWT, MECG	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: paragraph 4.6.15 Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project. If no, please provide justification and relevant evidence to support your position.
Q4.6.4	CWCC, NE, CWT, MECG	NPS EN-1 Are you satisfied that the proposed development meets the following paragraph in NPS EN-1: 5.4.22 The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure.
5. Habitats Regulations Assessment		
5.0 Baseline		
Q5.0.1	The applicant	Non-breeding bird surveys Can the applicant provide further justification as to why the non-breeding bird surveys undertaken are considered to be robust and adequate in supporting the Habitats Regulations Assessment (HRA) Report’s [PD2-009] conclusions of no adverse effects on integrity (AEol) on the qualifying non-breeding waterbirds and the wider waterbird assemblage of the Mersey Estuary SPA and Ramsar site, given the identified data gaps for certain months and site areas surveyed?
5.1 Assessment		
Q5.1.1	The applicant	Construction noise NE in its relevant representation [RR-012] notes that the project would result in significant noise disturbance and displacement of qualifying bird features for Mersey Estuary Special Protection Area (SPA) and Mersey Estuary Ramsar. Can the applicant provide evidence to show that construction noise would not result in significant noise disturbance and disturbance to the qualifying features for these designated sites?
Q5.1.2	The applicant	Noise contours Can the applicant provide plan maps into the examination showing predicted noise contours in 5dB increments from 55dB upwards for both LAeq and LMax levels for the Mersey Estuary SPA including functional linked land, the Mersey Estuary Ramsar, and the Mersey Estuary SSSI?
Q5.1.3	NE	NE’s conclusions on likely significant effects and AEol Can NE confirm whether it agrees with the applicant’s conclusions in respect of likely significant effects and AEol for the European sites and features considered in the Information to Inform Habitats Regulations Assessment (the HRA Report) [PD2-009] which are not specifically referenced in its RR [RR-012] ?
Q5.1.4	NE	Functionally linked land

ExQ1	Question to:	Question:
		NE in its RR [RR-012] highlights concerns in relation to the definition utilised for functionally linked land (FLL) and the need for the HRA to ensure the assessment considers the SADA as a whole as FLL and provide suitable mitigation for all FLL affected. The applicant provided an updated HRA Report [PD2-009] at Procedural Deadline B which incorporates additional data analysis and clarifies the applicant's approach to FLL. Can NE confirm whether it is content that its comments in relation to this matter have been resolved and whether they consider the proposed NBBMA to be sufficient for the entire SADA?
Q5.1.5	NE, CWCC	<p>In-combination assessment</p> <p>NE [RR-012] and CWCC [RR-037] have provided advice on the approach and projects to be considered within the in-combination assessment. The applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] submitted at Procedural Deadline B provides a response to the matters raised.</p> <p>Can NE and CWCC confirm whether they agree with the applicant's approach and projects to be considered within the in-combination assessment?</p>
Q5.1.6	The applicant	<p>Impact pathways</p> <p>Table 7-1 of the HRA Report [PD2-009] does not clearly define which designated site each impact pathway applies to. Can the applicant please update the HRA Report accordingly, ensuring the report is clear in what it is referring to? The screening assessment should clearly set out which impact pathways apply to the relevant European sites, to which features and to which phases of the proposed development and where impact pathways have been screened out robust justification should be provided.</p> <p>Accordingly, the ExA requests a summary table of all European sites and qualifying features and each pathway of effect considered at each HRA stage (screening, appropriate assessment/AEol, and the derogations, as applicable), for each phase of the proposed development (construction, operation, and decommissioning, as relevant).</p>
Q5.1.7	The applicant, NE, CWCC,	<p>Redshank</p> <ul style="list-style-type: none"> i) Can you confirm if passage redshank is a qualifying feature of the Mersey Estuary SPA and whether it should appear as such in Chapter 8 of the ES [APP-041] and the Information to Inform the Habitats Regulations Assessment [PD2-010]? ii) If so, and noting that redshank was recorded in ornithological surveys during September [APP-082], for example, should the assessment of possible AEol in relation to redshank from the Mersey Estuary SPA (including those using the functionally linked land) clearly address the wintering flock and the passage flock separately? iii) Which months of the year might passage redshank be expected to be present, and do the ornithological surveys adequately cover these autumn and spring periods in terms of the survey dates and the number of surveys carried out? iv) Could disturbance avoidance mitigation measures of a similar nature to those identified to avoid an AEol of the wintering qualifying bird species be required to avoid an AEol of a passage redshank qualifying feature? v) Noting the intention to start construction works on the non-breeding bird mitigation area in March and the possibility of these extending into November, could these include extended seasonal restrictions on noisy and otherwise disturbing construction activities in addition to physical mitigation commitments? If so, what should these be?
Q5.1.8	The applicant	<p>European site conservation objectives and current status</p> <p>The conservation objectives and 'threats and pressures' for each European site are described in section 6.4 of the HRA Report [PD2-009]. However, the current conservation status of the European sites is not identified. The ExA requests this information for each European site considered in the HRA along with confirmation of whether they are in favourable or unfavourable condition.</p>
Q5.1.9	The applicant	<p>Zone of influence</p> <p>The HRA identifies European sites within a Zone of Influence (Zoi) of 10km from the OL.</p> <ul style="list-style-type: none"> i) Can the applicant provide a justification as to why the 10km Zoi buffer utilised is considered sufficient? The applicant is requested to consider NE's definition of FLL in its response. ii) Can NE confirm whether it considers that any additional European sites should have been identified in addition to those already identified within the HRA Report?
Q5.1.10	The applicant	<p>Qualifying features</p> <p>Several of the qualifying features for the European sites listed in Table 6-2 of the HRA Report [PD2-009] are missing. Can the applicant please update this information and ensure that the correct information is reflected throughout the HRA Report, and the relevant qualifying features are assessed?</p>

ExQ1	Question to:	Question:
Q5.1.11	The applicant	Potential hydrological impacts on FLL The potential hydrological impacts on the surrounding FLL from the proposed re-engineering of Cell 3 during both construction and operation have not been addressed in the HRA Report [PD2-009] . The ExA requests that hydrological connections to the surrounding FLL should be assessed and detailed within the HRA Report.
Q5.1.12	The applicant	Possible environmental impacts from unexploded ordnance detonations The ES Appendix 10-1 Stage 1 Geo-Environmental Assessment [APP-096] identifies the potential for unexploded ordnance (UXO) at the site. i) Can the applicant please confirm whether the HRA and ES ecological assessments have taken into account the impact of any possible detonations? ii) The ExA requests an assessment be provided on possible environmental impacts from unexploded ordnance detonations where there is potential for an AEol (HRA related) on European site qualifying features or the potential for likely significant effects on ecological receptors (environmental impact assessment (EIA) related).
5.2 Mitigation		
Q5.2.1	NE, CWCC	Mitigation proposals for habitat loss affecting SPA species NE [RR-012] and CWCC [RR-037] state that they do not consider that sufficient information has been provided to demonstrate that the mitigation proposals for habitat loss for SPA species are satisfactory. The applicant provided further information in the updated NBBMS (contained within the OLEMP [PD2-023]) which included a Water Balance Report (Annex 4) at Procedural Deadline B. i) Can NE and CWCC confirm whether they consider adequate information has been provided to demonstrate that the mitigation proposals for habitat loss affecting SPA species are satisfactory, and if not, identify any outstanding issues? ii) Additionally, can they confirm whether they are satisfied with the updated details on the long-term management of the mitigation area?
Q5.2.2	The applicant, NE, CWCC	Quantity and type of habitat loss Limited detail has been provided within the HRA Report [PD2-009] with regard to the quantity and type of habitat loss. i) Can the applicant please provide further detail on these matters including reference to the timeframes for each proposed habitat component within the NBBMS to become functional? ii) Can NE and CWCC confirm whether they agree with the applicant's proposed NBBMA habitat components and whether they consider the NBBMA to be of a sufficient size and habitat makeup to mitigate for the loss of land within the entire SADA?
6. Historic environment		
6.0 Historic environment		
Q6.0.1	CWCC	Peat deposits - CWCC comments CWCC commented on the investigation and assessment of peat deposits in its relevant representation [RR-037] , including in paragraphs 8.7 and 8.8. The applicant responded [PD2-027] . Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037] ?
Q6.0.2	Cheshire Archaeology Planning Advisory Service (CAPAS), Historic England (HE)	Ventilation shafts The applicant [APP-044] refers to a worst case of complete removal of possible ventilation shafts (Asset 16), mitigation to record them prior to demolition, and mitigation to provide for the protection and retention of any that would not need to be lost or damaged by the proposed development. Please could CAPAS and HE comment on: i) The value of the ventilation shafts as historic assets? ii) The adequacy of the applicant's proposed mitigation measures? iii) If (and if so, why) it should be firmly secured that one or more of these structures should be retained?
Q6.0.3	CAPAS, HE	Archaeology – potential assets

