



Frodsham Solar

Statement of Common Ground with Cheshire West and Chester Council (CWCC)

December 2025



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1.0 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This is a Statement of Common Ground ('SoCG') made between the following parties:

Frodsham Solar Ltd (hereafter referred to as 'the Applicant')

and

Cheshire West and Chester Council (CWCC)

1.1.2 The purpose of this SoCG is to identify areas of agreement and, where appropriate, disagreement, between the parties in respect of the Frodsham Solar development (the 'Proposed Development'). The SoCG clearly sets out the progress being made on unresolved issues between the Applicant and CWCC. Where matters are yet to be agreed, the parties will continue to work proactively to reach a consensus.

1.1.3 The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and CWCC, and updates will be provided to the Examining Authority (ExA) at subsequent examination deadlines.

1.2 The Proposed Development

1.2.1 The Proposed Development comprises a new solar energy generating station and an associated on-site Battery Energy Storage System (BESS) on land at Frodsham Marsh, Frodsham, Cheshire West and Chester ('the Site'). The Proposed Development also includes the associated infrastructure for connection to the local electricity distribution network, as well as a private wire electricity connection that would enable local businesses to utilise the renewable energy generated by the Proposed Development.

1.2.2 The current design for the Proposed Development would enable the generation of approximately 147 megawatts (MW) of electricity¹, as well as the storage of approximately 100 MW of electricity in a BESS. The precise generating capacity and

¹ The generating capacity is described in terms of the maximum combined capacity of installed inverters (measured in AC)

storage capacity will be subject to detailed design, but it should be noted that at present the grid connection offer from the District Network Operator (DNO) is for 100 MW export and 50 MW import. As noted above, the Proposed Development would also be capable of exporting electricity directly to local businesses.

1.2.3 Subject to obtaining the necessary consents, construction is anticipated to commence in January 2028 and be completed in mid to late 2030. The Proposed Development comprises a temporary development with an operational phase of up to 40 years. Decommissioning activities would therefore commence in 2070, 40 years after final commissioning.

1.2.4 The Proposed Development has been divided into the following Work Packages, or 'Works' as follows:

- i) Work No. 1 – a ground mounted solar photovoltaic generating station;
- ii) Work No. 2 – a Battery Energy Storage System (BESS);
- iii) Work No. 3 – an on-site substation (Frodsham Solar Substation);
- iv) Work No. 4a – an electrical connection from Frodsham Solar Substation (Work No. 3) to Frodsham SPEN Substation including
- v) Work No 4b - a direct private wire connection from Frodsham Solar Substation (Work No. 3) to nearby businesses;
- vi) Work No. 5 - works including electrical cables and communication cables connecting Work No. 1 to Work No. 3; Work No. 1 to Work No. 2; and, Work No. 2 to Work No. 3;
- vii) Work No. 6a - works to create, enhance and maintain green infrastructure;
- viii) Work No. 6b - works to create skylark plots to provide skylark foraging habitat;
- ix) Work No. 6c – the creation and management of a Non Breeding Bird Mitigation Area.;
- x) Work No. 7 - construction and decommissioning compounds; and
- xi) Work No. 8 – works for the improvement, maintenance, repair and use of existing streets, private tracks, public rights of way and access roads.

1.2.5 There are a number of distinct development areas within the Site as follows:

- i) The Solar Array Development Area (SADA) that would include solar photovoltaic (PV) modules and support frames, internal access tracks, cabling, inverters,

transformers, the solar array substation (known as the 'Frodsham Solar Substation) and the BESS;

- ii) Main Site Access route;
- iii) SPEN Grid Connection linking Frodsham Solar Substation to the SP Energy Networks (SPEN) Frodsham Substation
- iv) SPEN / National Grid Substation and access to the substation compound
- v) Private Wire Connection to local businesses
- vi) Non Breeding Bird Mitigation Area (NBBMA)
- vii) Skylark Mitigation Area

1.2.6 These areas are illustrated on **ES Vol 3 Figure 1-2: Proposed Development Areas, Environmental Statement: Volume 3 Chapter 1 Figures (APP-105)**.

1.2.7 A more detailed description of the Proposed Development is provided within **Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)**.

1.3 The Site

1.3.1 The Site is located approximately 500 m to the north of the centre of Frodsham Town Centre within the administrative areas of Cheshire West and Chester Council (CWaCC), which is the Local Planning Authority (LPA).

1.3.2 The Site is approximately centred on National Grid Reference (NGR) 351000E, 378500N and is located approximately 500 m to the north Frodsham Town Centre at its nearest point.

1.3.3 The Site comprises a single red line boundary that covers all land expected to be included within the Proposed Development, which in total is approximately 337.5 ha. The Solar Array Development Area covers an area of approximately 246 ha, and would be located at the eastern extent of Frodsham and Helsby Marsh, an area of land between the Mersey Estuary and the M56. The northern boundary of the Solar Array Development Area is formed by the River Weaver and the former INEOS Inovyn Dredging Deposit Ground, the north-west boundary by the Manchester Ship Canal, with the Mersey Estuary lying beyond. The western boundary of the Solar Array Development Area is formed by two of the former Manchester Ship Canal Dredging Deposit Ground Cells; Cell 3 and Cell 6. Cell 3 forms part of the NBBMA.

The southern boundary of the Solar Array Development Area is formed by agricultural fields and the M56 motorway.

- 1.3.4 The Main Site Access is from the west, leading from Pool Lane roundabout. Vehicles accessing the Site would turn onto Grinsome Road (a private road) from Pool Lane roundabout and travel east towards Protos² for approximately 1.5 km, routing north at Grinsome Road Roundabout, along Road 1 of Protos. Vehicles would then turn east along Marsh Lane which provides access to Frodsham Wind Farm. The Frodsham Wind Farm access tracks provide access to the Solar Array Development Area. There would be no access to the Site from Frodsham during construction, operation or decommissioning, other than for emergency vehicles, and access to the potential new public car parking area on Moorditch Lane, via Brook Furlong.
- 1.3.5 The Manchester Ship Canal forms the northern boundary of the Site and is separated from the Mersey Estuary by Frodsham Score, a 100-200 m wide strip of low-lying marshland. The Mersey Estuary and Frodsham Score are designated as a Special Protection Area (SPA), SSSI and Ramsar site. The SSSI also covers a strip of land approximately 100m wide on the southern side of the Manchester Ship Canal, the eastern 500m of which lies within the Site. The Solar Array Development Area is also designated as a Local Wildlife Site (Frodsham, Helsby and Ince Marshes Local Wildlife Site) and as Green Belt.
- 1.3.6 Neither the Site nor the immediate surrounding area is covered by any statutory landscape designations, e.g. National Parks or National Landscapes (formally referred to as Areas of Outstanding Natural Beauty (AONB)). There are no designated heritage assets within the Site.
- 1.3.7 The eastern half of the Site lies within Flood Zone 3a, which benefits from flood defences along the River Weaver. The Manchester Ship Canal Dredging Deposit Ground Cells in the western half of the Site are raised and so lie within Flood Zone 1.

² A significant strategic development site with the benefit of planning permissions for a range of energy generation and resource management businesses

1.3.8 A detailed description of the Site is provided in **Environmental Statement: Volume 1 Chapter 1: Introduction (APP-034)**.

1.4 Status of the SoCG

1.4.1 This SoCG is a 'live' document that will be updated and amended as the project progresses. It identifies the matters relating to the Proposed Development that have been agreed between the parties, the matters under discussion, together with other matters not agreed. It is intended that it will be finalised and signed by the Applicant and CWCC as requested by the Examining Authority during the Examination of the submitted application.

1.4.2 A signing sheet between the Applicant and CWCC is provided at Appendix A.

2.0 ROLE OF CHESHIRE WEST AND CHESTER COUNCIL IN DCO PROCESS AND SUMMARY OF CONSULTATION

2.1 Role of Cheshire West and Chester Council

- 2.1.1 CWCC is the local planning authority for the area within which the Proposed Development is located and is a prescribed consultee under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).
- 2.1.2 CWCC is responsible for the preparation and implementation of the development plan for its area and for providing local planning, environmental and technical input to the examination of the application, including through the submission of a Local Impact Report under section 60 of the Planning Act 2008.
- 2.1.3 Subject to the grant of development consent CWCC will be responsible for the approval of applications made pursuant to the requirements set out in Schedule 2 of the DCO.

2.2 Summary of Consultation Undertaken

- 2.2.1 The Applicant has been in consultation and engagement with CWCC from early in the application process. Table 1 summarises the principal meetings and correspondence that have taken place between the Applicant and CWCC in relation to the Proposed Development. This does not seek to include every correspondence between the parties but identifies those which have informed the approach to the design of the Proposed Development, the drafting of the draft DCO, the scope and approach to the assessments presented in the Environmental Statement and the Information to Inform Habitats Regulations Assessment, drafting of the controls provided within the outline management plans, the scope and approach of the Transport Assessment and the matters considered within the Planning Statement.

Table 1: Consultation between the Applicant and Cheshire West and Chester Council

Date	Method of Consultation	Points of Discussion
16/03/2023	Teams meeting	Introductory briefing to the project
28/04/2023	Teams meeting	Presentation to key officers on project

Date	Method of Consultation	Points of Discussion
12/06/2023	Teams meeting	Meeting with officers to discuss project and the Scoping Request and associated report submitted to the PINS.
13/07/2023	Teams meeting	Meeting with Council's biodiversity officer to discuss surveys undertaken to date, proposed future surveys, key ecological issues, approach to interaction with wind farm mitigation.
08/2023	Telephone call	Discussion with highways officer regarding the scope and approach to the Transport Assessment.
06/09/2023	Teams meeting	Project update; approach to cumulative; community benefits; PPA
26/09/2023	Teams meeting	Meeting with landscape officer. Approach to LVIA discussed and feedback provided in Scoping Opinion. Approach to design objectives discussed and approach to the consideration of draft AONB in the assessment agreed.
26/09/2023	Email	Technical note submitted to CWACC setting out viewpoints and approach to visualisations.
09/2023	Email	Email exchanges associated with methodology and scope of the cumulative effects assessment.
29/11/2023	Teams meeting	Project update; travellers site status; scoping of socio-economic assessment; cumulative assessment review; PROW and landscape matters; ecology review; PPA.
18/01/2024	Email	Agreement from CWACC on viewpoints
24/01/2024	Teams meeting	Project update; cumulative assessment review; ecology survey review; landscape matters; travellers site status; community benefits; PPA
21/02/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; socio-economics; peat

Date	Method of Consultation	Points of Discussion
11/03/2024	Telephone call	Discussion with biodiversity officer on scope of surveys.
15/03/2024	Email	Representation on Council's Land Availability Assessment - Stage One of local plan update.
20/03/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; transport scoping report
17/04/2024	Teams meeting	Project update; G&G impacts on M56 and properties; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; socio-economics; peat
22/04/2024	Teams Meeting	Update on LVIA and feedback on findings of assessment / approach taken to design and access; landscape masterplan; heritage setting.
15/05/2024	Teams Meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; NH feedback on the Transport Assessment scoping.
24/05/2024	Email	Provision of the Outline Non Breeding Bird Mitigation Strategy for comment.
27/05/2025	Email	Provision of the draft preliminary Flood Risk Assessment and the Stage 1 Geo-Environmental Assessment for comment. Advised on removal of the INEOS Inovyn Weaver Navigation Dredging Deposit Lagoon from solar development area; and removal of the private wire link to INEOS Inovyn's Runcorn Works.
30/05/2024	Email	Provision of design objectives, illustrative landscape masterplan, ZTVs, VP photography.
12/06/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; flooding and water quality; contaminated land; tourism; highways scoping.

Date	Method of Consultation	Points of Discussion
25/06/2025	Email	Agreement sought on scope of heritage assessment.
17/07/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; PPA; peat; flooding and water quality; contaminated land; tourism.
08/08/2024	Email	Response provided on landscape aspects following provision of technical note on scope of assessment.
08/2024	Teams	Meeting held with local councillors in relation to tourism and recreation opportunities.
21/08/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; peat; flooding and water quality; contaminated land; tourism.
04/09/2025	Site visit	Site visit with case officer, biodiversity officer and Natural England.
18/09/2024	Teams meeting	Project update; cumulative assessment review; ecology review; landscape matters; travellers site status; peat; flooding and water quality; contaminated land; community benefit fund.
25/09/2024	Email	Agreement on noise assessment receptors and scope of noise assessment (agreement provided on 24/10).
25/09/2024	Email	Provision of site investigation report and peat reconnaissance survey report to CWACC for comment.
03/10/2024	Meeting	Joint meeting with CWACC, NE and RSPB to discuss NBBMA and HRA
16/10/2024	Teams meeting	Stat consultation and SoCC; cumulative assessment review inc CO2 pipeline; ecology review; landscape matters; travellers' site status; peat; flooding and water quality; contaminated land; arboricultural survey requirement.

Date	Method of Consultation	Points of Discussion
21/11/2024	Teams meeting	Ecology review meeting with CWACC and NE
11/2024	Email	Publication of the PEIR
4/12/2024	Teams meeting	PEIR review meeting
11/12/2024	Teams meeting	Ecology review meeting with CWACC and NE
27/01/2025	Teams meeting	Outline Non-breeding Bird Mitigation Strategy meeting with CWACC and NE
22/01/2025	Meeting	Meeting with CWACC officers to discuss approach to design following PEIR and receipt of consultation responses.
07/02/2025	Teams meeting	Ecology review meeting with CWACC and NE
19/02/2025	Teams meeting	Update on application; sequential test approach; greenbelt; environmental protection team response; cumulative update.
05/03/2025	Teams meeting	Ecology review meeting with CWACC and NE
23/06/2025	Teams meeting	Review of application / navigation of documents; review of landscape; flooding; highways; green belt/grey belt; sequential test; PPA; Runcorn Spur application update.
25/07/2025	Teams meeting	Application briefing with biodiversity and landscape.
29/07/2025	Teams meeting	Application briefing with Environmental Protection/Highways/PROW/LLFA
19/09/2025	Teams meeting	Flood evacuation plan and BESS meeting with Emergency Planning Team.
29/09/2025	Teams meeting	Sequential test and PPG; green belt / grey belt / BNG; emergency planning meeting.

Date	Method of Consultation	Points of Discussion
20/10/2025	Teams meeting	Rule 6 letter; approach to LIR and WW; RR review; CO2 pipeline and approach to cumulative; CBF; decommissioning fund.
17/10/2025	Email	Provision of draft RR responses on ecology and biodiversity, supplementary bird data analysis, updated BNG spreadsheet and reedbed classification.
31/10/2025	Email	Provision of draft RR responses
05/11/2025	Teams meeting	Meeting to discuss CBF, Decommissioning Security, CO2 spur; protective provisions
06/11/2025	Email	Provision of draft RR responses
10/11/2025	Teams meeting	CO2 spur pipeline application; landscape; green belt; sequential test; NBBMA and water balance work; RSPB progress.
09/12/2025	Email	Exchange on actions from ISH1
10/12/2025	Email	Provision of SoCG to CWACC for comment

3.0 MATTERS OF AGREEMENT AND DISAGREEMENT

3.1 Introduction

3.1.1 At this juncture the Applicant has structured the matters for agreement based on the issues raised by the CWCC within its Relevant Representation (RR-037) and other relevant matters discussed between CWCC and the Applicant. Table 2 provides a summary of the current position between the parties in relation to specific matters that have been under discussion to date. The table sets out issues that are 'agreed', 'not agreed' or are 'under discussion'.

3.1.2 Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has never required detailed discussion; or, (ii) not relevant to the discussion between the parties.

3.1.3 In respect of the Applicant's position, reference should be made to the Section 2.2 of the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations (PD2-027) for additional detail on the information that has been exchanged between the parties on these topics / matters.

3.1.4 At Deadline 1 the draft SoCG with CWCC has been drafted by the Applicant based on CWCC's relevant representation. The draft SoCG has been shared with CWCC for review and comment but CWCC has not been able to review in advance of Deadline 1. The current draft SoCG therefore represents only the Applicant's opinion on where matters are agreed, under discussion or not agreed with CWCC, and is subject to change in future iterations once CWCC have provided comment. The Applicant will continue working with CWCC on this SoCG and provide an update at Deadline 3, as requested by the ExA in the Rule 8 Letter.

Table 2: Position between the Applicant and Cheshire West and Chester Council on matters of discussion / consultation

Ref.	Matter	CWCC Position	Applicant Position	Status
1. Topic: Draft Development Consent Order				
1.1.	The Articles of the draft DCO set out in Parts 1 to 6.	<p>CWCC broadly agree with the Articles of the draft DCO.</p> <p>CWCC are continuing to review the Articles of the draft DCO and will provide further comments in advance of Deadline 3.</p>	The Applicant awaits confirmation that CWCC has no further comments on the Articles of the draft DCO.	Under Discussion
1.2.	The description of the Authorised Development at Schedule 1 of the draft DCO.	CWCC agree with the description of the Authorised Development at Schedule 1 of the draft DCO.	The Applicant notes this comment.	Matter Agreed
1.3.	The Requirements at Schedule 2 of the draft DCO, and the discharge procedure set out at Schedule 12 of the draft DCO.	<p>CWCC broadly agree with the Requirements in Schedule 2 of the draft DCO, with further discussion being undertaken in relation to:</p> <ul style="list-style-type: none"> Requirement 12 in relation to separating out the need for an unexpected contamination protocol (as per para. 13.6 of CWCC's Relevant Representation [RR-037]). Requirement 12 in relation to whether a CEMP/OEMP should be provided for replacement activities (as per para. 19.9 of CWCC's Relevant Representation [RR-037]). 	<p>Requirement 12: The Applicant notes that the need to provide an unexpected contamination protocol is explicitly identified in Requirement 12(2)(c) of the draft DCO. At Procedural Deadline B, the Applicant updated the wording in the oCEMP at Table 5-5 to include the need for a remediation strategy and verification strategy should contaminated land be found.</p> <p>Accordingly, the Applicant considers that the draft DCO includes adequate measures to ensure the necessary protection of controlled waters, property, and ecological systems</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none">Requirement 17 in relation to the provision of a remediation strategy and verification report (as per paras. 13.4 and 13.5 of CWCC's Relevant Representation [RR-037]).Requirement 20 in relation to the potential decommissioning fund (as per paras. 15.4 of CWCC's Relevant Representation [RR-037]).	<p>without a separate Requirement for an unexpected contamination protocol.</p> <p>Requirement 12: The oOEMP) sets out at paragraphs 2.4.6 to 2.4.7 that specific management measures need to be submitted to CWCC prior to any replacement activities which involve the replacement of more than 50% of the solar panels within the Proposed Development. It confirms that these measures should be consistent with the principles of the final CEMP, PROWMP, CTMP and OEMP. As set out in its submissions at ISH1, the Applicant considers this to provide the necessary controls requested by CWCC without the need to amend Requirement 12. Additional detail is being provided within the oOEMP to be submitted at Deadline 1, on replacement activities following ISH1.</p> <p>Requirement 17: Requirement 17 of the draft DCO identifies the need for a '<i>ground conditions investigations and assessments strategy</i>' to be submitted and approved by CWCC prior to works commencing on any phase. Requirement 1 of the draft DCO defines '<i>ground conditions investigations and assessments strategy</i>' and lists the following elements which must be included in the strategy: ... "(c) <i>remediation</i></p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p><i>strategies and verification reports</i>". Requirement 17 therefore already addresses CWCC's comment, and does not require amendment.</p> <p>Requirement 20: Requirement 20 of the draft DCO secures the decommissioning of the Proposed Development no later than 40 years following the date of the final commissioning. NPS-EN3 does not require funding to have been secured to carry out decommissioning. This approach is consistent with recent Secretary of State's (SoS) decisions such as the Oaklands DCO (paragraph 4.41 to 4.45 of the SoS decision letter) and Stonestreet Solar (paragraph 7.3.10 to 7.3.15 of the ExA report). Following the discussion at ISH1, and the recent decision on the Helios Solar Project, the Applicant will provide an update on this position at Deadline 1.</p>	
1.4.	The Protective Provisions set out in Schedules 25 and 26 of the draft DCO.	CWCC agree that only the Protective Provisions set out in Schedules 25 and 26 of the draft DCO are applicable to CWCC. CWCC are continuing to review the Protective Provisions of the draft DCO and will provide further comments in advance of Deadline 3.	The Applicant awaits confirmation that CWCC has no further comments on the Protective Provisions of the draft DCO.	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
1.5.	The list of documents to be certified, set out in Schedule 10 of the draft DCO.	<p>CWCC are in broad agreement with the list of documents to be certified under the draft DCO. CWCC request that the outline Flood Warning and Evacuation Plan is separated out from the appendices of the Flood Risk Assessment and listed as a separate document under Schedule 10 of the draft DCO (as per para. 19.3 of CWCC's Relevant Representation [RR-037]).</p> <p>The list of documents at Schedule 10 is being kept under review and CWCC will provide further comments in advance of Deadline 3.</p>	<p>The Applicant has separated out the outline Flood Warning and Evacuation Plan [EN010153/DR/8.6] as a separate document at Procedural Deadline B. This document is now listed separately under Schedule 10 of the draft DCO.</p> <p>The Applicant awaits confirmation that CWCC has no further comments on the list of documents to be certified under Schedule 10 of the draft DCO.</p>	Under Discussion
1.6.	The highways and rights of way works set out in Schedules 3 to 6 of the draft DCO.	CWCC has no comment on Schedules 3 to 6 of the draft DCO.	The Applicant notes this comment.	Matter Agreed
2. Topic: Other Consents and Licences				
2.1.	The Applicant's scope of other consents and licences required for the Proposed Development, and the approach to obtaining these.	<p>CWCC broadly agree with the Applicant's approach to the other consents and licences required for the Proposed Development, with the exception of:</p> <ul style="list-style-type: none"> whether a protected species licence is required for works potentially impacting otters and water voles (as 	<p>The Applicant has set out at item CWACC7.79 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] that impacts to otters and water voles would not be a reason that the Secretary of State could not grant consent for the Proposed Development for fear of not being able to show compliance with the Regulation 9 (of</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
		<i>per paras. 7.95 and 7.103 of CWCC's Relevant Representation [RR-037].</i>	the Conservation of Habitats and Species Regulations 2017) duty. In respect of the Regulation 55 tests and/or Wildlife and Countryside Act tests, currently the Applicant does not envisage a licence being required for otters or water voles (as relevant) and as such the tests are not engaged.	