ExQ1	Question to:	Question:
		<p>The applicant [APP-044] said that the only existing records of prehistoric archaeology from within the 1 km study area were several chance finds, including two middle bronze age socketed spearheads, that were found on Frodsham Marsh and probably within the site.</p> <p>Please could CAPAS and HE comment on:</p> <ul style="list-style-type: none"> i) The potential for other archaeology within the site? ii) With reference to paragraph 5.9.6 of the Overarching National Policy Statement for Energy, the potential for non-designated heritage assets of archaeological interest to be present that are demonstrably of equivalent significance to Scheduled Monuments?
Q6.0.4	CAPAS, HE	<p>Archaeology - mitigation</p> <p>Requirement 18 of the dDCO [PD2-005] secures measures in relation to an archaeological mitigation strategy.</p> <p>The applicant [AS-001] has submitted an oWSI [AS-029] which it said addresses the areas proposed to be subject to a WSI within section 11.9 of the assessment [APP-044].</p> <ul style="list-style-type: none"> i) Are CAPAS and HE content with Requirement 18 of the dDCO [PD2-005] and the oWSI [AS-029]? ii) If not, what changes should be made, and why?
7. Landscape and visual		
7.0 Landscape and visual		
Q7.0.1	CWCC	<p>Landscape and visual - CWCC comments</p> <p>CWCC commented on landscape and visual matters in its relevant representation [RR-037], including in paragraphs 2.9, 2.10, 2.11, 2.12, 6.4, 6.5, 6.7, 6.8, 6.9, 6.10, 6.12, 6.13, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.33, 6.35, 6.36, and 6.38. The applicant responded [PD2-027].</p> <p>Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?</p>
Q7.0.2	The applicant	<p>Frodsham Hill War Memorial</p> <p>Please could the applicant respond to the concerns raised in relevant representations about the visual effects at Frodsham Memorial, including those raised by Christine Webber [RR-015], Ruth Carol Basden [RR-025], Tom Esser [RR-028], CWCC [RR-037], and Climate Action Frodsham [RR-040]?</p>
Q7.0.3	The applicant, CWCC	<p>Security fencing and alternatives to fencing</p> <p>CWCC [APP-039] said that the proposed development should aim to minimise the use and height of security fencing and that where possible existing features, such as hedges or landscaping, should be used.</p> <p>The applicant [APP-039] referred to paragraphs 2.4.152 to 2.4.157 of ES Chapter 2 [APP-035] and said that the fencing would typically be 2.0m high wire-mesh deer fencing.</p> <ul style="list-style-type: none"> i) Please could the applicant set out how it proposes to mitigate the landscape and visual impact of security fencing and respond to CWCC's regarding the use of existing features? ii) Does CWCC have any comments about how mitigation measures in relation to the design of security fencing and alternatives to fencing should be secured?
Q7.0.4	CWCC	<p>Trees and hedges</p> <p>CWCC [APP-039] said that the ES should be accompanied by an arboricultural and hedgerow assessment to assist with the landscape assessment.</p> <p>The applicant [APP-039] referred to ES Chapters 7 and 8 [APP-040], [APP-041] and said that ecology surveys included the tree and hedgerow vegetation within the OL.</p> <p>Does CWCC have any outstanding concerns?</p>
Q7.0.5	The applicant, United Utilities Water Limited (UW)	<p>United Utilities Water Limited assets</p> <p>United Utilities Water Limited [RR-006] raise concerns about the potential for changes in ground level, landscaping and planting to impact its assets.</p>

ExQ1	Question to:	Question:
		i) Please could the applicant comment on how these assets would be protected, and how this is secured? Are there similar issues for other buried utilities? ii) Please could Uuw provide updates on its position during the examination?
Q7.0.6	CWCC	Cheshire Sandstone Ridge The applicant [APP-039] said that in 2021 the Cheshire Sandstone Ridge was shortlisted for potential designation as an Area of Outstanding Natural Beauty, noting that they were renamed as National Landscapes in 2023. It referred to CWCC saying that the proposals to designate were at an early stage and that there were no draft special qualities or draft management plan available. The applicant said CWCC agreed that no specific assessment was required in relation to the draft National Landscape, but the sensitivity of the area should be recognised. i) Please could CWCC provide an update on the potential designation? ii) Is CWCC satisfied that the applicant has considered the potential designation appropriately?
8. The water environment		
8.0 Assessment		
Q8.0.1	The applicant, EA, Marine Management Organisation (MMO)	Tidal influence of the River Weaver Can you advise if the application considers tidal influence of the River Weaver and whether a tidal influence exists between the River Weaver and the main rivers within the OL?
Q8.0.2	The applicant	Mean high water springs data Can the applicant advise how it has considered mean high water springs data and its contribution to defining the design flood level of 6.52m Above Ordnance Datum (AOD)?
Q8.0.3	CWCC, NE, EA	ES conclusions Are you content with the applicant's assessment that there would be no residual significant effects as a consequence of the proposed development? If you disagree with the applicant's assessment, please provide justification and relevant evidence to support your position.
8.1 Mitigation Measures		
Q8.1.1	The applicant	Clarification of any proposed works below the mean high water springs mark or within the tidal influence Table 9-13 Sensitivity of receptors of Chapter 9 Risk and Surface Water [APP-042] states that main rivers on site are hydrologically linked to The River Weaver which is a Water Framework Directive (WFD) waterbody with a 'moderate' ecological classification and a 'fail' chemical classification. Can the applicant summarise how the proposed development would not result in any works, below the mean high water springs mark or in any tidal river to the extent of the tidal influence?
Q8.1.2	The applicant, EA, MMO	Licence/Consents Can parties advise if a licence/consent/permit would be required from the MMO and /or EA to construct works such as an area to accommodate foundation/pole to string the conductors across the River Weaver?
Q8.1.3	The applicant	Surface and groundwater management Can the applicant summarise its management arrangements and controlling documents during the permitted preliminary works for surface and groundwater management?
Q8.1.4	The applicant, CWCC, NE, EA	Sampling and analysis Can you summarise what sampling and analysis of the water environment should/would be undertaken prior and during the permitted preliminary works?
Q8.1.5	CWCC, EA	Water Framework Directive i) Are you content that the proposed development has regard to the current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19)?

ExQ1	Question to:	Question:
		ii) Would the proposed development cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met?
8.2 Flood risk		
Q8.2.1	The applicant, EA, CWCC	Flood risk and coastal change - 7- Planning Practice Guidance (PPG) Can you advise if the update to Flood risk and coastal change - 7- Planning Practice Guidance (PPG) dated 17 September 2025 Flood risk and coastal change - GOV.UK necessitates further work by the applicant on its sequential approach?
Q8.2.2	EA, CWCC	NPS EN-1 Are you satisfied that the proposed development meets paragraph 5.8.12 of NPS EN-1 that “Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage, and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques”?
Q8.2.3	EA, CWCC	NPS EN-1 Are you satisfied that the proposed development meets paragraph 5.8.41 of NPS EN-1 that “Energy projects should not normally be consented within Flood Zone 3b, or on land expected to fall within this zone within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows”?
Q8.2.4	The applicant	Flood Zone 3 i) What proportion of the solar array development area, in percentage and area terms, is within Flood Zone 3a and 3b? ii) What is the estimate of the power generation from these areas?
Q8.2.5	The applicant	Sequential test and site selection i) What justification was there for the limitation of a 5km search area for this proposed development when other solar NSIPs have used significantly greater search areas, some in excess of 10km? ii) Can you explain the policy basis for limiting the search area to 5km? iii) Can you explain how the approach you have taken to the sequential test complies with the requirements of NPS-EN1 and the Planning Practice Guidance?
Q8.2.6	The applicant	Construction compound flood risk i) The ExA notes your response [PD2-027] to CWCC’s concern in its RR [RR-037] regarding to the location of construction compounds with regards to flood risk and your statement that the compounds are required to service the construction of the proposed development. Nevertheless, can you explain the sequential approach taken to the choice of location of these compounds in regard to flood risk? Can you explain if there are any possible other areas in which these construction compounds could be located which would be at a lower flood risk and service the construction of the proposed development? ii) Can you explain how the proposed construction compounds would operate (including any temporary storage of materials), to avoid impeding water flow or increasing flood risk elsewhere? Can you confirm what commitments have been proposed to manage flood risk on the construction compounds in the event of a flood during construction and how these commitments would be secured?
Q8.2.7	CWCC	The sequential test The ExA notes the applicant’s responses [PD2-027] to your concerns regarding the sequential test in your RR [RR-037] . Can you update the ExA with your latest views on the sequential test in light of the recent meeting held with the applicant on this matter [PD2-027] ?
Q8.2.8	EA	Relevant representation responses The applicant’s responses [PD2-027] to your relevant representation (RR) [RR-024] suggest resolution has been achieved for the following issues; EA001, EA002, EA003, EA004, EA005, EA008, EA009, EA012, EA013, EA015, EA017, EA019, EA021, EA026, EA027 and EA028. Please confirm if these issues are now fully resolved. If not, please provide details of outstanding matters in relation to these issues, together with any suggestions as to how they might be resolved.