3. Topic: Control Documents

3.1.	The scope of the Design Parameters Statement.	CWCC are continuing to review the Design Parameters Statement and will provide further comments in advance of Deadline 3.	The Applicant notes this comment.	Under Discussion
3.2.	Scope of the management plans submitted with the application.	CWCC is continuing to review these plans but provided initial comments on some aspects in their Relevant Representation [RR-037].	<p>The Applicant notes the comments given and at Procedural Deadline B updated the following management plans to take account of CWCC's comments.</p> <ul style="list-style-type: none">• Outline Construction Traffic Management Plan - P02 (PD2-013)• Outline Construction Environmental Management Plan - P02 (PD2-015)	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
			<ul style="list-style-type: none">• Outline Operational Environmental Management Plan - P02 (PD2-017)• Outline Decommissioning Environmental Management Plan - P02 (PD2-019)• Outline Public Rights of Way Management Plan - P02 (PD2-21)• Outline Landscape and Ecology Management Plan - P02 (PD2-23)• Outline Flood Warning and Evacuation Plan - P02 (PD2-028) <p>The Applicant remains committed to working with CWCC to resolve any final concerns they may have in respect of the management plans.</p>	
3.3.	The scope of the Applicant's outline Written Scheme of Investigation (oWSI).	CWCC consider the Applicant's oWSI to be adequate.	The Applicant notes this comment.	Matter Agreed
4. Topic: Project Benefits				



Ref.	Matter	CWCC Position	Applicant Position	Status
4.1.	The benefits of the Proposed Development set out in Section 5 of the Planning Statement.	CWCC agree with the project benefits listed under Section 5.6 of the Planning Statement, but does not comment on the level (or weighting) of each benefit identified.	The Applicant notes this comment.	Matter Agreed
5. Topic: Land and Compulsory Acquisition				
5.1.	The land rights sought by the Applicant through the draft DCO insofar as they relate to CWCC.	CWCC has no objection to the land rights identified in the draft DCO, insofar as they relate to CWCC.	The Applicant notes this comment.	Matter Agreed
6. Topic: Green Belt				
6.1.	The Proposed Development is Critical National Priority Infrastructure, and therefore, as a starting point it should be taken that the test of very special circumstances is met.	CWCC agree that the Proposed Development is CNP Infrastructure, and therefore it should be taken as a starting point that it meets the test of very special circumstances.	The Applicant notes this comment.	Matter Agreed
6.2.	The Applicant's assessment that the Proposed Development is not inappropriate development in the Green Belt.	CWCC does not agree with the Applicant's assessment that the Site constitutes grey belt, or that the tests of paragraph 155 of the NPPF are passed. Consequently, CWCC does not agree that the Proposed Development is not	The Applicant maintains the position that the Site is grey belt, and that the tests at paragraph 155 of the NPPF are passed such that the Proposed Development is not inappropriate development in the Green Belt. Refer to item CWACC5.4 in the Applicant's	Matter Not Agreed



Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>inappropriate development in the Green Belt.</p> <p>CWCC's position is that the Proposed Development is inappropriate development in the Green Belt.</p>	<p>Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant does not expect to reach agreement with CWCC on this matter.</p>	
6.3.	The level of harm (and weight that should be afforded to that harm) arising to the Green Belt.	<p>CWCC are of the opinion the Proposed Development would result in substantial harm to the openness of the Green Belt (<i>as per para. 5.11 of CWCC's Relevant Representation [RR-037]</i>).</p> <p>CWCC are of the opinion the Proposed Development would result in substantial landscape and visual harm to the openness of the Green Belt (<i>as per para. 5.67 of CWCC's Relevant Representation [RR-037]</i>).</p>	<p>The Applicant's position is that the Proposed Development is not inappropriate development in the Green Belt. However, should the Secretary of State disagree and consider the Proposed Development to be inappropriate development, then the Applicant has set out the harm to the openness of the Green Belt would be limited, but that this limited harm should nonetheless attract substantial negative weight in the planning balance in accordance with paragraph 153 of the NPPF (<i>as per Table 1 in Appendix A of the Planning Statement [EN010153/DR/5.6]</i>). In this regard, the level of weight being applied to the harm to the openness of the Green Belt in the planning balance would be the same (substantial) for either the Applicant's position of limited harm to the openness, or CWCC's position of substantial harm.</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			Refer to item CWACC5.8 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.	
6.4.	The harm to the Green Belt is clearly outweighed by other considerations, and as such very special circumstances exist to justify development.	<p>Whilst maintaining that the Proposed Development is inappropriate development in the Green Belt, CWCC recognise the position that the Proposed Development is CNP Infrastructure and that therefore it is taken as a starting point that very special circumstances exist to justify the development.</p> <p>CWCC are of the opinion that there would be substantial harm to the Green Belt, as well as other harm including landscape and visual harm (as per Section 5 of CWCC's Relevant Representation [RR-037]). CWCC also recognise there are substantial public benefits associated with the Proposed Development. On the basis the Proposed Development is CNP Infrastructure, CWCC agree that in this case, the benefits of the Proposed Development do clearly outweigh the harm, and very special circumstances exist to justify development.</p>	The Applicant notes this comment, and agrees with CWCC that the benefits of the Proposed Development clearly outweigh the harm, such that very special circumstances exist to justify development should it be determined by the Secretary of State that the Site is not grey belt and that the Proposed Development is deemed to be inappropriate development .	Matter Agreed
7. Topic: Landscape and Visual				