ExQ1	Question to:	Question:
Q8.2.9	The applicant, EA	Flood Risk Activity Permits (FRAPs) Can you update the ExA with details of any outstanding matters in relation to the proposed disapplication of the FRAPs within the protective provisions of the draft DCO [PD2-005] ?
Q8.2.10	EA	Position of bridge abutments and soffit level i) Can you confirm whether the additional information provided by the applicant in Appendix A to their Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] is sufficient or whether any further information is required? ii) Can you confirm if the updated protective provisions in Schedule 23 of the draft DCO [PD2-005] are adequate? iii) Can you confirm if the updated design requirements within the Outline Construction Environmental Management Plan - P02 (oCEMP) [PD2-015] are adequate?
Q8.2.11	EA	Potential risks associated with embedding cables within the proposed crossings i) The ExA notes you suggested [RR-024] issue EA010] outstanding matters with potential risks associated with embedding cables within the proposed crossings could be addressed at the detailed design stage, if the applicant provides adequate commitments secured in the draft DCO. Can you confirm if this is your current view and whether the current dDCO addresses your concerns? ii) Can you update the ExA as to whether you consider the information provided by the applicant in Appendix B - Technical Note Integrity of New Bridges in Flood Event (14740-WCD-XX-XX-TN-S-001) [PD2-027] is adequate? If not, can you provide details of any outstanding matters in relation to this issue and how they might be resolved?
Q8.2.12	EA	Flood warning, evacuation plan and post flood actions i) Can you confirm whether information in the Outline Flood Warning and Evacuation Plan P02 [PD2-028] is sufficient to resolve your concerns regarding works undertaken during high astronomical tides [RR-024] issue EA011]? ii) Can you confirm if the updates made by the applicant to the Outline Operational Environmental Management Plan (oOEMP) [PD2-017] to inspect flood defences annually, report defects to the Environment Agency and to inspect bridges after flood events for damage and repaired as necessary, are sufficient to resolve your concerns?
Q8.2.13	EA	Cable decommissioning Can you confirm whether the applicant's update to the Outline Decommissioning Environmental Management Plan [PD2-019] regarding removal of cables as part of the decommissioning works, where this results in the best environmental outcome, is sufficient to resolve your concerns?
Q8.2.14	The applicant	Cable decommissioning Can you confirm: i) The process to be undertaken to determine the best environmental outcome from balancing the impact of disturbance from cable recovery against the sustainability benefits of recycling the cables? ii) Which organisation would be consulted and who would ultimately take the decision as to whether cable removal from the site would result in the best environmental outcome?
Q8.2.15	EA	Height for above ground cable crossing of the River Weaver Can you confirm whether the applicant's response to your concern [RR-024] issue EA014] is sufficient, or whether you have outstanding concerns?
Q8.2.16	CWCC, EA	Frodsham pumping station Can you confirm whether you have any concerns regarding the ongoing use of Frodsham pumping station in relation to this application?
Q8.2.17	The applicant	Presence of public sewers i) UUW disagrees [RR-006] with the statement in the Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 [AS-019] , that there are no public sewers crossing the site of the proposed development. Can you update the ExA with the outcome of discussions with UUW in regard to this issue, including any implications for the flood risk assessment?

ExQ1	Question to:	Question:
		ii) UUW raises concerns in its RR [RR-006] regarding potential impacts on its drainage assets. Can you update the ExA with the outcome of discussions with UUW in regard to this issue, including any implications for the flood risk assessment for the proposed development? iii) UUW states in its RR [RR-006] that it will not accept the connection of any dewatering proposals to the public sewer. Can you respond to this statement, stating whether the position held by UUW has any implications for the proposed development?
Q8.2.18	The applicant, EA	Flood risk development lifetime The ExA notes the Environment Agency's concern [RR-024] issue EA024] that flood risk has only been assessed up to the year 2075. Schedule 2 of the draft DCO would enable commencement of the authorised development at year 5 from the date the Order comes into force. Please comment on the suggestion of a requirement being added to Schedule 2 of the draft DCO to say if for any reason activity was proposed at a later date to persist beyond 2075, then a new flood risk assessment would be required.
Q8.2.19	EA	Hydraulic Modelling Report Addendum Can you provide any general comments you have on the applicant's additional modelling presented in the Hydraulic Modelling Report Addendum [PD2-030] . In addition, can you provide comments in relation to your concern [RR-024] issue EA018] regarding the possible underestimation of flood risk impacts from structures associated with new permanent and temporary crossings?
8.3 Other water related matters		
Q8.3.1	The applicant	Water supply Can you confirm whether any water supply would be required for any stage of the proposed development (construction, operation or decommissioning)? If so, what is the volume and duration of water estimated to be required and has this requirement been discussed and agreed with UUW?
Q8.3.2	EA	Risk of chemical and fuel spillages near sensitive water receptors during the operational phase Do the amendments the applicant has made to Table 5-5 of the oOEMP [PD2-017] to reflect the same requirements as the oCEMP [PD2-015] allay your concerns in relation to the risk of chemical and fuel spillages near sensitive water receptors during the operational phase? If not, please specify what further amendments should be made.
Q8.3.3	The applicant	Water Framework Directive terminology The EA has raised concern [RR-024] issue EA026] regarding the use of out of date terminology in the Environmental Statement: Volume 2 Appendix 9-2: Water Framework Directive Assessment [APP-089] . The ExA notes you state the change in terminology would not affect the outcome of the assessment [RR-024] . However, in the interest of clarity, the ExA requests you to update this appendix using the correct terminology and resubmit the update into the examination.
Q8.3.4	EA	Non Breeding Bird Mitigation Area (NBBMA) Do the applicant's responses [PD2-027] allay your concerns in relation to issues EA029, EA030 and EA031 [RR-024] regarding controlled water management for wetland areas of the NBBMA, water quality monitoring of the NBBMA and timing of the construction of the NBBMA? If not, please provide further details.
9. Other planning issues		
9.0 Air quality		
Q9.0.1	The applicant CWCC	Air Quality Management Areas (AQMA) i) Please could the applicant advise whether the proposed development would cause an increase in the number of vehicle movements through any AQMA? ii) If so, and with reference to paragraph 5.2.12 of NPS EN-1, please could the applicant provide its consideration of whether the proposed development would be likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/ strategy? iii) Please could CWCC comment?
Q9.0.2	The applicant	Dust assessment

ExQ1	Question to:	Question:
		<p>The applicant provided a construction dust assessment [APP-055]. Dust assessments were not provided for cumulative effects or for the operational or decommissioning phases. Demolition works were not considered.</p> <ul style="list-style-type: none"> i) Is there is any potential for significant impacts arising from demolition works and/ or cumulative effects with other developments during the construction, operational, or decommissioning phases? ii) Dust mitigation measures are provided in the oCEMP [PD2-015]. Should they also be provided in the oOEMP [PD2-017] and in the oDEMP [PD2-019]? iii) The residential caravan sites are identified as being at greatest risk. Should specific mitigation measures be provided for those receptors?
9.1 Glint and glare, aviation and defence		
Q9.1.1	CWCC	<p>Glint and glare – residential amenity</p> <p>The Glint and Glare Assessment [APP-056] said that 15 dwellings would experience glint and glare effects for more than three months per year, but for less than 60 minutes on any given day. ES Chapter 6 [APP-039] included that CWCC said that potential glint and glare effects could impact on residential amenity. The applicant [APP-039] said that mitigation of new planting and antireflective coating to the solar panel would reduce glint and glare effects and considered it very unlikely that the threshold upon which material effects on residential visual amenity would occur would be exceeded by the proposed development.</p> <p>Does CWCC have any remaining concerns about potential glint and glare effects on residential amenity?</p>
Q9.1.2	The applicant	<p>Glint and glare – public rights of way</p> <p>Please could the applicant set out the consideration given to potential glint and glare effects on users of public rights of way?</p>
Q9.1.3	The applicant	<p>Glint and glare – aviation, meteorological radars, other defence assets, cumulative impacts</p> <p>The applicant provided a Glint and Glare Assessment [APP-056]. The Planning Statement [APP-128] says that the nature of the proposed development would be such that it would not present an unacceptable risk to local or UK defence.</p> <ul style="list-style-type: none"> i) With reference to paragraphs 5.5.37 and 5.5.39 of NPS EN-1, please could the applicant set out any other consideration given to potential impacts due to glint and glare or any other effects on: <ul style="list-style-type: none"> • civil or military aviation communications, navigation and surveillance infrastructure other than John Lennon Airport • meteorological radars • other defence assets ii) Please could the applicant set out the consideration given to the potential for cumulative glint and glare impacts with other developments?
9.2 Green Belt		
Q9.2.1	The applicant, CWCC	<p>Green Belt – CWCC comments</p> <p>CWCC commented on Green Belt matters in its relevant representation [RR-037], including in paragraphs 5.8, 5.10, 5.11, 5.13, 5.15, 5.19, 5.20, 5.21, 5.25, 5.26, 5.29, 5.33, 5.37, 5.38, 5.39, and 5.41. The applicant responded [PD2-027].</p> <ul style="list-style-type: none"> i) Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]? <p>In its relevant representation [RR-037] CWCC commented on ‘Footnote 7’ matters, including in paragraphs 5.43, 5.44, 5.45 and 5.46. It also commented on the ‘Remainder of Paragraph 155 of NPPF’, including in paragraphs 5.48, 5.49, 5.53, 5.54, 5.62, 5.67, and 5.68.</p> <ul style="list-style-type: none"> ii) Please could the applicant respond to CWCC’s comments, using the same paragraph numbering as CWCC?
9.3 Human health, fire risk, safety and security		
Q9.3.1	The applicant, CWCC	<p>Safety – CWCC comments</p>

ExQ1	Question to:	Question:
		CWCC [RR-037] paragraph 12.12] recommended that the applicant contact its Emergency Planning team in relation to flood risk, proximity to hazardous installations/ pipelines, and fire safety associated with the Battery Energy Storage System (BESS). The applicant [PD2-027] subsequently reported on a meeting with the Lead Emergency Planning Officer of the Joint Cheshire Emergency Planning Team. Does CWCC have any outstanding concerns?
Q9.3.2	The applicant	<p>BESS</p> <p>National Highways [RR-031]:</p> <ul style="list-style-type: none"> expressed caution regarding BESS proposals due to the lack of UK-specific safety and design standards said that it could not verify the safety of BESS installations near the strategic road network (SRN) recommended that any BESS application be assessed against the National Fire Chiefs' Council (NFCC) Guidance, especially regarding access for emergency services and fire suppression capabilities said that it would expect to be involved in the approval of the battery safety management plan and for this to be included in Requirement 7 of the dDCO [PD2-005] <p>The applicant [PD2-027] replied that the Outline Battery Safety Management Plan [APP-139] had been submitted with reference to NFCC Guidance and the fire and rescue service would be consulted. It saw no need for National Highways to be consulted on this plan.</p> <p>i) Please could the applicant set out the consideration given to SRN safety issues in relation to the BESS?</p> <p>ii) Please could the applicant justify why there would be no need for National Highways to be consulted on the Outline Battery Safety Management Plan [APP-139]?</p>
9.4 Noise, vibration and nuisance		
Q9.4.1	The applicant, CWCC	<p>Tranquillity</p> <p>The applicant [APP-128] considered that the area of the site was not perceived as 'tranquil' in the context of the National Planning Policy Framework.</p> <p>CWCC [RR-037] paragraph 12.3] suggested that the proposed development would impact on the "acknowledged relative tranquillity of the area of this locally valued landscape" and said that adding noise into a tranquil area should be included as part of the overall assessment of the impact of the proposed development.</p> <p>The applicant [PD2-027] replied that:</p> <ul style="list-style-type: none"> tranquillity was understood as a perceptual quality influenced by both sound and visual context the existing environment within and around the site was influenced by notable sources of human activity that would reduce the area's overall sense of tranquillity and that once away from the main transport corridors, parts of the site 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 the noise and vibration assessment demonstrated 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 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 <p>i) Please could the applicant provide a detailed justification of why it considers that no parts of the site, including those most remote from the M56 and Frodsham Wind Farm, should be considered 'tranquil'? What are the implications for the noise and landscape assessments if parts of the site are considered 'tranquil'?</p> <p>ii) Does CWCC have any outstanding concerns?</p>
Q9.4.2	The applicant, CWCC, NE	<p>Piling</p> <p>For the construction phase, the assessment [APP-054] assumed the use of non-percussive mini piling for the solar panels and non-percussive continuous flight augur piling for the BESS.</p>

ExQ1	Question to:	Question:
		To ensure the integrity of the assessment, should those piling methods be secured and should it be secured that percussive piling would not be permitted?
Q9.4.3	The applicant	Operational Phase The assessment for the construction phase [APP-054] is considered a worst case for any significant replacement campaigns during the operational period. For the operational phase, is it necessary to assess potential noise and vibration impacts from the combination of a worst-case replacement campaign with operational plant and equipment?
Q9.4.4	The applicant	Cumulative effects Please could the applicant set out the consideration given to cumulative noise and vibration impacts with other developments?
Q9.4.5	The applicant	Nuisance Article 8 (Defence to proceedings in respect of statutory nuisance) of the dDCO [PD2-005] includes a provision that offered a defence against proceedings for nuisance in relation to noise emitted from premises so as to be prejudicial to health or a nuisance. The noise assessment [APP-054] concluded that during construction, residual noise levels at all receptors were expected to be well below the Significant Observed Adverse Effect Level and operational noise levels were predicted to be very low at receptors. Given this assessment, is the proposed dDCO provision necessary and appropriate?
9.5 Socio-economics and public rights of way		
Q9.5.1	CWCC	Visitors' car park CWCC [RR-037] paragraph 11.2] said that further discussion was required to clarify the mechanisms for triggering the delivery of the visitors' car park on land to the north of Moorditch Lane as well as other matters including the responsibility for management and maintenance. The applicant [PD2-027] updated paragraph 4.1.7 of the oOEMP to include a commitment for the provision of the car park to be an agenda item on Community Liaison Group meetings during the operational phase. Is CWCC satisfied that the timing of the delivery of the car park is secured sufficiently and does it have any remaining concerns?
Q9.5.2	The applicant	Public rights of way – CWCC comments CWCC commented on public right of ways matters in its relevant representation [RR-037] , including in paragraphs 11.12, 11.13, 11.14, 11.15, 11.16, 11.17, 11.18, 11.19, 11.21, 11.23, 11.26, 11.27, 11.28, 11.31, 11.32, 11.33, 14.12, 19.18, 19.27, and 19.30. The applicant responded [PD2-027] . i) Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037] ? CWCC [RR-037] paragraph 19.28] said that there had been issues historically with fly-tipping on parts of the deposit grounds, and the management plan should provide details of measures to control this, particularly given likely increased accessibility of the site. It recommended a review of public rights of infrastructure, and removal of redundant structures, that stiles/gates should ideally be used to control livestock movement, and that stiles that act as a barrier to mobility should be removed. ii) Please could the applicant respond to CWCC's comments, using the same paragraph numbering as CWCC?
Q9.5.3	The applicant, NH	Public rights of way management plan – National Highways approval Referring to Requirement 15 of the dDCO [PD2-005] , National Highways [RR-031] said that it required an approval role in relation to any public rights of way management plan as it is the highway authority for the SRN and the SRN fell within the definition of a "street". The applicant [PD2-027] said that its proposals in terms of managing impacts to public rights of way related to public rights of way that were some distance away from the bridges which pass over the SRN. It therefore considered that National Highways did not need to be a consultee for the plan. i) Please could the applicant clarify how public rights of way on the bridges that pass over the SRN would be managed if they are not to be included in the public rights of way management plan? ii) Does National Highways have any remaining concerns?
Q9.5.4	CWCC	Public rights of way – cumulative and in-combination effects – CWCC comments

ExQ1	Question to:	Question:
		<p>CWCC commented on public right of ways cumulative and in-combination effects matters in its relevant representation [RR-037], including in paragraphs 11.1 and 11.29. The applicant responded [PD2-027].</p> <p>Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?</p>
9.6 Traffic, transport, and access		
Q9.6.1	NH	<p>SRN</p> <p>National Highways [RR-031] said that dDCO [PD2-005] provisions, including articles 10, 12, 13, 14, 16, 17, 18, 19, 23, 24, 27, 29, 30, 31, 39 and 46, which authorise the interference with its statutory powers and responsibilities and/ or grant the applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through protective provisions. The concerns included in relation to powers over the SRN and the use of bridges crossing the SRN. National Highways considered that detailed design approval would deal with vehicular and pedestrian accesses including its bridge structures and said that details submitted in accordance with paragraphs 6(1) and 6(4) of Requirement 6 of the dDCO [PD2-005] need to be submitted to and approved by NH.</p> <p>The applicant [PD2-027] responded, and updated the dDCO [PD2-027], including the protective provisions. It considered that the protective provisions did not need to deal with the interaction of the proposed development with the bridges. The applicant said that there would be no new accesses being built directly from the bridges, that the nearest extent of Work No. 8 was some distance away from the bridges, and so National Highways did not need to be a consultee for Requirement 6.</p> <ul style="list-style-type: none"> i) Please could National Highways set out any outstanding concerns and provide updates during the examination? ii) If the concerns are not addressed to National Highway's satisfaction, please could it submit its proposed changes to the protective provisions, with justification for why the changes are required?
Q9.6.2	The applicant, CWCC, NH	<p>Cumulative effects, including abnormal loads and decommissioning</p> <p>National Highways [RR-031] said that the construction phase would generate the highest level of traffic and it was essential to manage this effectively to minimise disruption, particularly given the number of other developments proposed in the area, which could lead to cumulative impacts on the M56 and M53 junctions and corridors. It said that it was studying the cumulative traffic generation for the major development proposals in the area to understand where the likely impacts would be, the scale of those impacts, and their likely timings.</p> <p>CWCC [RR-037] said that the proportion of the total cumulative impact that would be a direct result of the proposed development would be minimal.</p> <p>The applicant [APP-134] considered cumulative effects with other proposed infrastructure projects. It considered that there was the potential for significant traffic impacts if the construction periods of these projects should overlap with that of the proposed development. The oCTMP [PD2-013] includes a commitment for the applicant to maintain ongoing communications with other major developments to liaise on managing any potential cumulative impacts and, if there was a significant overlap, to establish a Construction Traffic Management Plan Working Group. The applicant assumed that the other developers would work pro-actively with it. The oCEMP [PD2-015] includes that the programme for the works would be prepared cognisant of other nearby developments which could result in cumulative construction effects.</p> <ul style="list-style-type: none"> i) Please could the applicant set out the consideration has been given to potential cumulative impacts in relation to the traffic from any major replacement activities during the operational phase? ii) Please could the applicant comment on the sensitivity of the Transport Assessment [APP-134] to assumptions of timing in relation to the construction of the proposed development and other major development proposals in the area? How can the ExA be satisfied that it has considered as reasonable worst case? iii) Please could National Highways provide its study of the cumulative traffic generation for the major development proposals in the area and set out the proportion of traffic generation that would result from the proposed development? iv) When National Highway's study is available, please could the applicant set out any implications for its Transport Assessment [APP-134] and mitigation proposals? <p>National Highways [RR-031] encouraged the applicant to engage with NH at an early stage to establish an appropriate movement strategy for abnormal loads. CWCC [RR-037] said that impacts of abnormal traffic movements relating to the proposed development and considered cumulatively with other projects needed consideration. The applicant updated the oCTMP [PD2-013] to clarify that it would be a responsibility of the proposed Construction Traffic Management Plan Working Group to co-ordinate the planning of abnormal load movements across the identified cumulative developments.</p>