Ref.	Matter	CWCC Position	Applicant Position	Status
7.1.	The study area and methodology used for the landscape and visual impact assessment.	CWCC agree with the study area and methodology used for the landscape and visual impact assessment (<i>as per para. 6.1 of CWCC's Relevant Representation [RR-037]</i>).	The Applicant notes this comment.	Matter Agreed
7.2.	The baseline data for the landscape and visual impact assessment.	CWCC agree with the baseline data for the landscape and visual assessment, including the landscape character assessments and the selection of viewpoints used for the assessment.	The Applicant notes this comment.	Matter Agreed
7.3.	The measures proposed to mitigate landscape and visual effects.	CWCC broadly agree with the measures proposed to mitigate landscape and visual effects, but have concerns regarding the mitigation proposals for landscape and visual effects with regard to protecting intervisibility between the SADA and Frodsham and Helsby Hills, with appropriate gaps and open sections along field boundaries.	<p>The Applicant agrees that mitigation should not itself create new adverse landscape or visual effects by enclosing paths or obscuring long-distance views across the marshes toward the Sandstone Ridge and estuary.</p> <p>If the planting were simply left to grow unchecked, it could over time become continuous and overly tall, producing a tunnel-like effect that would block open views and erode the open character of the marsh.</p> <p>To prevent this, the oLEMP (Version P02, as submitted at Procedural Deadline B) and indicative landscape masterplan already set clear design intentions to balance screening of the</p>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>solar panels with the need to retain openness and visual permeability.</p> <p>These documents identify measures such as maintaining lower hedgerow heights, including gaps and view corridors, and using open, low-growing species adjacent to public rights of way and permissive paths.</p> <p>The detailed design is controlled through Requirement 6 of Schedule 2 of the draft DCO (Version P03, as updated at Procedural Deadline B). Requirement 6(3) specifies that the development must be designed and constructed in accordance with the design principles, and in this context, the Applicant notes that Design Principle 2: Landscape and Views [APP-130] includes the following: a. Retain and enhance the open character of Frodsham Marshes, where feasible; and g. Retain open vistas looking across Frodsham Marshes and the wider estuary, where feasible.</p> <p>The Applicant trust that this satisfactorily addresses CWCC's concerns, and awaits confirmation that the mitigation measures for landscape and visual effects are agreed.</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
7.4.	The conclusions in respect of the assessment of landscape and visual effects.	<p>CWCC agree with the conclusions in respect of the assessment of landscape effects (<i>as per paras. 6.17 and 6.18 of CWCC's Relevant Representation [RR-037]</i>).</p> <p>CWCC broadly agree with the conclusions in respect of the assessment of visual effect, with disagreement narrowed to the following:</p> <ul style="list-style-type: none">• The effects from Viewpoint 9 (Frodsham Hill War Memorial).• The effects from Viewpoints 6 and 26 (St Lawrence's Church).• Whether sequential visual effects are underestimated or not fully acknowledged for persons walking through the Site along the length of a PRoW.	<p>Viewpoint 9 (Frodsham War Memorial):</p> <p>Refer to item CWACC6.7 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p> <p>The difference between the Applicant's and CWCC's conclusions reflects nothing more than variance in professional judgment. It is not reflective of any deficit in the Applicants approach.</p> <p>The Applicant maintains that the assessment of Viewpoint 9, concluding a moderate adverse (not significant) effect, is appropriate, evidence-based, and reliable for the purpose of the Examination.</p> <p>The Applicant will continue to discuss this with CWCC but does not anticipate being able to ultimately reach agreement.</p> <p>Viewpoints 6 and 26 (St Lawrence's Church):</p> <p>Refer to item CWACC6.8 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>.</p> <p>While the Applicant recognises that the degree of visual change from St Lawrence's Church may be somewhat greater than from the War Memorial, the underlying conclusion of a moderate adverse effect remains appropriate. The effect would be clearly perceptible but not determining in overall visual terms, and the fundamental appreciation of the view as a broad, open outlook over the Mersey Estuary within a mixed rural-industrial setting would remain intact. The Applicant therefore maintains that the assessment is methodologically sound, balanced, and defensible.</p> <p>The Applicant will continue to discuss this with CWCC but does not anticipate being able to ultimately reach agreement.</p> <p>Sequential visual effects for persons walking through the Site:</p> <p>The representative viewpoints were chosen specifically to typify the types of circumstance experienced along key routes, including those crossing and skirting the Site. Viewpoint selection was verified in consultation with CWACC and other stakeholders at the scoping and PEIR stages. While the LVIA reports effects at discrete</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>viewpoint locations, the assessment also explicitly considers the continuity of views and the duration of exposure along these routes. Section 6.8 of the LVIA describes how effects were appraised on users moving through the landscape, with the magnitude of change reflecting both the extent and frequency of visibility along footpaths. The effects experienced from routes within the Site and remote to the Site (including long-distance paths) are documented in some detail within paragraphs 6.8.87 to 6.8.99. The reporting in the LVIA is thus not limited to representative viewpoints. It provides a much broader understanding of how the development will be experienced when travelling through the landscape. It does not underestimate the overall impact.</p>	
8. Topic: Arboriculture				
8.1.	The baseline data for the arboricultural impact assessment.	CWCC question the recording of some trees under an 'Area' designation which may result in an under reporting of the number of tree losses. CWCC suggest the AIA should be revised to show actual numbers of trees being removed.	The Applicant notes that some trees were recorded under an 'Area' category to reflect the fact that there are large areas of the Site where trees are present but they fall outside areas that would be impacted by the Proposed Development. As such this	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>approach provides a proportionate methodology where retention of trees and hedgerows was a key design principle. Whilst it is not possible to protect all trees for a project of this scale it is evident from the survey that tree losses are minimal.</p> <p>The Applicant will continue to engage with CWCC on this matter to understand whether agreement can be reached on the approach taken to the survey.</p>	
8.2.	The conclusions in respect of the arboricultural impact assessment.	CWCC question whether it is necessary to remove a group of Category A trees to facilitate the NBBMA, or whether these could be retained and avoided.	<p>. Paragraph 3.3.2 of the Non Breeding Bird Mitigation Strategy, Appendix B to the oLEMP (PD2-023) sets out that the removal of a small stand of semi-mature trees adjacent to the Canal Pools will increase the attractiveness of surrounding habitats to grassland waders (SPA species) and breeding waders through increasing open aspects adjacent to the SPA, and reducing predator opportunities. On this basis the loss of the trees is considered to be outweighed by the broader ecological benefits associated with their removal.</p> <p>The Applicant will continue to engage with CWCC on this matter to understand whether agreement can be</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			reached that removal of these trees is justified.	
9. Topic: Ecology and Biodiversity				
9.1.	The study areas and methodology used for the assessment of ecological receptors and resources.	CWCC agree with the study areas applied and the methodology used for the purpose of the ecological impact assessment within the Environmental Statement.	The Applicant notes this comment.	Matter Agreed
9.2.	The baseline data for the assessment of ecological receptors and resources.	<p>CWCC broadly agree with the survey work undertaken by the Applicant to date, but have outstanding queries in relation to:</p> <ul style="list-style-type: none">• The scope and presentation of non-breeding bird survey data obtained by the Applicant, notably in relation to justifying the approach adopted for the NBBMA.• The scope of surveys for roosting bats, in particular the identification of trees with bat roost potential.• The scope of surveys for otters, in particular why further survey work was not carried out to confirm the presence or absence of otter within the site.	<p>Non Breeding Birds Refer to items CWACC7.32, CWACC7.34, CWACC7.35, CWACC7.36 and CWACC7.37 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-2027] for further detail on the Applicant's position.</p> <p>In brief summary, the Applicant's survey methodology is in accordance with current Natural England guidance and has been supplemented by extensive desk-based records, and records from other projects. The site is very well surveyed and understood, with extensive data provided and reviewed and which enables a high degree of confidence in the baseline used for assessment.</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none">The scope of surveys for reptiles, which did not include land within the proposed NBBMA.	<p>The Applicant will continue to engage with CWCC to try and agree that the survey data presented in the baseline is adequate to inform the assessments made.</p> <p>Roosting Bats</p> <p>Refer to item CWACC7.76 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant has undertaken further survey work in October 2025 to check assumptions that trees identified for removal were not suitable for roosting bats. No trees subject to removal were identified as offering bat roosting potential using the criteria set-out in Colins (2023). Typically, trees were semi-mature and not of an age or stature where bat roosting features have developed. The Applicant has set out measures in the oCEMP to ensure the protection of roosting bats.</p> <p>The Applicant will continue to engage with CWCC to try and agree that the survey data presented in the baseline is adequate to inform the assessments made.</p> <p>Otters</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>Refer to item CWACC7.77 in the Applicant's Response to CWCC's Relevant Representation [PD2-2027PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant's oCEMP includes a commitment to pre-construction surveys, which is considered more appropriate given that locations of otter holts would be likely to change between the baseline survey period and construction. In the event that preconstruction surveys identify otter holts, or likely otter holts, appropriate methods to ensure legal protections for the species are maintained will be put in place including, if required, licensing from Natural England. Consequently, the Applicant does not agree additional surveys are required at this stage and maintains that the baseline is robust and adequate for impact assessment.</p> <p>The Applicant will continue to engage with CWCC to try and agree that the survey data presented in the baseline is adequate to inform the assessments made.</p> <p>Reptiles</p> <p>Refer to item CWACC7.85 in the Applicant's Response to CWCC's Relevant Representation [PD2-</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>2027PD2-027] for further detail on the Applicant's position.</p> <p>No evidence of reptiles has been found within the surveyed areas, or from desk study. Precautionary measures to ensure the protection of common reptile species have been included in the oCEMP. It is therefore the Applicant's position that reptiles have been fully and appropriately considered in the Environmental Statement.</p> <p>The Applicant will continue to engage with CWCC to try and agree that the survey data presented in the baseline is adequate to inform the assessments made.</p>	
9.3.	The measures proposed to mitigate impacts to ecological receptors and resources.	<p>CWCC agrees that, in principle, the works proposed to the NBBMA are likely to enhance and increase its carrying capacity for qualifying non-breeding bird species. However, CWCC has specific concerns about the Applicant's approach to mitigating the effects of the Proposed Development, these can be summarised as:</p> <ul style="list-style-type: none"> • NBBMA: Whether the NBBMA would be enough to fully compensate for the impacts of the Proposed Development 	<p>NBBMA</p> <p>Refer to items CWACC7.01 and CWACC7.51 in the Applicant's Response to CWCC's Relevant Representation [PD2-2027PD2-027] for further detail on the Applicant's position.</p> <p>The bird-day calculations used in the Information to Inform Habitats Regulations Assessment were based on the current, unenhanced baseline condition of the entire Order Limits (including the SADA and the NBBMA),</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>on qualifying non-breeding bird species.</p> <ul style="list-style-type: none">• Other Land: The approach to relying on habitats outside the Applicant's control for mitigation of the Proposed Development's impacts.• Layout: The layout of the Proposed Development, including the extent of the SADA in proximity to the NBBMA.• Buffers: The buffers used between areas of public access and sensitive ecological areas.• Cumulative Impacts: The approach to managing cumulative impacts with other development.• Phasing: The timing and phasing of proposed mitigation, including the NBBMA and the Skylark Mitigation Area.• Skylark Mitigation: The location and effectiveness of the Skylark Mitigation Area.• Monitoring: The monitoring of the effectiveness of the proposed mitigation.• Badger: The approach to mitigating impacts on badger.	<p>meaning that the assessment is precautionary. The assessment established a foundation capacity of the current Order Limits without assuming an uplift from the works to the NBBMA. Therefore, the predicted enhancement of habitat quality and consequently the carrying capacity within the NBBMA is additional to the baseline.</p> <p>This design of the NBBMA provides a diverse and functionally rich habitat resource targeted at the needs of qualifying species and it is not agreed that the Application provides inadequate habitat quality improvements.</p> <p>It is the Applicant's position that the NBBMA delivers a clear benefit overall, which should not be considered solely on the basis of illustrative bird-day calculations.</p> <p>The Applicant has provided revised versions of the Information to Inform Habitats Regulations Assessment (PD02-009) and Outline Landscape and Ecology Management Plan (PD2-023), which include a revised Non-Breeding Bird Mitigation Strategy document in Appendix B, to give further reasoning and</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>justification that the NBBMA will offer sufficient mitigation.</p> <p>Other Land</p> <p>Refer to items CWACC7.05 and CWACC7.78 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant is not relying on habitats outside the Applicant's control for mitigation. The point questioned by CWCC is in relation to the Planning Statement (APP-128) which is making an overarching point that the birds of SPA will have adequate habitat within the wider estuary and the enhanced habitats within the NBBMA.</p> <p>Specifically in relation to otter, it is the Applicant's position that the availability of food or shelter resources will not be diminished and these will continue to be available on land under the Applicant's control. It is not that the Applicant is 'relying' on areas outside the control of the Applicant to justify or mitigate the impacts caused by the Proposed Development, it is simply providing a characterisation of the habitats available in the area in the context of determining whether the conservation status of this species</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>would be adversely affected by the Proposed Development.</p> <p>Layout</p> <p>Refer to item CWACC7.10 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>The SADA was not reduced in proximity to the NBBMA, instead, mitigation is secured through the oCEMP (Version P02, as updated at Procedural Deadline B), which requires noise management measures i.e. restricting the timings of workings, low noise plant, screening where appropriate and monitoring of thresholds in proximity to the NBBMA.</p> <p>Buffers</p> <p>Refer to items CWACC7.15, CWACC7.17, CWACC7.64 and CWACC7.65 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>In summary, the Applicant has designed the buffers used for the Proposed Development based on site-specific survey data and features such as topography. The Applicant's position is that the proposed buffers</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>and offsets are appropriate and proportionate.</p> <p>Where bird screens are proposed, these are not relied upon in isolation, but form part of a suite of embedded mitigation measures designed to minimise disturbance measures.</p> <p>Cumulative impacts</p> <p>Refer to item CWACC7.28 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position and the Technical Note on Pipeline Interactions submitted at Deadline 1.</p> <p>The Applicant has committed to working with other developers. The oCEMP (Version P02, as updated at Procedural Deadline B) has been revised to provide additional control in relation to the formation of a joint working group to demonstrate the Applicant's commitment to working with the other developers.</p> <p>Furthermore, the timing of the construction phases is controlled via Requirement 3 of Schedule 2 of the draft DCO (Version P03, as updated at Procedural Deadline B). As such CWCC will be aware of the timings of</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>works associated with the construction phase of the Proposed Development.</p> <p>It is anticipated similar controls, in terms of pre-notification of the timing of construction, provision of a CEMP and commitment to participating in a joint working group, would be applied to the planning permission for the Eni Runcorn Spur Carbon Dioxide Pipeline and the DCO for the Cadent Hydrogen Pipeline should these be consented.</p> <p>The final CEMP will be prepared cognisant of the programme of other phases of the Proposed Development and other construction works that may be undertaken in the area that could give rise to cumulative construction phase effects.</p> <p>On this basis, that the similar conditions / requirements are placed on the other developments, CWCC should be satisfied that there are adequate controls in place to ensure that there will be no in-combination effects, which could be significant.</p> <p>Phasing</p> <p>Refer to items CWACC7.40 and CWACC7.41 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>It is agreed by the Applicant to complete the construction of the NBBMA prior to work commencing on the western and eastern SADA. Paragraph 2.4.4 of the oCEMP (Version P02, as updated at Procedural Deadline B) has been updated to reflect this commitment.</p> <p>The Applicant confirms that the Skylark Mitigation Area will be in place and functional prior to development of the SADA. Table 5-3 of the oCEMP (Version P02, as updated at Procedural Deadline B) has been updated to reflect this commitment.</p> <p>Skylark Mitigation</p> <p>Refer to items CWACC7.70 to CWACC7.74 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>It is the Applicant's position that the mitigation is adequate and proportionate for skylarks, that the conservation status of skylarks will be maintained, and that the SMA forms only part of the habitat within the Order Limits which will be available for nesting and foraging skylarks during the operational period.</p> <p>Monitoring</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>Refer to items CWACC7.43 to CWACC7.44 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>Requirement 9(2)(j) of Schedule 2 of the draft DCO requires the Applicant to provide <i>"details of the establishment, maintenance and monitoring regime for Work No. 6C (which must be substantially in accordance with the non-breeding bird mitigation strategy)</i>". Consequently, full details of monitoring can be agreed in full as part of the approval of the detailed NBBMS.</p> <p>Badger</p> <p>Refer to item CWACC7.81 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant will fully comply with the Protection of Badgers Act 1992, which makes it illegal to intentionally harm badgers or interfere with their setts without a specific licence from Natural England. It is accepted that direct impacts on badger setts must be avoided, either through design or working methods. Pre-construction surveys are considered appropriate to confirm the location of active badger</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			setts prior to construction (and thus the need for any licences) and have been included in the oCEMP. Consequently, it is the Applicant's position that badgers have been fully considered in the assessment.	