ExQ1	Question to:	Question:
		<p>v) Do National Highways or CWCC have any outstanding concerns about the applicant's proposed mitigation measures for abnormal loads?</p> <p>The applicant [APP-134] considered that a reasonable worst case of impacts during the decommissioning phase was those for the construction phase. For the construction phase it considered that there was a potential for significant traffic impacts cumulatively with other proposed infrastructure projects.</p> <p>vi) What reasonable worst case of cumulative traffic impacts during the decommissioning phase does the applicant suggest for the purposes of the planning balance?</p>
Q9.6.3	CWCC	<p>Decommissioning phase</p> <p>CWCC [RR-037 paragraph 19.13] said that the scope of the Decommissioning Traffic Management Plan should be to minimise the environmental and other potentially adverse impacts associated with the transport aspects of the decommissioning and that this should include minimising the extent and duration of temporary road closures and closures of PROW and the permissive paths. The applicant [PD2-027] responded and updated the outline Decommissioning Environmental Management Plan [PD2-019].</p> <p>Please could CWCC set out any outstanding concerns?</p>
Q9.6.4	CWCC	<p>Transport Assessment – other CWCC comments</p> <p>CWCC commented on the Transport Assessment [APP-134] in its relevant representation [RR-037], including in paragraphs 14.7, 14.10, 14.13, 14.14, 14.15 and 14.17. The applicant responded [PD2-027].</p> <p>Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?</p>
Q9.6.5	The applicant	<p>Potential severance</p> <p>Please could the applicant comment on the potential for severance and impacts on access to Frodsham Marsh Farm, the residential caravan sites, and other residential properties and businesses? How are these potential impacts mitigated?</p>
Q9.6.6	The applicant, Canal & River Trust	<p>Canal & River Trust comments</p> <p>The Canal & River Trust raises concerns, including:</p> <ul style="list-style-type: none"> • clarification that the works to the SPEN substation, in connection with grid connection, would not exceed the level of vehicle use outlined in the Transport Assessment [APP-134] • any proposed increase in use of the Access Track and Sutton Swing bridge (which is owned and managed by the Trust), including the impact of traffic on the route and the stability of the embankment of the Weaver Navigation • existing movement and longitudinal cracking in areas of the Access Track, and that the means of supporting the roadway along the river sections, or condition below water level, is not known • details of any indivisible abnormal load vehicles needing to cross the Sutton Swing bridge • clarification that mitigation measures and management of construction traffic would also apply to the Access Track <p>i) Please could the applicant respond?</p> <p>ii) Please could the Canal & River Trust set out any outstanding concerns and provide updates during the examination?</p>
9.7 Waste		
Q9.7.1	The applicant	<p>Anticipated lifespans</p> <p>Please could the applicant set out the anticipated lifespan of the Solar PV Modules and other plant, equipment and infrastructure, how often they would each need to be replaced, and any related implications for waste management?</p>
Q9.7.2	The applicant	<p>Reuse and recycling</p> <p>With reference to paragraph 5.15.9 of NPS EN-1, please could the applicant set out whether, and if so, how, the Solar PV Modules and other plant, equipment and infrastructure would be designed to maximise reuse and recycling?</p>
Q9.7.3	The applicant, CWCC	Waste infrastructure

ExQ1	Question to:	Question:
		i) With reference to paragraph 5.15.15 of NPS EN-1, please could the applicant set out whether the waste from the proposed facility could be dealt with appropriately by the waste infrastructure which is, or is likely to be, available during the construction, operational and decommissioning phases? ii) Please could the applicant identify what policy support is there for any assumptions made about future recycling facilities, e.g. for the likely expansion of specialist recycling facilities in the future? iii) What consideration has the applicant given to cumulative effects with other solar projects? iv) Please could CWCC comment?
Q9.7.4	The applicant	The Waste Electrical and Electronic Equipment Regulations 2013 Please could the applicant set out its consideration in relation to compliance with The Waste Electrical and Electronic Equipment Regulations 2013 ?
9.8 Cumulative and inter-related effects		
Q9.8.1	CWCC	Cumulative impacts – CWCC comments CWCC commented on the cumulative impact assessment in its relevant representation [RR-037] , including in paragraphs 16.1, 16.2, 16.3, 16.4, 16.5 and 16.6. The applicant responded [PD2-027] . Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037] ?
Q9.8.2	The applicant, Cadent Gas Limited (Cadent)	Hynet Hydrogen Pipeline Project Cadent [RR-020] said that it was promoting the Hynet Hydrogen Pipeline Project and expected to submit an application for development consent soon. It said that it would be seeking rights to construct and maintain the pipeline and was seeking flexibility for construction of the pipeline within the OL. It proposed protective provisions [RR-020] appendix 2] in relation to the interaction of its pipeline with the proposed development. i) Please could the applicant respond to Cadent's comments? ii) Please could Cadent provide: <ul style="list-style-type: none"> an overview of the Hynet Hydrogen Pipeline Project, including scope and anticipated timings for consenting, detailed design, construction, operation and (if appropriate) decommissioning a plan showing the limits of the Hynet Hydrogen Pipeline Project, above and below ground installations, mitigation areas, and areas for construction, operation and maintenance activities and access comment on the appropriateness of the dDCO [PD2-005], including any protective provisions, in relation to the Hynet Hydrogen Pipeline Project iii) Please could the applicant and Cadent provide an update on their discussions, including a summary of the matters coordinated, matters that have been agreed, any inconsistencies or outstanding matters, and the next steps to be taken to resolve them. iv) The relationship between the proposed development and the Hynet Hydrogen Pipeline Project was discussed at Issue Specific Hearing 1 [EV4-007] , as prompted by agenda item 5k for that meeting [EV2-002] . The applicant undertook to provide a written summary of its representations to that meeting and to respond to various actions arising by deadline 1 of the examination. v) Please could Cadent comment on the applicant's deadline 1 submissions at deadline 2? vi) Please could Cadent set out any outstanding concerns and provide updates during the examination?
Q9.8.3	The applicant, Liverpool Bay CCS Limited (LBCCS)	Runcorn Carbon Dioxide Spur Pipeline Project LBCCS [RR-011] said that its primary concern was the timing of the construction of the proposed development and how this would impact the viability of its pipeline. It welcomed the applicant's commitment to collaborate and engage in the drafting of a statement of common ground (SoCG) and requested that the applicant provide a plan showing the pipeline overlaid on the proposed development's Works Plans to facilitate future discussions regarding the interaction between the two schemes. LBCCS considered it essential that the pipeline works in Cells 1, 2 and 3 would be completed before the proposed development works commenced in that area. It suggested that these considerations had not been addressed by the applicant and therefore objected to the proposed development. It said that construction schedules were subject to change, suggested that measures such as agreed DCO requirement could ensure the successful development

ExQ1	Question to:	Question:
		<p>of both projects, and had communicated its desired points of agreement within the proposed protective provisions. LBCCS said that there were inconsistencies in how the pipeline was described in the applicant's documents.</p> <ul style="list-style-type: none"> i) Please could the applicant respond to LBCCS's comments? ii) Please could LBCCS provide: <ul style="list-style-type: none"> • an overview of the Runcorn Carbon Dioxide Spur Pipeline Project, including scope and anticipated timings for consenting, detailed design, construction, operation and (if appropriate) decommissioning • a plan showing the limits of the Runcorn Carbon Dioxide Spur Pipeline Project, above and below ground installations, mitigation areas, and areas for construction, operation and maintenance activities and access • comment on the appropriateness of the dDCO [PD2-005], including any protective provisions, in relation to the Runcorn Carbon Dioxide Spur Pipeline Project iii) Please could the applicant and LBCCS provide an update on their discussions, including a summary of the matters coordinated, matters that have been agreed, any inconsistencies or outstanding matters, and the next steps to be taken to resolve them. iv) The relationship between the proposed development and the Runcorn Carbon Dioxide Spur Pipeline Project was discussed at Issue Specific Hearing 1 [EV4-007], as prompted by agenda item 5k for that meeting [EV2-002]. The applicant undertook to provide a written summary of its representations to that meeting and to respond to various actions arising by deadline 1 of the examination. v) Please could LBCCS comment on the applicant's deadline 1 submissions at deadline 2? vi) Please could LBCCS set out any outstanding concerns and provide updates during the examination?
Q9.8.4	The applicant, National Grid Electricity Transmission PLC (NGET)	<p>Frodsham 400kV Substation</p> <p>NGET [RR-021] raised concerns about the cumulative impacts of the proposed development with HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline. It would like to understand how the applicant would work with the promoters of the other schemes to minimise disruption to the access road to NGET's Frodsham 400kV Substation and ensure the protection of the associated overhead and underground apparatus including cables.</p> <ul style="list-style-type: none"> i) Please could the applicant respond to NGET's comments? ii) Please could NGET set out any outstanding concerns and provide updates during the examination?
9.9 Good design		
Q9.9.1	CWCC	<p>Draft DCO Requirement 6(1)</p> <p>Is CWCC content that Requirement 6(1) secures sufficient details for detailed design approval? Please provide the reasoning for any addition.</p>
10. Compulsory acquisition and related matters		
10.0 Compulsory acquisition and related matters		
Q10.0.1	The applicant	<p>Relevant Works numbers for each plot of land</p> <p>To assist the ExA's consideration of whether the land rights powers requested by the applicant for each plot of land should be granted, please could the applicant prepare a schedule to set out which Works numbers [AS-007] are relevant to each Plot number [PD2-004]?</p>
Q10.0.2	The applicant	<p>Private wire connections</p> <p>Planning Act 2008: associated development applications for major infrastructure projects includes that:</p> <ul style="list-style-type: none"> • associated development should either support the construction or operation of the principal development, or help address its impacts • associated development should not be an aim in itself but should be subordinate to the principal development • development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development <p>Schedule 1 of the dDCO [PD2-005] identifies that Work 4B would be associated development relating to works to lay underground 132kV electrical and communication cables from Frodsham Solar Substation to nearby businesses. The Statement of Reasons [APP-018] says</p>

ExQ1	Question to:	Question:
		<p>that this private wire electricity connection would provide the opportunity to supply renewable energy generated by the Proposed Development directly to the nearby industrial businesses.</p> <p>The s51 advice following acceptance advised that clarification is provided of agreements with local businesses. The applicant [AS-001] responded that:</p> <ul style="list-style-type: none"> • it was in commercially confidential discussions with businesses operating near to the site who have large scale industrial operations and had expressed interest in the prospect of securing private-wire connections to Frodsham Solar • under such an arrangement, a proportion of the electricity generated by Frodsham Solar would be supplied directly to one or more of these businesses, reducing their demand and reliance on their supply from the national grid • the Government has identified high electricity costs as a significant barrier to growth and investment in the UK • under a private-wire arrangement, the buyer would purchase electricity at a lower-rate than they pay for a supply from the national grid, and the generator will receive a higher-rate than if they were to export the electricity into the national grid • there would be benefits in terms of reducing the carbon footprint of the buyer's business or the products it produces • it was intended that the applicant and the buyers would enter into Power Purchase Agreements (PPA) – long-term contracts detailing the amount of electricity that the buyer will purchase and the pre-negotiated price • as the project was several years from supplying electricity, there were no agreements in place owing to the dynamic nature of power prices, and buyers not wishing to enter into agreements before the project is consented • confidence in establishing a private-wire arrangement was sufficiently high to justify the Applicant's financial investment in the design and environmental work committed to date in relation to Work No. 4B • Net Zero North West [PD1-005] welcomed a potential private-wire connection for its members local to the proposed development. It said that access to home-grown and sustainably generated electricity at an attractive price would potentially bolster the region's economic competitiveness and growth and be an influential determinant for international investment in deciding where to establish energy-intense operations such as advanced manufacturing and datacentres. <p>i) Please, with reference to relevant legislation and guidance, could the applicant provide detailed justification of why it considers that Work 4B should be considered as associated development? Is there any policy support in NPS EN-1, NPS EN-3 or NPS EN-5?</p> <p>ii) Should Work 4B be accepted as associated development, the ExA is minded that the dDCO [PD2-005] should include a provision whereby the exercise of the powers requested by the applicant should only be permitted if there was sufficient security that a sufficient quantity of electricity generated by the proposed development would be used by local businesses. Please could the applicant suggest suitable wording for the dDCO [PD2-005] in case that is the ExA's recommended approach?</p> <p>iii) Please could the dDCO [PD2-005] and oDEMP [APP-138] be updated to secure the timing for the decommissioning of Work 4B, how much of those works should be removed during decommissioning, and how the land should be reinstated?</p>
Q10.0.3	The applicant	<p>Decommissioned land</p> <p>i) Please could the applicant comment on any implications for the requested land powers for when any decommissioned part of the proposed development, including any that would be decommissioned before 40 years of operation, would be returned to current uses?</p> <p>ii) Which powers would not be required and what would be the justification of not surrendering them?</p> <p>iii) How should it be secured that any powers no longer required would be surrendered in a timely manner?</p>
Q10.0.4	Cadent Gas Limited Frodsham Wind Farm Limited Inovyn Chlorovinyls Limited and Ineos Fluor Limited Inovyn Enterprises Limited	<p>Individual objections</p> <p>Cadent Gas Limited [RR-020], Frodsham Wind Farm Limited [RR-047], Inovyn Chlorovinyls Limited and Ineos Fluor Limited [RR-004], Inovyn Enterprises Limited [RR-001], National Gas Transmission plc [RR-032], National Highways [RR-031], NGET [RR-021], SP Energy Networks [RR-018], The Canal & River Trust [RR-010], United Utilities Water Limited [RR-006] have commented on the powers requested by the applicant.</p> <p>i) Please could each organisation set out any outstanding concerns and provide updates during the examination?</p> <p>ii) If the concerns are not addressed to any organisation's satisfaction, please could it submit its proposed changes to the dDCO [PD2-005], including any protective provisions, with justification for why the changes are required?</p>

ExQ1	Question to:	Question:
	National Gas Transmission plc National Highways NGET SP Energy Networks The Canal & River Trust United Utilities Water Limited	iii) Please could National Highways advise the full name of its legal entity for relevant land right purposes? iv) Please could SP Energy Networks advise its relation to SP Manweb and the full name of its legal entity for relevant land right purposes?
Q10.0.5	The applicant	Human rights The applicant [APP-034 and elsewhere] refers to two residential caravan sites adjacent to the site to the north-west of Frodsham and alongside the M56. Please could the applicant summarise the consideration given to the human rights of the residents of those sites?
11. The draft Development Consent Order (DCO)		
11.0 General matters		
Q11.0.1	The applicant	Can then applicant confirm where has the draft Development Consent Order and the EM be available for the community to inspect?
Q11.0.2	The applicant	The applicant should check the dDCO for any errors replated to duplication of text. For example, see article 10 (1) and 'in in' the table in in Schedule 4 (permanent alteration of streets).
Q11.0.3	The applicant	The applicant should check the dDCO for potential formatting issues for example, Part 4 Interpretation – Article 30 and its justification. Also, checks should be carried out with numbering sequence for example Article 28, then Article 30, then Article 29.
11.1 Articles		
Q11.1.1	The applicant	Article 2. Interpretation Should 'battery energy storage system' be added and defined as it is referred to in schedule 1, Work no 2?
Q11.1.2	The applicant	Article 2. Interpretation Should 'replacement activities' be added and defined as it is referred to in Schedule 2, R13(2)(e)?
Q11.1.3	The applicant	Article 7. Application and modification of statutory provisions <ul style="list-style-type: none"> i) Paragraph 4.2.13 of the EM refers to previous precedents in other made DCO's however the EM does not provide any information regarding the likely operations and reasons. For example, if (f) section 28E (duties to sites of scientific interest) of the Wildlife and Countryside Act 1981(f) is to be disapplied can the applicant identify what the operations would be and where? Can the applicant look again at this paragraph in the EM and where relevant indicate which plots would be applicable? ii) Can the applicant advise which of those provisions that you are looking to disapply would relate to the permitted preliminary work? iii) Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 evidence will be required that the regulator has consented to removing the need for the consent in accordance with s.150 Planning Act 2008. Could the applicant refer to such evidence in the EM? iv) The EM should make it clear which relevant consents are being sought to be disapplied (paragraph 4.2.18 of the EM) and which byelaws that the applicant is seeking to amend (paragraph 4.2.14) v) Can the EM refer to precedent to disapply the Community Infrastructure Levy Regulations 2010(b)?
Q11.1.4	The applicant	Article 7. Application and modification of statutory provisions Article 7 (3) k Could the text be amended to include the bold highlighted text: for carrying out development which has been authorised by an order granting development consent (and to the locations stated in Schedule 9 – hedgerows to be removed) and the pursuant to the Planning Act 2008. If the text cannot be amended, please provide justification and relevant evidence to support your position.

ExQ1	Question to:	Question:
Q11.1.5	The applicant	Article 8. Defence to proceedings in respect of statutory nuisance Can the applicant respond to comments raised at pre application stage which relate to: <ul style="list-style-type: none"> i) Article 8(1)(c) – delete “the nuisance”? ii) Article 8(2) – Section 61(9) (prior consent for work on construction sites)?
Q11.1.6	The applicant	Article 12. Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way Can the applicant: <ul style="list-style-type: none"> i) review Article 12 which provides access to certain users put does not appear to include all users of rights of way? ii) advise if Article 12 should include consult with street authority as 12(4), street authority consent for any other street or public right of way?
Q11.1.7	The applicant	Article 12. Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way Article 12 (3) refers to premises abutting a street or public right of way affected by the temporary alteration. Can the applicant advise what measures would be in place to impose and identify those people going to or from such premises including the travellers site?
Q11.1.8	The applicant	Article 13. Permanent stopping up of, and creation of new public right of way and authorising vehicular use of public rights of way Can the applicant provide justification for permanent stopping up for the purpose of a temporary development?
Q11.1.9	The applicant	Article 13. Permanent stopping up of, and creation of new public right of way and authorising vehicular use of public rights of way Can the applicant advise how it intends to resolve ambiguity in the application document that intrinsically link to the dDCO. For example, AS-003 (sheet 3) notes the following: <div style="text-align: center;"> </div>
Q11.1.10	The applicant	Article 16. Traffic regulation measures Can the applicant respond to NH relevant representation [RR-031] that this article should include NH consent for any works affecting its network.
Q11.1.11	The applicant	Article 16. Traffic regulation measures Can the applicant explain why it is necessary to place temporarily place traffic signs and signals in any road outside the OL? [Article 16 (2)] The Great Yarmouth Third River Crossing Development Consent Order 2020 DCO clause 18 is limited “for the purposes of the authorised development”. The Mallard Pass Solar Farm Order 2024 Pass DCO article 15 is limited to “in the interests of safety and for the purposes of the authorised development, or in connection with the authorised development”. The Cottam Solar Project Order 2024 order article 15 is limited “in the interests of safety and for the purposes of, or in connection with, the construction of the authorised development, temporarily place traffic signs and signals in the extents of the road specified in column 2 of the table in Schedule 8 (traffic regulation measures)”.
Q11.1.12	The applicant	Article 16. Traffic regulation measures Should Article 16(5) include site notices and also include ‘prior approval’ rather than ‘prior notice’? How would these notices relate to approval of traffic management plans for construction and decommissioning?
Q11.1.13	The applicant	Article 17. Discharge of water

ExQ1	Question to:	Question:
		Can the applicant clarify if this article applies to NH's drainage system as drafted or whether this applies to public drains only? If not, can you please respond to NH concerns related to this article in its relevant representation [RR-031] .
Q11.1.14	The applicant	Article 18. Protective works to buildings Can the applicant respond to NH concerns raised in its relevant representation [RR-031] regarding the need for NH consent for access/work.
Q11.1.15	The applicant	Article 19. Authority to survey and investigate the land Can the applicant respond to NH concerns raised in its relevant representation [RR-031] regarding the need for NH consent for access/work.
Q11.1.16	The applicant	Article 19. Authority to survey and investigate the land Article 19(6) is quite novel, and the EM sets out what it is and why it has been added. This power is normally exercised by local authorities or statutory undertakers. Could the applicant update the EM to justify in more detail the reason to seek power to issue a warrant directly to an enforcement officer and then charge for this.
Q11.1.17	The applicant	Article 20. Temporary suspension of navigation This article enables temporary suspension of navigation to the River Weaver within the OL. Can the applicant provide justification- for including "any other enactment" in article 20(1) if no specific legislation or enactments are to be disapplied- as a consequence of this article?
Q11.1.18	The applicant	Article 23. Compulsory acquisition of rights The EM sets out that article 23 is subject to article 44 (Crown Rights). Where an applicant wishes to compulsorily acquire some other person's interest in that same land, that can only be done if the appropriate Crown authority consents to it under s135(1) of the Planning Act 2008. Can the applicant update the EM to set out if the crown authority has been consulted and also provide the ExA with a progress update on discussions with the Crown.
Q11.1.19	The applicant	Article 23. Compulsory acquisition of rights Article 23(2) and 23(4) allow acquisition rights to be delegated to statutory undertakers. However, not all transferees benefitting from protective provisions in Schedule 13-27 under article 23(3) are undertakers. Can the applicant: i) Provide full justification why these parties need the powers to compulsorily acquire rights. ii) Update article 23 (2) so that order rights are capable of being transferred to undertakers but only if "required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker". An example of such wording can be noted on- the Gate Burton Energy Park Order 2024 and Cottam Solar Project Order 2024. iii) Detailed justification why article 23(3) is required so that- the consent of the Secretary of State is not required pursuant to article 36(3) and the undertaker has notified the Secretary of State.
Q11.1.20	The applicant	Article 23. Compulsory acquisition of rights Article 23(10) states that access rights", "cable rights" and "vegetation maintenance rights" have the same meaning as they are defined in Schedule 8. Can the applicant check through dDCO for schedule 8 references as in some instances the reference appears to be Schedule 7 (land in which only new rights etc. may be acquired).
Q11.1.21	The applicant	Article 23. Compulsory acquisition of rights Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised regarding the lack of NH consent, and extinguishment of its rights.
Q11.1.22	The applicant	Article 24. Private rights Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised regarding any land within the OL limits to be temporarily possessed and the effects upon NH.
Q11.1.23	The applicant	Article 24. Private rights

ExQ1	Question to:	Question:
		Article 24 (1) and 24 (8) extend the definition of private rights beyond the model to include “any right of way, trust, incident, restrictive covenant, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support; and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect” . Can the applicant explain how it consulted with relevant parties regarding its approach and going beyond the model?
Q11.1.24	The applicant	Article 27. Power to override easements and other rights Can the applicant respond to NH relevant representation [RR-031] and clarify whether there will be a temporary interference or permanent extinguishment of NH's interests?
Q11.1.25	The applicant	Article 29. Rights under or over streets Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised that NH consent would not be required.
Q11.1.26	The applicant	Article 30. Temporary use of land for constructing the authorised development Can the applicant provide further justification to -explain why under article 30(10) it requires new rights over all of the order land which in effect creates undefined new rights in the land over temporary possession powers?
Q11.1.27	The applicant	Article 30. Temporary use of land for constructing the authorised development Should any provisions relating to notices/counter notices which do not reflect the Neighbourhood Planning Act 2017 (NPA 2017) proposed regime (not yet in force) be modified to more closely reflect the incoming statutory regime where possible? For example, the notice period that will be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under article 30(3). Other than prior precedent, what is the justification for only requiring 14 days’ notice in this case?
Q11.1.28	The applicant	Article 30. Temporary use of land for constructing the authorised development Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised that NH consent would not be required.
Q11.1.29	The applicant	Article 31. Temporary use of land for maintaining the authorised development Can the applicant explain what provisions would be in place under article 31 to prevent- compulsory acquisition of land which is only intended to be used temporarily? This is done for article 30 (see 30(4) and 23(1)) but not article 31.
Q11.1.30	The applicant	Article 31. Temporary use of land for maintaining the authorised development Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised that NH consent would not be required.
Q11.1.31	The applicant	Article 33. Apparatus and rights of statutory undertakers in temporarily closed streets Should the title for article 33. Apparatus and rights of statutory undertakers in temporarily closed streets be amended as the article is not just applicable for temporarily closed streets?
Q11.1.32	The applicant	Art 36. Consent to transfer the benefit of the Order Should Article 36(3)(c) be removed; and 36(3)(a) and 36(3)(d) must both apply?
Q11.1.33	The applicant	Article 38. Planning permission, etc. The EM refers to similar orders where this has also been allowed but does not give a justification for allowing it in these circumstances. Can the applicant provide this justification for the proposed development? Can the applicant explain why does it require permitted development rights that is normally available to statutory undertakers. The EM refers to other schemes but does not set out why it is needed.
Q11.1.34	The applicant	Article 44. Crown rights Should the word “ take ” be removed from Crown rights 44.— (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take , use,..... Should consent under PA2008 s135 (1) and 135(2) also be obtained from the Crown authority. The EM confirms that “the proposed Order land includes parcels of land which constitute Crown land” but not that consent was obtained in line with s135.

ExQ1	Question to:	Question:
Q11.1.35	The applicant	45. Service of notices The applicant is requested to justify its approach to Article 45. Service of notices as currently drafted it does not require notices to be served through the postal recorded delivery service
Q11.1.36	The applicant	46. Procedure in relation to certain approvals etc. The guidance contained within Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders suggest this article could be embedded in a schedule rather than an article. Can the applicant advise?
Q11.1.37	The applicant	46. Procedure in relation to certain approvals etc. The undertaker already has the benefit of Article 46(2) which sets out that “consent, agreement or approval must not be unreasonably withheld or delayed”. Can the applicant provide relevant justification- to demonstrate why it is necessary to include Article 46(4) i.e. provides for requests for consent to be agreed by default where the consenting authority does not respond within eight weeks.
Q11.1.38	The applicant	46. Procedure in relation to certain approvals etc. Can the applicant respond to NH relevant representation [RR-031] and advise whether article 46 could be disapplied in the context of any consent relating to the strategic road network
Q11.1.39	The applicant	47. Guarantees in respect of payment of compensation Can the applicant explain why this article guarantee would only be in place for 15 years (after the date on which the relevant power is exercised). Can the guarantee be in place for the operational period of 40 years + the duration of the decommissioning phase?
Q11.1.40	The applicant	48. Compulsory acquisition of land – incorporation of the mineral code Can the applicant advise if any minerals been identified, and if not, then is this article required as the SoS may consider such articles unnecessary
11.2 Schedule 1 – Authorised development		
Q11.2.1	The applicant	Paragraph 1 of Schedule 1 Can the applicant provide a definition of CCTV in paragraph 1 of Schedule 1 as CCTV is referred to in work numbers, for example Work no.2A.
Q11.2.2	The applicant	Work no 5 For work no 5, can the applicant review the use of the term ‘ and ’ that appears the end of (c) electrical and communication cables connecting Work No. 1 to Work No.2; and
Q11.2.3	The applicant	Work no 7 Can the applicant clarify what is meant by the term ‘download’ in bullet point f
Q11.2.4	The applicant	Work no 8 Can the applicant clarify if any activities in work no 8 would be required within the non breeding bird mitigation area (work no 6C).
11.3 Schedule 2 - Requirements		
Q11.3.1	The applicant	Requirement (R) 2. Commencement of the authorised development Can the applicant advise if the word “begin” should be changed to “commence”; that is, the authorised development must not commence.....
Q11.3.2	The applicant	R6. Detailed design approval Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement can be expanded to also include NH approval?
Q11.3.3	The applicant	R6. Detailed design approval Should R6(2) also include reference to the works plans? That is, 6(2) The authorised development must be designed and constructed in accordance with the design parameters statement and works plans ?

ExQ1	Question to:	Question:
Q11.3.4	The applicant	R6. Detailed design approval Paragraph 10.4.4. of Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096] notes that an appropriate site investigation will be required to inform the final mitigation measures and this could be completed under a requirement of the DCO during the detailed design phase of the development. Can the applicant advise if site investigation proposals would be submitted and approved in writing by the relevant planning authority and whether this can be added to R6.
Q11.3.5	The applicant	R7. Battery safety management Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement be amended to include consultation with NH on the battery safety management plan?
Q11.3.6	The applicant	R9. Landscape and ecological management plan Can the applicant advise why R9(2) which secures for details of landscaping works and ecological mitigation/enhancement measures does not explicitly state a minimum 10% biodiversity net gain in habitats, hedgerows and watercourse units during the operation of the authorised development? Can the applicant also confirm what metric would be used to show how those percentages had been reached.
Q11.3.7	The applicant	R9. Landscape and ecological management plan R9(2) (g) the ecological surveys – can the applicant clarify the context of commencement of a numbered work? Does it mean that ecological surveys would be undertaken prior to permitted preliminary works?
Q11.3.8	The applicant	R9. Landscape and ecological management plan R9(2) (j) notes that the non-breeding bird mitigation strategy must include a New Zealand pygmyweed control and management strategy. Can the applicant advise if this New Zealand pygmyweed control and management strategy would be consulted upon and approved by the local planning authority and Natural England prior to commencement of preliminary permitted works?
Q11.3.9	The applicant	R10. Fencing and other means of enclosure Where reference is made to ‘any proposed permanent or temporary fences, walls or other means of enclosure’ should the R be explicit in that it ‘must be carried out in accordance with the approved details’.
Q11.3.10	The applicant	R11. Surface and ground water management Can the applicant clarify the reference in R11(1) to substantially in accordance with section 11 of the flood risk assessment and drainage strategy? Can an outline surface water drainage strategy be submitted into the examination?
Q11.3.11	The applicant	R11. Surface and ground water management Regarding R11(3) can the applicant include the EA as a relevant authority to be consulted on the construction ground water and surface water management plan?
Q11.3.12	The applicant	R11. Surface and ground water management Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement can be amended to also include NH approval?
Q11.3.13	The applicant	R12.Construction environmental management plan Regarding R11(3) can the applicant include NH as a relevant authority to be consulted on the construction environmental management plan?
Q11.3.14	The applicant	R12.Construction environmental management plan Paragraph 1.3.5 of the Outline Construction Environmental Management Plan [APP-136] states if the DCO is granted, each of the outline plans submitted with the Application will be developed into a final document once a contractor is appointed, with approval by Cheshire West and Chester Council prior to construction (following consultation on each plan as set out in the DCO). As this statement only mentions outlines plans already submitted into the examination this implies that other plans not yet in place may not follow a regime of consult and approval?
Q11.3.15	The applicant	R15. Public rights of way Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement can be amended to also include NH approval?

ExQ1	Question to:	Question:
Q11.3.16	The applicant	R17. Ground conditions Can the applicant respond to NH relevant representation [RR-031] that it expects to be involved in the approval of the ground conditions investigations, the assessments strategy should accord with CD622 – Managing Geotechnical Risk, and where construction is close to the network, geotechnical risks to the strategic road network would need to be considered
Q11.3.17	The applicant	R17. Ground conditions Requirements 17 (1) notes that no part of the permitted preliminary works for that phase comprising geotechnical surveys and other investigations for the purpose of assessing ground conditions may start, until a ground conditions investigations and assessments strategy for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency. However, the interpretation of permitted preliminary works in the dDCO includes (e) remedial work in respect of any contamination or other adverse ground conditions. Should R17 (1) therefore include remedial work rather than just geotechnical surveys and other investigations to assess ground conditions?
Q11.3.18	The applicant	R18. Archaeological mitigation strategy Should R18 include reference to the Outline Written Scheme of Investigation, and could this R include post-excavation analysis, reporting, publication and archiving? Is R18(2) section 11.9 of the environmental statement referring to Volume 1 Chapter 11: Cultural Heritage and Archaeology?
Q11.3.19	The applicant	R20. Decommissioning i) Can the applicant advise where decommissioning works commence no later than 40 years how long these decommissioning works would last? Could this timeframe be included in the R? ii) Can the applicant advise where decommissioning works commence no later than 40 years how long these decommissioning works would last? Could this timeframe be included in the R? iii) Where parts of the proposed development stops generating electricity earlier than 40 years (for example solar PV modules) what would be the timescales for decommissioning to start on those affected infrastructure?
11.4 Schedule 3 – Street subject to street works		
Q11.4.1		No questions currently.
11.5 Schedule 4 – Permanent alterations to streets		
Q11.5.1		No questions currently.
11.6 Schedule 5 – Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way		
Q11.6.1		No questions currently.
11.7 Schedule 6 – Access to Works		
Q11.7.1		No questions currently.
11.8 Schedule 7 – Land in which only rights etc. may be acquired		
Q11.8.1		No questions currently.
11.9 Schedule 8 – Modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants		
Q11.9.1		No questions currently.
11.10 Schedule 9 – Hedgerows to be removed		
		No questions currently.
11.11 Schedule 10 – Documents and plans to be certified		
		No questions currently.
11.12 Schedule 11 – Arbitration Rules		

ExQ1	Question to:	Question:
Q11.12.1	The applicant	This schedule does not recognise that any matter for which the consent or approval of the Secretary of State (or the Marine Management Organisation if applicable) is required under any provision of this Order would not be subject to arbitration. Can the applicant review this schedule in context with the wording examples contained in the Norfolk Vanguard Offshore Windfarm DCO and the draft Hornsea Three Offshore Windfarm DCO.
Q11.12.2	The applicant	Would schedule 11 (4)(10) result in expeditious decisions taking prominence over quality decisions?
11.13 Schedule 12 – Procedure for the discharge of requirements		
Q11.13.1		No questions currently.
11.14 Schedules 13 to 27 – Protective Provisions		
Q11.14.1		No questions currently.