9.4.	The conclusions in respect of the assessment of impacts and effects to ecological receptors and resources.	<p>CWCC is in broad agreement with the assessment of impacts with the exception of the following (noting comments above in relation to the NBBMA and impacts on the SPA):</p> <ul style="list-style-type: none"> Recreational Impacts: Impacts from disturbance due to the proposed enhancements to the footpath and right of way network are not adequately assessed. Noise Impacts: The elevational differences between the canal pools and Cell 3 have not been fully assessed within the noise assessment. Disruption of Flight Paths: The issue of flight path disruption from noise and glint and glare impacts has not been fully assessed. Hydrological Impacts: The impacts on hydrology from the re-engineering of Cell 3 have not been fully assessed. 	<p>Recreational Impacts Refer to items CWACC7.04, CWACC7.16 and CWACC7.19 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>Disturbance impacts will be effectively managed through measures within the Applicant's control, including alignment of routes to avoid the most sensitive margins, screening and planting to reduce line-of-sight effects, and management of public access to discourage off-route activity.</p> <p>Within the Information to Inform Habitats Regulations Assessment (PD2-009) (Section 8.3), the Applicant has updated the dedicated subsection on Recreational Pressure and Access Management which considers potential effects associated with increased use of permissive paths and informal routes, including dog walking.</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none"> • Replacements: The operational phase impacts of traffic along the southern boundary of Cell 3 as a result of major replacement campaigns has not been taken into consideration. • Cumulative Effects: The cumulative effects of the Runcorn CO₂ Spur project on the NBBMA, and the effects of the Proposed Development on the mitigation of Frodsham Wind Farm. • Breeding Birds: The impact of the Proposed Development on Marsh Harrier, and on Merlin. • Local Wildlife Sites: The impacts on the Frodsham, Helsby and Ince Marshes LWS should be assessed against all qualifying features. 	<p>Natural England consider that the impacts relating to disturbance have been adequately mitigated.</p> <p>The Applicant considers that disturbance from increased access has been fully recognised and addressed within the assessment.</p> <p>Noise Impacts</p> <p>Refer to item CWACC7.08 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>ES Vol 1 Chapter 8: Ornithology (APP-041) notes that Cell 6 is substantially (6 – 10m) below Cell 3 (the NBBMA) and below a steep embankment which is topped by vegetation. No birds using Cell 6 would be able to see or likely hear any activity on Cell 3. The noise impacts from construction are assessed separately in ES Vol 2 Appendix 4-1: Noise Impact Assessment (APP-054). While the HRA does not repeat some of the topographic description above, the modelling does incorporate relevant source-receptor relationships, including distances.</p> <p>Disruption of Flight Paths</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>Refer to items CWACC7.09, CWACC7.11 and CWACC7.12 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>Flight activity represents a transient and short-duration exposure, in contrast to sustained foraging or roosting behaviour. On this basis, potential impacts to birds in flight are not predicted to alter the overall conclusions of the assessment. For the avoidance of doubt, aside from construction of the NBBMA, there is no development of Cell 3 and so an entirely open route continues to be available to flying birds between the estuary, Cell 3 and Cell 6. It is further clarified that there is no evidence of bird flight lines being altered by solar developments which the Applicant is aware of.</p> <p>Natural England has confirmed that it is satisfied with the information provided in relation to glint and glare, as outlined in Natural England's Relevant Representation (RR-012). As CWACC has indicated that it will defer to Natural England on all ornithological matters, the Applicant considers the issue to be resolved. For the avoidance of doubt, the Applicant's</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>position is that there will be no significant impacts arising from glint and glare, and that there is no evidence or indication that such impacts affect birds in any way.</p> <p>The Applicant considers that disturbance to birds in flight between Cells has been implicitly assessed within the broader treatment of noise and visual disturbance, and that no additional pathway of significant effect arises beyond those already addressed.</p> <p>Hydrological Impacts</p> <p>Refer to item CWACC7.25 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>The proposed engineering modifications will result in a very small change in water level within the Cell 3 area. The expected change in water level by reprofiling the surface, exposing the water table and controlling the outflow level from Cell 3 therefore very unlikely to have any measurable effect on water levels in neighbouring land parcels.</p> <p>Furthermore, it is worth noting that the cells were designed for containment of</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>dredgings and the associated water in their role as dredging deposit grounds.</p> <p>Replacements</p> <p>Refer to item CWACC7.27 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position and the technical note on Replacement Activities submitted following the discussion at ISH1 at Deadline 1.</p> <p>The Information to Inform Habitats Regulations Assessment treats these activities as short construction phases. Disturbance and displacement effects near the NBBMA were therefore included. As concluded in Section 8.3 of the Information to Inform Habitats Regulations Assessment, with embedded mitigation, including out-of-season timings, defined traffic routes, and measures secured through the oOEMP. If works are done through seasonal timings, then the qualifying bird species will not be impacted and therefore are not considered vulnerable.</p> <p>The oOEMP sets out at paragraphs 2.4.6 to 2.4.7 that specific management measures need to be submitted to CWCC prior to any replacement activities which involve</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>the replacement of more than 50% of the solar panels within the Proposed Development. It confirms that these measures should be consistent with the principles of the final CEMP, PROWMP, CTMP and OEMP. As set out in its submissions at ISH1, the Applicant considers this to provide the necessary controls. Additional detail is being provided within the oOEMP to be submitted at Deadline 1, on replacement activities following ISH1.</p> <p>Cumulative Effects</p> <p>Refer to item CWACC7.28 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position and the Technical Note on Pipeline Interactions submitted at Deadline 1.</p> <p>The Applicant has committed to working with other developers. The oCEMP (Version P02, as updated at Procedural Deadline B) has been revised to provide additional control in relation to the formation of a joint working group to demonstrate the Applicant's commitment to working with the other developers.</p> <p>Furthermore, the timing of the construction phases is controlled via Requirement 3 of Schedule 2 of the</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>draft DCO (Version P03, as updated at Procedural Deadline B). As such CWCC will be aware of the timings of works associated with the construction phase of the Proposed Development.</p> <p>It is anticipated similar controls, in terms of pre-notification of the timing of construction, provision of a CEMP and commitment to participating in a joint working group, would be applied to the planning permission for the Eni Runcorn Spur Carbon Dioxide Pipeline and the DCO for the Cadent Hydrogen Pipeline should these be consented.</p> <p>The final CEMP will be prepared cognisant of the programme of other phases of the Proposed Development and other construction works that may be undertaken in the area that could give rise to cumulative construction phase effects.</p> <p>On this basis, that the similar conditions / requirements are placed on the other developments, CWCC should be satisfied that there are adequate controls in place to ensure that there will be no in-combination effects, which could be significant.</p> <p>The FWF is operational and is therefore part of the baseline. It is common and accepted practice for existing developments to form part of</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>the baseline, and not the cumulative assessment which is for consented projects that are not yet operational. However, the Applicant does acknowledge the complexities of the Proposed Development and the interaction with the FWF mitigation which is currently in place. The Applicant has been very clear from the outset that Frodsham Solar must deliver additive mitigation sufficient to ensure that the Proposed Development does not have an adverse effect on the integrity of the SPA by undermining current FWF mitigation. In this regard, the Applicant has considered the cumulative/in-combination effects of the two projects.</p> <p>Breeding Birds</p> <p>Refer to items CWACC7.57 and CWACC7.58 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>As set out in paragraph 8.7.38 of ES Vol 1 Chapter 8: Ornithology (APP-041), the Applicant will implement measures to ensure that any potential impacts on breeding Schedule 1 species are avoided. To clarify there is no evidence of, or records of, marsh harriers breeding within the Order</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>Limits. It is understood that the species breeds nearby, in areas of suitable habitat. An Ecological Clerk of Works (ECoW) will be appointed during the construction phase to oversee works, carry out pre-commencement checks, and enforce appropriate exclusion buffers should breeding activity be identified.</p> <p>Merlin breed exclusively in upland moorland and heathland habitats which do not occur in this part of the County. No breeding evidence was recorded during three years of targeted surveys within the Order Limits, as would be expected, and the habitats present are not suitable for breeding Merlin.</p> <p>Local Wildlife Sites</p> <p>Refer to item CWACC7.86 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>ES Vol 1 Chapter 7: Terrestrial Ecology (APP-040) states that in order to avoid repetition, where a criteria of the LWS is met, and the receptor is scoped in separately (including HPIs, other habitats, otter, water vole, fish and invertebrates),</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			these are not assessed under non-statutory designated sites.	
9.5.	The biodiversity net gain assessment.	<p>CWCC agree that the Proposed Development is not subject to mandatory Biodiversity Net Gain (as per para. 7.127 of CWCC's Relevant Representation [RR-037]).</p> <p>CWCC agree with the Applicant that the Proposed Development is not achieving a net gain in strict accordance with the Biodiversity Metric user guide, as the trading rules are not satisfied.</p> <p>CWCC do not currently agree with the Applicant's approach to classifying reedbeds within the metric, and the approach to compensating for reedbeds within the metric.</p>	<p>The Applicant agrees that BNG is not mandatory for the Proposed Development.</p> <p>The Applicant agrees that whilst a net increase in units has been achieved (which are biodiversity gains), this is not equivalent to achieving a net gain in strict accordance with the Biodiversity Metric user guide.</p> <p>The Applicant has set out further detail on the approach to reedbeds, with reference to item CWACC7.93 and CWACC7.95 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position. In summary, the Applicant's position is that reedbeds have been appropriately classified in the metric, and that reedbeds are likely to have been overvalued by strictly following the metric.</p> <p>The Applicant will continue to discuss the approach to classifying and compensating for reedbeds in the BNG assessment, and try to reach agreement.</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
9.6.	The conclusions in respect of the glint and glare assessment.	CWCC agree with the conclusions of the glint and glare assessment, but raise concerns in relation to the potential impact of glint and glare on birds.	Natural England has confirmed that it is satisfied with the information provided in relation to glint and glare, as outlined in Natural England's Relevant Representation (RR-012) . As CWACC has indicated that it will defer to Natural England on all ornithological matters, the Applicant considers the issue to be resolved.	Matter Agreed
10. Topic: Habitats Regulations Assessment				
10.1.	The conclusion that the Proposed Development would not result in likely significant effects that could affect the integrity of the Mersey Estuary SPA and Ramsar.	CWCC has raised broad concerns in relation to the Habitats Regulations Assessment and at this stage will defer to Natural England's assessment.	The Applicant notes this comment and will continue to engage with both CWCC and Natural England.	Under Discussion
11. Topic: Flood Risk and Drainage				
11.1.	The Applicant's Flood Risk Assessment.	CWCC consider that the Applicant's Flood Risk Assessment is generally adequate and satisfies the requirements of NPS EN-1 paragraph 5.8.15, with the only point remaining under discussion being agreement on the measures to ensure the Proposed Development will be safe and remain operational during a flooding event throughout its lifetime.	The Applicant notes this comment and will continue to engage with CWCC in relation to the measures to ensure the Proposed Development will be safe and throughout its lifetime. In this regard, the Applicant has updated the oFWEP [PD2-028] at Procedural Deadline B to respond to CWCC and EA comments, and trusts that this	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
		CWCC defer to the Environment Agency with regard the specific adequacy of any flood risk modelling undertaken by the Applicant.	could resolve CWCC's concerns. The Applicant and CWCC will provide further update at the next SoCG.	
11.2.	The Proposed Development meets the requirements of the 'Sequential Test'.	CWCC is continuing to discuss with both the Environment Agency and the Applicant the issue of the Applicant's sequential test, and the sequential approach to development within the site.	The Applicant notes this comment and will continue to engage with CWCC. Refer to item CWACC10.1 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.	Under Discussion
11.3.	The Proposed Development meets the requirements of the 'Exception Test'.	CWCC agree with the first limb of the Exception Test, i.e. that the Proposed Development would provide wider sustainability benefits that outweigh the flood risk. On the second limb of the Exception Test, as set out above, CWCC has concerns whether the Proposed Development will be safe during a flood event throughout its lifetime. The Applicant has met with the Council's Emergency Planning team and they have been satisfied that the measures in the Flood Warning and Evacuation Plan are sufficient.	The Applicant notes this comment. The Outline Flood Warning and Evacuation Plan (PD2-028) has been updated to reflect discussions with the Council's Emergency Planning team. The Flood Risk Assessment and associated hydraulic modelling have demonstrated that the development would be resilient to flooding in all design flood scenarios agreed with the Environment Agency.	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
11.4.	CWCC's role as Lead Local Flood Authority	CWCC agrees with the Applicant's approach to managing surface water and drainage, and agrees to the disapplications set out in Article 7(1, a-d) of the draft DCO.	The Applicant notes this comment.	Matter Agreed
12. Topic: Water Quality and Resources				
12.1.	The approach to assessing impacts and effects on the water environment.	CWCC agree with: <ul style="list-style-type: none">the Applicant's approach to assessing impacts and effects on the water environment;the baseline data for the assessment of the water environment;the measures proposed to mitigate impacts to the water environment; andthe conclusions in respect of the assessment of impacts and effects on the water environment.	The Applicant notes this comment.	Matter Agreed
12.2.	Water Framework Directive Water Bodies	CWCC agree that with the mitigation measures in place, the Proposed Development will not cause deterioration in the ecological or chemical status of a WFD water body, nor prevent a WFD	The Applicant notes this comment.	Matter Agreed



Ref.	Matter	CWCC Position	Applicant Position	Status
		water body from achieving its respective objectives.		
<i>Topic: Land and Soils</i>				
12.3.	The agricultural land classification for the Site.	CWCC accepts the Applicant's assessment of the agricultural land, and agrees the Site is not best and most versatile land.	The Applicant notes this comment.	Matter Agreed
12.4.	The approach to soil management across the Site.	CWCC welcomes the inclusion of the oSMP (APP-141) with a view to preserving the structure of the soils. CWCC has no significant comments on the approach set out in the oSMP but notes that further detail / clarification in relation to any stockpiling in areas at risk of flooding should be provided in accordance with any comments / guidance from the EA (or LLFA).	The Applicant notes this comment.	Matter Agreed
<i>13. Topic: Ground Conditions</i>				
13.1.	The methodology and baseline used for the assessment of ground conditions.	CWCC agree with: <ul style="list-style-type: none">the methodology used for the assessment of ground conditions; and	The Applicant notes this comment.	Matter Agreed



Ref.	Matter	CWCC Position	Applicant Position	Status
		<ul style="list-style-type: none">the baseline data used for the assessment of ground conditions		
13.2.	The measures proposed to mitigate impacts in relation to ground conditions and contaminated land.	<p>CWCC broadly agree with the measures proposed to mitigate impacts in relation to ground conditions and contaminated land, and recommend that further detailed investigation and assessment is carried out at the detailed design stage in line with the Applicant's proposals, should the Proposed Development be consented.</p> <p>CWCC do however request that the Applicant updates the Requirements of the draft DCO to include for the submission of a remediation strategy and verification plan prior to construction, and suggest that a separate requirement may be required for the unexpected contamination protocol, rather than controlling this through the oCEMP.</p>	<p>The Applicant acknowledges the need for further detailed investigation as part of the detailed design phase. Requirement 17 of the draft DCO identifies the need for a 'ground conditions investigations and assessments strategy' to be submitted and approved by CWCC prior to works commencing on any phase.</p> <p>Requirement 1 of the draft DCO defines 'ground conditions investigations and assessments strategy' and lists the following elements which must be included in the strategy: (c) remediation strategies and verification reports. Paragraphs 4.1.23 to 4.1.25 and Table 5-5 of the oCEMP provides further details of the controls that would be provided in relation to contamination.</p> <p>The need to provide an unexpected contamination protocol is explicitly identified in Requirement 12(2)(c) of the draft DCO. Accordingly, the Applicant considers that the draft DCO includes adequate measures to ensure the necessary protection of controlled waters, property, and ecological systems.</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			The Applicant trusts that this satisfactorily addresses CWCC's concerns, and awaits confirmation that the mitigation measures for ground conditions and contaminated land are agreed.	
13.3.	The conclusions in respect of the assessment of impacts and effects on ground conditions.	CWCC agree with the conclusions in respect of the assessment of impacts and effects on ground conditions.	The Applicant notes this comment.	Matter Agreed
14. Topic: Peat Resources				
14.1.	The baseline data collected in relation to identifying peat across the Site.	CWCC currently advise that further investigation of peat deposits should be carried out.	<p>Refer to item CWACC8.1 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position as well as the Applicant's Summary of its Oral Submissions at ISH at Deadline 1 (including the plan requested by the ExA in its agenda for the Hearing).</p> <p>ES Vol 1 Chapter 10: Ground Conditions (APP-043) has assessed the potential for peat to be present across the Site and whether there would be any impact on peat present. The ground investigation data shows that there is no peat present at depths which could be impacted by the Proposed Development.</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>The Applicant considers that the frequency of ground investigations that has been undertaken is appropriate to provide a good confidence level in the nature of the ground conditions beneath the Proposed Development and the absence of peat at shallow depth.</p>	
14.2.	The assessment of impacts on peat resources.	<p>CWCC expect to see further investigation of peat carried out as set out above. In addition, CWCC will continue to discuss with the Applicant the assessment of issues such as compaction and hydrology, as well as the archaeological aspects.</p>	<p>The site investigations undertaken for the Proposed Development do not identify surface or shallow observations of peat or peat-forming conditions across the Site. Peat deposits are capped by tidal sediments indicating marine transgression.</p> <p>Given the nature of the development, additional loading due to solar farm infrastructure is likely to be minor and minimised further by the use of shallow piles. Vehicles accessing the Site would be akin to loading experienced from agricultural practices. The peat horizons lie below the envisaged piling depth. This will further limit any hydrological impacts to the relic peat body and any preserved archaeological remains therein.</p> <p>Although no significant peat impacts are envisaged mitigation measures such as the use of low-pressure piling</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>machinery will be used should detailed site investigation prior to construction identify any areas of peat at depths of less than 5m.</p> <p>Regarding compaction and hydrological impacts, based on the information gathered to date and the nature of the construction and operation of the Proposed Development, there would not be adverse effects on buried peat.</p> <p>Regarding archaeology, the Applicant has outlined a programme of geoarchaeological investigation which is secured within Table 5-6 of the oCEMP (. CWCC will also have approval of the archaeological mitigation strategy for the Proposed Development, as secured by Requirement 18 of the draft DCO.</p> <p>The Applicant will continue to discuss the assessment of peat resources with CWCC.</p>	
<p>15. Topic: Cultural Heritage and Archaeology</p>				
15.1.	The methodology and assessment of effects on the historic environment.	CWCC agrees with: <ul style="list-style-type: none"> the methodology used for the assessment of the historic 	The Applicant notes this comment.	Matter Agreed



Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>environment, encompassing both cultural heritage and archaeology;</p> <ul style="list-style-type: none">the baseline data for the assessment of the historic environment, encompassing both cultural heritage and archaeology;the measures proposed to mitigate impacts on the historic environment, and considers the approach to securing mitigation through the DCO requirements and the Outline Written Scheme of Investigation are appropriate; andthe conclusions in respect of the assessment of impacts and effects on the historic environment.		
16. Topic: Transport and Highways				
16.1.	The study area and methodology used for the assessment of traffic and transport impacts.	CWCC agree with: <ul style="list-style-type: none">the methodology used for the assessment of traffic and transport impacts; andthe baseline data used for the assessment of traffic and transport impacts.	The Applicant notes this comment.	Matter Agreed



Ref.	Matter	CWCC Position	Applicant Position	Status
16.2.	The measures proposed to mitigate traffic and transport impacts.	<p>CWCC have the following comments in relation to mitigating potential traffic and transport impacts:</p> <ul style="list-style-type: none">• Protos - The impacts of the Proposed Development alongside the impact on Protos.• Abnormal Indivisible Loads - The impacts of abnormal indivisible load traffic movements on the highway network.• Access Strategy - Construction access during periods where the M56 motorway could be closed.• Parking - The parking of vehicles on accesses around the Site during the construction phase.• Construction Access Working Group - The means of securing the construction traffic working group proposed for the Proposed Development and other developments.	<p>The Applicant is continuing to engage with CWCC on the following matters, and provided update at Procedural Deadline B that may address the points raised by CWCC in its Response to CWCC's Relevant Representation [PD2-027]. A summary of the Applicant's position is provided below.</p> <p>Protos</p> <p>Refer to item CWACC14.2 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>In summary, the Applicant has included a comparison of the forecast trip generation against the Protos cap as a means of demonstrating the minimal level of traffic impact. The Applicant's position is that Protos is a separate development, and there is no planning or transport reason to tie the HGV trip generation of the Proposed Development to the Protos cap. The traffic impacts of the Proposed Development are adequately managed through the measures set out in the oCTMP without the need for a tie to the Protos Cap.</p> <p>Abnormal Indivisible Loads</p>	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>Refer to item CWACC14.3 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>As set out in Section 5.5 of the oCTMP, all abnormal load movements would be planned and agreed in advance with CWACC and National Highways in accordance with the Road Vehicles (Authorisation of Special Types) (General) Order 2003.</p> <p>Access Strategy</p> <p>Refer to item CWACC14.4 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>In the event of a prolonged closure of the M56, or any closure that would restrict access to Pool Lane and prevent the use of the identified construction access route, the Applicant would coordinate with CWACC and National Highways and would follow any temporary diversion route that might be in place.</p> <p>Parking</p> <p>Refer to item CWACC14.8 in the Applicant's Response to CWCC's Relevant Representation [PD2-027]</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>for further detail on the Applicant's position.</p> <p>Paragraph 4.3.7 of the oCTMP sets out "No construction traffic will be parked outside of these compounds, or indeed outside of the site. Parking will be managed and carefully monitored by the site manager to ensure that parking is provided in an efficient and safe manner, with sufficient separable distance from any plant, materials, or construction activity." CWACC will be able to consider the details of this via its approval of the detailed CTMP pursuant to Requirement 14 of the draft DCO.</p> <p>Construction Access Working Group</p> <p>Refer to item CWACC14.2 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant (and the DCO) cannot require the other developments to attend the group, but they will be invited to do so, and it is open to CWACC to require it through imposing controls on the consents for those projects.</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
16.3.	The conclusions in respect of the assessment of traffic and transport impacts and effects.	CWCC consider the Transport Assessment submitted as part of the application to be adequate, subject to clarification from the Applicant in relation to the mitigation measures set out above.	The Applicant notes this comment and will continue to engage with CWCC in relation to the mitigation measures set out above.	Under Discussion
17. Topic: Tourism and Recreation				
17.1.	The study area and methodology for the assessment of tourism and recreation impacts.	CWCC agree with the methodology for the assessment of tourism and recreation impacts.	The Applicant notes this comment	Matter Agreed
17.2.	The baseline data for the assessment of tourism and recreation impacts.	CWCC agree with the baseline data for the assessment of tourism and recreation impacts.	The Applicant notes this comment	Matter Agreed
17.3.	The measures proposed to mitigate tourism and recreation impacts. ³	CWCC broadly support the approach to improving public access around the Site, but retain concerns about the impacts of the improved public access on ecology and biodiversity, and on the visual amenity of recreational users of the landscape. In relation to mitigation measures specific to tourism and	The Applicant is continuing to engage with CWCC on the following matters, and provided update at Procedural Deadline B that may address the points raised by CWCC in its Response to CWCC's Relevant Representation [PD2-027] . A	Under Discussion

³ Note: The potential mitigation measures and ecological impacts of tourism and recreation at the Site are covered under the Ecology and Biodiversity topic area of this SoCG, and not repeated in this Tourism and Recreation section.



Ref.	Matter	CWCC Position	Applicant Position	Status
		<p>recreation, CWCC has the following comments:</p> <ul style="list-style-type: none">• Condition Surveys - CWCC request the Applicant allows for condition surveys of PRoW before and after construction.• PRoW Closures - CWCC request that greater clarity is provided on the duration of any PRoW closures, including a phasing or programming plan of any temporary and permanent closures.• Permissive Paths - CWCC request further clarity is provided in relation to the timing of when permissive paths will be implemented, and how they will be managed and maintained.• Cumulative Effects - CWCC request further clarity on the approach to managing PRoW should works to construct other developments be happening simultaneously.• Decommissioning - CWCC request further clarity in relation to the plan for permissive paths following decommissioning of the Proposed Development.	<p>summary of the Applicant's position is provided below.</p> <p>Condition Surveys</p> <p>Refer to item CWACC14.10 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p> <p>The Outline Public Rights of Way Management Plan sets out a commitment to improve the condition of the PRoW network within the Order Limits and that the full PROW Management plan will include the approach taken to monitor the condition of the PRoW network and identify areas where improvement works are required.</p> <p>PRoW Closures</p> <p>Refer to item CWACC11.3 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p> <p>The oPROWMP [PD2-021] sets out the hierarchy used for management of the PRoW to ensure the safety of the public. The Applicant has sought to keep the vast majority of PRoW within the Site would open during the construction phase through</p>	

Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>management measures which are described in section 4 of the oPROWMP.</p> <p>Paragraphs 3.3.6 to 3.3.9 of the oPROWMP describe the proposed approach to providing signage and information during the construction works. At Procedural Deadline B, an additional commitment was added to the oPROWMP at paragraph 3.3.10 for the full PROWMP to include details of how temporary closures and diversions of any PROW will be advertised to the local community.</p> <p>Permissive Paths</p> <p>Refer to items CWACC11.8 and CWACC11.9 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p> <p>The delivery of the permissive paths, including their specification, is controlled through the implementation of the Landscape and Ecological Management Plan pursuant to Requirement 9 of Schedule 2 of the draft DCO specifically ((2)(h) which requires the final routing, specification and maintenance regime for each permissive path to be approved by the relevant planning authority. This</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>provides the opportunity for the control of measures such as those described in the construction and operational phase of development.</p> <p>Cumulative Effects</p> <p>Refer to item CWACC11.11 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p> <p>The Applicant is not in control of the mitigation measures that would be adopted by cumulative projects. However, it is noted that Runcorn Carbon Dioxide Spur Pipeline planning application includes an Outline Public Rights of Way Management Plan and it is anticipated that the requirement for a full Public Rights of Way Management Plan will be a condition of planning permission should this be granted by the Council. Similarly, it is anticipated that such control would also be stipulated as a requirement of the HyNet Hydrogen Pipeline.</p> <p>Decommissioning</p> <p>Refer to item CWACC11.12 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for further detail on the Applicant's position.</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			Paragraph 2.4.4 of the oDEMP confirms that following decommissioning, the landowner may or may not retain the permissive footpaths created across the Site. After decommissioning, the Applicant will no longer be in control of the land, so there is no mechanism to secure the long-term retention of the permissive paths beyond the life of the DCO.	
17.4.	The conclusions in respect of the assessment of tourism and recreation impacts and effects.	<p>CWCC has raised concerns in relation to the following specific areas:</p> <ul style="list-style-type: none"> The assessment of tourism and recreation impacts and effects does not adequately address the visual impact on users of public rights of way, and enjoyment of the footpath network. CWCC consider that the assessment undervalues the sensitivity of local public rights of way, and underplays the magnitude of impact, resulting in a lower overall level of effect. 	<p>Refer to item CWACC11.6 in the Applicant's Response to CWCC's Relevant Representation [PD2-027] for further detail on the Applicant's position in relation to both of these points.</p> <p>ES Vol 1 Chapter 6 Landscape and Visual Amenity (APP-039) includes an extensive section assessing the effects of the Proposed Development on users of PRoW routes within and beyond the boundary of the Site (paragraphs 6.8.84 to 6.8.105). As such the Applicant has not relied solely on the selected representative viewpoints set out in the assessment. The introduction of the Proposed Development into the locality would not significantly change the landscape experience for the majority of the PRoW network that users will access in the area. It is on this basis that it</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>was concluded the operation of the solar PV facility would have little negative impact on the number of users of the PRoW and NCN.</p> <p>ES Vol 1 Chapter 12 Tourism and Recreation (APP-045) sets out a methodology to provide a semantic scale of importance, common in EIA practice. This reflects the differences in status between routes, for example those which have a national significance are judged to be of the highest importance and local routes with no regional or local status significance are judged to be of the lowest category of importance. With regard to Table 12-11 it should be made clear that the table states "Unknown but potentially in the order of 15,000 leisure uses per annum.". CWACCs reference to a visitor attraction is erroneous when referring to a PRoW, which is distinguished separately within Table 12-8.</p> <p>The Applicant will continue to engage with CWCC on these matters to try and reach agreement on the conclusions of the assessment.</p>	
18. Topic: Health and Amenity				



Ref.	Matter	CWCC Position	Applicant Position	Status
18.1.	The conclusions in respect of the assessment of noise and vibration impacts and effects.	CWCC agree with the baseline data and conclusions of the assessment of noise and vibration.	The Applicant notes this comment.	Matter Agreed
18.2.	The conclusions in respect of the glint and glare assessment.	CWCC agree with the conclusions of the glint and glare assessment, but raise concerns in relation to the potential impact of glint and glare on birds.	The Applicant notes this comment. See comment in Ecology topic above in relation to glint and glare impacts on birds.	Matter Agreed
18.3.	The conclusions in respect of residential visual amenity assessment.	CWCC agree there would be no significant residential visual amenity effects as a result of the Proposed Development.	The Applicant notes this comment.	Matter Agreed
18.4.	The conclusions in respect of air quality impacts and effects.	CWCC agree there would be no significant effects on air quality as a result of the Proposed Development.	The Applicant notes this comment.	Matter Agreed
19. Topic: Waste				
19.1.	The Applicant's approach to managing waste across the lifetime of the development.	CWCC agree with the Applicant's approach to managing waste across the lifetime of the development, and that the Proposed Development would not give rise to significant waste impacts.	The Applicant notes this comment.	Matter Agreed
20. Topic: Decommissioning				



Ref.	Matter	CWCC Position	Applicant Position	Status
20.1.	The Applicant's proposed approach to the timing, funding and end state of decommissioning for the Proposed Development.	<p>CWCC raise the following comments with regards the decommissioning phase of the Proposed Development:</p> <ul style="list-style-type: none"> Decommissioning in the draft DCO - CWCC request that appropriate provision is in place for both decommissioning and restoration not just for the 40 year life span, but also in the event the Proposed Development stops generating for a period of 24 months. Decommissioning Fund - CWCC request that a robust mechanism is put in place to fund decommissioning. Planting - CWCC request that planting and landscaping implemented as part of the Proposed Development is secured beyond the lifetime of the DCO. NBBMA - CWCC have concerns that the NBBMA will not be retained following decommissioning of the Proposed Development, when qualifying bird species of the SPA may be dependent on it. 	<p>The Applicant is continuing to engage with CWCC on the following matters, and provided update at Procedural Deadline B that may address the points raised by CWCC in its Response to CWCC's Relevant Representation [PD2-027].. A summary of the Applicant's position is provided below.</p> <p>Decommissioning in the draft DCO</p> <p>The Applicant has agreed to commit to securing early decommissioning in the event that electricity generation cease for a specified period, subject to certain exclusions e.g <i>force majeure</i>. Requirement 20 and OOEMP have been revised at Deadline 1 to reflect this commitment.</p> <p>Decommissioning Fund</p> <p>As set out in the Funding Statement (APP-019), the costs of decommissioning will be covered by revenue generated by the Proposed Development, through its operations. NPS-EN3 does not require funding to have been secured to carry out decommissioning.</p> <p>This approach is consistent with recent SoS decisions such as the Oaklands DCO (paragraph 4.41 to 4.45 of the</p>	Under Discussion



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>SoS decision letter) and Stonestreet Solar (paragraph 7.3.10 to 7.3.15 of the ExA report). Following the discussion at ISH1, and the recent decision on the Helios Solar Project, the Applicant will provide an update on this position at Deadline 1.</p> <p>Planting</p> <p>The oDEM sets out that on decommissioning the landscaping works undertaken across the Site would remain in place. While it is considered likely that the tree and scrub planting would be retained as the land would be handed back to the landowners on completion of decommissioning the long-term retention of the landscaping improvement works by those landowners cannot be guaranteed.</p> <p>NBBMA</p> <p>The Applicant is not entirely clear on the point being made by CWCC. The NBBMA will be retained for the entirety of the decommissioning works. On completion of the decommissioning works the SADA will be returned to its current condition. Whilst the ongoing management of the NBBMA cannot be guaranteed post-decommissioning, it is likely the earthworks and general condition of Cell 3 would not be altered</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>and thus would remain in an improved habitat condition for non-breeding birds than it is at present.</p> <p>It is noted in respect of handback also that:</p> <ul style="list-style-type: none">• if the landowners wished to make any changes to the NBBMA, to do so would likely require planning permission (as it would involve engineering operations) which would engage EIA and HRA considerations being applied at that time;• post decommissioning those parts of the NBBMA within the SSSI boundary would be subject to the consenting requirements of the Wildlife and Countryside Act 1981;• the Applicant updated the draft DCO at Procedural Deadline B to provide that the management of the NBBMA, to the extent it falls within the SSSI boundary, shall be considered to form part of the management scheme for that SSSI for the purposes of the Wildlife and Countryside Act 1981; ensuring that the NBBMA management prescriptions will apply in the long term, unless	



Ref.	Matter	CWCC Position	Applicant Position	Status
			agreed to be varied by Natural England.	
21. Topic: Cumulative Effects				
21.1.	The scope of other developments assessed as part of the Applicant's Cumulative Effects Assessment.	CWCC agree with the scope of other developments included in the assessment of cumulative effects.	The Applicant notes this comment.	Matter Agreed
21.2.	The measures proposed to mitigate cumulative effects with other developments.	CWCC have comments in relation to the extent to which the mitigation proposed for the Proposed Development would be effective should the HyNet pipeline or Runcorn Spur CO2 pipeline be built at the same time as the Proposed Development. In addition, CWCC has comments in relation to the implications of the Proposed Development on the mitigation measures of the Frodsham Wind Farm. In light of this, CWCC remain in discussion with the Applicant on the adequacy of the assessment of cumulative effects, as this relates to agreeing on the adequacy of the mitigation measures for cumulative impacts, as set out above.	In relation to the HyNet pipeline and Runcorn Spur CO2 pipeline, refer to item CWACC16.1 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] and the Technical Note on Pipeline Interactions submitted at Deadline 1 for detail on the Applicant's position. For the HyNet pipeline, the Applicant's position is that differences in the construction sequencing of the HyNet Hydrogen pipeline and the Proposed Development i.e. whether they are undertaken at the same time or in sequence, would not result in materially different environmental effects, as the mitigation proposed for both projects, principally through the respective Construction Environmental Management Plans, would prevent	Under Discussion

Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>significant effects arising during construction.</p> <p>For the Runcorn Spur CO2 pipeline the Applicant's position is that it will be necessary for CWCC to impose controls on the planning permission of the pipeline that require construction in advance of, or at the same time, as the construction of the NBBMA.</p> <p>Alternatively, Liverpool Bay CCS Limited would need to propose adequate mitigation measures to ensure there will be no likely significant effects on the integrity of the Mersey Estuary SPA as a result of the temporary impacts from construction of the pipeline through the NBBMA.</p> <p>These measures would need to be secured through the planning permission for the pipeline. Either of these options are considered reasonable and would avoid cumulative inter-project effects arising. Where the projects were to overlap, this is controlled through the OCEMP, and the Applicant would expect CWCC to put in place relevant conditions on the planning permission for the pipeline to ensure that they engage with the Applicant in ensuring sufficient mitigation measures are put in place to account for the Proposed Development.</p>	



Ref.	Matter	CWCC Position	Applicant Position	Status
			<p>In relation to the Frodsham Wind Farm, refer to item CWACC16.2 in the Applicant's Response to CWCC's Relevant Representation [PD2-027PD2-027] for detail on the Applicant's position. In summary, the Applicant has, by virtue of recognising Frodsham Wind Farm as part of the baseline and recognising that any mitigation provided for the Proposed Development must be additive to that already provided for Frodsham Wind Farm, accounted for the cumulation of effects with the Frodsham Wind Farm.</p>	
22. Topic: Community Benefit Fund				
22.1.	The Applicant's proposed community benefit fund.	CWCC welcomes the principle of the Applicant's proposed Community Benefit Fund. CWCC will work with the Applicant to agree the amount and find a suitable mechanism for securing the benefits and administering the CBF.	The Applicant notes this comment and will continue to engage with CWCC on the CBF.	Matter Agreed



Appendix A - Agreement

FRODSHAM SOLAR LTD:

Name:

Signature:

Position:

On behalf of:

Frodsham Solar Ltd

Date:

CHESHIRE WEST AND CHESTER COUNCIL:

Name:

Signature:

Position:

On behalf of:

Cheshire West and Chester Council

Date:
