



# Frodsham Solar

## Applicant's Response to ExA First Written Questions

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**January 2026**

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**Revision P01**

# Document Control

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P01	January 2026	J Barton	A Russell

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**Prepared For:**  
**Frodsham Solar Ltd**

**Prepared By:**



Well House Barns, Chester Road, Bretton, Chester, CH4 0DH  
1st Floor, Barfield House, Alderley Road, Wilmslow, SK9 1PL  
Maling Exchange, Studio 307, Hoults Yard, Walker Road, Newcastle Upon Tyne, NE6 2HL

T: 0344 8700 007  
enquiries@axis.co.uk  
www.axis.co.uk

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## 1.0 INTRODUCTION

### 1.1 Purpose of this Document

1.1.1 Authority's (ExA's) first written questions **[PD-009]** which were issued on 18 December 2025, as part of the examination of the application for development consent for the proposed Frodsham Solar project (the 'Proposed Development').

1.1.2 This response is issued at Deadline 2 in accordance with the ExA's Rule 8 Letter **[PD-008]** issued on the 16th December 2025 detailing the examination timetable and procedure.

### 1.2 Approach

1.2.1 The Applicant has presented responses to the ExA's first written questions that are directed to it within Table 2-1 of this document. The table provides the reference for the relevant ExA question, the question, and the Applicant's response. The Applicant has also, where it considers that it may be helpful to the ExA, provided comments on questions directed to other parties.

1.2.2 The documents submitted with the application and at previous examination deadlines are referenced using the reference number assigned by the Planning Inspectorate (PINS) i.e. [APP-XXX].

## **2.0 APPLICANT RESPONSES**

### **2.1 Overview**

2.1.1 The ExA has asked questions under the following themes / sub-headings, to which the Applicant has responded:

- i) General and cross-topic questions
- ii) Need case, effects on climate change, site selection, alternatives, electricity generation, grid connection, decommissioning
- iii) Ground Conditions
- iv) Biodiversity and Ecology
- v) Habitats Regulations Assessment
- vi) Landscape and Visual
- vii) Water Environment
- viii) Other Planning Issues
- ix) Compulsory Acquisition
- x) Draft DCO

### **2.2 Response Table**

2.2.1 The Applicant's responses are presented in **Table 2-1**, overleaf.

**Table 2-1: Applicant’s Response to ExA First Written Questions**

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
<b>General and cross-topic questions</b>		
Q1.0.1	<p><b>Terminology and Acronyms</b></p> <p>Can the applicant clarify what is meant by the description “site” and “main development area” within the ES Chapters. For example ES Chapter 7 Terrestrial Ecology [APP-040] and ES Chapter 10 Ground Conditions [APP-043] refer to site, and main development area is referred to in ES Chapter 7 Terrestrial Ecology [APP-040] and ES Chapter 8 Ornithology 10 Ground Conditions [APP-041]. It is unclear if these descriptions refer to land within the Order Limits (OL), or to land forming the Solar Area Development Area (SADA), or to another land extent.</p>	<p>Within the Environmental Statement, ‘the Site’ is all of the land within the Order Limits as noted at paragraph 1.3.6 of <b>Environmental Statement: Volume 1 Chapter 1: Introduction [APP-034]</b>.</p> <p>Paragraph 7.1.12 of <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b> sets out that for the purpose of this Chapter, the SADA, the NBBMA and the SPEN/National Grid Substation and Access are collectively termed ‘the Main Development Area’.</p> <p>Only Chapter 7.0 uses the term Main Development Area with the exception of a single reference at paragraph 8.8.83, where the definition in Chapter 7.0 applies.</p>
Q1.0.2	<p><b>Terminology and Acronyms</b></p> <p>Can the applicant check the acronyms it has used throughout application document for typo errors. For example Chapter 7: Terrestrial Ecology [APP-040] paragraph 7.7.10 bullet point i) notes NBMMA (rather than NBBMA?).</p>	<p>The Applicant has reviewed the application documents and found the following typo errors:</p> <ul style="list-style-type: none"> <li>• ‘DOC’ should be corrected to ‘DCO’ in Table 1.7 (page 54) of the <b>Consultation Report Appendix 10: Section 42 Applicant Response [APP-032]</b>.</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<ul style="list-style-type: none"> <li>• References to the 'OLMEP' throughout the <b>Consultation Report Appendix 10: Section 42 Applicant Response (APP-032)</b> should be corrected to 'oLEMP'.</li> <li>• 'NBMMA' should be corrected to NBBMA in paragraph 7.7.70, point i) of <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b>.</li> <li>• 'NMMBA' should be corrected to 'NBBMA' in paragraph 7.9.5 of <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b>.</li> <li>• Page 11 of <b>Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044]</b> refers to the 'outline Decommissioning Environmental Management Plan (DEMP)'. The acronym should be corrected to 'oDEMP'.</li> <li>• 'CaWCC' should be corrected to 'CWaCC' in paragraph 5.1 of <b>Environmental Statement: Volume 2 Appendix 4-2: Construction Dust Assessment [APP-055]</b>.</li> <li>• 'ES Vo 2' should be corrected to 'ES Vol 2' in Table 1 (page 2) of <b>Environmental Statement: Volume 2 Appendix 9-5: Consultation Responses [APP-095]</b>.</li> <li>• 'oNBBS' should be 'oNBBMS' in paragraph 8.2.27 of <b>Information to Inform Habitats Regulations Assessment [PD2-009]</b>.</li> <li>• 'NNNMA' should be corrected to 'NBBMA' in paragraph 3.1.15 of <b>Other Consents and Licences Statement [APP-127]</b>.</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<ul style="list-style-type: none"> <li>References to the 'GSWMP' should be corrected to 'GWSWMP' throughout the <b>Outline Construction Environmental Management Plan [REP1-020]</b>.</li> <li>'LDVs' should be corrected to 'LGVs' in paragraph 2.7.10 of the <b>Outline Construction Environmental Management Plan [REP1-020]</b>.</li> <li>'oNBMS' should be corrected to 'ONBBMS' in the title of Chapter 3 of <b>Appendix B to the Outline Landscape and Ecology Management Plan [APP-144]</b>.</li> <li>'CWT' should be corrected to 'FTC' in paragraph 1.3.1 of the <b>Outline Landscape and Ecology Management Plan (APP-144)</b> when referring to Frodsham Town Council.</li> </ul>
Q1.0.3	<p><b>Commitment Register</b></p> <p>The Nationally Significant Infrastructure Projects: Commitments Register guidance notes that the final version submitted with the application should be provided as a separate appendix to the Environmental Statement (ES). However it is unclear in the applicant's Commitments Register [APP-133] introduction and purpose of this register whether it forms part of the ES (and it has not been listed in Schedule 10 - Documents to be certified). Can the applicant advise whether this commitments register should be secured in the dDCO?</p>	<p>The purpose of the Commitments Register is to track commitments made by the Applicant through the planning process, including during the examination and then subsequently post decision. The Applicant has prepared the <b>Commitments Register [REP1-016]</b> as a <u>standalone document</u> in accordance with the example template provided by the Planning Inspectorate to allow for ease of reference and consideration during the examination process.</p> <p>The Commitments Register does not repeat every line of environmental mitigation set out across the various environmental management plans, instead it records the key commitments and obligations made by the Applicant; how these are secured through the <b>draft DCO [REP1-004]</b>; and the relevant associated control documents that deliver the commitment or obligation. In this way, the Commitments Register functions as a 'signposting' document to guide the public, stakeholders,</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>the Examining Authority, and the Secretary of State as to how and where the Proposed Development's key mitigation measures are secured. The Commitments Register will evolve post decision as a record of compliance for the Applicant, Site Manager, and Local Planning Authority.</p> <p>The Applicant does not consider it necessary that the Commitments Register is certified by the draft DCO as it does not contain any commitments that are not already secured by other certified documents of the draft DCO.</p>
Q1.0.4	<p><b>Management Plans/Strategy</b></p> <p>Can the applicant provide a list of documents/plans that would not be in place prior to commencement of permitted preliminary works. For example, would any of the documents listed in paragraph 1.3.3 of the Outline Construction Environmental Management Plan (oCEMP) [APP-136] not be in place prior to commencement of permitted preliminary works?</p>	<p>The Applicant's approach to controlling permitted preliminary works has been to either include measures within <b>ES Vol 2 Appendix 2-3: Permitted Preliminary Works [REP1-012]</b>, as secured by Requirement 8 of the <b>draft DCO [REP1-004]</b>, or to ensure that the relevant specific permitted preliminary works do need relevant specific Requirements to be discharged before those works can take place.</p> <p>The Applicant has drafted the requirements in Schedule 2 of the <b>draft DCO [REP1-004]</b> to set out which requirements must be discharged before commencing the permitted preliminary works; these requirements are:</p> <ul style="list-style-type: none"> <li>• <b>Requirement 9 (Landscape and ecology management plan)</b> – should the permitted preliminary works comprise vegetation removal;</li> <li>• <b>Requirement 10 (Fencing and other means of enclosure)</b> – should the permitted preliminary works comprise the provision of temporary means of enclosure;</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<ul style="list-style-type: none"> <li>• <b>Requirement 12 (Construction environmental management plan)</b> – should the permitted preliminary works comprise above ground site preparation for temporary facilities for the use of contractors, site clearance (including vegetation removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No 6C (Non Breeding Bird Mitigation Area), and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work No 6C; and</li> <li>• <b>Requirement 17 (Ground conditions)</b> – should the permitted preliminary works comprise demolition or decommissioning of existing structures, intrusive environmental surveys, geotechnical surveys and other investigations for the purpose of assessing ground conditions only, diversion and laying of apparatus, and remedial work in respect of any ground contamination or other adverse ground conditions.</li> </ul> <p>In all other circumstances, the permitted preliminary works will be undertaken in accordance with the mitigation and control measures set out in <b>ES Vol 2 Appendix 2-3: Permitted Preliminary Works [REP1-012]</b>, and as such the supplementary management plans listed at paragraph 1.3.3 of the <b>outline Construction Environmental Management Plan [REP1-020]</b> would not be required for the permitted preliminary works.</p>
Q1.0.5	<p><b>Management Plans/Strategy</b></p> <p>Paragraph 7.7.14 of Chapter 7: Terrestrial Ecology [APP-040] states a soil resources management plan would be implemented during any works. Can the</p>	<p>The reference at paragraph 7.7.14 of <b>ES Vol 1 Chapter 7: Terrestrial Ecology [APP-040]</b> to a ‘soil resources management plan’ is a typographical / consistency error, and should read as the ‘soil management plan’. The mitigation set out at paragraph 7.7.14 of ES</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	applicant explain the relationship of the soil resources management plan with the outline soil management plan?	Chapter 7 is secured by the <b>outline Soil Management Plan [REP1-026]</b> .
Q1.0.6	<p><b>Management Plans/Strategy</b></p> <p>Paragraph 2.4.2 of the oDEMP [APP-138] states that it is also likely that below ground cabling would be removed from site and recycled. Can the applicant advise where this scenario (including the parameters used) was assessed in the ES for ground cabling?</p>	<p>Paragraph 2.7.4 of <b>Environmental Statement: Volume 1 Chapter 3: Alternatives and Design Evolution [APP-036]</b> sets out '<i>The effects of decommissioning are often similar to, or of a lesser magnitude than, construction phase effects. As such, as set out in the Scoping Report, it is not proposed to provide a separate decommissioning assessment within each technical chapter, unless there are specific issues related to decommissioning which could give rise to materially greater impacts than construction. Where this occurs an assessment of these impacts will be provided.</i>'</p> <p>The issue of cable removal and the decision to retain or remove cabling was discussed in ISH1 Agenda Item 5c. It was noted that cabling would be placed in neutral or modified grassland rather than under hedgerows, trees, or reedbeds, and that cables would not pass beneath watercourses but within conduits installed on bridge structures. This approach minimises environmental impact if removal is chosen. Given this, and the measures set out in the oDEMP [REP1-024], there are no specific issues relating to cabling removal which could give rise to materially greater impacts than construction that needed to be assessed in the ES.</p> <p>The <b>Design Parameters Statement [REP1-014]</b> was revised at Deadline 1 to ensure that underground cables will not pass beneath hedgerows, trees, or reedbeds, but will instead be routed within tracks or areas of grassland.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q1.0.8	<p><b>Pollution Control</b></p> <p>Paragraphs 4.12.2 and 4.12.10 of NPS EN-1 note that the planning and pollution control systems are separate but complementary, that pollution control is concerned with preventing pollution using measures to prohibit or limit the releases of substances to the environment, and to ensuring that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health. It states that the Secretary of State (SoS) should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. Paragraph 4.12.15 of NPS EN-1 requires the SoS to consider if the EA, any pollution control authority, Statutory Nature Conservation Bodies, Drainage Boards, water and sewerage undertakers, and other relevant bodies are satisfied that:</p> <ul style="list-style-type: none"> <li>• potential releases can be adequately regulated under the pollution control framework; and</li> <li>• the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution would make</li> </ul>	<p>Matters relating to pollution control are addressed within the <b>Statement of Common Ground with the Environment Agency [REP1-037]</b> and <b>Cheshire West and Chester Council [REP1-036]</b>. The Applicant understands that both organisations are satisfied that there are sufficient controls in place in relation to pollution control, noting that the EA has specifically addressed matters relating to ground conditions within its <b>Any other information requested by the ExA for Deadline 1 [REP1-049]</b>. CWACC have not raised any concerns in relation to pollution control within the <b>Local Impact Report (LIR) [REP1-046]</b> or its <b>Written Representations [REP1-048]</b>. Similarly, no issues relating to pollution control have been raised within the relevant representation made by United Utilities Water Limited, who are the statutory water and sewerage undertaker for the Site.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>the Proposed Development unacceptable, particularly in relation to statutory environmental quality limits.</p> <ul style="list-style-type: none"> <li>i) Please could the relevant bodies comment, highlighting any specific concerns?</li> <li>ii) Please could the applicant provide evidence of whether relevant bodies, including the water and sewerage undertakers, are satisfied and what concerns remain?</li> <li>iii) Please could the applicant set out the steps that will be taken to resolve any outstanding concerns?</li> <li>iv) Please could the relevant bodies and the applicant provide regular updates to the examination?</li> </ul>	
<p><b>2. Need case, effects on climate change, site selection, alternatives, electricity generation, grid connection, decommissioning</b></p>		
<p><b>2.0 Need Case</b></p>		
<p>Q2.0.1</p>	<p><b>Policy</b></p> <p>Please could the applicant provide an update on any changes in government policy in relation to the need case for the proposed development since the application was submitted, and please could this be updated at the close of the examination?</p>	<p>There has been no substantive material change to government policy in relation to the need case for the Proposed Development since the application was submitted. The core need case from government policy for the Proposed Development is still set out within the Overarching National Policy Statement for Energy (EN-1) published in November 2023 and designated in January 2024.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>The Department for Energy Security and Net Zero announced on 13th November 2025 the consultation outcome of the proposed revisions to National Policy Statements EN-1, EN-3 and EN-5, which were published for consultation on 24 April 2025. The government has confirmed that it intends to proceed with the proposed updates to the NPSs, with some amendments, and the National Policy Statements were designated on 6 January 2026.</p> <p>In light of this, the Applicant has provided a <b>Note on updated National Policy Statements EN-1, EN-3, and EN-5</b> at Deadline 1 [REP1-035]. This confirms that the Proposed Development should be determined in accordance with the 2024 NPSs as the application was accepted for examination prior to publication of the updated 2025 NPSs. The 2025 NPSs may therefore be an important and relevant consideration, but are not the primary reference for decision-making. The changes introduced by the updated 2025 NPSs reinforce the Government’s focus on the need for new renewable and low carbon energy infrastructure to achieve the Clean Power 2030 Mission. The updates and amendments to the NPSs would have little material impact on the decision-making for the Proposed Development.</p> <p>The need case for the Proposed Development is set out in Section 2 of the <b>Planning Statement [APP-128]</b>, and this includes reference to Clean Power 2030 Mission.</p> <p>In respect of the recent consultation on the NPPF, the Applicant’s position is set out in its <b>Deadline 1 Cover Letter [REP1-001]</b>, which can be summarised as follows.</p> <p>At this time, the draft updated NPPF is therefore not a material consideration. It is likely that the final published version of the revised NPPF will undergo further significant changes from the consultation</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>version, given the level of changes from the current NPPF and the nature of the questions being asked by Government through the consultation. There is therefore limited value to the Examination at this stage in providing commentary on the implications of the draft revised NPPF when the current published version is not a material consideration</p> <p>The Applicant will provide an update at Deadline 7 should there be any change in government policy in relation to the need case for the Proposed Development.</p>
<p><b>2.1 Effects on climate change</b></p>		
<p>Q2.1.1</p>	<p><b>Operational phase</b></p> <ul style="list-style-type: none"> <li>i) Please clarify the level of replacement activity considered in the assessment of effects on climate change [APP-038, APP-060] and justify why it represents a reasonable worst-case scenario?</li> <li>ii) Should a maximum permitted extent of replacement be secured?</li> <li>iii) Does the oOEMP [APP-137] secure appropriate mitigation for greenhouse gas emissions during the operational phase?</li> </ul>	<p>Section 2.2.4 of <b>Environmental Statement: Volume 2 Appendix 5-1: GHG Assessment [APP-060]</b> sets out the assumptions made in relation to the level of replacement activity in terms of climate change and greenhouse gas emissions. In addition to replacements associated with the predicted operational lifespan, and allowance has also been made for failure of equipment, within Table 17. On this basis it is considered that a reasonable worst-case scenario has been assessed.</p> <p>Based on this reasonable worst-case scenario, the operational phase would produce 235,100 tCO<sub>2</sub>e of greenhouse gas emissions. Over its lifetime, the Proposed Development is predicted to offset between approximately 1,291,016 and 2,831,176 tCO<sub>2</sub>e of greenhouse gases. In this context, even if a greater level of replacement is needed, the Proposed Development would still offset a substantial amount of greenhouse gas emissions. Furthermore, any replacements would only be undertaken in order to maintain or increase the amount of renewable electricity generated by the Proposed Development. Given this, and the conclusions of the <b>Technical Note on Major Replacement Works</b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response																
		<p><b>[REP1-034]</b>, it is not deemed necessary to impose a maximum limit on the extent of replacement.</p> <p>The Applicant considers that the measures set out in Table 5-1 of <b>Outline Operational Environmental Management Plan [REP1-022]</b> are appropriate mitigation measures to reduce greenhouse gas emissions during the operational phase.</p>																
Q2.1.2	<p><b>Offset electricity comparison</b></p> <p>The assessment [APP-038] considers that the proposed development would generate electricity which would offset the greenhouse gas burden of producing electricity by 1,291,016 tCO<sub>2</sub>e compared with the grid average in 2023/24. It stated that the greenhouse intensity of the electricity generated would be 53.6 gCO<sub>2</sub>e/kWh, compared with:</p> <ul style="list-style-type: none"> <li>• 380 to 500 gCO<sub>2</sub>e/kWh for unabated combined cycle gas turbines</li> <li>• 90 to 245 gCO<sub>2</sub>e/kWh for gas with carbon capture and storage</li> <li>• 5 to 55 gCO<sub>2</sub>e/kWh for nuclear</li> <li>• 5 to 24 gCO<sub>2</sub>e/kWh for offshore wind</li> <li>• 7 to 20 gCO<sub>2</sub>e/kWh for onshore wind</li> </ul>	<p><b>Point i.</b></p> <p>Table 1 compares the lifetime greenhouse gas (GHG) intensity of the Proposed Development to that reported for other Development Consent Order (DCO) solar projects.</p> <p><i>Table 1: Lifetime GHG intensity of DCO solar projects</i></p> <table border="1" data-bbox="1086 810 1921 1078"> <thead> <tr> <th>DCO Solar Project</th> <th>Lifetime GHG intensity (gCO<sub>2</sub>e/kWh)</th> </tr> </thead> <tbody> <tr> <td>The Proposed Development</td> <td>53.6</td> </tr> <tr> <td>Stonestreet Green Solar</td> <td>34.7</td> </tr> <tr> <td>East Park Energy</td> <td>41.7</td> </tr> <tr> <td>East Yorkshire Solar Farm</td> <td>15.1</td> </tr> <tr> <td>Gate Burton Energy Park</td> <td>33.4</td> </tr> <tr> <td>Longfield Solar Farm</td> <td>49.2</td> </tr> <tr> <td>Springwell Solar Farm</td> <td>84.1</td> </tr> </tbody> </table> <p>Table 1 indicates that the lifetime GHG intensities of other DCO projects are generally closely aligned, with a few outliers such as East Yorkshire and Springwell. The Proposed Development’s GHG intensity is on the higher end compared to the closely aligned DCO solar projects. This is likely to be because the assessments rely on the information available at the time of the applications, and have been carried out by different</p>	DCO Solar Project	Lifetime GHG intensity (gCO <sub>2</sub> e/kWh)	The Proposed Development	53.6	Stonestreet Green Solar	34.7	East Park Energy	41.7	East Yorkshire Solar Farm	15.1	Gate Burton Energy Park	33.4	Longfield Solar Farm	49.2	Springwell Solar Farm	84.1
DCO Solar Project	Lifetime GHG intensity (gCO <sub>2</sub> e/kWh)																	
The Proposed Development	53.6																	
Stonestreet Green Solar	34.7																	
East Park Energy	41.7																	
East Yorkshire Solar Farm	15.1																	
Gate Burton Energy Park	33.4																	
Longfield Solar Farm	49.2																	
Springwell Solar Farm	84.1																	

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>• 20 to 85 gCO<sub>2</sub>e/kWh for solar photovoltaics</li> <li>i) Please could the applicant compare the greenhouse gas burden of the proposed development with other solar photovoltaic developments? Why is the proposed development not closer to the lower end of the range for solar photovoltaics of 20 gCO<sub>2</sub>e/kWh? Do the comparisons demonstrate that the measures proposed to mitigate greenhouse gas emissions are appropriate and represent best practice?</li> <li>ii) Is more up-to-date information now available on the grid average used in the assessment?</li> <li>iii) Does comparison with the grid average in 2023/24 lead to an overestimate of the offset greenhouse gas burden? Should the projected grid average in each year be considered?</li> <li>iv) Should it be considered that (perhaps for commercial reasons) solar photovoltaic developments would potentially displace other, less greenhouse gas intensive, methods of generating electricity such as offshore or onshore wind, or nuclear?</li> <li>v) Following the above, please could the applicant update the assessment as</li> </ul>	<p>consultancies using different generic assumptions for the specific equipment such as solar panels, mounting structures, cabling, inverters, and transformers. Additionally, differing assumptions related to maintenance requirements and equipment replacement rates further contribute to the variability in the GHG assessments. All assumptions in the GHG assessment of the Proposed Development are detailed in <b>[APP-060]</b>. However, some DCO solar project GHG assessments do not provide a comprehensive set of assumptions. Where assumptions are specified, comparisons can be drawn. For instance, the GHG assessment for the Proposed Development assumes a scheduled replacement of all solar PV modules after 20 years, and a 10% ad-hoc replacement rate due to failures. In contrast, the assessment for the East Yorkshire Solar Farm only considers a 10% ad-hoc replacement rate due to failures, with no allowance made for scheduled replacement resulting in the operational emissions of the East Yorkshire Solar Farm being significantly lower in comparison. Therefore, comparison of the GHG assessments should be carried out with caution.</p> <p>As the design details are finalised and incorporated into the assessment, the lifetime GHG intensity of developments typically reduce. Early stage GHG assessments, like <b>[APP-038]</b>, are iterative by nature, and when completed in the early stages of development, play a key role in ensuring that appropriate, low emission equipment and suppliers are selected, minimising the lifetime GHG emissions associated the Proposed Development.</p> <p>The GHG intensity range for solar PV of '20 to 85' reported in Table 5-18 of <b>[APP-038]</b> was taken from a Climate Change Committee (CCC) report</p>

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	<p>necessary to ensure that it considers a reasonable worst case?</p>	<p>from 2013 titled: “Reducing the UK’s carbon footprint”. Table 2 shows the breakdown of the GHG intensity range for solar PV as reported.</p> <p><i>Table 2: GHG intensity of solar PV</i></p> <table border="1" data-bbox="1099 475 1935 611"> <thead> <tr> <th>Type of solar PV panel</th> <th>GHG intensity of solar PV (gCO<sub>2</sub>e/kWh)</th> </tr> </thead> <tbody> <tr> <td>Mono-c Si</td> <td>40-70</td> </tr> <tr> <td>Poly-c Si</td> <td>45-85</td> </tr> <tr> <td>CdTe</td> <td>20-45</td> </tr> </tbody> </table> <p>The GHG intensity values referenced seem to only pertain to solar PV panels and refers to solar PV being rooftop mounted. As such it is not clear if the GHG intensity reported includes for the additional components of a solar farm, such as mounting structures, cabling, inverters, or transformers.</p> <p>At this stage, the detailed design specifications of the Proposed Development have not yet been finalised so the specific type of solar PV panels to be employed has not been determined. However, these would be silicon-based solar PV panels and hence the lower end of the GHG intensity would not be appropriate for a comparison purposes. Additionally, GHGs associated with the wider equipment should be considered. The use of the range in the <b>[APP-038]</b> was to demonstrate that the GHG intensity associated with the electricity generated by the Proposed Development was lower than natural gas (i.e. the marginal source this would displace).</p> <p>In conclusion, accurately estimating GHG emissions at this stage of development presents challenges. The scope of assessments can vary, and with many design details still typically being undetermined at this stage, the evaluations rely heavily on assumptions (such as replacement of</p>	Type of solar PV panel	GHG intensity of solar PV (gCO <sub>2</sub> e/kWh)	Mono-c Si	40-70	Poly-c Si	45-85	CdTe	20-45
Type of solar PV panel	GHG intensity of solar PV (gCO <sub>2</sub> e/kWh)									
Mono-c Si	40-70									
Poly-c Si	45-85									
CdTe	20-45									

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response						
		<p>parts), which complicates direct comparisons. While benchmarking can serve as a useful tool for contextual evaluation, it should not be relied upon.</p> <p>Incorporated mitigation and enhancement measures within the Proposed Development have been outlined in section 5.7 of <b>[APP-038]</b> represent best practice and are therefore appropriate. Additionally, section 5.9 of <b>[APP-038]</b> states additional mitigation is not required as the Proposed Development has a significant beneficial effect and is fully in line with measures necessary to achieve the UK’s trajectory towards net zero.</p> <p><b>Point ii.</b> More up-to-date information is now available for the UK average grid emission factor. The assessment <b>[APP-038]</b> was completed using the UK average grid average emission factor from the DESNZ Fuel Mix Disclosure Table for 2023-2024 which included data for the disclosure period 01/04/2023 – 31/03/2024.</p> <p>This was the most up to date data available at the time of writing. The Fuel Mix Disclosure Table was updated on 1 August 2025 for 2024-2025 which now includes data for the disclosure period 01/04/2024 – 31/03/2025. The average UK grid emission factor has reduced from 171 g/kWh to 154 g/kWh as outlined in Table 3.</p> <p><i>Table 3: Average UK grid emission Factor from DESNZ Fuel Mix Disclosure Table</i></p> <table border="1" data-bbox="1086 1198 1935 1331"> <thead> <tr> <th data-bbox="1086 1198 1503 1265">Year</th> <th data-bbox="1503 1198 1935 1265">UK average grid emission Factor (g/kWh)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1086 1265 1503 1297">2023-2024</td> <td data-bbox="1503 1265 1935 1297">171</td> </tr> <tr> <td data-bbox="1086 1297 1503 1331">2024-2025</td> <td data-bbox="1503 1297 1935 1331">154</td> </tr> </tbody> </table>	Year	UK average grid emission Factor (g/kWh)	2023-2024	171	2024-2025	154
Year	UK average grid emission Factor (g/kWh)							
2023-2024	171							
2024-2025	154							

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p><b><u>Point iii and iv.</u></b></p> <p>The UK average grid emission factor reflects the contribution of all the electricity generation sources, including coal, natural gas, nuclear, renewables, and other technologies. Therefore, within the assessment [APP-038], the UK average grid emission factor takes into account the Proposed Development displacing “other, less greenhouse gas intensive, methods of generating electricity such as offshore or onshore wind, or nuclear” within the 2023-2024 grid mix (as per point iv).</p> <p>The DESNZ Green Book long-run marginal generation-based electricity GHG emission factors are projections of the greenhouse gas intensity of the marginal unit of UK electricity generation over time and could be used to model the offset of the Proposed Development as the grid decarbonises (as per point iii). However, the DESNZ Green Book long-run marginal generation-based electricity GHG emission factors reduce significantly throughout the lifetime of the Proposed Development because of the projected implementation of “other, less greenhouse gas intensive, methods of generating electricity such as offshore or onshore wind, or nuclear”, such as the Proposed Development. Therefore, comparing the Proposed Development to the future energy mix results in a ‘Catch-22’ situation for the purposes of assessing GHG emissions from the Proposed Development, i.e. the construction of the Proposed Development reduces the GHG intensity of power generation as predicted by the DESNZ Green Book, but the Proposed Development’s benefit is seen to diminish over time as it is compared against a grid mix with a greater proportion of renewables going forward.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>Furthermore, dismissing the benefits of the Proposed Development by presuming the Proposed Development will be “displacing other less greenhouse gas intensive, methods of generating electricity such as offshore or onshore wind, or nuclear” is not aligned with either the UK Government’s strategy or the current position of the Secretary of State (SoS). The Clean Power 2030 Action Plan: A new era of clean electricity”, sets out an ambition for total solar generation capacity to reach about 45–47 gigawatts (GW) by 2030, more than doubling current levels, independent of displacing other forms of renewable energy like wind or nuclear.</p> <p>In addition, it is noted that the SoS’s recent decision on the ‘Morecambe Offshore Windfarm Generation Assets’ states the development would ‘deliver a low-carbon alternative to the production of energy from fossil fuels’ and that in accordance with NPS EN1 ‘it would assist in achieving the target to cut GHG emissions to net zero by 2050, and clearly meets the need case, this matter should be given substantial positive weight in the planning balance’.</p> <p>Therefore, it is considered that the comparison of the GHG emissions against fossil fuels that the Applicant has also undertaken, is appropriate for low carbon technologies projects, including solar projects such as the Proposed Development, is also a matter that can be taken into account in the decision.</p> <p>Overall, if all renewable schemes were perceived to have limited GHG reduction benefits relative to a future cleaner grid mix, the UK Government goal of Net Zero by 2050 would be compromised.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response															
		<p><b>Point v.</b></p> <p>Table 15.16 in the assessment [APP-038] has been updated in Table 4 to include the offset emissions associated with the Proposed Development using the UK average grid emission factor for 2024-2025 and the DESNZ Green Book long-run marginal generation-based electricity emission factors. As discussed above, these are not considered ‘reasonable’ as per the SoS position outlined above. As shown, although the choice of comparator affects the calculated offset emissions over the lifetime of the Proposed Development in all instances there remains a positive offset.</p> <p><i>Table 4: Offset emissions from the Proposed Development using different comparators</i></p> <table border="1" data-bbox="1093 770 1937 1321"> <thead> <tr> <th data-bbox="1093 770 1373 834">Comparator</th> <th data-bbox="1373 770 1653 834">Emission factor (gCO<sub>2</sub>e/kWh)</th> <th data-bbox="1653 770 1937 834">Offset over lifetime (tCO<sub>2</sub>e)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1093 834 1373 935">Gas-fired power station (current long-run marginal generator)</td> <td data-bbox="1373 834 1653 935">382</td> <td data-bbox="1653 834 1937 935">2,831,176</td> </tr> <tr> <td data-bbox="1093 935 1373 1035">UK average grid emission Factor 2023-2024</td> <td data-bbox="1373 935 1653 1035">171</td> <td data-bbox="1653 935 1937 1035">1,291,016</td> </tr> <tr> <td data-bbox="1093 1035 1373 1136">UK average grid emission Factor 2024-2025</td> <td data-bbox="1373 1035 1653 1136">154</td> <td data-bbox="1653 1035 1937 1136">1,162,669</td> </tr> <tr> <td data-bbox="1093 1136 1373 1321">DESNZ Green Book long-run marginal generation-based electricity emission factors</td> <td data-bbox="1373 1136 1653 1321">Significantly reduces over the lifetime of the Proposed Development to align with UK Government goal of Net Zero by 2050.</td> <td data-bbox="1653 1136 1937 1321">100,785</td> </tr> </tbody> </table>	Comparator	Emission factor (gCO <sub>2</sub> e/kWh)	Offset over lifetime (tCO <sub>2</sub> e)	Gas-fired power station (current long-run marginal generator)	382	2,831,176	UK average grid emission Factor 2023-2024	171	1,291,016	UK average grid emission Factor 2024-2025	154	1,162,669	DESNZ Green Book long-run marginal generation-based electricity emission factors	Significantly reduces over the lifetime of the Proposed Development to align with UK Government goal of Net Zero by 2050.	100,785
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ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
<b>2.3 Electricity generation and grid connection</b>		
Q2.3.1	<p><b>Grid connection and utilisation of the full generation capacity</b></p> <p>The applicant [APP-128, APP-145, AS-001] said that:</p> <ul style="list-style-type: none"> <li>the current grid connection agreement was capped at 100MW because, at the time the connection offer was issued, that was the capacity that it was estimated could be accommodated on the available land</li> <li>as well as a connection agreement with SP Manweb it entered into a Bilateral Embedded Generation Agreement with the National Grid Electricity System Operator as the facility could affect the GB Transmission System</li> <li>it had maintained contact with Scottish Power Energy Networks (SPEN) and the National Energy Systems Operator to facilitate the grid connection date of 2029 set out in the agreements</li> <li>the proposed development was strategically aligned with grid reform efforts to prioritise ready-to-build capacity • the Clean Power</li> </ul>	<p>i)</p> <p>SP Manweb PLC ('SP Manweb') is the regulated Distribution Network Operator (DNO) which has entered into a grid connection agreement with the Applicant. SP Manweb PLC is a subsidiary of the parent company SP Energy Networks (also referred to as SPEN).</p> <p>ii)</p> <p>The National Energy System Operator (NESO) is the delivery body for the UK's Electricity Market Reform (EMR) of the grid connections queue. In December 2025, the NESO confirmed that the photovoltaic (PV) array forming part of the Proposed Development has been given 'Gate 2' status.</p> <p>The status means that the project has met the NESO's 'readiness and strategic alignment criteria' including with respect to the project having advanced statuses in relation to land right negotiations (~90% under option to lease), project planning consent (live DCO application) and with respect to the ability for the project to contribute towards fulfilling NESO's target increase in solar PV generating capacity in the defined geographical sub-region where the Site is located.</p> <p>Achieving Gate 2 status is significant in that it shows the Proposed Development has been independently assessed by the NESO that has deemed it to be on track to be in a viable position to construct the project and connect to the distribution network, in line with the SP Manweb PLC</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>2030 Action Plan published by the National Electricity System Operator in 2024, indicated that after accounting for the known project pipeline in the region where the site was located, there was still approximately 1000MW of additional solar capacity required to achieve the 1,500MW regional target for 2030</p> <ul style="list-style-type: none"> <li>• whilst its connection agreement was currently only for 100MW, it saw no substantive impediment to this being able to be increased by SP Manweb if desired and that it was engaging with SP Energy Networks in relation to options for securing a second grid connection offer to enable export of the surplus capacity, on the premise that there will be increased network capacity available in the future</li> <li>• was in commercially confidential discussions with businesses operating near to the site who have large scale industrial operations, have expressed interest in the prospect of securing private-wire connections to Frodsham Solar, but there are no agreements in place as the project is several years from supplying electricity</li> <li>• the onsite Battery Energy Storage System (BESS) that forms part of the proposed development would be capable of storing any</li> </ul>	<p>connection agreement. Significantly, the PV capacity has been given 'Phase 1' status which means it is in a strong position to be able to commence exporting electricity onto the distribution network in pre-2030. This is extremely positive for the project in that the current connection date of 2029, as stipulated in the connection agreement, has been secured for the full 100MW (ac) export capacity.</p> <p>iii)</p> <p>Since submission of the DCO application, the Applicant has continued to evaluate options for utilising the additional 47MW of solar capacity that's being proposed above that which the 100MW export agreement allows for. While options remain under consideration including securing an additional connection agreement with SP Manweb; and entering into a Power Purchase Agreement with one of more of the existing industrial facilities located in the immediate area, which would allow the electricity generated to be directly supplied to these users via a private-wire and potentially enable the full 147MW of solar generation to be fully utilised; the baseline arrangement would be to optimise demand management of the proposed BESS.</p> <p>This would be achieved by the BESS storing electricity generated by the onsite PV solar arrays, and later export that stored electricity onto the distribution network (the grid), whilst maintaining the ability to bypass the BESS and export solar generation directly onto the network. This means that during times when solar generation exceeds the 100MW grid export capacity, the surplus power can be stored in the BESS and then dispatched onto the network at times of high demand, which coincide with times when the solar farm is generating less than its installed capacity. This is technically possible and the Applicant sees no reason why this would not be able to be delivered.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>surplus electricity generation that cannot be exported onto the national grid</p> <p>The ExA is seeking updates on the connection agreements and, in the absence of any firm undertakings for the use of the private wire connection, to improve its understanding of whether the full generating capability of the Proposed Development would be likely to be utilised.</p> <p>i) The applicant variously refers to SP Manweb, SP Energy Networks, and SPEN. Please could it clarify any differences between these bodies, and which is relevant for the grid connection?</p> <p>ii) Please could the applicant provide updates on its discussions with relevant bodies regarding the grid connection agreement and Bilateral Embedded Generation Agreement, and on any grid reform developments relevant to the grid connection for 100MW and for any increase to 140MW?</p> <p>iii) Please could the applicant provide justification that the BESS would be capable of storing any surplus electricity generation that could not be exported to the national grid, including during a series of long sunny days?</p>	<p>iv)</p> <p>Should the ExA still require this following receipt of the above information, the Applicant will provide a further update.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	iv) Please could the applicant provide an update to its responses at the close of the examination?	
<b>2.4 Decommissioning</b>		
Q2.4.1	<p><b>Decommissioning timing</b></p> <p>Requirement 20 of the dDCO [PD2-005] includes that decommissioning works must commence no later than 40 years following the date of the final commissioning of the solar photovoltaic generating station. The oDEMP [PD2-019] included that decommissioning would be expected to take between 12 and 24 months, would be undertaken in phases, and that the DEMP prepared for any phase of decommissioning would be accompanied by a programme setting out the main phases of works.</p> <p>CWCC [RR-037] requested that appropriate provision is made for both decommissioning and restoration not just after the 40-year life span of the DCO, but in the event that a relevant part of the proposed development stops generating energy (or storing energy in the case of the BESS) or is otherwise redundant/ unused for a period of 24 months. It said that it expected that the decommissioning stage be completed ExQ1: 18 December 2025 Responses due by deadline 2: 19 January 2026 Page 10 of 39 ExQ1 Question to: Question: within two years of the trigger for decommissioning to commence following energy</p>	<p>(i) &amp; (ii): The Applicant's position on these matters, including the proposed drafting approach is set out in detail in the <b>Applicant's Written Summary of Oral Submissions at Issue Specific Hearing 1 [REP1-033]</b> and the Applicant updated the <b>draft DCO</b> at Deadline 1 to ensure that there is certainty in relation to decommissioning timing <b>[REP1-004]</b>.</p> <p>(iii) With respect to the return of decommissioned land to current uses and how this is secured, the Applicant refers to the <b>Outline Decommissioning Environmental Management Plan (oDEMP) [REP1-024]</b>, alongside the updated draft DCO, which, between them, set out the restoration process and the requirement for a decommissioning programme to be provided and complied with. The land will be restored to current uses when the Proposed Development is decommissioned in line with the decommissioning timing provisions now provided for.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>generation ceasing, or within two years after the 40-year expiry date, whichever was sooner.</p> <p>At issue specific hearing 1, the applicant [EV4-005] said that it would update the dDCO to point to decommissioning timing provisions in the relevant environmental management plan(s) and that these would allow flexibility for the start of decommissioning in relation to matters such as refurbishment of the substation or a force majeure. CWCC [EV4-005] said that it would be content with dDCO provisions based on those in the Oaklands Farm Solar Park Order 2025.</p> <p>i) The ExA notes the Oakland Farm provisions and, for reasons of certainty and security, is minded to include similar provisions to those for Oaklands Farm in its recommended DCO.</p> <p>ii) Please could the applicant, on a without prejudice basis, suggest decommissioning timing wording for the dDCO that is based on the Oaklands Farm provisions and that address any concerns in relation to matters outside the undertaker's control?</p> <p>iii) Please could the applicant comment on when any decommissioned part of the proposed development would be returned to current uses, and how that is secured?</p>	

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
Q2.4.2	<p><b>Decommissioning funding</b></p> <p>The applicant [APP-019, PD2-027] explained that costs during the decommissioning phase would be covered by revenue generated by the proposed development, through its operations, and that it would have sufficient funds for decommissioning.</p> <p>CWCC [RR-037] said that the original undertaker will often transfer a development once operational to another undertaker or undertakers and considered that there should be a robust mechanism for ensuring the funding for decommissioning is available in relation to potential future undertakers. It would welcome clarification on the funding needed to carry out decommissioning and how this would be secured from revenue generated by the proposed development. CWCC preferred that a decommissioning fund would be in place to avoid the need to resort to enforcement of decommissioning.</p> <p>The ExA is considering the risks and consequences of relying on enforcement of decommissioning, the pros and cons of establishing a decommissioning fund during the operational stage, whether that would be precise, enforceable, necessary, relevant to the development, and whether it would cause the applicant significant difficulty. The ExA notes the decommissioning fund provisions included in the</p>	<p>The Applicant’s position on decommissioning funding, including the rationale for not requiring a decommissioning fund and the approach to securing decommissioning costs, is set out in detail in the <b>Applicant’s Written Summary of Oral Submissions at Issue Specific Hearing 1 [REP1-033]</b>.</p> <p>It is particularly noted by the Applicant that the breach of a DCO requirement, including any requirement relating to decommissioning, would be an offence under s.161 PA2008. As such the Applicant (or any transferee body) would need to arrange its financial affairs to ensure that it could meet these DCO requirements to avoid that.</p> <p>Building on this, the Applicant notes that, from a policy perspective, this incentive should be considered sufficient, as if it was not sufficient, the planning system would expect funds to be in place to ensure compliance with all DCO Requirements/planning conditions, which is not the case.</p> <p>It is also noted that there is no National Policy Statement requirement for a decommissioning fund, and there is nothing different about this Proposed Development compared the large number of energy DCOs that have been granted to SPV entities by the Secretary of State.</p> <p>The Applicant considers therefore that imposing such a Requirement is neither necessary, relevant to planning or reasonable in all other respects, and would therefore not meet the tests in paragraph 4.1.17 of the NPS.</p> <p>However, on a without prejudice basis, and in response to the ExA’s request, the Applicant set out its position in respect of potential DCO drafting on this matter in <b>[REP1-033]</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Oaklands Farm Solar Park DCO recommended to the Secretary of State.</p> <p>The applicant [EV4-005, PD2-027] said that:</p> <ul style="list-style-type: none"> <li>• it would be a criminal offence under s161 of the PA2008 to breach the dDCO [PD2-005] requirement to decommission</li> <li>• the national policy statement does not require decommissioning funding to be secured</li> <li>• its approach is consistent with recent Secretary of State's decisions</li> <li>• DCO provisions for a decommissioning fund were not necessary and it would not agree to them.</li> </ul> <p>Please could the applicant provide any additional evidence to support its position and, on a without prejudice basis, suggest decommissioning funding wording for the dDCO that is based on the Oaklands Farm provisions?</p>	
<p><b>3. Ground Conditions</b></p>		
<p><b>3.0 Baseline conditions</b></p>		

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
Q3.0.1	<p><b>Contamination sources</b></p> <p>Paragraph 10.1.4 of Chapter 10 Ground Conditions [APP-043] states that “where contamination sources outside of the OL may have the potential to affect the Site, these have also been considered”. Can the applicant provide evidence to demonstrate how it satisfied this statement?</p>	<p>Consideration of potential contamination sources outside the OL are presented in paragraphs 10.6.59 to 10.6.66 of the <b>Environmental Statement: Volume 1 Chapter 10: Ground Conditions [APP-043]</b>. In addition, Section 9.4 of the <b>Stage 1 Geo-Environmental Assessment [APP-096 and APP-097]</b> which provides technical background to <b>[APP-043]</b> identifies and considers off-site contamination sources within the preliminary conceptual site model to determine potential source-pathway-receptor relationships.</p>
Q3.0.2	<p><b>Mersey Estuary SSSI</b></p> <p>Paragraph 10.6.17. of Chapter 10 Ground Conditions [APP-043] states “The whole Site is located within a SSSI impact risk zone of the Mersey Estuary SSSI”. Can the applicant elaborate on the meaning of this statement?</p>	<p>Natural England has digitally mapped Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZs) for each SSSI to reflect the sensitivities of its notified features, and to flag what types (and scales) of development could potentially cause harm to the applicable SSSI.</p> <p>The primary purpose of the IRZs is for Local Planning Authorities to quickly screen or check whether a development proposal is likely to need consultation with Natural England on SSSI impacts, which helps to focus consultations on where risks are more likely.</p> <p>The Order Limits are within the SSSI IRZ for the Mersey Estuary SSSI, meaning the Proposed Development could have the potential to impact on this SSSI and Natural England should be consulted. The Applicant has consulted with Natural England on this matter throughout the pre-application phase and subsequently during examination.</p>
<p><b>3.1 Assessment</b></p>		

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q3.1.1	<p><b>Ecological receptors</b></p> <p>Can the applicant summarise its approach to ecotoxicity and consideration of the potential effects on ecological receptors?</p>	<p>The potential impact of contaminants and pollutants on ecological receptors i.e. ecotoxicity, has been considered within the <b>Environmental Statement: Volume 2 Appendix 10-1: Stage 1 Geo- Environmental Assessment [APP-096]</b>. Section 9.6 of the report provides a preliminary conceptual site model (CSM), with Table 9.6 providing a Preliminary CSM for Assessment of Ecosystems and Protected Species/Habitats.</p> <p>The Applicant has provided a response in relation ecotoxicology within Appendix 2 of the <b>Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 [REP1-033]</b>.</p>
<b>3.2 Mitigation measures</b>		
Q3.2.2	<p><b>Groundwater and Surface Water Management Plan</b></p> <p>Can the applicant clarify why mitigation applied during construction phase relies upon Groundwater and Surface Water Management Plan (GWSWMP) to be produced and implemented as part of oDEMP?</p> <p>(Refer to Table 10-14: Assessment of Likely Impacts and Effects with Incorporated Mitigation Applied of Chapter 10 Ground Conditions [APP-043]).</p>	<p>The reference to the <b>oDEMP [EN010153/DR/7.7]</b> within the construction section of Table 10-14 is erroneous and should have referred to the <b>oCEMP [EN010153/DR/7.5]</b>.</p> <p>The Applicant confirms that the requirement to prepare a Groundwater and Surface Water Management Plan is secured within the <b>oCEMP [REP1-020]</b> at paragraph 1.3.2.</p>
Q3.2.3	<p><b>Remediation of soils</b></p> <p>Paragraph 7.7.14 of Chapter 7: Terrestrial Ecology [APP-040] states that soils types are returned in the</p>	<p>This mitigation measure is described to ensure that soil resources, which are important for the creation and maintenance of habitats, are managed</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>order of removal. Can you expand on this statement particularly for permitted preliminary works?</p>	<p>in a way that would retain soil structure, nutrient profiles and seed banks by returning soils in the order they are excavated.</p> <p>In order to secure this approach for Permitted Preliminary Works, <b>Environmental Statement: Volume 2 - Appendix 2-3: Permitted Preliminary Works [REP1-012]</b> will be revised at Deadline 3 to require the following for those PPWs where there is potential for soil disturbance - <i>Reinstatement of soils will follow the reverse order of stripping. Soils shall be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra, 2009).</i></p>
<p>Q3.2.4</p>	<p><b>Geotechnical approach</b></p> <p>Paragraph 10.2.16 of Chapter 10 Ground Conditions [APP-043]) states that “a geotechnical assessment will be completed following DCO approval, to inform detailed design and to mitigate any significant risks identified to the development from land instability”. Can the applicant provide further information regarding its approach, the mechanism it would adopt to consult and approve, and clarify how was geotechnical works for land stability assessed in the ES?</p>	<p>The approach to assess the significance of geotechnical risk in the ES is one which all similar engineering projects take at DCO application stage and will ensure mitigation by detailed design. The strategy is outlined below.</p> <p>To inform <b>Chapter 10 Ground Conditions [APP-043]</b> the Applicant carried out a preliminary assessment of land stability risk including consideration of slope instability, landslides and mining hazards, in accordance with the Department for Communities and Local Government (2014) Planning Practice Note Land Stability published on 6 March 2014 (last updated on 22 July 2019). The assessment involved the Applicant obtaining and reviewing baseline information pertinent to land stability from documentary sources such as the BGS, the Mining Remediation Authority, the Cheshire Brine Compensation Board and from invasive investigations across the site. This information was presented and assessed in the <b>Stage 1 Geo-Environmental Assessment [APP-096 and APP-097]</b>.</p> <p>Natural land stability hazard ratings (risk) were confirmed at the Site as follows: compressible ground and running sand, moderate; landslide, very low/low; shrinking and swelling clay, very low; and collapsible deposits and ground dissolution from soluble rocks, negligible. The Site is not within an</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>area of recorded or probable unrecorded underground mining or within an area affected by historic brine subsidence.</p> <p>To assess the significance of the identified land stability risks, the Applicant's geotechnical specialists considered the sizes and estimated ground loadings from the proposed structures e.g. solar arrays, substation, BESS, roads and overhead line poles; the development layout; the proximity of the development to existing features e.g. perimeter bunds; and the ground and groundwater conditions across the site.</p> <p>This enabled the Applicant to consider different foundation options and specify foundation parameters and standoffs, included within <b>Table 1 of the Design Parameters Statement [REP1-014]</b>. Based on the results of the preliminary assessment of land stability, the Applicant considers that the land stability risks identified are acceptable for the Proposed Development and will be fully mitigated following geotechnical assessment and detailed design, following DCO approval.</p> <p>As stated in <b>paragraph 10.2.16 of Chapter 10 Ground Conditions [APP-043]</b>, following DCO approval a geotechnical assessment will be completed to inform detailed design and mitigate any significant geotechnical risk. The specific approach to the geotechnical assessment will be dictated by the Designer, but will be staged and fall in line with currently accepted UK British Standards and technical guidance, the key British Standard being BS EN 1997 Eurocode 7 – Geotechnical design.</p> <p>Stage 1 will comprise a geotechnical Desk study i.e. a documentary review of the available factual information on the Site such as site description, landuse history, geology and the results of previous reports on the site, including a review of the <b>Stage 1 Geo-Environmental Assessment [APP-096 and APP-097]</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>A site inspection would be carried out at this stage to ground-truth the desk study information. Based upon the results of the desk study, the extent and depth of geotechnical investigation would be confirmed and a Preliminary investigation specified to determine geotechnical characteristics such as shear strength of shallow soils and the absence/presence of peat (where any information gaps are identified).</p> <p>Typically, this investigation would include trial pits, boreholes, in situ testing, sampling, laboratory testing, installation and monitoring of groundwater piezometers.</p> <p>Following the Preliminary investigation, a Detailed investigation will be carried out, including structure-specific geotechnical testing such as pull-out testing to finalise pile design and trial mix design tests (if required in the NBBMA) in line with <b>paragraph 1.6.2 of Appendix 10-2: Remediation Technical Concept Note – Cell 3 [APP-098]</b>. The results of the investigations will be presented in Ground Investigation Reports (GIRs). Using the information in the GIRs the Designer would undertake the detailed design of the development, presented in a Geotechnical Design Report (GDR).</p> <p>These matters will be developed as part of the ground conditions investigations and assessments strategy that is required by Requirement 17 of the draft DCO, which will be approved by the local planning authority in consultation with the Environment Agency.</p>
Q3.2.5	<b>Ground mobilising water pollutants</b>	<p>i) Paragraph 10.6.68 of <b>Environmental Statement: Volume 1 Chapter 10: Ground Conditions [APP-043]</b> identifies that existing contaminant</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>i) Can the applicant advise how it would mitigate against any disturbed ground that could mobilise surface water/ground water pollutants?</p> <p>ii) Has the applicant undertaken any soil sampling tests that shows suspended solids would settle prior to discharge to ground/watercourse/river? Has the ES considered the use of coagulants and/or flocculants?</p>	<p>pathways to groundwater and surface water on Site have reached equilibrium with the surrounding area. This is based on:</p> <ul style="list-style-type: none"> <li>• the existing site investigation data whereby contaminant concentrations within the perched groundwater and surface water are exhibiting similar contaminant profiles to that of the soils; and,</li> <li>• owing to the age of dredging deposits (being in place some 60-80 years). Table 5-4 of the <b>oCEMP [APP-136]</b> sets out that works within the NBBMA and SADA within the MSCDDG Cells are to be informed by a groundwater risk assessment prior to commencement of construction. This will include the requirement for baseline, construction and completion of works groundwater and surface water monitoring with the scope to be agreed with the EA. This will ensure disturbance is minimised and potential remobilisation of contaminants to groundwater is prevented or reduced.</li> </ul> <p>As well as requiring a groundwater risk assessment, paragraph 1.3.2 of the <b>oCEMP [APP-136]</b> specifies the requirement of the preparation of a Groundwater and Surface Water Management Plan (GWSWMP). This will detail site-wide measures for drainage, rainfall runoff management, and groundwater interaction and will be prepared as part of the final CEMP. Table 5-4 sets out that the GWSWMP will include a Method Statement and Monitoring Plan for monitoring of groundwater and surface water at the NBBMA but will also include a programme of monitoring of groundwater and surface water over the remaining areas of the Site where dredging materials are to be excavated and disturbed.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>The specification for watercourse quality monitoring will be agreed with CWaCC. This will include details of all baseline, construction phase and post construction (operational phase) monitoring, which will involve both visual assessments and quality testing as per Table 5.4 of <b>oCEMP [APP-136]</b>.</p> <p>The Applicant acknowledges that the most significant ground disturbance works will relate to the development of the NBBMA.</p> <p>Table 10-2 of <b>Environmental Statement: Volume 1 Chapter 10: Ground Conditions [APP-043]</b> identifies that resting groundwater levels within the NBBMA sit at 3.2m below ground level (bgl), with perched groundwater identified at shallower depths (0.5-2.0m) bgl. As the proposed works to form the NBBMA within the dredgings (MSCDDG 3) would be limited to the top 1m of material, there would be low potential for interaction with resting groundwater, which sits at a 3.2m bgl.</p> <p>Paragraph 10.1.12 of <b>Environmental Statement: Volume 1 Chapter 10: Ground Conditions [APP-043]</b> sets out the following:</p> <p>There will be a requirement for a detailed controlled water risk assessment to be provided for the MMP or the DfR Permit (both of which are pursuant to Environment Agency regulatory processes) in association with development of the NBBMA. If deemed necessary following the risk assessment, a remediation and groundwater and surface water monitoring programme may be required. The MMP or the DfR Permit would detail recovery, segregation, testing and replacement works and this would be approved by the regulators prior to implementation.</p> <p>Recognising the possible need for remediation, the Applicant provided <b>Environmental Statement: Volume 2 Appendix 10-2: Remediation Technical Concept Note – Cell 3 [APP-098]</b>. The note describes the</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>characteristics of the soils and groundwater in Cell 3 and states that, based on the available results, if the risk assessment indicates the need for remediation, then stabilisation is likely to be suitable which is acknowledged as a commonly used remedial method to reduce the leaching potential of any contaminants present</p> <p>ii)</p> <p>Table 5.4 of the <b>oCEMP [APP-136]</b> identifies the potential impact of increased sedimentation in runoff from construction earthworks alongside mitigation measures. The Applicant states that a Groundwater and Surface Water Management Plan (GWSWMP) will be prepared as part of and operate alongside the final CEMP. This will detail standard construction mitigation measures including the use of silt matting, silt fencing, settlement tanks and silt buster or equivalent to reduce suspected solids prior to discharge. A minimum 10m buffer exclusion zone from watercourses (16m for tidal watercourses) will be observed for infrastructure and any major construction works around watercourses will be minimised during heavy precipitation events and carried out during dry months where practicable. Watercourse quality monitoring will be a requirement of the GWSWMP, the requirements of which will be agreed by CWaCC/EA and will include visual and quality testing.</p> <p>Specific soil sampling has not been undertaken at this stage to determine the precise silt mitigation requirements. The need for flocculants will depend on a range of factors including particle size/density, including the pumping rate, the specific silt settlement facility provided, use of filtration systems, etc. The approach taken is standard during the application stage; importantly, the need for silt mitigation has been identified and is controlled via the <b>oCEMP [APP-136]</b>, and a range of effective, proven</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>technologies are available to mitigate this potential impact on water quality.</p> <p>Any provision for the use of coagulants and/or flocculants would be included within the GWSWMP should enhanced measures be required to facilitate the settlement of suspended solids in conjunction with use of the other silt reducing/settlement methods. As detailed in Table 5.4 of the <b>oCEMP [APP-136]</b> “accumulated solids forming at the bottom of the tank [settlement tank] require periodic removal”.</p>
Q3.2.8	<p><b>Ground disturbance at the NBBMA</b></p> <p>Can the applicant clarify whether ground disturbance would occur during permitted preliminary works at the NBBMA?</p>	<p>Ground disturbance could occur from permitted preliminary works within the NBBMA. However, in accordance with <b>Environmental Statement: Volume 2 - Appendix 2-3: Permitted Preliminary Works (REP1-012)</b> it would be necessary for a CEMP to be prepared pursuant to Requirement 12 for those PPWs or relevant controls are in place as noted in that Appendix (or via other Requirements such as Requirement 17).</p>
Q3.2.10	<p><b>Waste permits</b></p> <p>Can the applicant clarify waste that will require a permit(s) and which waste would be registered as exempt?</p>	<p>The <b>Outline Soil Management Plan (oSMP) [APP-141]</b> describes the nature of the soils across the Site, including the status of the dredgings. Section 6.4 confirms that the Applicant’s preferred Strategy for the reuse of excavated soils will be through the CL:AIRE DoWCoP (Contaminated Land: Assessment in Real Environments Definition of Waste Code of Practice) process where a Materials Management Plan (MMP) will be adopted. The recovery and reuse of soils on the Site would therefore not be considered a waste and not be subject to requirements of a permit.</p> <p>The Applicant acknowledges that there is potential (albeit unlikely) that certain excavated materials associated with the creation of the NBBMA cannot meet the DoWCoP requirements and in such an instance a Deposit of Recovery (DfR) permit would be obtained. Section 6.5.1 to Section 6.5.3</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>of the <b>oSMP [APP-141]</b> sets out the process of the DfR should it be required.</p> <p>The Applicant is not anticipating a requirement to dispose of soils (i.e. waste) from the Site. If, however, material (even following remedial treatment) cannot be reused, Sections 6.5.4 to 6.5.6 of the <b>oSMP [APP-141]</b> specifies how any generated waste soils will be correctly disposed of off Site.</p> <p>As specified in Section 6.5.6 of the <b>oSMP [APP-141]</b>, the EA will be consulted throughout on matters relating to material reuse and/or waste permitting.</p>
Q3.2.11	<p><b>Study area</b></p> <p>Can the applicant clarify the extent of the study area which has been defined in paragraph 10.5.3 of Chapter 10 Ground Conditions [APP043] as on or near to the site?</p>	<p>The Order Limits is the Study Area as covered by <b>Chapter 10 Ground Conditions [APP-043]</b>.</p> <p>Reference is made to Drawing D01 "Site Features Plan" of the <b>Stage 1 Geo-Environmental Assessment [APP-096]</b> which provides the technical background to <b>[APP-043]</b>.</p>
Q3.2.13	<p><b>Agriculture</b></p> <p>Can the applicant identify and quantify the land currently being grazed by livestock and summarise the effects of the proposed development on agriculture including agriculture land classification (ALC) during construction, operation and decommissioning?</p>	<p>There are approximately 36 hectares of land to the east of Brook Furlong used as rough grazing pasture by cattle. This land is managed by Frodsham Wildfowling Club for the purpose of wildfowling.</p> <p>Cells 1, 2 and 5, which have a total area of approximately 140 hectares, are used for sheep grazing. Approximately 39 hectares of Cell 3 are grazed by cattle and sheep.</p> <p>The approved Outline Habitat Creation Management Plan for the Frodsham Wind Farm specifies grazing densities for Cells 2, 3, and 5,</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>including the requirement to remove stock between November and March inclusive.</p> <p>The current landowners of the land currently used for grazing have voluntarily entered into an agreement for the use of the Site for solar development. Furthermore, the Site will continue to be capable of being grazed by sheep within the panel areas, and by cattle within the NBBMA.</p> <p>Appendix 17.2 of <b>Environmental Statement: Volume 2 Appendix 1-1: Frodsham Solar Scoping Report [APP-048]</b> sets out that the agricultural land quality across the Site is limited by soil wetness to Subgrade 3b and Grade 4 i.e. the land does not comprise best and most versatile soil and so impacts on agricultural land soils were scoped out from the EIA. Furthermore, the soils at the Site would be managed in accordance with the <b>Outline Soil Management Plan [REP1-026]</b>, which would ensure that the Proposed Development would not have a long-term impact on soil quality such that, at the end of the 40-year period, the land could be returned to its current agricultural use should this be the preference of the landowner.</p>
3.2.14	<p><b>Question to CWaCC and EA</b></p> <p>Are you satisfied that the proposed development meets paragraph 5.11.5 of NPS EN-1 that “Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance [Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance] as a minimum”. If no, please</p>	<p>The Applicant would note its response to this policy requirement in the <b>Policy Compliance Document [APP-129]</b> and the responses given at ISH1 which demonstrate that the Applicant has undertaken a robust approach to ensure that it can be satisfied that the site is suitable for its intended use and incorporates appropriate measures to deal with the contaminated land regime (noting further the updates to the <b>oCEMP [APP-136]</b> throughout the course of the Examination).</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	provide justification and relevant evidence to support your position.	
<b>4. Biodiversity and ecology</b>		
<b>4.0 Baseline conditions</b>		
Q4.0.1	<p><b>Zone of influence</b></p> <p>Can the applicant clarify if its zone of influence was the same as the extent of its ecological study data?</p>	<p>The Applicant confirms that a single, uniform zone of influence was not applied across all ecological receptors. Instead, the extent of ecological study areas was defined on a receptor-specific basis, reflecting the differing mobility, ecology and legislative context of species groups (for example wintering and breeding birds, great crested newts and otters). Desk study data were also drawn from a range of sources (including BTO WeBS and local biological records), the spatial extents of which were greater than the Order Limits. Such variances are inherent to ecological assessment.</p> <p>The Applicant considers that the approach adopted was sufficient to identify relevant ecological receptors and potential impact pathways.</p>
Q4.0.2	<p><b>Great Crested Newts</b></p> <p>Can you advise if restricted access to ponds/waterbodies within 0.5km of the Main Development Area could have a meaningful impact on the significance of effects assessment including mitigation for Great Crested Newts?</p>	<p>The Applicant does not consider survey limitations have any meaningful impact on significance of effects on great crested newts for the following reasons:</p> <p>i) Despite multiple developments within the Order Limits and the wider area (notably Protos, to the west), for which there have been repeated surveys over multiple years, none has previously identified a population of great crested newts to be present. It is likely that the M56, River Weaver, Mersey Estuary and development to the west</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>have isolated the Order Limits and therefore prevented great crested newt colonisation.</p> <p>ii) The Proposed Development will lead to reduced intensification of agriculture and the creation of habitats which are of value to amphibians (including Great Crested Newts). Where these species are present or able to colonise, habitats will be more favourable with the Proposed Development than without.</p> <p>iii) The <b>outline Construction Environment Management Plan [REP1-020]</b> contains precautionary measures to protect amphibians (Table 5.1, page 47).</p>
Q4.0.3	<p><b>Development buffer wintering birds</b></p> <p>Figure 1- Zone of influence in the Ornithology Survey Report [APP-082] shows a 600m development buffer wintering birds. Can the applicant explain with evidence, why a 600m buffer was appropriate and how this buffer informed its ornithology assessment?</p>	<p>The 600m figure is an amalgamation of research which is summarised in guidance by NatureScot (Research Report NatureScot Research Report 1283 - Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species) cited in <b>Information to Inform Habitats Regulations Assessment [PD2-009]</b>, paragraph 8.2.48.</p> <p>It should be noted that disturbance up to this distance is exceptionally unlikely. For most non-breeding bird species found on the Order Limits and adjacent Mersey Estuary Special Protection Area (SPA) and Ramsar site, the above NatureScot guidance cites much smaller distances (typically 150 - 300m). It is also relevant that the nature of the Order Limits, with raised Cells, embankments and hedgerows, means that disturbance is largely reduced as there is rarely any line-of-sight. Please also note that</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>that Natural England are satisfied with regards to the assessment of non-breeding birds and disturbance <b>[REP1-056]</b>.</p> <p>The 600m development buffer applied is therefore highly precautionary, in that non-breeding wetland birds could theoretically be visually disturbed by construction up to this distance, albeit that is considered as a very unlikely scenario.</p>
Q4.0.4	<p><b>Ecological study area and Dust Assessment Area</b></p> <p>Can the applicant clarify if the ecological study area for baseline conditions matched the Dust Assessment Area?</p>	<p>The ecological study areas did not directly correspond to the Dust Assessment Area (CDA), as they were defined on a receptor-specific basis as set out within paragraph 8.5.4 of the <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b>. The CDA assessment areas are informed by the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. v2.2, January 2024. The <b>CDA [APP-055]</b> considers potential effects up to 250 m of the Order Limits, noting that screening criteria for ecological receptors is 50m of the boundary of the site, and up to 250m from site entrance. The Dust Assessment Area is shown in Figures 6.1 and 6.2 within <b>APP-055</b>. The dust assessment demonstrates that, with standard mitigation, dust effects would not give rise to significant impacts including ecological receptors.</p> <p>The differences in the ecological and ornithological study areas does not affect the robustness of the ecological/ornithological baseline or the conclusions of the assessment.</p>
Q4.0.5	<p><b>Site surveys</b></p>	<p>Please refer to the Applicants response in Q5.0.1. The Applicant has also responded to CWT directly on this point in comment CWT2 and CWT 7 (pages 17 and 24) of the <b>Applicant's Response to Other Representations dated December 2025 [REP1-032]</b> the latter of which refers to row CWACC7.32 in <b>Response to Local Planning Authority</b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	Can the applicant respond to Cheshire Wildlife Trust (CWT) relevant representation [RR-019] that many areas of the site were not surveyed across all years?	<p><b>and Statutory Environmental Body Relevant Representations [PD2-027].</b></p> <p>Natural England has accepted the conclusions of the HRA in principle, subject to the provision of outstanding information which is considered resolvable. In particular, NE have not raised specific objections/concerns regarding survey coverage [REP1-056].</p>
<b>4.1 Species</b>		
Q4.1.1	<p><b>Other species</b></p> <p>Can the applicant clarify if its ecological study of the skylark mitigation area included consideration of any other species?</p>	<p>The Skylark Mitigation Area (SMA) is currently farmed arable crop. As such it is under typical crop rotation and subject to farming practices (ploughing and the use of agricultural chemicals). These conditions create poor ecological conditions for almost all species, with ground-nesting birds (skylark) one of the few exceptions. Any other ecological value to such arable fields is limited to the boundary features which will be retained. Future management of the SMA will be the conversion of arable land to meadow grassland, representing a clear enhancement over the existing baseline, with no actual development within the SMA. As such, whilst there has been no specific consideration of other species within the SMA, the Applicant does not consider this to be necessary or to have any effect on the conclusions of the impact assessment, given the low baseline value and the proposed habitat enhancement. However, it is likely that the meadow grassland will also be indirectly beneficial to critical pollinator species, bird species (meadow pipit, linnnet, yellowhammer), and mammals including field vole and hedgehog, but not limited to.</p> <p>Furthermore the SMA will be subject to active monitoring and management, as set out in the oLEMP [REP1-028], allowing for</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		adaptive management measures to be implemented where required to ensure the continued effectiveness of the mitigation.
Q4.1.2	<p><b>Question to CWaCC, NE, CWT</b></p> <p><b>Badger</b></p> <p>Paragraph 7.7.32 of Terrestrial Ecology [APP-040] notes that habitats will be largely retained and protected during the construction process. Can you please provide your comments on this statement and can NE confirm whether you intend to grant or refuse a licence to interfere with a badger sett for the purposes of the proposed development?</p>	<p>Table 5-1 (page 53) of the <b>oCEMP [REP1-020]</b> presents methods for the avoidance of disturbance to an active badger sett. The Applicant does not consider that a badger license will be required with the implementation of such methods. The same table includes a commitment to a pre-construction badger survey; in the event that the survey identifies changes to badger sett locations, or that there is potential for disturbance of badgers, the Applicant acknowledges the legal protections afforded to badgers and will ensure full compliance, through licensing if considered necessary by the ecological clerk of works.</p>
Q4.1.4	<p><b>Bat</b></p> <p>Can you comment on whether spring surveys, additional static detectors, and surveys of the NBBMA would alter the conclusion of no significant residual effects on bats?</p>	<p>It is the Applicant's position that spring surveys or additional static detectors and surveys of the NBBMA would not alter the conclusion of no residual effects on bats for the following reasons:</p> <ul style="list-style-type: none"> <li>i) Bats produce offspring in the summer months, meaning that both bat activity and the numbers of bats are at their highest in the summer and autumn (i.e., as females are provisioning for youngsters when they remain in the roost, and following that once young become independent). As such, surveys in the spring typically record lower bat activity than those in the summer and autumn.</li> <li>ii) The Order Limits does not support any known bat roosts and lacks features which are suitable (being open in nature and lacking buildings and mature trees). As such the Order Limits</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>are unsuitable for hibernation roosts (and therefore spring emergence).</p> <p>iii) Bat habitat features, namely hedges and hedgerows will almost all be retained. With the cessation of agricultural land use (predominantly in the Eastern SADA), and the implementation of the Applicant's ecological and landscaping proposals, habitats for foraging bats and prey availability are likely to improve. The 'no significant residual effects' conclusion is therefore precautionary.</p>
<p><b>4.2 Flora and fauna</b></p>		
<p>Q4.2.1</p>	<p>Habitats</p> <p>Can the applicant submit into the examination a summary table to quantify the impact of the proposed development on:</p> <ul style="list-style-type: none"> <li>• habitats <ul style="list-style-type: none"> <li>i) hedgerows and quantify separately important hedgerows, ii) woodland and ancient woodland, iii) trees, with veteran trees and tree preservation orders identified, iv) ponds, v) ditches, vi) reedbed, vii) wetland, viii) grassland, and ix) neutral grassland</li> </ul> </li> </ul>	<p>This information can be found in Tab G2 – Habitat Groups of the <b>Biodiversity Metric spreadsheet [PD2-032]</b> (page 217). Information on ancient woodland and tree loss, including of veteran trees and trees with tree protection orders can be found in <b>Appendix 7.15 Arboricultural Assessment [APP-146]</b>. The information contained within these documents is summarised below. This confirms no net loss of area or an overall area gain for all habitats assessed.</p> <p>As these figures are taken from the Biodiversity Net Gain Metric, enhancement is taken to mean an enhancement in condition for the relevant habitat type. This may not fully include enhancements resulting from proposed management that does not result in an increase in habitat condition as defined by the Biodiversity Metric.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response				
	<ul style="list-style-type: none"> <li>quantify total habitats loss (to those listed i-xi in the first bullet point)</li> <li>new habitats (to those listed i-xi in the first bullet point)</li> <li>habitat difference between new and the loss (to those listed i-xi in the first bullet point)</li> <li>quantifying habitats earmarked for enhancement management (to those listed i-xi in the first bullet point)</li> </ul>	<b>Habitat Type</b>	<b>Baseline within Order Limits</b>	<b>Area enhanced within Order Limits</b>	<b>Loss within Draft Order Limits</b>	<b>Post-development in Order Limits</b>
		Hedgerows * (Including Lines of trees)	6.613 km	0 km	0.18 km	14.013 km
		Woodland and ancient woodland	1.068 ha	0 ha	0.204 ha	3.085 ha
		Trees, with veteran trees and tree preservation orders identified	See Arboricultural Assessment			
		Ponds	7.98 ha	0 ha	6.543 ha	9.116 ha
		Ditches	19.968 km	12.83 km	0.162 km	20.142 km
		Reedbed	14.83 ha	0 ha	1.568 ha	15.337 ha
		Wetland broad habitat (includes reedbeds)	14.83 ha	0 ha	1.568 ha	15.337 ha
		Grassland broad habitat (includes neutral grassland)	251.118 ha	8.417 ha	117.398 ha	285.1464 ha
		Neutral grassland	196.205 ha	8.417 ha	62.745 ha	202.281 ha
		*surveys have not differentiated between important and non-important hedg by the Hedgerow Regulations 1997				

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>The <b>Arboricultural Assessment [APP-146]</b> identifies no ancient woodland within the Draft Order limits. Similarly the <b>Arboricultural Assessment [APP-146]</b> does not identify any ancient or veteran trees, or trees with Tree Protection Orders . Table 2 of the <b>Arboricultural Assessment [APP-146]</b> identifies the number of trees and tree groups to be removed.</p>
Q4.2.2	<p><b>Flora</b></p> <p>For notable flora, such for example bluebell, can the applicant confirm the potential affected area size in ha and summarise its approach to mitigate?</p>	<p>As stated in <b>ES Volume 2 Appendix 7.1 [APP-075]</b> the only notable flora record to be identified was bluebell within an area of other lowland mixed deciduous woodland (UKHab code w1f7). This habitat area measured approximately 0.15ha This area will be fully retained and protected throughout construction and operation. Table 5-4 of the <b>Outline Construction Environmental Management Plan [REP1-020]</b> describes how working areas will be clearly delineated to prevent accidental encroachment into sensitive habitats and these areas will be clearly signed to avoid accidental incursion. The area of bluebell lies outside the panel areas and is not in an area that is required for construction works. As such it would be delineated and signed in accordance with the oCEMP.</p>
<p><b>4.3 Management Plans/Strategy</b></p>		
Q4.3.1	<p><b>Environmental masterplan</b></p> <p>Can the applicant clarify if the environmental masterplan is indicative or an illustration? The title heading above paragraph 7.7.1 in ES chapter 7 [APP-040] is “Indicative Environmental Masterplan”, and also paragraph 7.7.2 starts with “An indicative Environmental Masterplan...” However the relevant</p>	<p><b>ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan [APP-106]</b> provides an illustrative environmental masterplan for the Proposed Development for the purposes of assessment within the ES. The same plan is included as the Illustrative Environmental Masterplan at Appendix A of the <b>outline Landscape and Ecology Management Plan (oLEMP) [REP1-029]</b>. The oLEMP is a control document that will be certified as part of the <b>draft DCO [REP1-004]</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>Figure 2-3 is called “Illustrative Environmental Masterplan”</p>	<p>Requirement 9 in Schedule 2 of the <b>draft DCO [REP1-004]</b> requires that a final Landscape and Ecology Management Plan (LEMP), in substantial accordance with the oLEMP, is prepared and approved by the Local Planning Authority prior to commencement of construction. The final LEMP will implement the landscape and ecology proposals, which must be in <u>substantial accordance</u> with the Illustrative Environmental Masterplan at Appendix A of the <b>oLEMP [REP1-029]</b>.</p> <p>Accordingly, the mitigation presented on the illustrative environmental masterplan can be relied upon as part of the assessment made within the ES.</p> <p>The reference to an ‘indicative environmental masterplan’ within <b>ES Chapter 7 [APP-040]</b> is a typographic / consistency error and not an alternative plan to that presented as <b>ES Vol 3 Figure 2-3: Illustrative Environmental Masterplan [APP-106]</b>.</p>
<p>Q4.3.2</p>	<p><b>Outline Landscape and Ecology Management Plan</b></p> <p>The Outline Landscape and Ecology Management Plan (oLEMP) [PD2-023] refers to long-term management and maintenance.</p> <p>Can the applicant:</p> <ul style="list-style-type: none"> <li>i) Confirm the duration of this time period?</li> <li>ii) Explain how long-term management and maintenance is to be safeguarded by a future service provider?</li> </ul>	<p><b><u>Q4.3.2 (i)</u></b></p> <p>The management and maintenance prescriptions set out in the <b>outline Landscape and Ecology Management Plan (oLEMP) [REP1-029]</b> would apply across the lifetime of the Proposed Development i.e. up to 40 years.</p> <p>The oLEMP is secured by Requirement 9 in Schedule 2 of the <b>draft DCO [REP1-004]</b> which states that <i>“No phase of the authorised development may commence, and no part of the permitted preliminary works for that phase comprising vegetation removal may start, until a landscape and ecology management plan (which must be substantially in accordance with the outline landscape and ecology management plan)</i></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>iii) Explain how management and maintenance would be funded and whether transfer of the Order would affect this approach?</p>	<p><i>for that phase has been submitted to and approved by the relevant planning authority in consultation with Natural England.”</i></p> <p>Specifically Requirement 9(2)(f) requires that detailed LEMP submitted must include details of how ‘the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement 20’.</p> <p>Requirement 9(4) goes on to state that each phase of the authorised development must be carried out in accordance with the landscape and ecology management plan approved. As that approved plan will include details of how the measures will be managed through the lifetime of the development, the authorised development must be carried out in accordance with the management regime put forward.</p> <p>It is also noted that paragraph 7.2.1 of the <b>oLEMP [REP1-029]</b> sets out that site monitoring inspections during the operational phase will be undertaken every two years, up to Year 10, once the Proposed Development becomes operational, and then every five years to review management successes/ failures gauged against the Project Design Principles outlined in Section 4.0 of the oLEMP (or the equivalent section of the final LEMP), and to make any adjustments to the management/maintenance regime that the findings of such inspections indicate would be appropriate.</p> <p><b><u>Q4.3.2 (ii)</u></b></p> <p>Compliance with the final LEMP is secured by Requirement 9 in Schedule 2 of the <b>draft DCO [REP1-004]</b> and it is therefore a legal requirement for the Applicant or any future service provider to comply</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>with the final LEMP. Whilst article 36 of the draft DCO enables the transfer of the Order to a third party, r, the requirements of the Order would remain enforceable and applicable to that third party which includes the long term management and maintenance specified in the LEMP, and as per the requirements of Requirement 9.</p> <p><b><u>Q4.3.2(iii)</u></b></p> <p>The final LEMP is secured by Requirement 9 in Schedule 2 of the <b>draft DCO [REP1-004]</b>, the management and maintenance prescriptions therefore have to be funded in order to ensure continued compliance with the DCO, with any breach being a criminal offence . This remains the case if any transfer of the benefit of the DCO were to take place pursuant to article 36 - any transferee of the Order would still be bound by the legal requirements of the Order, including Requirement 9.</p>
Q4.3.3	<p><b>Outline Construction Environmental Management Plan</b></p> <p>Paragraph 4.1.36 of the Outline Construction Environmental Management Plan (oCEMP) [PD2-015] notes that sensitive lighting strategy should ensure that lighting is not directed towards the NBBMA. Can the applicant confirm what would be the lighting strategy on functional linked land?</p>	<p>Natural England have not raised any objections with the information provided by the Applicant and accepts the HRA (and the mitigation measures referenced) provides sufficient detail with regards to lighting [comment NE25 and NE26; <b>REP1-056</b>].</p> <p>The principles set out in the oCEMP [<b>EN010153/DR/7.5</b>] for the Sensitive Lighting Strategy include measures to 'avoid unnecessary lighting spill into adjacent habitats, e.g. through the use of appropriate lighting strength, cowls and hoods' (paragraph 4.1.41 and Appendix A) These principles would be applicable to minimising impacts on FLL, and other sensitive habitats such as hedgerows and watercourse corridors. Lighting effects have been assessed within <b>Information to Inform Habitats Regulations Assessment [PD2-009]</b> and as such includes consideration of impacts on FLL. The HRA (paragraph 8.2.63) identifies</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		the relevant lighting mitigation measures and Natural England has confirmed that sufficient detail has been provided in this regard.
<b>4.4 Mitigation measures</b>		
Q4.4.1	<p><b>Non-Breeding Bird Mitigation Area (NBBMA)</b></p> <p>Paragraph 8.7.5 of Chapter 8 Ornithology [APP-041] notes the NBBMA as 66.7ha. However, paragraph 4.2.3. of Volume 2 Appendix 10- 1: Stage 1 Geo-Environmental Assessment [APP-096] states that the NBBMA covers an area of approximately 52.1ha and is located across the MSCDDG Cell 3 plus the area to the north of MSCDDG Cell 3, some of which forms part of the Frodsham Marshes SSSI. Furthermore in paragraph 5.2.6 it states that that “Part of the north section of the NBBMA forms part of the Mersey SSSI and Mersey Estuary SPA”. Taking into account the above statements can the applicant confirm the area in ha for the following:</p> <ul style="list-style-type: none"> <li>i) Total NBBMA size</li> <li>ii) Neutral grassland size in the NBBMA</li> <li>iii) Grassland size in the NBBMA</li> <li>iv) Wetland size in the NBBMA</li> </ul>	<p><b><u>Q4.4.1 (i)</u></b></p> <p>It is noted in paragraph 3.2.3 of the <b>Information to Inform Habitats Regulations Assessment Final [PD2-009]</b> that the NBBMA boundary is approximately 66.7 ha in size, of which 53.31 ha is suitable for the creation of new and enhanced habitats (wetland and other neutral grassland). The remaining area (approximately 13.39 ha) is formed by the Manchester Ship Canal embankment, which is relatively steep and therefore unlikely to be utilised by wetland birds for which the NBBMA will be managed. These areas are illustrated in Figure 3 of <b>Appendix B of the oLEMP [PD2-023] ‘Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13 P02] V2’</b>.</p> <p>It should also be noted that the oNBBMS is an outline document. Should the Proposed Development be consented, then the DCO will require final versions of these documents to be agreed with CWaCC, and other key stakeholders, as necessary. The final documents will be in substantial agreement with the outline documents. The Proposed Development must be undertaken in accordance with the approved plans. This is secured via a Requirement in Schedule 2 of the <b>draft DCO [EN010153/DR/3.1]</b>.</p> <p><b><u>Q4.4.1 (ii)</u></b></p> <p>Sizes for each habitat component within the NBBMA are presented in Table 3.1 of <b>Appendix B of the oLEMP [PD2-023] ‘Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13 P02] V2’</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>v) and clarify whether the NBBMA and any associated works would encroach into the Mersey SSSI and Mersey Estuary SPA?</p>	<p>Neutral grassland totals 33.8 ha (28.44 ha + 4.79 ha + 0.57 ha, as per Table 3.1 noted previously).</p> <p><b><u>Q4.4.1 (iii)</u></b></p> <p>See Q4.4.1 (ii) above.</p> <p><b><u>Q4.4.1 (iv)</u></b></p> <p>Sizes for each habitat component within the NBBMA are presented in Table 3.1 of <b>Appendix B of the oLEMP [PD2-023] 'Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13 P02] V2'</b>. Wetland size, including current and additional scrapes, islands, wet grassland, the existing drain and retained pools within the Mersey Estuary SSSI total 19.51 ha.</p> <p><b><u>Q4.4.1 (v)</u></b></p> <p>Part of the NBBMA sits within a management unit of the Mersey Estuary SSSI. The approach to works within the SSSI is fully detailed in Section 2.8 of <b>Appendix B of the oLEMP [PD2-023] 'Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13 P02] V2'</b> and has been agreed with Natural England through continued consultation.</p> <p>No works will encroach the Mersey Estuary SPA and Ramsar site.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
Q4.4.3	<p><b>Frodsham windfarm mitigation areas</b></p> <p>Can you respond to CWT’s relevant representation [RR-019] that the applicant should not be re-allocating Frodsham windfarm mitigation areas for its NBBMA and should be providing additional mitigation areas on top of that?</p>	<p>The Applicant does not agree with CWT on this point. The Applicant has engaged extensively with Natural England and the RSPB on this matter throughout the application process.</p> <p>The approach to mitigation adopted is fully detailed in Section 1.4 of <b>Appendix B of the oLEMP [PD2-023] ‘Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) [EN010153/DR/7.13 P02] V2’</b>. In particular, paragraph 1.4.6 states that <i>‘The effects arising from the Proposed Development will be separate to, and in addition to, those already arising from the FWF [Frodsham Wind Farm]. Accordingly, the ONBBMS has been developed cognisant of this additional impact, and of the approved and functioning mitigation for FWF. The measures proposed within the ONBBMS are therefore provided in addition to those already implemented. This approach is subsequently termed ‘additive mitigation’, which is best summarised as a ‘quality over quantity’ approach.</i></p> <p>The FWF mitigation does not include dynamic management, with any on-site measures limited to retaining a short-sward which is completed by the tenant farmer on an ad-hoc basis. It is therefore inappropriate to compare the two approaches based solely on land area without considering quality, duration and dynamic management benefits.</p> <p>The Applicant considers that the proposed mitigation measures, primarily the creation of high-quality, reliable and controlled wetland habitats, represent a ambitious conservation strategy, which will deliver mitigation for the Proposed Development combined with substantial enhancements that will benefit multiple wetland bird species, including SPA species over the operational lifetime of the Proposed Development. The habitats will be managed over a 40-year period (and therefore approximately 27 more years than the currently consented lifetime of any FWF measures), with</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>the intention that this is undertaken by a suitably experienced and reputable nature conservation organisation.</p>
Q4.4.4	<p><b>Retention of mitigation measures</b></p> <p>Can the applicant advise if any incorporated mitigation and enhancement mitigation, and any additional mitigation and enhancement measures, would not be retained following handover of the land to the landowner.</p>	<p>The management of the Site following the handover of the land back to the landowner at the end of the Proposed Development would be determined by the landowner. The post decommissioning position is set out in paragraphs 2.7.5 to 2.7.6 of <b>Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035]</b> as follows:</p> <p><i>2.7.5 On decommissioning, the landscaping works undertaken across the Site would remain in place, and the land would be handed back to the landowner, with the only exceptions being the potential requirement by the landowner to revert the grassland created on the eastern half of the Site (to the east of Brook Furlong) and the Skylark Mitigation Areas back to land suitable for arable farming. Given that the western half of the Site is currently used for grazing, the grassland created and managed in this area would be retained.</i></p> <p><i>2.7.6 It is likely that tree and scrub planting, together with created pond and wetland habitats, would be retained, including the habitats created within the NBBMA. However, as the land would be handed back to the landowners on completion of decommissioning the long term retention of the landscaping improvement works cannot be guaranteed. Similarly, following decommissioning the landowner may or may not retain the permissive footpaths created across the Site.</i></p> <p>In response to paragraph 7.30 of CWACC's relevant representation relating to the post decommissioning status of the NBBMA, the Applicant has noted (<b>Response to Local Planning Authority and Statutory</b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p><b>Environmental Body Relevant Representations [PD2-027]</b>, reference CWACC7.26):</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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; and</li> <li>• the Applicant has updated the draft DCO to provide that the management of the NBBMA, to the extent it falls within the SSSI boundary, shall be considered to form part of the management scheme for that SSSI for the purposes of the Wildlife and Countryside Act 1981; ensuring that the NBBMA management prescriptions will apply in the long term, unless agreed to be varied by Natural England.</li> </ul>
Q4.4.5	<p><b>Skylark mitigation area</b></p> <p>Can the applicant advise on:</p> <p>i) How existing land utilised by skylark has informed the location and size of the proposed skylark mitigation area including how noise from the adjacent motorway was considered?</p>	<p>The Applicant notes its responses regarding skylarks in its <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>, specifically Sections CWACC7.70 to CWAC7.41 (pages 103 to 106).</p> <p>The Site skylark population is valued as of 'local level' value (see paragraph 8.8.39 of <b>Environmental Statement: Volume 1 Chapter 8: Ornithology [APP-041]</b>). It is the Applicant's position that its proposed 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</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>ii) The influence of song by the skylark to establish and maintain nesting territory (and therefore breeding success), and whether this could be inhibited by the ambient noise levels?</p>	<p>nesting and foraging skylarks during the operational period. This is detailed in paragraph 8.8.45 of <b>Environmental Statement: Volume 1 Chapter 8: Ornithology [APP-041]</b>.</p> <p>It is also important to note that presence of breeding skylark were recorded within Cell 3 and part of Cell 2 during year 2 of the field surveys (up to 10 territories; 50%), which is to be retained and will also be of benefit to breeding skylark through management, in addition to the SMA, as presented in Map 11b of <b>Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report [APP-082]</b> (discussed further below).</p> <p><b><u>Q4.4.5 (i)</u></b></p> <p>The SMA is provided in addition to other areas across the SADA which will provide suitable resources for skylarks, as will the NBBMA; it is not intended or claimed that the SMA will support the number of skylark pairs (21) recorded across the entire Order Limits. The SMA will be converted from arable land to meadow, so will support higher breeding productivity than arable land. The SMA will also be used by skylark pairs in fields in neighbouring fields (average distance of foraging adults from a nest location is 200m). The SMA is 5.58 ha in total, which is in accordance with guidance on the minimum size field (5ha) considered suitable for use by the species under UK government guidance. Further the SMA will be managed as meadow for skylarks for the lifetime of the Proposed Development, whereas current farming practices could change at any time and render the area unsuitable for skylarks. On the basis that the SMA provides only part of the habitat within the Order Limits which will be suitable for use by nesting and foraging skylarks, the impacts of noise from the M56 (and which are already in place) are considered negligible. It is therefore the Applicant's position that the mitigation is adequate for</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>skylarks and that the conservation status of skylarks will be maintained at a County and likely District level.</p> <p><b><u>Q4.4.5 (ii)</u></b></p> <p>See i) above.</p> <p>The proposed SMA is located within a partly industrialised landscape, which is also subjected to ongoing farming practices and unregulated public access including dogs off lead etc., therefore it is reasonable to assume skylark using this area are therefore likely to be habituated to a relatively elevated background noise and disturbance levels. The SMA location does not represent a novel disturbance based on its location being in an area which experiences road noise, but rather an incremental contribution to an already noisy landscape, which suggest that the SMA can function as skylark mitigation, provided that high-quality habitat management is delivered and maintained. Note that this area will also be actively monitored and adapted to suit as secured in the b.</p>
<b>4.5 Assessment</b>		
Q4.5.2	<p><b>Potential impacts of decommissioning works on the proposed mitigation areas</b></p> <p>Can the applicant clarify if the ES has assessed the potential impacts of decommissioning works on the proposed mitigation areas such as NBBMA and skylark mitigation area?</p>	<p>As set out in the <b>Environmental Statement: Volume 1 Chapter 8: Ornithology [APP-041]</b>, paragraphs 8.7.57 and 8.8.88, the Applicant has assessed potential effects from decommissioning using a precautionary assumption that impacts will be similar to the construction phase, due to the inherent uncertainty in predicting future land use and habitat management beyond the 40-year operational lifetime. Decommissioning impacts on proposed mitigation areas, including the NBBMA and skylark mitigation area, have therefore been taken into account on this basis. Comparable ecological controls, including compliance with wild bird legislation and the appointment of an ECoW, would be implemented. It is</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>also noted that the draft DCO now provides that the management of those aspects of the NBBMA within the SSSI will form part of the formal management scheme of the SSSI for that area, meaning that any changes away from that management regime would require Natural England consent.</p> <p>Due to the separation distance from the developed parts of the Order Limits, decommissioning impacts on the Skylark Mitigation Area (SMA) will be negligible. In the event the SMA is returned to arable crop following decommissioning, impacts will be similar to typical farmland practices (i.e., rotation of crops and fallow land).</p> <p>Decommissioning impacts have also been identified and assessed throughout the <b>Information to Inform Habitats Regulations Assessment [PD2-009]</b>, section 8.3. Note that Natural England have not raised any objection in relation to the decommissioning phase impacts <b>[REP1-056]</b>.</p>
Q4.5.3	<p><b>Fragmentation of connecting habitat/ commuting routes</b></p> <p>Can the applicant clarify whether fragmentation of connecting habitat/ commuting routes within and adjacent to the OL have been assessed?</p>	<p>Connectivity across the OL has been considered and assessed by the Applicant. Retention of connectivity was a design consideration of the Proposed Development, as is noted in paragraph 7.7.67 of the <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b> which states:</p> <p><i>'The Proposed Development has been designed to largely retain important ecological features within the Site. This includes the retention of woodland, hedgerows, tree lines and ditches, with the exception of minor woodland (within the NBBMA) and hedgerow removal and the creation of new ditch crossings/upgrading of existing crossings; thereby</i></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p><i>maintaining effective nature connectivity networks within the wider environment’.</i></p> <p>Retention and enhancement of connectivity is further discussed in paragraph 7.8.103 of <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b>, which then concludes in paragraph 7.11.3 that effective nature connectivity with the wider environment is maintained.</p> <p>Further, it is proposed to install badger/mammal gates within the site boundary fence to allow movement of larger species, as detailed in paragraph 6.5.3 of the <b>Outline Landscape and Ecology Management Plan [PD2-023]</b>.</p>
Q4.5.5	<p><b>Frodsham, Helsby and Ince Marshes LWS</b></p> <p>Can the applicant confirm if its significance of effects conclusion (during permitted preliminary works/construction, operation, and decommissioning stages) took into account Frodsham, Helsby and Ince Marshes LWS qualifying features?</p> <p>If any party believes the applicant’s significance of effects conclusion omitted any qualifying features associated with Frodsham, Helsby and Ince Marshes LWS, please provide justification and evidence to substantiate your position.</p>	<p>The qualifying features of the LWS are presented in <b>The Environmental Statement: Volume 2 Appendix 7-5: Assessment of Frodsham Helsby Ince Local Wildlife Site [APP-081]</b></p> <p>The Applicant confirms that the significance of effects conclusion (during permitted preliminary works/construction, operation, and the decommissioning stages) considered Frodsham, Helsby and Ince Marshes LWS qualifying features, with these matters specifically referenced in paragraphs 7.8.8 to 7.8.19 of <b>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology [APP-040]</b>.</p>
<p><b>4.6 Policy</b></p>		

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q4.6.1	<p><b>NPS EN-1</b></p> <p>Paragraph 5.4.44 of NPS EN-1 states that 'the Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained'. Can the applicant provide suitable wording for a Biodiversity Net Benefit Requirement in its dDCO?</p> <p>(For reference, see example R8 in the made order for EN010142-001365-Development Consent Order Tillbridge Solar Project.pdf)</p>	<p>The Applicant will amend the DCO at Deadline 3 to provide a commitment to achieving a net gain in biodiversity.</p> <p>It is important to note that the proposed wording will differ from that seen in other DCOs because, as the Applicant has readily acknowledged (e.g. in the <b>BNG Report [APP-143]</b>, the Proposed Development technically does not meet all of the requirements of the statutory biodiversity net gain system and its accompanying Metric, due to the position on reedbeds.</p> <p>However, it is considered that a net gain in biodiversity overall will be achieved, as set out in the BNG report, and the Applicant's wording will secure this (whilst providing a 'buffer' to account of the detailed design and construction process). As with other DCOs, this will be done via amendments to Requirement 9 and associated amendments to the oLEMP.</p>
Q4.6.2	<p><b>NPS EN-1</b></p> <p>Can you comment whether paragraph 4.6.7 of NPS EN-1 has been satisfied which notes that the latest version of the biodiversity metric is encouraged and that calculation data for biodiversity baseline and present planned biodiversity net gain outcomes are presented in full as part of the application?</p>	<p>The Applicant considers that it has provided all of the information required to enable a conclusion on net gain and compliance with NPS paragraph 4.6.7, including:</p> <ul style="list-style-type: none"> <li>• the BNG Report <b>[APP-143]</b> which sets out the net gain calculations using the statutory metric;</li> <li>• this considers the baseline, taking information from the submitted ES; and</li> <li>• the calculations are set out in that Report, and the supporting matrices were submitted at <b>[AS-036]</b> (noting that there is inconsistent practice as to whether these spreadsheets are</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		submitted at application stage, particularly noting that BNG is not yet statutory for NSIPs).
<b>5. Habitats Regulations Assessment</b>		
<b>5.0 Baseline</b>		
Q5.0.1	<p><b>Non-breeding bird surveys</b></p> <p>Can the applicant provide further justification as to why the non-breeding bird surveys undertaken are considered to be robust and adequate in supporting the Habitats Regulations Assessment (HRA) Report’s [PD2-009] conclusions of no adverse effects on integrity (AEol) on the qualifying non-breeding waterbirds and the wider waterbird assemblage of the Mersey Estuary SPA and Ramsar site, given the identified data gaps for certain months and site areas surveyed?</p>	<p>The Applicant has provided a detailed response regarding non-breeding bird survey effort in its <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>, specifically Sections CWACC7.32 to CWAC7.37 (pages 78 to 81).</p> <p>Not every area was covered in every year; however coverage was adjusted between years to ensure that all relevant parts of the Site, including Cell 3, the NBBMA, the eastern/western solar array areas, the River Weaver habitats, and the Skylark Mitigation Area, were surveyed within the overall programme. The core non-breeding period of October–March was consistently surveyed across all three years, which represents the key season for qualifying SPA species. Current Natural England guidance recommends a minimum of two winters of survey effort for non-breeding birds, and this requirement has been exceeded by completing three consecutive winters, which ensures inter-annual variation is captured and this has been done.</p> <p>In addition to surveys, the assessment was informed by desk-based records from local data sources and statutory consultees, including the British Trust for Ornithology and the Cheshire and Wirral Ornithological Society. The Site is very well surveyed and understood, with extensive</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>data provided and reviewed and which enables a high degree of confidence in the baseline used for assessment.</p> <p>Natural England has not raised objections in relation to survey coverage in their representations <b>[REP1-056]</b>.</p>
<b>5.1 Assessment</b>		
Q5.1.1	<p><b>Construction noise</b></p> <p>NE in its relevant representation [RR-012] notes that the project would result in significant noise disturbance and displacement of qualifying bird features for Mersey Estuary Special Protection Area (SPA) and Mersey Estuary Ramsar. Can the applicant provide evidence to show that construction noise would not result in significant noise disturbance and disturbance to the qualifying features for these designated sites?</p>	<p>Through on-going consultation with Natural England, the Applicant provided updated noise mapping and evidence for the construction phase in line with Natural England response within the updated <b>HRA</b> submitted at <b>[PD2-009]</b>, presented in Appendix 2: Noise Technical Note in response to <b>Natural England's Relevant Representations [RR-012]</b>.</p> <p>NE is satisfied and accepts that the HRA provides sufficient detail with regards noise disturbance with the information submitted <b>[REP1-056]</b>.</p>
Q5.1.2	<p><b>Noise contours</b></p> <p>Can the applicant provide plan maps into the examination showing predicted noise contours in 5dB increments from 55dB upwards for both LAeq and LAmax levels for the Mersey Estuary SPA including functional linked land, the Mersey Estuary Ramsar, and the Mersey Estuary SSSI?</p>	<p>Appendix 2 to <b>Information to Inform Habitats Regulations Assessment [PD2-009]</b> presents noise mapping showing predicted noise contours for both LAmax and LAeq of dB increments.</p> <p>Natural England is satisfied and accepts that the HRA provides sufficient detail with regards noise disturbance with the information presented submitted <b>[REP1-056]</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q5.1.6	<p><b>Impact pathways</b></p> <p>Table 7-1 of the HRA Report [PD2-009] does not clearly define which designated site each impact pathway applies to. Can the applicant please update the HRA Report accordingly, ensuring the report is clear in what it is referring to? The screening assessment should clearly set out which impact pathways apply to the relevant European sites, to which features and to which phases of the proposed development and where impact pathways have been screened out robust justification should be provided.</p> <p>Accordingly, the ExA requests a summary table of all European sites and qualifying features and each pathway of effect considered at each HRA stage (screening, appropriate assessment/AEol, and the derogations, as applicable), for each phase of the proposed development (construction, operation, and decommissioning, as relevant).</p>	<p>Table 7-1 of the <b>HRA [PD2-009]</b> applies to all phases of the development in relation to the Mersey Estuary SPA and Ramsar site. The Midland Meres and Mosses Phase 1 and Phase 2 Ramsar sites were screened out of further assessment.</p> <p>At Deadline 3, the Applicant will amend the summary table of European sites, qualifying features, pathways of effect and HRA stage for each phase of the Proposed Development for ease of reference, noting that this does not introduce any new assessment beyond that already presented within the HRA.</p>
Q5.1.7	<p><b>Redshank</b></p> <p>i) Can you confirm if passage redshank is a qualifying feature of the Mersey Estuary SPA and whether it should appear as such in Chapter 8 of the ES [APP-041] and the Information to Inform the Habitats Regulations Assessment [PD2-010]?</p>	<p><b><u>Q5.1.7 (i)</u></b></p> <p>Redshank is a qualifying species of the Mersey Estuary SPA. The <b>Information to Inform Habitats Regulations Assessment [PD2-010]</b>, notes redshank as a qualifying species, for example in paragraph 5.3.5 and Table 8.2, and is afforded specific consideration as a qualifying species in paragraphs 5.3.27 and 5.3.28. It is also listed in Table 6-2 as passage and wintering under the Mersey Estuary Ramsar site. It is noted as a qualifying feature of the SPA in Table 8-8 of the ES, counts in relation to it are reported in section 8.6, and the species is considered as</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>ii) If so, and noting that redshank was recorded in ornithological surveys during September [APP-082], for example, should the assessment of possible AEol in relation to redshank from the Mersey Estuary SPA (including those using the functionally linked land) clearly address the wintering flock and the passage flock separately?</p> <p>iii) Which months of the year might passage redshank be expected to be present, and do the ornithological surveys adequately cover these autumn and spring periods in terms of the survey dates and the number of surveys carried out?</p> <p>iv) Could disturbance avoidance mitigation measures of a similar nature to those identified to avoid an AEol of the wintering qualifying bird species be required to avoid an AEol of a passage redshank qualifying feature?</p> <p>v) Noting the intention to start construction works on the non-breeding bird mitigation area in March and the possibility of these extending into November, could these include extended seasonal restrictions on noisy and otherwise disturbing construction activities in addition to physical mitigation commitments? If so, what should these be?</p>	<p>part of the assessments (e.g. paragraph 8.8.47 and 8.11.22 and 8.11.23).</p> <p><b>Q5.1.7 (ii)</b></p> <p>The <b>HRA [PD2-009]</b> considers qualifying (and assemblage) species across the non-breeding season, i.e. including autumn, winter and spring. It is not possible to distinguish between passage birds and wintering birds and so separate consideration is not possible. See also point iii) below for more information on the species' status.</p> <p>It is also important to note that Mersey Estuary SPA and Ramsar site forms part of a wider network of internationally designated sites, which collectively function to support migratory and assemblage species across their full non-breeding range. See answer to Q5.1.9 below.</p> <p><b>Q5.1.7 (iii)</b></p> <p>The Applicant assessed Wetland Bird Survey (WeBS) data alongside the field survey data to inform the assessment in the <b>HRA Appendix 1 [PD2-010]</b>. No WeBS records are available for Weston Marshes i.e. no presence of redshank. Data from nearby sites show that redshank occur in highest numbers during the summer months at Frodsham Sludge Lagoons (FSL), with peak counts of up to approximately 600 individuals. It is however important to note that FSL count sector extends beyond the OL into cells 5 and 6 (not limited to) and these numbers were not recovered during the field surveys between 2022-25. Numbers within the WeBS datasets decline markedly through autumn, decreasing from around 378 in October to as few as four individuals by March, but largely remain below 45 individuals.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>Redshank are closely associated with wetland habitats, including estuaries, saltmarsh and wet grassland. As these habitats are absent within the OL, redshank would not be expected to occur regularly or in significant numbers within the OL during the non-breeding season. Larger counts recorded in WeBS data are therefore likely to originate from the Cell 6 Lagoon or the River Weaver, both located outside the OL.</p> <p>The creation of wet grassland and scrapes with increased muddy edges within the NBBMA will provide additional suitable habitat for redshank year-round, and an increase in redshank numbers within the OL is anticipated following the Proposed Development.</p> <p><b><u>Q5.1.7 (iv)</u></b></p> <p>Noting the Applicant's response in point iii) above regarding the species' status, specific additional mitigation measures for redshank are not considered necessary. However, the NBBMA will support this species.</p> <p><b><u>Q5.1.7 (v)</u></b></p> <p>If construction of the NBBMA is undertaken in March and / or extending into November, additional adaptive mitigation measures are proposed: these are presented in the outline Construction Environment Management Plan [REP1-020], Table 5-3, page 48.</p>
Q5.1.8	<p><b>European site conservation objectives and current status</b></p> <p>The conservation objectives and 'threats and pressures' for each European site are described in section 6.4 of the HRA Report [PD2-009]. However, the current conservation status of the European sites</p>	<p>There is no published record of whether the relevant European sites are in a favourable or unfavourable condition, noting that favourable/unfavourable condition is not a status that applies to European sites. Therefore, the HRA appropriately focuses on whether the Proposed Development could give rise to an adverse effect on integrity in relation to the Conservation Objectives. Section 6.4 of the <b>HRA report [PD2-009]</b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>is not identified. The ExA requests this information for each European site considered in the HRA along with confirmation of whether they are in favourable or unfavourable condition.</p>	<p>identifies 'threats and pressures' to the Midlands Meres and Mosses SPA/SAC only; these are provided in the absence of published conservation objectives for that European site. No threats to the Mersey Estuary SPA are listed in Section 6.4 of the HRA, as Conservation Objectives are available for that site, which are listed.</p> <p>The Applicant notes that threats and pressures for the Mersey Estuary SPA are those identified in the Site Improvement Plan (SIP; Natural England, 2014). These relate specifically to invasive species, changes in species distributions, and public access and disturbance, all of which are addressed through, and are underpinned under the Conservation Objectives of the Mersey Estuary SPA.</p> <p>It is noted that Natural England are satisfied with the overall assessment of the HRA subject to further clarity and amendments which do not relate to current threats and pressures identified within the SIP and (or) relate to the Mersey Estuary SPA and Ramsar site <b>[REP1-056]</b>.</p>
Q5.1.9	<p><b>Zone of influence</b></p> <p>The HRA identifies European sites within a Zone of Influence (Zoi) of 10km from the OL.</p> <ul style="list-style-type: none"> <li>i) Can the applicant provide a justification as to why the 10km Zoi buffer utilised is considered sufficient? The applicant is requested to consider NE's definition of FLL in its response.</li> <li>ii) Can NE confirm whether it considers that any additional European sites should have been</li> </ul>	<p><b><u>Q5.1.9 (i)</u></b></p> <p>Natural England's commissioned report Identification of Functionally Linked Land supporting SPA waterbirds in the Northwest of England-Phase 2 (NECR483, October 2023) acknowledges interchange between Northwest estuaries but also highlights the difficulty of attributing individual birds or populations to specific sites. Such interchange does not indicate functional linkage or dependency on all intervening land.</p> <p>Extending the Zoi beyond 10 km would therefore not materially alter the conclusions of the assessment, as any effects would be indistinguishable</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>identified in addition to those already identified within the HRA Report?</p>	<p>from background population-level processes already addressed through existing HRAs for the relevant SPAs, including the Mersey Estuary SPA.</p> <p>The waterbird assemblage is not defined for the Mersey Estuary SPA and Ramsar sites within the associated citations, yet all waterbirds recorded during the field surveys are considered as part of the assessment of the HRA as precautionary due to the how dynamic these populations can be annually [PD2-009].</p> <p>It is also noted that Natural England has not raised any objection to the Zol applied or the European sites identified, confirming that the scope of the assessment is appropriate [REP1-056].</p> <p>Accordingly, and based on the above, the Applicant is confident that the 10 km Zol is considered proportionate, sufficient and consistent with Natural England guidance and the definition of FLL.</p> <p><b><u>Q5.1.9 (ii)</u></b></p> <p>NE to respond.</p>
Q5.1.10	<p><b>Qualifying features</b></p> <p>Several of the qualifying features for the European sites listed in Table 6-2 of the HRA Report [PD2-009] are missing. Can the applicant please update this information and ensure that the correct information is reflected throughout the HRA Report, and the relevant qualifying features are assessed?</p>	<p>Natural England has advised that, for clarity, the following species should be explicitly identified as passage features for the Mersey Estuary Ramsar: shelduck, black-tailed godwit and redshank, and the following as wintering features: teal, pintail and dunlin (NE07; [REP1-056]). This clarification will be incorporated in the next iteration of the HRA, to be submitted at Deadline 3. The update will be presentational only and does not affect the overall HRA assessment as all waterbirds are considered.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
Q5.1.11	<p><b>Potential hydrological impacts on FLL</b></p> <p>The potential hydrological impacts on the surrounding FLL from the proposed re-engineering of Cell 3 during both construction and operation have not been addressed in the HRA Report [PD2-009]. The ExA requests that hydrological connections to the surrounding FLL should be assessed and detailed within the HRA Report.</p>	<p>The <b>HRA [PD2-009]</b> considers risks associated with ground disturbance and groundwater connections (paragraph 8.3.25; “<i>Ground disturbance and Groundwater risk</i>”).</p> <p>Further to this, <b>Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042]</b> identifies the existing hydrological setting and receptors relevant to the proposals (paragraphs 9.6.13 to 9.6.18). This assessment also considers watercourses on site, watercourses adjacent to the site, and adjacent land uses (which include the “FLL” parcels). With incorporated mitigation applied, the magnitude of effect on these off-site receptors is assessed as negligible or minor and not significant, and it is confirmed that there will be no overall change in flood risk or hydrology elsewhere (paragraph 9.12.10).</p> <p>In addition, the updated water balance modelling provided in Appendix B to the oLEMP [<b>PD2-023</b>] demonstrates that the mitigation habitats within Cell 3 are sustained by direct rainfall inputs and are dominated by evaporative losses, with only occasional controlled overspill to the managed site drain. Groundwater exchange or abstraction of water from surrounding ditches is not required to maintain water level.</p> <p>All watercourses are to be retained as part of the development.</p> <p>The <b>HRA [PD2-009]</b> will be updated at Deadline 3 to ensure the above matters addressed in the ES and the oLEMP are included.</p>
Q5.1.12	<p><b>Possible environmental impacts from unexploded ordnance detonations</b></p>	<p><b><u>Q5.1.12 (i)</u></b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>The ES Appendix 10-1 Stage 1 Geo-Environmental Assessment [APP-096] identifies the potential for unexploded ordnance (UXO) at the site.</p> <ul style="list-style-type: none"> <li>i) Can the applicant please confirm whether the HRA and ES ecological assessments have taken into account the impact of any possible detonations?</li> <li>ii) The ExA requests an assessment be provided on possible environmental impacts from unexploded ordnance detonations where there is potential for an AEoI (HRA related) on European site qualifying features or the potential for likely significant effects on ecological receptors (environmental impact assessment (EIA) related).</li> </ul>	<p>The HRA and ES have not taken into account impacts from possible detonations as it is not considered that adverse effects on integrity or likely significant effects would arise.</p> <p>As set out at <b>ISH1 [REP1-033]</b>, it is expected that pursuant to the UXO Management Plan which will be developed alongside the CEMP, standard measures will be put in place to manage impacts arising from any planned detonations that would need to take place. The oCEMP was updated at Deadline 1 <b>[REP1-019]</b> to make it explicit that the management plan would need to demonstrate how it has taken into account ornithological receptors.</p> <p>For completeness, the HRA will be updated at Deadline 3 to make reference to this (noting that, on a precautionary basis following the People over Wind case, it is acknowledged that this will require consideration at Stage 2 of that process).</p> <p>The Applicant also notes that Natural England have not raised concerns with regards to assessing impacts from potential UXO <b>[REP1-056]</b>. Within Natural England’s initial comments <b>[APP-012]</b>, comment NE13, Natural England agreed with the screening outcomes.</p>
<p><b>5.2 Mitigation</b></p>		
<p>Q5.2.2</p>	<p><b>Quantity and type of habitat loss</b></p>	<p>Further detail on the quantity and type of habitats to be created within the NBBMA is provided in response to Q4.4.1. As set out in that response, the NBBMA extends to approximately 66.7 ha, of which 53.31 ha is suitable for the creation of new and enhanced habitats, comprising a mosaic of neutral grassland and wetland habitats designed to support</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Limited detail has been provided within the HRA Report [PD2-009] with regard to the quantity and type of habitat loss.</p> <ul style="list-style-type: none"> <li>i) Can the applicant please provide further detail on these matters including reference to the timeframes for each proposed habitat component within the NBBMS to become functional?</li> <li>ii) Can NE and CWCC confirm whether they agree with the applicant's proposed NBBMA habitat components and whether they consider the NBBMA to be of a sufficient size and habitat makeup to mitigate for the loss of land within the entire SADA?</li> </ul>	<p>non-breeding waterbirds. The remaining areas comprise existing embankment and features that are not intended to function as bird habitat.</p> <p>As stated in the <b>HRA [PD2-009]</b>, paragraph 8.2.15, the habitat loss within the SADA, including areas identified as FLL, and the habitats created within the NBBMA are not intended to be directly comparable on a like for like and (or) hectare for hectare basis. Rather, the mitigation strategy is based on the provision of appropriate habitat type, quality, management and functional suitability to support relevant qualifying species (but not limited to).</p> <p>Natural England has confirmed that it is content with the conclusions of the HRA, subject to outstanding matters which are considered resolvable <b>[REP1-056]</b> and which will be addressed in the revised HRA to be submitted at Deadline 3.</p> <p><b><u>Q5.2.2 (i)</u></b></p> <p>Precise ecological maturation timescales will vary depending on habitat type, management and other various confounding and uncontrollable factors (i.e. the weather). However, for the purposes of the <b>HRA [PD2-009]</b>, the relevant consideration is the point at which habitats become functionally available, rather than fully mature and how that is managed alongside construction of the Proposed Development. Through ongoing consultation with 2.3.1.</p> <p>Natural England, it has been agreed that the NBBMA will be functionally available prior to commencement of works within the SADA, with criteria for functionality defined and agreed with Natural England and secured by condition which is set out in paragraph 3.2.15 (NE01 <b>[REP1-056]</b>).</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p><b><u>Q5.2.2 (ii)</u></b></p> <p>NE / CWCC to respond.</p>
<p><b>7. Landscape and visual</b></p>		
<p><b>7.1 Landscape and visual</b></p>		
<p>Q7.0.2</p>	<p><b>Frodsham Hill War Memorial</b></p> <p>Please could the applicant respond to the concerns raised in relevant representations about the visual effects at Frodsham Memorial, including those raised by Christine Webber [RR-015], Ruth Carol Basden [RR-025], Tom Esser [RR-028], CWCC [RR-037], and Climate Action Frodsham [RR-040]?</p>	<p>The Applicant has provided responses in relation to the visual impact on Frodsham War Memorial as follows:</p> <ul style="list-style-type: none"> <li>• Reference CWACC6.7 in the Applicant's <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>; and</li> <li>• Reference IPTC1 in the Applicant's <b>Response to Other Relevant Representations [REP1-032]</b>.</li> </ul>
<p>Q7.0.3</p>	<p><b>Security fencing and alternatives to fencing</b></p> <p>CWCC [APP-039] said that the proposed development should aim to minimise the use and height of security fencing and that where possible existing features, such as hedges or landscaping, should be used.</p> <p>The applicant [APP-039] referred to paragraphs 2.4.152 to 2.4.157 of ES Chapter 2 [APP-035] and</p>	<p>The Applicant has sought to minimise the landscape and visual effects of security fencing through (a) the type and appearance of fencing proposed around the Solar Array Development Area (SADA), (b) the location and screening of areas requiring more robust security, and (c) setbacks and planting where practicable.</p> <p>Fencing type and appearance for the SADA</p> <p>The <b>Design Approach Document (DAD) [APP-130]</b> (paras 4.3.30–4.3.35), describes that open agricultural meshes would be less incongruous in a rural setting than more visually prominent security fencing (DAD para 4.3.30). The Applicant therefore chose to enclose the SADA using 2.0 m</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>said that the fencing would typically be 2.0m high wire-mesh deer fencing.</p> <ul style="list-style-type: none"> <li>i) Please could the applicant set out how it proposes to mitigate the landscape and visual impact of security fencing and respond to CWCC's regarding the use of existing features?</li> <li>ii) Does CWCC have any comments about how mitigation measures in relation to the design of security fencing and alternatives to fencing should be secured?</li> </ul>	<p>high open agricultural wire-mesh deer fencing mounted on wooden poles (DAD para 4.3.31) rather than a more industrial weld mesh type fencing. The proposed fencing specification for each work item is confirmed in <b>Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035]</b> (paras 2.4.176–2.4.181 and Table 2-10), with illustrations of typical boundary fencing and details shown Image 2-7 and on <b>Environmental Statement: Volume 3 Chapter 2 Figures [APP-106]</b> Figure 2.5g). The specification of the fencing is secured by virtue of Requirement 10 of the <b>draft DCO [REP1-004]</b> which requires the fencing details to be approved by the relevant planning authority.</p> <p>Location and screening of more robust fencing for the Substation/BESS</p> <p>The Applicant considers that more robust forms of fencing (e.g. weldmesh / palisade) will be required around the Frodsham Solar Substation and BESS to meet operational security requirements (DAD para 4.3.34; ES Chapter 2 Figure 2.5g). The siting of the BESS (and associated infrastructure) has been selected to be well screened from routes through the Site (DAD para 5.4.26 bullet xi)), thereby reducing the likelihood of prominent views from nearby public rights of way and surrounding receptors, mitigating the landscape and visual impact of this more industrial element of the proposals. The specification of the fencing is secured by virtue of Requirement 10 of the <b>draft DCO [REP1-004]</b> which requires the fencing details to be approved by the relevant planning authority.</p> <p>Setbacks, buffers and planting</p> <p>In addition, the <b>Outline Landscape and Ecological Management Plan (oLEMP) [REP1-028]</b> confirms that, where practicable, a 10 m buffer will be adopted between fencing surrounding the solar PV modules and public rights of way (oLEMP para 4.4.3 bullet v)). This setback reduces perceived</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>enclosure effects and the likelihood of fencing being a defining feature in views from routes. Where appropriate and practicable, this buffer can also accommodate new planting, which would further reduce the perceived prominence of fencing over time.</p> <p>Assessment of likely prominence</p> <p>The LVIA confirms that the proposed fencing is not expected to form a prominent presence relative to the solar arrays, other than at close range (<b>Environmental Statement: Volume 1 Chapter 6: Landscape and Visual Amenity [APP-039]</b> para 6.8.63). The photomontages (<b>Environmental Statement: Volume 3 Chapter 6 Figures Part 2 to Part 13 [APP-111 to APP-120]</b> Figures 6-36 to 6-48) further illustrate that where fencing is visible, it would typically be perceived in the context of the wider scheme components and existing landscape structure.</p> <p>Response to CWCC on using existing features and minimising fencing</p> <p>The Applicant has had regard to CWCC's comments on minimising fencing and using existing features such as hedges/landscaping (APP-039). The proposed approach addresses this in two ways:</p> <ol style="list-style-type: none"> <li>1. Minimisation through specification: the default perimeter treatment for the SADA is a simple open rural mesh on wooden posts (rather than more visually assertive security fencing), selected specifically to reduce incongruity in the receiving landscape (DAD paras 4.3.30–4.3.31).</li> <li>2. Use of landscape structure where practicable: while existing hedgerows and vegetation can provide visual filtering, they are not generally capable of providing a secure, continuous barrier to meet the scheme's operational security requirements, and their</li> </ol>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>extent/continuity is not necessarily aligned with the required secure boundary. For these reasons, existing features cannot reliably replace fencing in all locations. However, where existing hedgerows and planting coincide with the site boundary and are retained, they will contribute to reducing the visibility of fencing, and where practicable the proposed buffers provide opportunity for new planting to reinforce screening.</p> <p>Overall, the Applicant considers the proposed fencing strategy represents a proportionate response that minimises visual effects through rural-appropriate design, careful siting of more robust security enclosures, and the use of setbacks and planting where practicable, whilst still meeting necessary security and operational requirements.</p> <p>Finally, all of these matters should be seen in the context that CWaCC will be able to approve the details of all of the fencing brought forward by the Applicant, pursuant to Requirement 10 of the <b>draft DCO [REP1-004]</b>.</p>
Q7.0.5	<p><b>United Utilities Water Limited assets</b></p> <p>United Utilities Water Limited [RR-006] raise concerns about the potential for changes in ground level, landscaping and planting to impact its assets.</p> <p>i) Please could the applicant comment on how these assets would be protected, and how this is secured? Are there similar issues for other buried utilities?</p>	<p>The Applicant has provided a response to this point at reference U UW3 in <b>Applicant's Response to Other Relevant Representations [REP1-032]</b>. As noted in response reference U UW1, the Applicant has proposed Protective Provisions to ensure that United Utilities Water Limited assets are provided adequate protection; these are included in Schedule 22 of the <b>draft DCO [REP1-004]</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	ii) Please could Uuw provide updates on its position during the examination?	
<b>8. The water environment</b>		
<b>8.0 Assessment</b>		
Q8.0.1	<p><b>Tidal influence of the River Weaver</b></p> <p>Can you advise if the application considers tidal influence of the River Weaver and whether a tidal influence exists between the River Weaver and the main rivers within the OL?</p>	<p>The application has considered tidal influence in the assessment of flooding from the River Weaver, noting that the River Weaver is not a tidal river (see Q8.1.1). <b>Environmental Statement: Volume 2 Appendix 9-3: Hydraulic Modelling Report [APP-090 to APP-093]</b> describes that during all considered fluvial flood events, the downstream boundary of the River Weaver model uses the Mean High Water Spring (MHWS) tide curves from the Mersey Estuary model for both the present day and climate change simulations. The MHWS events were updated and re-run through the Mersey Estuary model in line with latest UKCP18 data.</p> <p>Furthermore, and as detailed in Section 6, pages 17 and 18, of <b>Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy (FRA) [AS-019]</b>, a joint probability scenario, combining the 1% (1 in 100) plus 67% climate change fluvial scenario with the 0.5% (1 in 200) plus upper end sea level rise (year 2075) tidal scenario, has also been assessed for the River Weaver. The maximum water level on site during the joint probability event is 6.32m AOD and 200mm below the design level of 6.52m AOD.</p> <p>The main rivers within the OL are not directly tidally influenced by the River Weaver. This is as the main rivers within the OL drain to the River Weaver via a pumping station (flows are pumped to the River Weaver and as such would not become tide locked). Therefore, the main influence on water</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>levels within the main rivers within the OL would be the existing pump station and its potential failure. A failure of the pump station is considered in Section 6, pages 10, 11 and 12 of the FRA (considered as part of the 'Do Nothing' scenario). Minimal flooding is estimated during the 'Do Nothing' scenario, with a maximum flood level of 4.55m AOD during the 1% annual probability event, 1.97m below the design level of 6.52m AOD.</p>
Q8.0.2	<p><b>Mean high water springs data</b></p> <p>Can the applicant advise how it has considered mean high water springs data and its contribution to defining the design flood level of 6.52m Above Ordnance Datum (AOD)?</p>	<p>The application has considered tidal influence in the assessment of flooding from the River Weaver. <b>Environmental Statement: Volume 2 Appendix 9-3: Hydraulic Modelling Report [APP-090 to APP-093]</b>, details that during all considered fluvial flood events, the downstream boundary of the River Weaver model uses the Mean High Water Spring (MHWS) tide curves from the Mersey Estuary model for both the present day and climate change simulations. The MHWS events were updated and re-run through the Mersey Estuary model in line with latest UKCP18 data.</p> <p>It is however noted that as agreed with the EA, the design flood event is the 0.5% annual probability upper end climate change (year 2075) defended River Mersey tidal flood event. This event is significantly more extreme (resulting in higher water levels) than the MHWS tide event on the Mersey. As such, the MHWS tide does not have a direct impact on the design flood level.</p>
<p><b>8.1 Mitigation Measures</b></p>		

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q8.1.1	<p><b>Clarification of any proposed works below the mean high water springs mark or within the tidal influence</b></p> <p>Table 9-13 Sensitivity of receptors of Chapter 9 Risk and Surface Water [APP-042] states that main rivers on site are hydrologically linked to The River Weaver which is a Water Framework Directive (WFD) waterbody with a 'moderate' ecological classification and a 'fail' chemical classification. Can the applicant summarise how the proposed development would not result in any works, below the mean high water springs mark or in any tidal river to the extent of the tidal influence?</p>	<p>The mean high water spring mark lies outside the Order Limits to the north within the Mersey Estuary. The River Weaver, which the Order Limits intersect, is 'locked out' from the tidal estuary by the Manchester Ship Canal which prevents there being a tidal influence on the River Weaver. Accordingly, there would be no works below the mean high water springs mark or in any tidal river to the extent of the tidal influence.</p>
Q8.1.2	<p><b>Licence/Consents</b></p> <p>Can parties advise if a licence/consent/permit would be required from the MMO and /or EA to construct works such as an area to accommodate foundation/pole to string the conductors across the River Weaver?</p>	<p>Based on the above response ref Q8.1.1, the project is not an offshore development and does not involve any work within the marine area as defined by the Marine and Coastal Access Act 2009. Therefore, a Marine Licence is not required from the MMO.</p> <p>Regarding the need for a Flood Risk Activity Permit (or as is preferred by the Applicant, approvals pursuant to the EA Protective Provisions), the Applicant is in discussions with the Environment Agency about whether the cables proposed across the River Weaver would be exempt from the requirement for a permit, due to the distance of the poles and foundations from the flood defences and the height of the cables above the flood defences.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q8.1.3	<p><b>Surface and groundwater management</b></p> <p>Can the applicant summarise its management arrangements and controlling documents during the permitted preliminary works for surface and groundwater management?</p>	<p>The permitted preliminary works will be undertaken in accordance with the mitigation and control measures set out in <b>ES Vol 2 Appendix 2-3: Permitted Preliminary Works [REP1-012]</b>. This is controlled by virtue of Requirement 8 of Schedule 2 of the <b>draft DCO [REP1-004]</b>. Within the row titled Flood Risk and Water Quality various control measures are stipulated depending on the PPW being undertaken.</p>
Q8.1.4	<p><b>Sampling and analysis</b></p> <p>Can you summarise what sampling and analysis of the water environment should/would be undertaken prior and during the permitted preliminary works?</p>	<p>As outlined in <b>ES Vol 2 Appendix 2-3: Permitted Preliminary Works [REP1-012]</b>, works must be carried out in accordance with industry best practice concerning water quality and flooding, with reference to 'Control of water pollution from construction sites - Guidance for consultants and contractors (C532)'. If there is a perceived risk of pollution to a watercourse resulting from PPW, it is considered best practice to conduct sampling. The nature and frequency of this sampling will depend on the level of risk and the types of potential pollutants.</p> <p>For works within the NBBMA that have the highest potential to cause pollution, such as the receipt and erection of construction plant and equipment; above-ground site preparation for temporary facilities for the use of contractors; remedial work in respect of any contamination or other adverse ground conditions; and site clearance (comprising vegetation removal, demolition of existing structures or buildings, and removal of plant and machinery), a Construction Environmental Management Plan must be submitted and approved. This plan will include a Construction Groundwater and Surface Water Management Plan (GWSWMP), which will specify the water quality monitoring that needs to be undertaken.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
<b>8.2 Flood risk</b>		
Q8.2.1	<p><b>Flood risk and coastal change - 7- Planning Practice Guidance (PPG)</b></p> <p>Can you advise if the update to Flood risk and coastal change - 7- Planning Practice Guidance (PPG) dated 17 September 2025 Flood risk and coastal change - GOV.UK necessitates further work by the applicant on its sequential approach?</p>	<p>The Applicant considered the revisions made to the Flood risk and coastal change Planning Practice Guidance (PPG) dated 17 September 2025 within <b>the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-07]</b>. However, the Applicant has reviewed the revised PPG in light of the ExAs question.</p> <p>The revisions to the Flood risk and coastal change PPG amended paragraphs 23, 27 and 28, and introduced the new paragraph 27a, all within the PPG section on "<i>The sequential approach to the location of development</i>". The changes principally relate to the following:</p> <ul style="list-style-type: none"> <li>• Paragraph 23 – Deleted the sentence 'Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing flood risk elsewhere, the sequential test still needs to be satisfied'..</li> <li>• Paragraph 27 – sets out that a proportionate approach should be taken to applying paragraph 175 of the NPPF, and confirmed that the sequential test need not be applied to surface water flood risk where a site-specific flood risk assessment demonstrates clearly that occupiers and users of a proposed development would remain safe from current and future surface water flood risk for the lifetime of the development.</li> <li>• Paragraph 27a – the PPG now sets out that the search area for a sequential test should be governed by local circumstances, with the catchment area being appropriate to the nature and scale of the proposal. It confirms that the sequential test should be applied</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need. It also confirms that nationally or regionally important infrastructure proposals may justify a wider search area and, in some cases, consideration of whether a large-scale development could be split across number of alternative sites at lower risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively.</p> <ul style="list-style-type: none"> <li>Paragraph 28 – further clarifies what constitutes a ‘reasonably available’ site for the purpose of the sequential test. Such a site must be capable of ‘meeting the same development needs’ as the proposal, with a reasonable prospect of being developed at the same time as the proposal.</li> </ul> <p>Having undertaken the review of the updated PPG, the Applicant’s position is that the September 2025 PPG update does not necessitate further work on the Applicant’s sequential approach. That is because the Applicant’s sequential approach is consistent with the clarified matters in the updated PPG, as explained below.</p> <p>The Applicant has assessed the impact of all forms of flooding at the Site, including allowances for climate change in <b>ES Vol 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [AS-019]</b>.</p> <p>The sequential test has been applied in relation to flood risk from rivers and the sea as set out in Section 2.5 of <b>ES Vol 2 Appendix 3-1: Alternative Site Assessment [APP-053]</b> (ASA). In relation to surface water flood risk, the Applicant’s site-specific <b>Flood Risk Assessment [AS-019]</b> and <b>Outline Flood Warning and Evacuation Plan [PD2-029]</b> confirm that occupiers and users of the Proposed Development would be</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>safe across its lifetime and that the proposal would not increase flood risk elsewhere, and therefore in accordance with the updated PPG, the sequential approach need not be applied to surface water flood risk. The overall scope of the Applicant's sequential approach therefore accords with the updated PPG.</p> <p>In relation to paragraph 27a of the PPG, the Applicant's ASA defines the search area (and therefore the Sequential Test catchment) by reference to what is required to deliver a commercial-scale solar scheme that can viably connect to the identified grid connection, explaining that the search area radius is derived from a reasonable distance to the SPEN Frodsham Substation (paragraph 1.2.18, <b>[APP-053]</b>) and that it would not be appropriate or consistent with national objectives to extend the search to a borough-wide exercise beyond that catchment (paragraph 2.5.18, <b>[APP-053]</b>). This is entirely consistent with the requirement to consider local circumstances and the catchment for the type of development and the needs it proposes to address.</p> <p>Further in relation to paragraph 27a, the Applicant's sequential test is proportionate and focused on realistic alternatives. The Applicant's position in relation to the potential for disaggregating the site into smaller parcels is set out at reference CWACC10.1 of the Applicant's <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>, but in conclusion this would not be viable for the Proposed Development for the reasons set out in <b>ES Vol 2 Appendix 3-1: Alternative Site Assessment</b> [paragraph 2.4.10, <b>APP-053</b>].</p> <p>With regards the consideration of 'reasonably available' sites, <b>ES Vol 2 Appendix 3-1: Alternative Site Assessment [APP-053]</b> explicitly addresses the question of reasonably available sites at paragraphs 2.5.7 to 2.5.11. These judgements are reinforced by the updated PPG which</p>

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		<p>clarifies that any alternative site must have a reasonable prospect of meeting the same development needs in the same timeframe as the proposal site.</p> <p>Finally, the Applicant’s sequential approach is not limited to the strategic site selection exercise. The Applicant has also applied a sequential approach within the site design, locating the critical operational infrastructure (including the BESS and substation compounds) within Flood Zone 1 (paragraphs 2.5.34 and 2.5.40 of <b>[APP-053]</b>).</p>
Q8.2.2	<p><b>Question to CWaCC and EA</b></p> <p><b>NPS EN-1</b></p> <p>Are you satisfied that the proposed development meets paragraph 5.8.12 of NPS EN-1 that “Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage, and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques”?</p>	<p>Whilst this question is directed at the Environment Agency and CWCC, the Applicant wishes to note that Issue ID EA018 of the <b>Environment Agency’s Relevant Representation [RR-024]</b> queried whether the Applicant had fully assessed whether floodplain storage would be lost, and as a result whether flood risk could be increased elsewhere.</p> <p>The Applicant responded to the EA’s concerns at Issue ID EA018 on page 213 of the Applicant’s <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b> confirming that “<i>The modelled results for the River Weaver model show that there is no increase in flood risk elsewhere when the proposed development scenario is considered.</i>”</p> <p>In response to the Applicant’s above response, the Environment Agency confirmed at Deadline 1 <b>[REP1-050]</b> with reference again to Issue ID EA018 that they are satisfied with the Applicant’s approach and hydraulic modelling as set out in the Applicant’s <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>The Proposed Development will not result in an increase in flood risk elsewhere.</p>
Q8.2.3	<p><b>Question to CWaCC and EA</b></p> <p><b>NPS EN-1</b></p> <p>Are you satisfied that the proposed development meets paragraph 5.8.41 of NPS EN-1 that “Energy projects should not normally be consented within Flood Zone 3b, or on land expected to fall within this zone within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows”?</p>	<p>The Applicant notes that the Site is not within Flood Zone 3b and is not aware that the land would be expected to fall within this zone within its predicted lifetime. The Applicant has undertaken flood modelling to support the application, as set out in <b>ES Vol 2 Appendix 9-1: Flood Risk Assessment [AS-019]</b>. Appendix H of <b>[AS-019]</b> provides a visual inspection of the flood defence assets managed by the Environment Agency around the Site and no major defects were identified.</p> <p>The Applicant has provided a response to Q8.2.2 above in relation to the matter of floodplain storage and water flows.</p>
Q8.2.4	<p><b>Flood Zone 3</b></p> <ul style="list-style-type: none"> <li>i) What proportion of the solar array development area, in percentage and area terms, is within Flood Zone 3a and 3b?</li> <li>ii) What is the estimate of the power generation from these areas?</li> </ul>	<p><b><u>Q8.2.4 (i)</u></b></p> <p><b>Paragraph 9.6.25 of ES Vol 1 Chapter 9: Flood Risk and Surface Water [APP-042]</b> sets out that the western extent of the solar array development area is within Flood Zone 1, and the eastern extent is within Flood Zone 3a. No part of the Order Limits is within Flood Zone 3b.</p> <p>The limits of deviation for the solar array development area are fixed by Work No 1 as shown on the <b>Works Plans [AS-007]</b>. The total extent of Work No 1 is 169.1 hectares, of which 60.0 hectares is within Flood</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>Zone 3a (i.e. approximately 35.5% of the solar array development is within Flood Zone 3a).</p> <p><b><u>Q8.2.4 (ii)</u></b></p> <p>Based on the indicative layout shown on Figure 2-2 of <b>Environmental Statement: Volume 3 Chapter 2 Figures [APP-106]</b> the capacity of solar PV proposed within Flood Zone 3a is approximately 50MW.</p>
Q8.2.5	<p><b>Sequential test and site selection</b></p> <ul style="list-style-type: none"> <li>i) What justification was there for the limitation of a 5km search area for this proposed development when other solar NSIPs have used significantly greater search areas, some in excess of 10km?</li> <li>ii) Can you explain the policy basis for limiting the search area to 5km?</li> <li>iii) Can you explain how the approach you have taken to the sequential test complies with the requirements of NPS-EN1 and the Planning Practice Guidance?</li> </ul>	<p><b><u>Q8.2.5 (i)</u></b></p> <p>The Applicant's justification for a 5km search area is provided at paragraphs 2.2.1 to 2.2.4 of <b>ES Vol 2 Appendix 3-1: Alternative Site Assessment [APP-053]</b>.</p> <p>There is no Government guidance on what a reasonable search area is, and each application should be considered on its own facts.</p> <p>The Proposed Development has a generation capacity of 147 MW and therefore a 5km radius search area from the point of connection (the SPEN Frodsham Substation) is considered to be proportionate and appropriate. Beyond this distance, increased transmission / distribution losses and increased installation costs would affect the viability of the Proposed Development, particularly given the constraints and obstacles in the landscape around the SPEN Frodsham Substation. It is also noted that at greater distances, impacts related to the grid connection works would increase, leading not only to more costly connection works but also to greater environmental effects and the need for more third party land.</p> <p>The Applicant notes that other solar NSIP developments have similarly used a 5km search area when considering alternatives, including the</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>Helios Renewable Energy Project which has a generating capacity of 190 MW. The Secretary of State's decision letter for the Helios Renewable Energy Project (December 2025) considered in some detail the appropriateness of a 5km search area for a solar NSIP at paragraphs 4.11 to 4.21. The Secretary of State agreed with the Applicant's approach to alternatives and site selection, and therefore that the 5km search area used for the Helios project (which is larger than the Proposed Development) was appropriate. In this context, the Applicant considers that its approach is appropriate.</p> <p><b><u>Q8.2.5 (ii)</u></b></p> <p>NPS EN-1 and EN-3 do not set any policy requirement in relation to the search area to be considered for identifying alternative sites.</p> <p>In relation to identifying reasonably alternative sites for the purpose of the sequential test, paragraph 27a of the Flood Risk and Coastal Change PPG sets out that <i>"For individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for."</i></p> <p>In this regard, and with reference to the above response to Q8.2.5(i), the Applicant's justification for a 5km search area is provided at paragraphs 2.2.1 to 2.2.4 of <b>ES Vol 2 Appendix 3-1: Alternative Site Assessment [APP-053]</b>.</p> <p><b><u>Q8.2.5 (iii)</u></b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>The Applicant’s approach to the sequential test and compliance with NPS EN-1 and the PPG is set out in Section 2.5 of <b>ES Vol 2 Appendix 3-1: Alternative Site Assessment [APP-053]</b>.</p> <p>The Applicant has provided further clarifications at CWACC10.1 of the Applicant’s <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>.</p> <p>In addition, the Applicant has provided a response above to Q8.2.1 in relation to the updates to the Flood Risk and Coastal Change PPG in September 2025.</p>
Q8.2.6	<p><b>Construction compound flood risk</b></p> <p>i) The ExA notes your response [PD2-027] to CWCC’s concern in its RR [RR-037] regarding to the location of construction compounds with regards to flood risk and your statement that the compounds are required to service the construction of the proposed development. Nevertheless, can you explain the sequential approach taken to the choice of location of these compounds in regard to flood risk? Can you explain if there are any possible other areas in which these construction compounds could be located which would be at a lower flood risk and service the construction of the proposed development?</p>	<p>The entirety of the eastern area of the Site is located within Flood Zone 3. As noted in PD2-027, the construction compounds will be required in the eastern half of the Site to facilitate construction, and as such, there is not a sequentially preferable location for these satellite compounds. These compounds would be used for temporary storage and temporary welfare facilities. The decision to locate temporary facilities within the flood zone is also influenced by the flood risk in this location and consideration of the activities proposed.</p> <p>As detailed in Section 6 of <b>Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy (FRA) [AS-019]</b>, the flood risk to the eastern half of the site during the construction phase (present day risk without climate change applied) is generally very low. Fluvial flood risk from the River Weaver during the present day 1% annual probability event is limited to the easternmost extent of the OL with depths less than 300mm.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>ii) Can you explain how the proposed construction compounds would operate (including any temporary storage of materials), to avoid impeding water flow or increasing flood risk elsewhere? Can you confirm what commitments have been proposed to manage flood risk on the construction compounds in the event of a flood during construction and how these commitments would be secured?</p>	<p>Flood risk from the Mersey (tidal) during the 0.5% annual probability (year 2024 scenario) is limited in extent, generally impacting the centre of the OL, and depths are less than 300mm.</p> <p>The flood hazard rating during the 1% annual probability fluvial and 0.5% annual probability present day tidal events in the location of the construction compounds is caution (low). This is generally considered safe for people of all physical abilities.</p> <p>As set out in the <b>Outline Construction Environmental Management Plan [REP1-020]</b> paragraph 1.3.3, a Flood Warning and Evacuation Plan (FWEP) will be prepared. This will include flood preparedness measures, warning systems, and emergency response actions in the event of extreme weather-related flooding. As noted in the <b>Outline Flood Warning and Evacuation Plan [PD2-028]</b>, advance warnings using the Environment Agency flood forecasting and warnings service would be utilised. In the event of a fluvial or tidal flood warning that risked flooding of the Site, equipment and materials stored in compounds would be moved to the western half of the Site outside the area at risk of flooding. This is considered a proportionate response to the risk posed and the nature of works that would be undertaken in this area of the Site. The compounds would be stoned areas which would be flush to the existing ground or raised marginally, on the basis that equipment and materials stored in compounds would be moved in the event of a flood warning it is unlikely that the compounds would impede water flow across the Site or increase flood risk elsewhere.</p> <p>The management of flood risk during the construction phase, including in relation to the management of temporary compounds, would be controlled via the <b>Outline Construction Environmental Management Plan [REP1-</b></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p><b>020] and the Outline Flood Warning and Evacuation Plan [PD2-028]</b> secured pursuant to Requirement 12 and 12 (d) of the draft DCO.</p>
Q8.2.9	<p><b>Flood Risk Activity Permits (FRAPs)</b></p> <p>Can you update the ExA with details of any outstanding matters in relation to the proposed disapplication of the FRAPs within the protective provisions of the draft DCO [PD2-005]?</p>	<p>The Applicant continues to discuss this matter with the EA but is unable to report any progress as of Deadline 2.</p>
Q8.2.14	<p><b>Cable decommissioning</b></p> <p>Can you confirm:</p> <ul style="list-style-type: none"> <li>i) The process to be undertaken to determine the best environmental outcome from balancing the impact of disturbance from cable recovery against the sustainability benefits of recycling the cables?</li> <li>ii) Which organisation would be consulted and who would ultimately take the decision as to whether cable removal from the site would result in the best environmental outcome?</li> </ul>	<p>The specific method taken to determine the best environmental outcome when balancing cable recovery disturbance against recycling benefits would be determined by the Applicant at the point of decommissioning and would be influenced by regulations and best practice at that time.</p> <p>However, in high level terms, the <b>oDEMP [REP1-024]</b>, at paragraph 2.4.3, sets out that the analysis will:</p> <ul style="list-style-type: none"> <li>• assess the environmental implications of removing versus retaining buried cabling and other subsurface infrastructure;</li> <li>• consider factors including soil quality and structure, groundwater impacts, biodiversity, waste generation, carbon impact, and the safety of future land users;</li> <li>• take into account contemporary best practice and regulatory guidance at the point of decommissioning; and</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<ul style="list-style-type: none"> <li>provide a clear justification for the proposed approach, supported by evidence and if necessary site survey results and consultation with the relevant authorities.</li> </ul> <p>Ultimately, the methodology and results of that benefits/impacts analysis will be included in the detailed DEMP, which must be approved by CWaCC in consultation with the Environment Agency, National highways and the local highways authority, and who will be able to consider if they agree with the methodology and conclusions made in that analysis.</p>
Q8.2.17	<p><b>Presence of public sewers</b></p> <p>i) UUW disagrees [RR-006] with the statement in the Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 [AS-019], that there are no public sewers crossing the site of the proposed development. Can you update the ExA with the outcome of discussions with UUW in regard to this issue, including any implications for the flood risk assessment?</p> <p>ii) UUW raises concerns in its RR [RR-006] regarding potential impacts on its drainage assets. Can you update the ExA with the outcome of discussions with UUW in regard to this issue, including any implications for the flood risk assessment for the proposed development?</p>	<p>The <b>Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [AS-019]</b> was based on the information provided by United Utilities found at Appendix D. Subsequent investigation has shown that there are three surface water sewer located on the southern boundary of the Site crossing the land between the M56 and the access road leading to the Environment Agency pumping station. Within this location there is existing woodland crossing the sewers.</p> <p>Paragraph 4.4.2 of the <b>oLEMP [REP1-028]</b> acknowledges that planting within the easement of UUW assets must be agreed with UU, and undertaken in accordance with UUW standards. It is noted that there is substantial existing woodland cover present in the proximity of the sewers adjacent to the M56.</p> <p>The Applicant has responded to the matters raised by UUW within Table 2-4 of the <b>Applicant's Response to Other Relevant Representations [REP1-032]</b>. The Applicant remains in discussion with UUW regarding Protective Provisions which is the mechanism by which UUW's assets will be able to be protected from any impacts.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>iii) U UW states in its RR [RR-006] that it will not accept the connection of any dewatering proposals to the public sewer. Can you respond to this statement, stating whether the position held by U UW has any implications for the proposed development?</p>	<p>The Applicant can confirm that the Proposed Development does not propose a connection to the public sewer system.</p>
Q8.2.18	<p><b>Flood risk development lifetime</b></p> <p>The ExA notes the Environment Agency's concern [RR-024 issue EA024] that flood risk has only been assessed up to the year 2075. Schedule 2 of the draft DCO would enable commencement of the authorised development at year 5 from the date the Order comes into force. Please comment on the suggestion of a requirement being added to Schedule 2 of the draft DCO to say if for any reason activity was proposed at a later date to persist beyond 2075, then a new flood risk assessment would be required.</p>	<p>Requirement 2 of the draft DCO states that the authorised development must start within five years of the date of the Order. Assuming the Order is granted in late 2026, this means that construction would need to commence by 2032 and the project would be operational by 2034. The development is limited to 40 years and therefore would be decommissioned by 2074 at the latest. To have the development extend beyond 2075, it would be necessary to extend the life of the consent, which would require a change to the DCO and the associated application and decision process. This process would also involve providing a new Flood Risk Assessment. Therefore, it is not deemed necessary to add an additional requirement as suggested.</p>
<p><b>8.3 Other water related matters</b></p>		
Q8.3.1	<p><b>Water supply</b></p> <p>Can you confirm whether any water supply would be required for any stage of the proposed development (construction, operation or decommissioning)? If so, what is the volume and duration of water estimated to</p>	<p>Water would be required during the construction, operation and decommissioning phases of the Proposed Development. Estimates have been provided for use within the <b>Environmental Statement: Volume 2 Appendix 5-1: GHG Assessment [APP-060]</b>. It is estimated that during construction, there would be a requirement for 390m3 of water per</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>be required and has this requirement been discussed and agreed with UUW?</p>	<p>annum and 216m<sup>3</sup> per annum during operation. The volume required for decommissioning is likely to be less than that required for construction.</p> <p>As set out in Table 2-4 of the <b>Applicant's Response to Other Relevant Representations [REP1-032]</b> (reference UUW8) the Applicant received a response from United Utilities in relation to a commercial drainage and water enquiry which confirmed that the Site is connected to the mains water supply and that the location is not at risk of receiving low pressure water or flow.</p>
Q8.3.3	<p><b>Water Framework Directive terminology</b></p> <p>The EA has raised concern [RR-024 issue EA026] regarding the use of out of date terminology in the Environmental Statement: Volume 2 Appendix 9-2: Water Framework Directive Assessment [APP-089]. The ExA notes you state the change in terminology would not affect the outcome of the assessment [RR-024]. However, in the interest of clarity, the ExA requests you to update this appendix using the correct terminology and resubmit the update into the examination</p>	<p><b>Environmental Statement: Volume 2 Appendix 9-2: Water Framework Directive Assessment [APP-089]</b> will be updated with the recent terminology and provided at Deadline 3.</p>
<p><b>9. Other planning issues</b></p>		
<p><b>9.0 Air quality</b></p>		
Q9.0.1	Air Quality Management Areas (AQMA)	<p>There would be vehicle movements along the A5117 which intersects the Thornton le Moors Air Quality Management Area. The A5117</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>i) Please could the applicant advise whether the proposed development would cause an increase in the number of vehicle movements through any AQMA?</p> <p>ii) If so, and with reference to paragraph 5.2.12 of NPS EN-1, please could the applicant provide its consideration of whether the proposed development would be likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/ strategy?</p> <p>iii) Please could CWCC comment?</p>	<p>provides a link between Junction 10 of the M53 and Junction 14 of the M56.</p> <p>As set out in the <b>Environmental Statement: Volume 2 Appendix 4-2: Construction Dust Assessment [APP-055]</b> the AQMA has been declared due to exceedances of the 15-minute sulphur dioxide (SO<sub>2</sub>) objective due to industrial emissions.</p> <p>The Construction Dust Assessment also states that vehicle movements from the Proposed Development would not have a material impact on the objectives of the AQMA, as traffic emissions are not a significant contributing factor to the pollutant of concern, SO<sub>2</sub>, due to the low sulphur content in road vehicle fuel. The main contributor is likely to be the oil refinery at Stanlow. This view is reflected in paragraphs 18.12 to 18.19 of the <b>Local Impact Report [REP1-046]</b>.</p> <p>On this basis the Applicant considers that the Proposed Development would not be likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a non-compliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/ strategy.</p>
Q9.0.2	<p><b>Dust assessment</b></p> <p>The applicant provided a construction dust assessment [APP-055]. Dust assessments were not provided for cumulative effects or for the operational or decommissioning phases. Demolition works were not considered</p>	<p>Dust impacts were scoped out of the EIA (ID 3.10.1 of <b>Environmental Statement: Volume 2 Appendix 1-2: Planning Inspectorate Scoping Opinion (July 2023) [APP-049]</b>).</p> <p>Table 5-10 of the <b>Outline Decommissioning Environmental Management Plan [REP1-024]</b> and Table 5-10 of the <b>Outline Operational Environmental Management Plan [REP1-022]</b> identify a</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>i) Is there any potential for significant impacts arising from demolition works and/ or cumulative effects with other developments during the construction, operational, or decommissioning phases?</p> <p>ii) Dust mitigation measures are provided in the oCEMP [PD2-015]. Should they also be provided in the oOEMP [PD2-017] and in the oDEMP [PD2-019]?</p> <p>iii) The residential caravan sites are identified as being at greatest risk. Should specific mitigation measures be provided for those receptors?</p>	<p>range of specific measures to mitigate the impact of dust arising within and outside the site.</p> <p>It is considered that the measures identified would be sufficient to mitigate effects on the residential caravan site, in line with best practice. Furthermore, during the construction and decommissioning phases, when the potential for fugitive dust is greatest, the oCEMP and oDEMP require a Construction and Decommissioning Dust Management Plan to be provided as part of, or to accompany, the final CEMP/DEMP. As such, if specific measures are deemed necessary at the time of construction or decommissioning, they can be included within these plans.</p>
<p><b>9.1 Glint and glare, aviation and defence</b></p>		
<p>Q9.1.2</p>	<p><b>Glint and glare – public rights of way</b></p> <p>Please could the applicant set out the consideration given to potential glint and glare effects on users of public rights of way?</p>	<p>In the Applicant's experience, significant glint and glare effects from solar developments on pedestrians/observers along PRow are very unlikely for the following reasons.</p> <ul style="list-style-type: none"> <li>• Effects are typically experienced just after sunrise and just before sunset when the sun is low in the sky beyond the reflecting panels. The Sun is a far more significant source of light and therefore the perceived intensity of the reflection will be greatly reduced;</li> <li>• The typical density of pedestrians on a PRow is low in a rural environment (such as the location of the Proposed Development) particularly at the times of day when effects are likely to be experienced therefore the exposure to observers will be generally low;</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<ul style="list-style-type: none"> <li>Any resultant effect is much less serious and has far lesser consequences than, for example, solar reflections experienced towards a road network whereby the resultant impacts of a solar reflection can be much more serious to safety;</li> <li>Glint and glare effects towards receptors on a PRow are transient, whereby a pedestrian could move beyond the solar reflection zone with ease with little impact upon safety or amenity. As such if glint and glare effects were to be experienced they are likely to be very short lived.</li> <li>New tree and hedgerow planting is proposed along existing and proposed public access routes, to partially screen views of the SADA infrastructure. As such there will be few locations where there are direct and unfiltered views towards panels.</li> </ul>
Q9.1.3	<p><b>Glint and glare – aviation, meteorological radars, other defence assets, cumulative impacts</b></p> <p>The applicant provided a Glint and Glare Assessment [APP-056]. The Planning Statement [APP-128] says that the nature of the proposed development would be such that it would not present an unacceptable risk to local or UK defence.</p> <p>i) With reference to paragraphs 5.5.37 and 5.5.39 of NPS EN-1, please could the applicant set out any other consideration given to potential impacts due to glint and glare or any other effects on:</p>	<p>The methodology used by the Applicant, which has been utilised on many of other solar DCO applications, is to assess glint and glare effects towards licensed aerodromes out to a maximum of 15km, and unlicensed airfields out to a maximum 6km, unless specific concerns are raised. In this case, only Liverpool John Lennon Airport is within this assessment area. No concerns have been raised from any other aerodromes, civil aviation assets or UK defence sites..</p> <p>Communications, navigation, and surveillance (CNS) equipment and meteorological radar can only impacted by solar developments when in close proximity, for example on-airfield solar sites. Given the separation distance between any CNS equipment or meteorological radar, no impacts are predicted.</p> <p>The long list of cumulative projects [APP-057] sets out the potential cumulative projects to be considered alongside the Proposed</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>• civil or military aviation communications, navigation and surveillance infrastructure other than John Lennon Airport</li> <li>• meteorological radars</li> <li>• other defence assets</li> </ul> <p>ii) Please could the applicant set out the consideration given to the potential for cumulative glint and glare impacts with other developments?</p>	<p>Development. Only two solar projects are listed: 24/03807/FUL and 24/02269/SCR.</p> <p>Both are further than 2km from the Order Limits meaning that the 1km ground-based receptor assessment areas will not overlap with the Proposed Development 1km assessment area. Therefore, no ground-based receptors will be shared between projects.</p> <p>When considering the glare intensity with reference to aviation receptors, panel areas are typically combined when closer than 50m from each other. Given the separation of the sites, the panel areas would not be combined, and effects would be considered independently.</p>
<b>9.2 Green Belt</b>		
Q9.2.1	<p><b>Green Belt – CWCC comments</b></p> <p>CWCC commented on Green Belt matters in its relevant representation [RR-037], including in paragraphs 5.8, 5.10, 5.11, 5.13, 5.15, 5.19, 5.20, 5.21, 5.25, 5.26, 5.29, 5.33, 5.37, 5.38, 5.39, and 5.41. The applicant responded [PD2-027].</p> <p>i) Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?</p> <p>In its relevant representation [RR-037] CWCC commented on 'Footnote 7' matters, including in</p>	<p>In relation to 'footnote 7' matters, the Applicant has responded to paragraphs 5.43, 5.44, 5.45 and 5.46 of CWCC's relevant representation at reference CWACC5.6 of the Applicant's <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>.</p> <p>In relation to the 'remainder of paragraph 155 of the NPPF', the Applicant has responded to paragraphs 5.48, 5.49, 5.53, 5.54, 5.62, 5.67, and 5.68 of CWCC's relevant representation in the Applicant's <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b>, with reference to the following separate responses:</p> <ul style="list-style-type: none"> <li>• CWACC5.7 – response to paragraphs 5.47 to 5.51 of CWCC's relevant representation;</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>paragraphs 5.43, 5.44, 5.45 and 5.46. It also commented on the 'Remainder of Paragraph 155 of NPPF', including in paragraphs 5.48, 5.49, 5.53, 5.54, 5.62, 5.67, and 5.68.</p> <p>ii) Please could the applicant respond to CWCC's comments, using the same paragraph numbering as CWCC?</p>	<ul style="list-style-type: none"> <li>• CWACC5.8 – response to paragraphs 5.52 and 5.67 of CWCC's relevant representation;</li> <li>• CWACC5.9 – response to paragraphs 5.53 to 5.66 of CWCC's relevant representation; and</li> <li>• CWACC5.10 – response to paragraph 5.68 of CWCC's relevant representation.</li> </ul>
<p><b>9.3 Human health, fire risk, safety and security</b></p>		
<p>Q9.3.2</p>	<p><b>BESS</b></p> <p>National Highways [RR-031]:</p> <ul style="list-style-type: none"> <li>• expressed caution regarding BESS proposals due to the lack of UK-specific safety and design standards</li> <li>• said that it could not verify the safety of BESS installations near the strategic road network (SRN)</li> <li>• recommended that any BESS application be assessed against the National Fire Chiefs' Council (NFCC) Guidance, especially regarding access for emergency services and fire suppression capabilities</li> </ul>	<p>The <b>Outline Battery Safety Management Plan [APP-139]</b> identifies the M56 as a sensitive receptor in relation to the proposed BESS locations in paragraph 2.3.3. Appendix 7-1 provides a plume study that assesses the battery fire emission impact in worst case fire locations. It finds that there is no impact to M56 motorway for any toxic gas or visibility impairment for any wind condition.</p> <p>Considering the findings of the assessment and the fact that the Cheshire Fire and Rescue Service would be consulted on the Battery Safety Management Plan, the Applicant did not consider it was necessary for National Highways to be a consultee.</p> <p>It is understood that National Highways are considering this position – if they remain of the view that it should be a consultee notwithstanding the above, the Applicant will amend Requirement 7 to include National Highways accordingly.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>said that it would expect to be involved in the approval of the battery safety management plan and for this to be included in Requirement 7 of the dDCO [PD2-005] The applicant [PD2-027] replied that the Outl</li> </ul> <p>The applicant [PD2-027] replied that the Outline Battery Safety Management Plan [APP-139] had been submitted with reference to NFCC Guidance and the fire and rescue service would be consulted. It saw no need for National Highways to be consulted on this plan.</p> <ul style="list-style-type: none"> <li>i) Please could the applicant set out the consideration given to SRN safety issues in relation to the BESS?</li> <li>ii) Please could the applicant justify why there would be no need for National Highways to be consulted on the Outline Battery Safety Management Plan [APP-139]?</li> </ul>	
<b>9.4 Noise, vibration and nuisance</b>		
Q9.4.1	<p><b>Tranquillity</b></p> <p>The applicant [APP-128] considered that the area of the site was not perceived as 'tranquil' in the context of the National Planning Policy Framework. CWCC [RR-037 paragraph 12.3] suggested that the proposed development would impact on the</p>	<p><b>Detailed justification: why no parts of the site should be considered "tranquil"</b></p> <p>1. <u>Tranquillity</u></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>“acknowledged relative tranquillity of the area of this locally valued landscape” and said that adding noise into a tranquil area should be included as part of the overall assessment of the impact of the proposed development.</p> <p>The applicant [PD2-027] replied that:</p> <ul style="list-style-type: none"> <li>• tranquillity was understood as a perceptual quality influenced by both sound and visual context</li> <li>• the existing environment within and around the site was influenced by notable sources of human activity that would reduce the area’s overall sense of tranquillity and that once away from the main transport corridors, parts of the site can feel open and relatively remote reflecting the flat topography, sparse settlement and wide horizons typical of the estuarine fringe</li> <li>• no local or national landscape designations apply to the site</li> <li>• the noise and vibration assessment demonstrated that construction effects would be temporary and well-managed through standard mitigation measures, and that operational noise would be low and consistent with existing background levels</li> </ul>	<p>The Applicant’s position remains that tranquillity is a perceptual quality that arises from the combined influence of:</p> <ul style="list-style-type: none"> <li>• Sound environment (including intermittent and constant anthropogenic sound sources); and</li> <li>• Visual / contextual environment (including the presence, proximity and prominence of human activity, infrastructure and built form).</li> </ul> <p>Accordingly, locations that are quieter than others (or that feel more remote when moving away from key transport corridors) are not necessarily “tranquil” if they remain experienced within a landscape context dominated by, or strongly influenced by, man-made elements and human activity.</p> <p><u>2. The baseline landscape context is heavily influenced by human activity and infrastructure</u></p> <p>Across the Order Limits and its immediate wider setting, the experience of the landscape occurs in the context of a high concentration of man-made influences, including (not an exhaustive list):</p> <ul style="list-style-type: none"> <li>• The M56 corridor and associated traffic movement;</li> <li>• Existing wind turbines;</li> <li>• Electricity transmission infrastructure (including pylons/overhead lines);</li> <li>• Industrial / commercial development and infrastructure associated with the estuarine fringe;</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>• the proposed development would not materially alter the established acoustic or perceptual environment, nor would it introduce effects likely to change the existing character or perceived tranquillity of the surrounding landscape</li> <li>i) Please could the applicant provide a detailed justification of why it considers that no parts of the site, including those most remote from the M56 and Frodsham Wind Farm, should be considered 'tranquil'? What are the implications for the noise and landscape assessments if parts of the site are considered 'tranquil'?</li> <li>ii) Does CWCC have any outstanding concerns?</li> </ul>	<ul style="list-style-type: none"> <li>• Engineered / artificial landforms and modified drainage and water management features;</li> <li>• Linear utilities and corridors (including pipelines and other buried/linear infrastructure, where their above-ground markers/access tracks etc are visible);</li> <li>• Wider settlement influences, lighting, movement and activity patterns typical of an accessible lowland fringe landscape.</li> </ul> <p>This baseline means the Site does not function as a landscape "removed from civilisation" in the sense implied by tranquillity: it is an accessible but at times remote working landscape with multiple concurrent anthropogenic influences.</p> <p>3. <u>Why some parts can feel "relatively remote" but still not "tranquil"</u></p> <p>The Applicant recognises that:</p> <ul style="list-style-type: none"> <li>• It is possible to achieve some separation from the main transport corridors on footpaths within parts of the site;</li> <li>• The relatively flat topography and wide horizons can create a sense of openness; and</li> <li>• Certain natural elements (notably the River Weaver corridor and views experienced in the broader estuarine setting) can contribute to feelings that are calm / restorative.</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>However, those localised qualities amount to relative remoteness or relative calm, not tranquillity as a defining characteristic, because:</p> <ul style="list-style-type: none"> <li>• The wider setting remains strongly influenced by visible human artefacts and operational landscapes (e.g. turbines, pylons, industrial/transport infrastructure);</li> <li>• The soundscape, even when attenuated with distance, remains influenced by wider anthropogenic activity (including traffic, industrial operations and aviation ), and is not characteristically “natural” or “undisturbed”; and</li> <li>• The experience of the Site is of an estuarine fringe / infrastructure-influenced landscape, rather than a landscape where natural sounds and an absence of human influence dominate perception.</li> </ul> <p>In summary: parts of the site may feel relatively quieter or more remote than areas close to the M56, and some natural features may support calmness, but the Applicant’s judgement is that none of the site can reasonably be described as “tranquil” in NPPF terms because the defining baseline context is one of substantial and persistent human influence.</p> <p><b>What are the Implications for the noise and landscape assessments if parts of the site are considered “tranquil”?</b></p> <p>A. Noise and vibration assessment implications</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>If a receptor location were characterised as being within a “tranquil” environment, the main implications would be:</p> <ul style="list-style-type: none"> <li>• Heightened sensitivity / expectation of limited change in perceived soundscape and amenity; and</li> <li>• Greater emphasis on soundscape perception (e.g. the audibility and character of construction activity at times of low baseline sound).</li> </ul> <p>However, in practice:</p> <ul style="list-style-type: none"> <li>• Construction noise effects remain temporary and are assessed against appropriate criteria with standard mitigation and management measures (and, where necessary, good practice measures to reduce significant adverse effects).</li> <li>• Operational noise is predicted to be low and consistent with an environment already influenced by anthropogenic sound sources; the operational phase is not expected to introduce a new sound character that would reasonably be considered to materially diminish tranquillity.</li> </ul> <p>B. Landscape and visual assessment implications</p> <p>If parts of the site were treated as “tranquil”, the LVIA implications would be:</p> <ul style="list-style-type: none"> <li>• An increased weight placed on perceptual qualities (including “tranquillity”) as a component of landscape susceptibility and value; and</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<ul style="list-style-type: none"> <li>• Potentially a higher sensitivity judgement for specific receptors / specific parts of the landscape where tranquillity is deemed a defining attribute.</li> </ul> <p>Even on that alternative assumption:</p> <ul style="list-style-type: none"> <li>• The LVIA already considers perceptual/experiential aspects alongside physical landscape elements and visual context.</li> <li>• The baseline context of extensive human influence means the extent to which tranquillity could be a defining attribute would still be limited and localised.</li> <li>• The scheme's effects would still be judged in the context of the site's existing character as an infrastructure-influenced estuarine fringe landscape.</li> </ul> <p><b>In summary</b></p> <p>For the reasons set out above, the Applicant's judgement is that no part of the site should be considered 'tranquil' in NPPF terms, notwithstanding that some parts can feel relatively quieter or more remote when moving away from the main transport corridors. In any event, there would be no material implications for either the noise or landscape assessments if the ExA were to attribute 'tranquil' status to any limited area, as the conclusions are derived from the baseline conditions and predicted changes (including control through embedded and standard mitigation) and would not change in substance.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q9.4.2	<p><b>Piling</b></p> <p>For the construction phase, the assessment [APP-054] assumed the use of non-percussive mini piling for the solar panels and non-percussive continuous flight augur piling for the BESS.</p> <p>To ensure the integrity of the assessment, should those piling methods be secured and should it be secured that percussive piling would not be permitted?</p>	<p>Table 5.1 of <b>Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment [APP-054]</b> demonstrates that the construction works, including piling, would be significantly below threshold levels and existing residual noise levels.</p> <p>Appendix 4 of <b>[APP-054]</b> sets out the assumptions used for the noise modelling. This confirms that noise from a hydraulic hammer rig (i.e. percussive piling) was assumed as a worst case for the BESS piling. Reference to CFA piling at paragraph 5.3.21 is made in relation to <u>possible</u> measures that could be employed to reduce or control noise levels during construction if required.</p> <p>On the basis that the assessment demonstrated the use of percussive piling at the BESS is acceptable, and well below threshold levels, it is not considered necessary to restrict the piling methods proposed.</p>
Q9.4.3	<p><b>Operational Phase</b></p> <p>The assessment for the construction phase [APP-054] is considered a worst case for any significant replacement campaigns during the operational period.</p> <p>For the operational phase, is it necessary to assess potential noise and vibration impacts from the combination of a worst-case replacement campaign with operational plant and equipment?</p>	<p>Table 6.1 of <b>Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment [APP-054]</b> show that operational noise levels are between -15 and -21 dB(A) below representative background levels. At these levels, operational noise would have a negligible cumulative impact on noise from replacement works. Furthermore, it is likely that the closest source of operational noise within a phase of replacement works, i.e. the related Power Conversion Unit to that phase, would be switched off.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q9.4.4	<p><b>Cumulative effects</b></p> <p>Please could the applicant set out the consideration given to cumulative noise and vibration impacts with other developments?</p>	<p>The only nearby developments that have the potential to cause cumulative noise effects are the Runcorn Spur Pipeline and the Hynet Hydrogen Pipeline. Neither project would generate noise impacts during the operational phase, so cumulative effects would only occur during construction, during which period both projects would be committed to using Best Practical Measures in accordance with BS52281:2009+A1:2014 to control noise generation to reduce noise impacts via their respective CEMPs.</p> <p>Based on the results of the modelling presented in Table 5.1 and Table 6.1 of the <b>Environmental Statement: Volume 2 Appendix 4-1: Noise Impact Assessment [APP-054]</b>, it is unlikely that a significant cumulative effect will occur with these developments, given the degree of headroom between the predicted noise levels and the established threshold levels.</p> <p>Notwithstanding this, paragraph 4.1.64 of the <b>Outline Construction Environmental Management Plan [REP1-020]</b> commits to a series of mitigation measures, including controlling the phasing of works, in order to prevent cumulative noise impacts occurring on the NBBMA.</p>
Q9.4.5	<p><b>Nuisance</b></p> <p>Article 8 (Defence to proceedings in respect of statutory nuisance) of the dDCO [PD2-005] includes a provision that offered a defence against proceedings for nuisance in relation to noise emitted from premises so as to be prejudicial to health or a nuisance. The noise assessment [APP-054]</p>	<p>While the noise assessment predicts that noise levels at all receptors are expected to be well below the Significant Observed Adverse Effect Level, it is standard practice to include the provision in Article 8 in the Order in DCO to prevent nuisance claims in a worst-case scenario, for example in the situation of a claim being raised by an occupier of an unauthorised development which the undertaker has no control over.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>concluded that during construction, residual noise levels at all receptors were expected to be well below the Significant Observed Adverse Effect Level and operational noise levels were predicted to be very low at receptors. Given this assessment, is the proposed dDCO provision necessary and appropriate?</p>	<p>It is also noted that nuisance claims are not limited to noise matters.</p> <p>The Applicant additionally notes that the PA08 regime is set up acknowledging that major infrastructure projects could still lead to nuisance claims being made notwithstanding the conclusions of the ES, given the existence of section 158, which provides a generic defence to nuisance claims.</p>
<p><b>9.5 Socio-economics and public rights of way</b></p>		
<p>9.5.1</p>	<p><b>Visitors' car park – Question to CWaCC</b></p> <p>CWCC [RR-037 paragraph 11.2] said that further discussion was required to clarify the mechanisms for triggering the delivery of the visitors' car park on land to the north of Moorditch Lane as well as other matters including the responsibility for management and maintenance. The applicant [PD2-027] updated paragraph 4.1.7 of the oOEMP to include a commitment for the provision of the car park to be an agenda item on Community Liaison Group meetings during the operational phase. Is CWCC satisfied that the timing of the delivery of the car park is secured sufficiently and does it have any remaining concerns?</p>	<p>The Applicant also notes that paragraph 4.1.7 of the <b>Outline Operational Environmental Management Plan [REP1-023]</b> and paragraph 7.7.3 of the <b>Outline Landscape and Ecology Management Plan [REP1-028]</b> describe the mechanisms by which the requirement for a car park will be established and agreed.</p>
<p>Q9.5.2</p>	<p><b>Public rights of way – CWCC comments</b></p> <p>CWCC commented on public right of ways matters in its relevant representation [RR-037], including in paragraphs 11.12, 11.13, 11.14, 11.15, 11.16, 11.17,</p>	<p>The Council's comments in paragraph 19.28 of their relevant representation [RR-037] are noted regarding fly-tipping. It is anticipated that the fencing of the Site and installing a closed-circuit television (CCTV) system around the perimeter fencing would act as a deterrent to fly-tippers during the operational phase – the fencing and security</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>11.18, 11.19, 11.21, 11.23, 11.26, 11.27, 11.28, 11.31, 11.32, 11.33, 14.12, 19.18, 19.27, and 19.30. The applicant responded [PD2-027].</p> <p>i) Please could CWCC set out any outstanding concerns, using the same paragraph numbering as in its relevant representation [RR-037]?</p> <p>CWCC [RR-037 paragraph 19.28] said that there had been issues historically with fly-tipping on parts of the deposit grounds, and the management plan should provide details of measures to control this, particularly given likely increased accessibility of the site. It recommended a review of public rights of infrastructure, and removal of redundant structures, that stiles/gates should ideally be used to control livestock movement, and that stiles that act as a barrier to mobility should be removed.</p> <p>ii) Please could the applicant respond to CWCC's comments, using the same paragraph numbering as CWCC?</p>	<p>system would also be in place for the majority of the decommissioning period.</p> <p>During construction and decommissioning, there will be increased surveillance onsite due to the workforce and the security team employed by the Principal Contractor. Paragraph 2.5.35 of the <b>Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035]</b> describes the security measures that will be adopted during construction, including temporary security fencing and remote monitoring and intrusion detection systems.</p> <p>Paragraph 6.5.5 of the <b>Outline Landscape and Ecology Management Plan [REP1-028]</b> states that all fencing, including any gates, stiles or other associated structures shall be maintained in good condition throughout the life of the Proposed Development. The Applicant will supplement this at Deadline 3 with a commitment to review existing public rights-of-way infrastructure within the Site and identify assets to be removed and/or improved to facilitate access across the Site as part of the detailed LEMP, in accordance with Design Principle 4: Public Access and Recreation (<b>Appendix A of the Design Approach Document [APP-130]</b>).</p>
Q9.5.3	<p><b>Public rights of way management plan – National Highways approval</b></p> <p>Referring to Requirement 15 of the dDCO [PD2-005], National Highways [RR-031] said that it required an approval role in relation to any public rights of way management plan as it is the highway authority for</p>	<p>The Applicant is not proposing any physical works, nor any on-going management, to the public rights of way, that pass over National Highways land i.e. Brook Furlong overbridge and Weaver Lane overbridge. The DCO will only change the status of the public right of way of Weaver Lane.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>the SRN and the SRN fell within the definition of a “street”. The applicant [PD2-027] said that its proposals in terms of managing impacts to public rights of way related to public rights of way that were some distance away from the bridges which pass over the SRN. It therefore considered that National Highways did not need to be a consultee for the plan.</p> <p>i) Please could the applicant clarify how public rights of way on the bridges that pass over the SRN would be managed if they are not to be included in the public rights of way management plan?</p> <p>ii) Does National Highways have any remaining concerns?</p>	<p>The PROWMP primarily deals with impacts of construction activities of the Proposed Development to users of PRoWs. There will be no impacts to PRoW users on this bridge and so the measures in the plan are of no relevance to these bridges.</p> <p>It is also noted that following discussions with National Highways, the Applicant has agreed to update the DCO and associated documentation to alter the status of Weaver Lane to a cycle track instead of a bridleway, meaning the public right of way will not be available for use by horse riders.</p> <p>On the basis that no works are proposed to the bridges and that the DCO controls their status, the Applicant does not believe that National Highways requires an approval role in relation to the final public rights of way management plan.</p>
<p><b>9.6 Traffic, transport, and access</b></p>		
<p>Q9.6.2</p>	<p><b>Cumulative effects, including abnormal loads and decommissioning</b></p> <p>National Highways [RR-031] said that the construction phase would generate the highest level of traffic and it was essential to manage this effectively to minimise disruption, particularly given the number of other developments proposed in the area, which could lead to cumulative impacts on the M56 and M53 junctions and corridors. It said that it was studying the cumulative traffic generation for the</p>	<p>(i)</p> <p>No specific consideration has been given to potential cumulative traffic impacts during major replacement activities during the operational phase at this stage. As set out in the <b>Technical Note on Major Replacement Works [REP1-034]</b>, major replacement activities involving the replacements of 50% of the solar panels would only occur once every 10-15 years. As such, it is not possible to determine the likely nature of any development sites that may result in significant cumulative traffic impacts in that timescale. Furthermore, paragraph 11.1.2 of <b>Technical Note on Major Replacement Works [REP1-034]</b> describes how the level of</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>major development proposals in the area to understand where the likely impacts would be, the scale of those impacts, and their likely timings.</p> <p>CWCC [RR-037] said that the proportion of the total cumulative impact that would be a direct result of the proposed development would be minimal.</p> <p>The applicant [APP-134] considered cumulative effects with other proposed infrastructure projects. It considered that there was the potential for significant traffic impacts if the construction periods of these projects should overlap with that of the proposed development. The oCTMP [PD2-013] includes a commitment for the applicant to maintain ongoing communications with other major developments to liaise on managing any potential cumulative impacts and, if there was a significant overlap, to establish a Construction Traffic Management Plan Working Group. The applicant assumed that the other developers would work pro-actively with it. The oCEMP [PD2-015] includes that the programme for the works would be prepared cognisant of other nearby developments which could result in cumulative construction effects.</p> <p>i) Please could the applicant set out the consideration has been given to potential cumulative impacts in relation to the traffic from any major replacement activities during the operational phase?</p>	<p>movements associated with a major replacement campaign would be significantly less than during construction, with a 50% replacement campaign expected to only result in 5-7.5% of the construction related movements. On this basis, as significant cumulative effects were not anticipated during the construction phase, it is unlikely that significant cumulative effects would arise during a major replacement campaign given this level of traffic movements.</p> <p>Nonetheless, in order to ensure that appropriate traffic management is in place, the <b>outline Operational Management Plan (oOEMP) [REP1-022]</b> includes a provision that a notification must be provided to CWCC for approval detailing management measures that will be put in place for any replacement activities which involve replacement of more than 50% of the solar panels within the Proposed Development. This would include consideration of relevant cumulative traffic impacts at the time of replacements.(ii)</p> <p>The <b>Transport Assessment [APP-134]</b> considered as a worst-case the peak of construction activities associated with each of the major cumulative developments identified by CWCC occurring simultaneously with the peak of construction of the Proposed Development. As such, there is no sensitivity associated with the timing of the construction of the Proposed Development in relation to the other major developments, as the worst-case scenario assessed in the TA will remain the worst-case scenario regardless of timing.</p> <p>(iii)</p> <p>The <b>Transport Assessment [APP-134]</b> included within Appendix G an appraisal of the potential cumulative impacts during the highway AM and PM peak hours at the M56 J14 and M53 J10 roundabouts in the worst-case scenario whereby the peak construction periods of all of the identified</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>ii) Please could the applicant comment on the sensitivity of the Transport Assessment [APP-134] to assumptions of timing in relation to the construction of the proposed development and other major development proposals in the area? How can the ExA be satisfied that it has considered as reasonable worst case?</p> <p>iii) Please could National Highways provide its study of the cumulative traffic generation for the major development proposals in the area and set out the proportion of traffic generation that would result from the proposed development?</p> <p>iv) When National Highway's study is available, please could the applicant set out any implications for its Transport Assessment [APP-134] and mitigation proposals?</p> <p>National Highways [RR-031] encouraged the applicant to engage with NH at an early stage to establish an appropriate movement strategy for abnormal loads. CWCC [RR-037] said that impacts of abnormal traffic movements relating to the proposed development and considered cumulatively with other projects needed consideration. The applicant updated the oCTMP [PD2-013] to clarify that it would be a responsibility of the proposed Construction Traffic Management Plan Working Group to co-ordinate the</p>	<p>cumulative developments occurred simultaneously. This is considered highly unlikely, as demonstrated by the announcement from HyNet of the delay to the hydrogen pipeline project, but does present a conservative and robust assessment. The results in Appendix G demonstrate that the Proposed Development would comprise a relatively small proportion of the cumulative flow, representing approximately 6% of the total additional cumulative traffic at the M56 J14, and approximately 17% of the total additional cumulative traffic at the M53 J10.</p> <p>(iv) When the National Highway cumulative study is available the Applicant will determine if there are any implications for the Transport Assessment and associated mitigation.</p> <p>(v) All movements are controlled by the Road Vehicle Authorisation of Special Types Order 2003. This requires routes to be agreed with NH pursuant to these regulations. NH will therefore have full control of the timings of such movements to ensure that there are no significant cumulative impacts.</p> <p>(vi) As the decommissioning would be undertaken up to 40 years from the date of commencement it is not possible to anticipate with any degree of certainty what projects may exist that could lead to cumulative effects. As established by Finch (R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others) there needs to be sufficient evidence available to make a reasoned conclusion that a possible environmental effect is likely. Nonetheless, it is reasonable to expect that traffic during decommissioning will be lower than during construction and</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>planning of abnormal load movements across the identified cumulative developments.</p> <p>v) Do National Highways or CWCC have any outstanding concerns about the applicant's proposed mitigation measures for abnormal loads?</p> <p>The applicant [APP-134] considered that a reasonable worst case of impacts during the decommissioning phase was those for the construction phase. For the construction phase it considered that there was a potential for significant traffic impacts cumulatively with other proposed infrastructure projects.</p> <p>vi) What reasonable worst case of cumulative traffic impacts during the decommissioning phase does the applicant suggest for the purposes of the planning balance?</p>	<p>the <b>oDEMP [REP1-024]</b> requires the production of a Decommissioning Traffic Management Plan (DTMP), which must consider traffic levels and network conditions at the time of decommissioning. This plan would specify traffic management measures deemed necessary by the local highway authority and National Highways to mitigate impacts on highway safety and function. As such, on the basis that controls are included in the DCO to control traffic impacts during construction within acceptable levels, the Applicant suggests that limited weight should be given to cumulative traffic impacts during decommissioning.</p>
Q9.6.5	<p><b>Potential severance</b></p> <p>Please could the applicant comment on the potential for severance and impacts on access to Frodsham Marsh Farm, the residential caravan sites, and other residential properties and businesses? How are these potential impacts mitigated?</p>	<p>The Applicant does not consider that there would be any potential for significant severance effects resulting from the Proposed Development with regard to access to Frodsham Marsh Farm or the residential caravan site. Brook Furlong and Alder Lane will remain open to all users at all times during the construction phase. Short sections of these tracks would be subject to temporary management measures during construction hours (controlled crossing points under banksmen control), as set out in Sections 4.5, 4.6 and 4.7 of the outline Public Right of Way Management Plan, in order to mitigate any potential conflict between construction traffic and PRow users. However, these impacts would</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		result only in short delays in the order of a few minutes and would not result in any severance.
Q9.6.6	<p><b>Canal &amp; River Trust comments</b></p> <p>The Canal &amp; River Trust raises concerns, including:</p> <ul style="list-style-type: none"> <li>• clarification that the works to the SPEN substation, in connection with grid connection, would not exceed the level of vehicle use outlined in the Transport Assessment [APP-134]</li> <li>• any proposed increase in use of the Access Track and Sutton Swing bridge (which is owned and managed by the Trust), including the impact of traffic on the route and the stability of the embankment of the Weaver Navigation</li> <li>• existing movement and longitudinal cracking in areas of the Access Track, and that the means of supporting the roadway along the river sections, or condition below water level, is not known</li> <li>• details of any indivisible abnormal load vehicles needing to cross the Sutton Swing bridge</li> </ul>	<p>The Applicant confirms that the forecast number of vehicle movements are adequate and it does not anticipate the predicted number of vehicles movements on the SPEN Substation Access Track to exceed the level of vehicle use outlined in the Transport Assessment.</p> <p>There would be no requirement for indivisible abnormal load (AIL) vehicles to cross the Sutton Swing Bridge. Any AIL movements required would be for delivering components to the Site, not to the SPEN substation. As set out within Section 8.4 of the <b>Transport Assessment [APP-34]</b> any AIL movements would be managed subject to the Road Vehicle Authorisation of Special Types Order 2003.</p> <p>All construction traffic movements, including those using the Access Track to the SPEN Substation, would be managed in accordance with the measures set out within the <b>outline Construction Traffic Management Plan [REP1-018]</b>. The Applicant has also committed in the draft DCO and the <b>outline Construction Environmental Management Plan [REP1-020]</b> that access to Marsh Lock will be retained at all times.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>• clarification that mitigation measures and management of construction traffic would also apply to the Access Track</li> <li>i) Please could the applicant respond?</li> <li>ii) Please could the Canal &amp; River Trust set out any outstanding concerns and provide updates during the examination?</li> </ul>	
<b>9.7 Waste</b>		
Q9.7.1	<p><b>Anticipated lifespans</b></p> <p>Please could the applicant set out the anticipated lifespan of the Solar PV Modules and other plant, equipment and infrastructure, how often they would each need to be replaced, and any related implications for waste management?</p>	<p>The anticipated lifespans of the solar PV modules and other plant, equipment and infrastructure are set out in Table 2-13 of <b>ES Vol 1 Chapter 2: The Proposed Development [APP-035]</b>.</p> <p>The implications for waste management are set out in Tables 2 to 4 of the Applicant's <b>S51 Acceptance Cover Letter [AS-001]</b> across pages 12 to 16 of the document.</p>
Q9.7.2	<p><b>Reuse and recycling</b></p> <p>With reference to paragraph 5.15.9 of NPS EN-1, please could the applicant set out whether, and if so, how, the Solar PV Modules and other plant, equipment and infrastructure would be designed to maximise reuse and recycling?</p>	<p>Section 2.8 of <b>ES Vol 1 Chapter 2: The Proposed Development [APP-035]</b> outlines the types of waste anticipated in each phase of the development, and describes how the Applicant would manage waste in accordance with the waste hierarchy and would seek to avoid landfill where possible.</p> <p>The <b>oCEMP [REP1-020]</b>, <b>oOEMP [REP1-022]</b> and <b>oDEMP [REP1-024]</b> describe embedded mitigation measures to control and manage waste on-site, including the development of a Waste Management Plan for each phase of the Proposed Development. Paragraphs 4.1.70-4.1.71 and</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>4.1.73-4.7.74 of the oCEMP and oOEMP respectively make reference to the decisions made during design, construction and operation influencing environmental effects and committing to adopting measures that reduce effects, this would include ensuring that the development is designed to maximise the potential for reuse and recycling.</p> <p>Any solar panels that need to be replaced will be dismantled and sent to specialist PV recycling facilities, where materials such as silicon cells, polymers, and metals will be recovered. Battery Energy Storage Systems (BESS) will be refurbished, repurposed, or recycled where feasible, reducing disposal requirements. Any transformers and inverters that need to be replaced will be either reused or sent for metal recovery at authorised recycling facilities.</p> <p>The Site Operator will regularly review available outlets for reuse/recycling of panels and batteries during the operational life. This means the operator will stay informed about recycling facilities or programs and will utilise the best available option at the time of any disposal.</p>
Q9.7.3	<p><b>Waste infrastructure</b></p> <p>i) With reference to paragraph 5.15.15 of NPS EN-1, please could the applicant set out whether the waste from the proposed facility could be dealt with appropriately by the waste infrastructure which is, or is likely to be, available during the construction, operational and decommissioning phases?</p>	<p>i) The Applicant provided a response on this matter within <b>S51 Acceptance Cover Letter [AS-051]</b>. The Applicant has provided estimates of the waste arising from the construction, operational, and decommissioning stages of the project, along with an analysis of the available capacity in the region to manage this waste. The conclusions of the analysis were that there is sufficient recovery and disposal capacity available to accommodate the volumes of waste anticipated, taking into account other waste arising in the area.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>ii) Please could the applicant identify what policy support is there for any assumptions made about future recycling facilities, e.g. for the likely expansion of specialist recycling facilities in the future?</li> <li>iii) What consideration has the applicant given to cumulative effects with other solar projects?</li> <li>iv) Please could CWCC comment?</li> </ul>	<p>ii) The Waste (England and Wales) Regulations 2011 implement the key requirements of the revised EU Waste Framework Directive into UK law for England and Wales. This includes introducing the waste hierarchy into legislation and policy as a priority order for waste prevention and management. The regulations also establish the need for setting recycling and recovery targets and for local authorities to facilitate the delivery of the necessary facilities to achieve these targets concerning municipal, business, and commercial waste streams. The Government has also promoted the Circular Economy. The policy document Our Waste, Our Resources: A Strategy For England (2018) incorporates the circular economy approach into the government's waste policy, emphasising that waste should be viewed as a resource. To achieve this, effective and reliable recycling and recovery facilities must be available. It states that <i>"We cannot increase resource efficiency without the right waste infrastructure. Waste infrastructure is used to extract value from items considered worthless by others and limits the burden that waste places on the environment."</i> The Government's strategy is to provide the necessary recycling and recovery capacity to meet the waste demands of municipal, business, and commercial sectors. Furthermore, there is significant value in solar panel waste, which contains a high proportion of recyclable materials. As such there will be a future commercial incentive for expansion of recycling facilities, noting that waste solar panels are considered to be waste electrical and electronic equipment (WEEE) by the Environment Agency and are therefore captured by the Waste Electrical and Electronic Equipment Regulations 2013 (as amended) which puts in place legislation to encourage recovery, reuse and recycling of WEEE.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>This potential is recognised in the Solar roadmap: United Kingdom powered by solar (Department for Energy Security and Net Zero, June 2025), which includes a specific action (Action 70) to examine the likely availability of current conventional and emerging innovative solar panel recycling practices.</p> <p>iii) The cumulative growth in solar farm development across the UK is expected to stimulate growth in specialist recycling capacity over time. Currently, the volume of end-of-life solar infrastructure does not yet justify investing in a substantial capacity of dedicated recycling facilities. However, solar farm components contain a high proportion of valuable and recoverable materials. As more large-scale schemes reach major component replacement or decommissioning phases, the volume of recyclable material will increase accordingly. It is expected that the waste management market will respond to this commercially viable demand by expanding specialist recycling services, especially given the legislative requirements under regulation 12 of The Waste (England and Wales) Regulations 2011 and the producer obligations under Part 3 of The Waste Electrical and Electronic Equipment Regulations 2013. On this basis, and considering the existing waste management capacity in the region set out in the <b>S51 Acceptance Cover Letter [AS-051]</b>, it is not anticipated that there would be a significant cumulative impact concerning waste management.</p>
Q9.7.4	<b>The Waste Electrical and Electronic Equipment Regulations 2013</b>	The Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 require that waste electrical and electronic equipment (including solar photovoltaic panels and associated apparatus) is separately collected and sent to authorised treatment facilities for recycling or recovery. They also place obligations on equipment producers to finance or facilitate the take-

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Please could the applicant set out its consideration in relation to compliance with The Waste Electrical and Electronic Equipment Regulations 2013?</p>	<p>back and proper treatment of end-of-life devices, ensuring such items are disposed of correctly and recycled where possible.</p> <p>All solar PV panels and associated electrical equipment removed during decommissioning will be handled as WEEE in accordance with the Waste Electrical and Electronic Equipment Regulations 2013. Compliance with these regulations will ensure that these materials are collected for recycling or recovery, consistent with best practice and legal requirements at the time. As these are statutory requirements, no specific reference to them is included in the oDEMP.</p>
<p><b>9.8 Cumulative and inter-related effects</b></p>		
<p>Q9.8.2</p>	<p><b>Hynet Hydrogen Pipeline Project</b></p> <p>Cadent [RR-020] said that it was promoting the Hynet Hydrogen Pipeline Project and expected to submit an application for development consent soon. It said that it would be seeking rights to construct and maintain the pipeline and was seeking flexibility for construction of the pipeline within the OL. It proposed protective provisions [RR-020 appendix 2] in relation to the interaction of its pipeline with the proposed development.</p> <p>i) Please could the applicant respond to Cadent's comments?</p> <p>ii) Please could Cadent provide:</p>	<p>The Applicant made submissions regarding the Hynet Hydrogen Pipeline Project at <b>Issue Specific Hearing 1 [REP1-033]</b> and in its Technical Note on Pipeline Interactions <b>[REP1-031]</b> and the issues set out in the ExA's questions.</p> <p>Cadent's Relevant Representation was submitted in August 2025. Following that submission, announced a pause to the development of the pipeline until there is greater clarity from Government on its programme for the development of the Hydrogen Transport Business Model, with the earliest that may become clear being Spring 2026.</p> <p>As such, it is now almost certain that the hydrogen pipeline will be brought forward after the Proposed Development, and so will need to account for it in its construction planning and approach to mitigation measures.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<ul style="list-style-type: none"> <li>• an overview of the Hynet Hydrogen Pipeline Project, including scope and anticipated timings for consenting, detailed design, construction, operation and (if appropriate) decommissioning</li> <li>• a plan showing the limits of the Hynet Hydrogen Pipeline Project, above and below ground installations, mitigation areas, and areas for construction, operation and maintenance activities and access</li> <li>• comment on the appropriateness of the dDCO [PD2-005], including any protective provisions, in relation to the Hynet Hydrogen Pipeline Project</li> </ul> <p>iii) Please could the applicant and Cadent provide an update on their discussions, including a summary of the matters coordinated, matters that have been agreed, any inconsistencies or outstanding matters, and the next steps to be taken to resolve them.</p> <p>iv) The relationship between the proposed development and the Hynet Hydrogen Pipeline Project was discussed at Issue Specific Hearing 1 [EV4-007], as prompted by agenda item 5k for that meeting [EV2-</p>	<p>The Applicant and Cadent have agreed an approach to working together – this is now included in the <b>oCEMP [REP1-020]</b>, and as a result no Protective Provisions in respect of that project are required.</p> <p>As such, there are no outstanding matters between the parties in respect of the Hynet Hydrogen Pipeline Project.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>002]. The applicant undertook to provide a written summary of its representations to that meeting and to respond to various actions arising by deadline 1 of the examination.</p> <p>v) Please could Cadent comment on the applicant's deadline 1 submissions at deadline 2?</p> <p>vi) Please could Cadent set out any outstanding concerns and provide updates during the examination?</p>	
Q9.8.3	<p><b>Runcorn Carbon Dioxide Spur Pipeline Project</b></p> <p>LBCCS [RR-011] said that its primary concern was the timing of the construction of the proposed development and how this would impact the viability of its pipeline. It welcomed the applicant's commitment to collaborate and engage in the drafting of a statement of common ground (SoCG) and requested that the applicant provide a plan showing the pipeline overlaid on the proposed development's Works Plans to facilitate future discussions regarding the interaction between the two schemes. LBCCS considered it essential that the pipeline works in Cells 1, 2 and 3 would be completed before the proposed development works commenced in that area. It suggested that these considerations had not been addressed by the applicant and therefore objected to the proposed development. It said that construction</p>	<p>The Applicant has responded to the points made by LBCCS in:</p> <ul style="list-style-type: none"> <li>• its response to their Relevant Representation <b>[REP1-032]</b>;</li> <li>• the <b>Technical Note on Pipeline Interactions</b> (which includes a plan) <b>[REP1-041]</b>; and</li> <li>• in the SoCG as submitted at Deadline 1 <b>[REP1-039]</b>, which also sets out the matters that the parties currently have not yet agreed and reflects ongoing engagement between the parties.</li> </ul> <p>The Applicant's fundamental position is that it should not be required to wait for the Runcorn Carbon Dioxide Spur Pipeline Project to be built before it can come forward, not least because the Proposed Development is a critical national priority project.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>schedules were subject to change, suggested that measures such as agreed DCO requirement could ensure the successful development of both projects, and had communicated its desired points of agreement within the proposed protective provisions. LBCCS said that there were inconsistencies in how the pipeline was described in the applicant's documents.</p> <p>i) Please could the applicant respond to LBCCS's comments?</p> <p>ii) Please could LBCCS provide:</p> <ul style="list-style-type: none"> <li>• an overview of the Runcorn Carbon Dioxide Spur Pipeline Project, including scope and anticipated timings for consenting, detailed design, construction, operation and (if appropriate) decommissioning</li> <li>• a plan showing the limits of the Runcorn Carbon Dioxide Spur Pipeline Project, above and below ground installations, mitigation areas, and areas for construction, operation and maintenance activities and access</li> <li>• comment on the appropriateness of the dDCO [PD2-005], including any protective provisions, in relation to the Runcorn Carbon Dioxide Spur Pipeline Project</li> </ul> <ul style="list-style-type: none"> <li>• an overview of the Runcorn Carbon Dioxide Spur Pipeline Project, including scope and anticipated timings for consenting, detailed</li> </ul>	

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>design, construction, operation and (if appropriate) decommissioning</p> <ul style="list-style-type: none"> <li>• a plan showing the limits of the Runcorn Carbon Dioxide Spur Pipeline Project, above and below ground installations, mitigation areas, and areas for construction, operation and maintenance activities and access</li> <li>• comment on the appropriateness of the dDCO [PD2-005], including any protective provisions, in relation to the Runcorn Carbon Dioxide Spur Pipeline Project</li> </ul> <p>iii) Please could the applicant and LBCCS provide an update on their discussions, including a summary of the matters coordinated, matters that have been agreed, any inconsistencies or outstanding matters, and the next steps to be taken to resolve them.</p> <p>iv) The relationship between the proposed development and the Runcorn Carbon Dioxide Spur Pipeline Project was discussed at Issue Specific Hearing 1 [EV4-007], as prompted by agenda item 5k for that meeting [EV2-002]. The applicant undertook to provide a written summary of its</p>	

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>representations to that meeting and to respond to various actions arising by deadline 1 of the examination.</p> <p>v) Please could LBCCS comment on the applicant's deadline 1 submissions at deadline 2?</p> <p>vi) Please could LBCCS set out any outstanding concerns and provide updates during the examination?</p>	
Q9.8.4	<p><b>Frodsham 400kV Substation</b></p> <p>NGET [RR-021] raised concerns about the cumulative impacts of the proposed development with HyNet Hydrogen Pipeline and Runcorn Carbon Dioxide Spur Pipeline. It would like to understand how the applicant would work with the promoters of the other schemes to minimise disruption to the access road to NGET's Frodsham 400kV Substation and ensure the protection of the associated overhead and underground apparatus including cables.</p> <p>i) Please could the applicant respond to NGET's comments?</p> <p>ii) Please could NGET set out any outstanding concerns and provide updates during the examination?</p>	<p>NGET will be able to consider the impacts to access to Frodsham Substation and its assets via the protections in the Protective Provisions. The Applicant has received and responded to suggested amendments proposed by NGET to the Protective Provisions contained within the draft DCO and prior to Deadline 2, had productive meetings with them to seek to try and resolve their concerns. The Applicant considers that none of the points raised by NGET are insurmountable, and agreement should be able to be reached prior to the end of Examination.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
<b>10. Compulsory acquisition and related matters</b>		
<b>10.0 Compulsory acquisition and related matters</b>		
Q10.0.1	<p><b>Relevant Works numbers for each plot of land</b></p> <p>To assist the ExA’s consideration of whether the land rights powers requested by the applicant for each plot of land should be granted, please could the applicant prepare a schedule to set out which Works numbers [AS-007] are relevant to each Plot number [PD2-004]?</p>	<p>The Applicant notes that the <b>Land and Rights Negotiations Tracker (LRT) [REP1-010]</b> submitted at Deadline 1 provides a comprehensive schedule setting out the relevant Works numbers for each Plot number, as referenced in the Book of Reference. The LRT thereby can assist the ExA’s consideration of the land rights powers requested for each plot.</p>
Q10.0.2	<p><b>Private wire connections</b></p> <p>Planning Act 2008: associated development applications for major infrastructure projects includes that:</p> <ul style="list-style-type: none"> <li>• associated development should either support the construction or operation of the principal development, or help address its impacts</li> <li>• associated development should not be an aim in itself but should be subordinate to the principal development</li> </ul>	<p><b>Please, with reference to relevant legislation and guidance, could the applicant provide detailed justification of why it considers that Work 4B should be considered as associated development? Is there any policy support in NPS EN-1, NPS EN-3 or NPS EN-5?</b></p> <p>The Applicant considers that the private wire connection in Work No. 4B is clearly associated development. With reference to the MHCLG Guidance it is noted that:</p> <ul style="list-style-type: none"> <li>• the private wire connection would ‘support’ the operation of the NSIP in that it would maximise the benefits that could be gained from the NSIP. As set out in section 2.5 of the <b>Planning Statement [APP-128]</b>, the Proposed Development is located in an energy corridor and aligned with regional strategies and the private wire</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<ul style="list-style-type: none"> <li>development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development</li> </ul> <p>Schedule 1 of the dDCO [PD2-005] identifies that Work 4B would be associated development relating to works to lay underground 132kV electrical and communication cables from Frodsham Solar Substation to nearby businesses. The Statement of Reasons [APP-018] says that this private wire electricity connection would provide the opportunity to supply renewable energy generated by the Proposed Development directly to the nearby industrial businesses.</p> <p>The s51 advice following acceptance advised that clarification is provided of agreements with local businesses. The applicant [AS-001] responded that:</p> <ul style="list-style-type: none"> <li>it was in commercially confidential discussions with businesses operating near to the site who have large scale industrial operations and had expressed interest in the prospect of securing private-wire connections to Frodsham Solar</li> <li>under such an arrangement, a proportion of the electricity generated by Frodsham Solar would be supplied directly to one or more of these businesses, reducing their demand</li> </ul>	<p>connection would help it directly feed that corridor (rather than indirectly via the DNO network);</p> <ul style="list-style-type: none"> <li>the private wire connection could not exist without the NSIP solar generating station – it is not a piece of infrastructure which could otherwise be put in place and so is clearly subordinate to the NSIP; and</li> <li>it is not a source of revenue for the applicant in order to cross subsidise the cost of the principal development. As set out in the response to the section 51 letter [AS-001], the size of the solar array reflects the Applicant’s approach to overplanting to best support meeting its 100MW grid connection. As such, the Applicant could look to build out that extent of land irrespective of if the private wire connection is brought forward and therefore the latter does not subsidise the former.</li> </ul> <p>Whilst the NPSs do not explicitly reference private wire connections as part of NSIP proposals, the need case for new electricity generation infrastructure in EN-1 is clear that new electricity generation has a vital role to play in helping industry decarbonise (e.g. para 2.3.2: <i>“Delivering Clean Power by 2030 paves the way to decarbonising the wider economy by 2050 as we pursue the electrification of heat in buildings, transport, and industry, enhancing the environment and quality of life”</i>). The Proposed Development’s location will mean that the private wire connection can enable this benefit to be delivered directly. The Applicant also notes recent precedent, where the Medworth EfW Plant was granted consent with a CHP corridor that also included a private wire connection, with no certainty as to the eventual customers, and there was no question that this should be considered to be associated development.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>and reliance on their supply from the national grid</p> <ul style="list-style-type: none"> <li>• the Government has identified high electricity costs as a significant barrier to growth and investment in the UK</li> <li>• under a private-wire arrangement, the buyer would purchase electricity at a lower-rate than they pay for a supply from the national grid, and the generator will receive a higher-rate than if they were to export the electricity into the national grid</li> <li>• there would be benefits in terms of reducing the carbon footprint of the buyer's business or the products it produces</li> <li>• it was intended that the applicant and the buyers would enter into Power Purchase Agreements (PPA) – long-term contracts detailing the amount of electricity that the buyer will purchase and the pre-negotiated price</li> <li>• as the project was several years from supplying electricity, there were no agreements in place owing to the dynamic nature of power prices, and buyers not wishing to enter into agreements before the project is consented</li> </ul>	<p><b>Should Work 4B be accepted as associated development, the ExA is minded that the dDCO [PD2-005] should include a provision whereby the exercise of the powers requested by the applicant should only be permitted if there was sufficient security that a sufficient quantity of electricity generated by the proposed development would be used by local businesses. Please could the applicant suggest suitable wording for the dDCO [PD2-005] in case that is the ExA's recommended approach?</b></p> <p>The Applicant would respectfully suggest that the suggested approach would not be palatable. This is because, pursuant to section 122 of the Planning Act 2008, the ExA is required to come to a recommendation at the end of Examination as whether it considers that the land in which the private wire connection is to be placed is 'required' for the development (or to facilitate it or is incidental to it) and that there is a compelling case in the public interest for that land.</p> <p>The ExA's suggested approach would mean postponing that decision to a post-consent matter, as it would suggest that the 'requirement' or 'compelling case' only comes when that 'sufficient security' can be provided. The Applicant is concerned that the ExA cannot reach a decision on section 122 at the end of Examination if it considers that the requirement and/or compelling case only 'crystallises' at a later date. In the Applicant's view, this would appear to be not consistent with the requirements of section 122.</p> <p>The Applicant considers that this is a different concept to a point that is sometimes debated in Examinations about whether the amount of flexibility sought by an Applicant can be justified, as CA powers are sought for the full extent of that flexibility. This issue is not about 'flexibility' (not least</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<ul style="list-style-type: none"> <li>• confidence in establishing a private-wire arrangement was sufficiently high to justify the Applicant’s financial investment in the design and environmental work committed to date in relation to Work No. 4B</li> <li>• Net Zero North West [PD1-005] welcomed a potential private-wire connection for its members local to the proposed development. It said that access to home-grown and sustainably generated electricity at an attractive price would potentially bolster the region’s economic competitiveness and growth and be an influential determinant for international investment in deciding where to establish energy-intense operations such as advanced manufacturing and datacentres.</li> </ul> <p>i) Please, with reference to relevant legislation and guidance, could the applicant provide detailed justification of why it considers that Work 4B should be considered as associated development? Is there any policy support in NPS EN-1, NPS EN-3 or NPS EN-5?</p> <p>ii) Should Work 4B be accepted as associated development, the ExA is minded that the dDCO [PD2-005] should include a provision whereby the exercise of the powers requested by the applicant</p>	<p>because the extent of Work No. 4B is clearly justified) – it is about whether a specific part of the Proposed Development can justify such powers.</p> <p>In the Applicant’s view, such powers can be justified – Work No. 4B is clearly a part of the Proposed Development, and a part of it that will help maximise its benefits and help deliver local decarbonisation goals. These benefits (at least 47MW of energy going to local businesses) are notable in their own right and offer a compelling case. In the Applicant’s view, the powers should be granted irrespective of whether there is sufficient certainty at the end of Examination as to customers – the fact that there <u>could be</u> is compelling enough for powers to be granted given national policy and the Proposed Development’s location adjacent to a major industrial allocation and part of an energy corridor. It is noted that in the Medworth EfW plant example, compulsory acquisition of rights proposals were granted for its CHP corridor and private wire connection (with no doubts explicitly expressed by the ExA in its Recommendation Report whether such powers should be given), despite no firm deals having been signed with customers in the surrounding area (noting that the plant is proposed to be located in an industrial area).</p> <p>This is particularly the case given the nature of the land affected by Work No. 4B. The roads it will be placed under, which already have apparatus underneath them (and whose interests are protected by the DCO Protective Provisions), are access tracks used by industrial or maintenance vehicles. Furthermore, given the Green Belt, ecological and flood zone constraints of the area, they are not likely to change character of use during the lifetime of the Proposed Development. As such, there is very limited, if any, private loss to be balanced against the imposition of rights to lay and maintain the private wire cable.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>should only be permitted if there was sufficient security that a sufficient quantity of electricity generated by the proposed development would be used by local businesses. Please could the applicant suggest suitable wording for the dDCO [PD2-005] in case that is the ExA's recommended approach?</p> <p>iii) Please could the dDCO [PD2-005] and oDEMP [APP-138] be updated to secure the timing for the decommissioning of Work 4B, how much of those works should be removed during decommissioning, and how the land should be reinstated?</p>	<p>The Applicant therefore considers that the powers it seeks for Work No. 4B should be granted. However, it acknowledges that the ExA may disagree with it. If this is the case, then for the reasons above, the Applicant considers that, the approach set out in the question should not be followed. Instead, the Applicant considers that the ExA should simply decide in that eventuality not to grant the relevant powers for Work No. 4B, in order to comply with section 122.</p> <p>The Applicant is willing to accept the risk that the ExA may not find in its favour, as ultimately Peel NRE, who own most of the access road, is also the owner of the Protos development, and so it would be mutually beneficial for both parties to reach a voluntary property agreement in respect of placing the cable in the road. As such, the benefits of Work No. 4B could still be able to be delivered, even without the backup of CA powers.</p> <p>Were this scenario to arise, then the Applicant suggests that the recommended draft DCO could simply be drafted to include an additional article at the end with the heading 'Work No. 4B restriction' which simply reads as:</p> <p><i>"The powers granted by this Order must not be utilised by the undertaker in respect of Work No. 4B".</i></p> <p>In the Applicant's view, a broad-brush approach to drafting such as this is required in these circumstances, as:</p> <ul style="list-style-type: none"> <li>• most of the plots in which Work No. 4B is required are also required for other reasons as well (e.g. access rights), so it would not be possible to submit 'without prejudice' versions of the plans; and</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<ul style="list-style-type: none"> <li>similarly, many of the operative articles could not be individually amended to exclude certain plots as their operation would still be needed for non-Work No. 4B reasons over the relevant land.</li> </ul> <p><b>Please could the dDCO [PD2-005] and oDEMP [APP-138] be updated to secure the timing for the decommissioning of Work 4B, how much of those works should be removed during decommissioning, and how the land should be reinstated?</b></p> <p>The Applicant considers that further changes are not required to the dDCO and oOEMP submitted at Deadline 1 in respect of decommissioning timing. Once Work No. 4B is in place, it will be underground cabling that is causing no environmental impacts. There would be no environmental or planning reason requiring its removal. Given this, during the lifetime of the Proposed Development, the Applicant considers that there is no reason to require its removal if the benefits of its presence could still be brought forward over the course of the lifetime of the project, even if there is any period of pause during that lifetime.</p> <p>If for any reason there is a pause in electricity generation over the lifetime of the Proposed Development, that is dealt with by the provisions of the updated OEMP and DCO submitted at Deadline 1.</p> <p>The reinstatement of land subject to cabling is already dealt with in the <b>oDEMP [REP1-024]</b> as per paragraphs 2.4.2 and 2.4.3 (and the general commitment to restore land to its original use). As Work No. 4B is predominantly proposed with an existing road, a cost/benefit analysis on removing the cabling would be undertaken – as there could be benefits to retaining it in the road.</p> <p>Where street works are required to remove cabling, reinstatement of the street would be controlled pursuant to article 9 of the DCO and the regime</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		under the New Roads and Street Works Act 1991 (noting section 70 of that Act deals with reinstatement).
Q10.0.3	<p><b>Decommissioned land</b></p> <ul style="list-style-type: none"> <li>i) Please could the applicant comment on any implications for the requested land powers for when any decommissioned part of the proposed development, including any that would be decommissioned before 40 years of operation, would be returned to current uses?</li> <li>ii) Which powers would not be required and what would be the justification of not surrendering them?</li> <li>iii) How should it be secured that any powers no longer required would be surrendered in a timely manner?</li> </ul>	<p>In response to point i), it is the Applicant's intention is that it will obtain the land required for the Proposed Development by agreement, with the land powers sought in the <b>Draft DCO [REP1-004]</b> required to ensure that the Proposed Development can be delivered in the event that agreement cannot be reached and to be exercised as a last resort. Where there is an agreement, the terms of that agreement will set out what happens to the land's ownership once the relevant part of the Proposed Development has been decommissioned in accordance with the DCO and relevant management plans.</p> <p>In the scenario where the Applicant has had to exercise the DCO's compulsory acquisition powers to acquire land or rights in land to deliver the Proposed Development, then at the point the land position at decommissioning would be that the Applicant would still own that land or rights in land unless these were transferred, for example by a sale.</p> <p>In response to point ii), the Applicant's position is that the surrender of powers post-decommissioning is both unprecedented and unnecessary. All the powers in the Draft DCO are either expressly drafted to relate to a specific phase of the authorised development or to relate to "<i>the purposes of the authorised development</i>" which is defined in article 2(3) as "<i>the purposes of the authorised development includes the construction, maintenance, operation, use and decommissioning of the authorised development</i>". The Draft DCO also puts a five-year time limit on the exercise of land powers in article 22(1). As a consequence, once the Proposed Development has been decommissioned the powers in the DCO will be exhausted.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>This is because post-decommissioning, the Proposed Development would have ceased to operate, there would be no further need for maintenance and decommissioning would have taken place, so the powers in the DCO have nothing left to relate to or act upon on the ground, i.e. there would be no 'authorised development' for the powers to be used 'for the purposes of'. As such, the provisions and powers relating to the construction, operation and decommissioning would all fall away as a matter of practical reality without any need to surrender them. It would require nothing short of a new separate planning or DCO application for a new solar farm to be constructed at that location post-decommissioning of the Proposed Development.</p> <p>In response to point iii), notwithstanding the Applicant's position set out in point ii) that there is no need for the undertaker to surrender any powers following decommissioning as the DCO powers would be exhausted, the Applicant has made amendments at Deadline 1 to the Draft DCO and the <b>Outline Operational Environmental Management Plan [REP1-022]</b> to secure the delivery of decommissioning (at the Applicant's risk) within a specific timeframe, in accordance with an agreed programme (please also see the notes to agenda item 5e in <b>Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-033]</b>).</p>
Q10.0.5	<p><b>Human rights</b></p> <p>The applicant [APP-034 and elsewhere] refers to two residential caravan sites adjacent to the site to the north-west of Frodsham and alongside the M56. Please could the applicant summarise the</p>	<p>The Applicant notes that the caravan sites, although unauthorised, are not affected by the Applicant's compulsory acquisition proposals as they do not fall within the Order Limits, as most clearly shown on <b>Location Order Limits and Grid Coordinates Plans [AS-005]</b>.</p> <p>As such, the Proposed Development would not affect their Article 1 (peaceful enjoyment of possessions) and Article 8 (protecting private and family life) rights. In respect of article 6 rights – the residents of the site</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	consideration given to the human rights of the residents of those sites?	<p>have not submitted representations to the Examination but would be able to do so.</p> <p>The Applicant has also been mindful of the sensitivity of the residents of the caravan sites, and as such, specifically considered the sites as receptors in all the relevant assessments which consider how the caravan site residents could enjoy their property (noise [APP-054], dust [APP-055], visual amenity [APP-039] and glint and glare [APP-056]). In all cases, no significant effects are identified.</p> <p>As such, the Applicant considers that there is no impact from the Proposed Development to the caravan residents' human rights.</p>
<b>11. The draft Development Consent Order (DCO)</b>		
<b>11.0 General matters</b>		
Q11.0.1	Can then applicant confirm where has the draft Development Consent Order and the EM be available for the community to inspect?	As outlined in the Applicant's Rule 13 notice [PD-007], the community can view the draft Development Consent Order and the Explanatory Memorandum either online or electronically at the locations listed in the notice. This will continue to be the case throughout Examination.
Q11.0.2	The applicant should check the dDCO for any errors related to duplication of text. For example, see article 10 (1) and 'in in' ..... the table in in Schedule 4 (permanent alteration of streets).	The Applicant is undertaking a check of the DCO for Deadline 3 to correct errors such as this.
Q11.0.3	The applicant should check the dDCO for potential formatting issues for example, Part 4 Interpretation –	The formatting and numbering of article 28 is intentional as the Applicant is inserting an additional paragraph (numbered paragraph 30) into

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	Article 30 and its justification. Also, checks should be carried out with numbering sequence for example Article 28, then Article 30, then Article 29	existing legislation and has formatted in this way to make this clear. This is in line with the SI template.
<b>11.1 General matters</b>		
Q11.1.1	<p><b>Article 2. Interpretation</b></p> <p>Should 'battery energy storage system' be added and defined as it is referred to in schedule 1, Work no 2?</p>	The Applicant considers it unnecessary to define this term, as it is not usually defined in recent consented solar DCOs. These include the Botley West Solar Farm Order, the Heckington Fen Solar Park Order 2025, the East Yorkshire Solar Farm Order 2025, and The Cottam Solar Project Order 2024.
Q11.1.2	<p><b>Article 2. Interpretation</b></p> <p>Should 'replacement activities' be added and defined as it is referred to in Schedule 2, R13(2)€</p>	The Applicant does not consider it necessary to add or define the term, it is used in its ordinary sense and is clear in the context of the wider Order. The Applicant outlined in its <b>Written Summary of the Applicant's Oral Submissions at ISH1 [REP1-033]</b> that it has deliberately not restricted the definition of "maintain" to exclude replacement activities reflecting the fact that the Environmental Statement (as confirmed by the <b>Technical Note on Replacements [REP1-034]</b> ) has assessed the potential for major replacements of the solar and battery infrastructure, accounting for the secured mitigation measures and concluded that no likely significant effect would arise.
Q11.1.3	<p>i) Paragraph 4.2.13 of the EM refers to previous precedents in other made DCO's however the EM does not provide any information regarding the likely operations and reasons. For example, if (f) section 28E (duties to sites of scientific interest) of the</p>	<p>(i)</p> <p>Paragraphs 4.2.14 to 4.2.19 of the Explanatory Memorandum explain the statutory provisions proposed to be disapplied by Article 7 of the draft Order, the reasons for doing so, and the relevant operations and locations.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Wildlife and Countryside Act 1981(f) is to be disappplied can the applicant identify what the operations would be and where? Can the applicant look again at this paragraph in the EM and where relevant indicate which plots would be applicable?</p> <p>ii) Can the applicant advise which of those provisions that you are looking to disapply would relate to the permitted preliminary work?</p> <p>iii) Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 evidence will be required that the regulator has consented to removing the need for the consent in accordance with s.150 Planning Act 2008. Could the applicant refer to such evidence in the EM?</p> <p>iv) The EM should make it clear which relevant consents are being sought to be disappplied (paragraph 4.2.18 of the EM) and which byelaws that the applicant is seeking to amend (paragraph 4.2.14)</p> <p>vi) Can the EM refer to precedent to disapply the Community Infrastructure Levy Regulations 2010(b)?</p>	<p>Disapplication under the Land Drainage Act 1991, Water Resources Act 1991, and the Environmental Permitting (England and Wales) Regulations 2016 are required where the Proposed Development involves works affecting main rivers and flood risk activity, including river crossings. These disapplications apply only in locations where such works are proposed and are necessary to avoid duplication of separate consenting regimes, with flood risk, drainage and groundwater matters instead controlled through the DCO requirements and protective provisions, including Requirement 11.</p> <p>Without the disapplications, these consents would be required for:</p> <ul style="list-style-type: none"> <li>• the interactions noted in the <b>Crossings Schedule [APP-050]</b>;</li> <li>• for the flood risk activity permit, all works within the distance provisions of the Environmental Permitting (England and Wales) Regulations 2016 (8m or 16m depending on the main river or works in question); and</li> <li>• all works that CWaCC set out are consentable in its Guidance for Land Drainage Consents (relevant screenshot shown at the end of this answer).</li> </ul> <p>Given the location of the Proposed Development and the main rivers and ordinary watercourses in the Order limits, the Applicant has not set out the plots in which such disapplications would apply, but it is clearly a sizeable part of the Proposed Development.</p> <p>The disapplication of section 28E of the Wildlife and Countryside Act 1981 (SSSI consent), as explained at paragraph 4.2.19, is required because works associated with the creation of the Non-Breeding Bird Mitigation Area (NBBMA) lie partly within land designated as a Site of Special Scientific Interest. Without the disapplication, separate SSSI consent from</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>Natural England would be required for those works. The Applicant instead proposes that Natural England is a statutory consultee on the discharge of the Non-Breeding Bird Mitigation Strategy, which will set out the detailed works, the principle of which is authorised through the DCO. This approach has established precedent (e.g. the A14 Cambridge to Huntingdon Development Consent Order 2016).</p> <p>(ii)</p> <p>The Applicant notes that the consents in article 7 are disapplied for the permitted preliminary works, as the wording in article 7(1) refers to any works for the authorised development.</p> <p>However, in respect of drainage consents, both the Environment Agency and CWaCC have 'quid pro quo' protections in their Protective Provisions which apply to <u>all</u> 'specified works' – permitted preliminary works are not excluded from that definition in either set of Protective Provisions.</p> <p>In respect of the SSSI assent/section 28E disapplication, the relevant permitted preliminary works which could take place in the NBBMA are controlled by Requirements 9 and 12, in which Natural England are a consultee, as an alternative to SSSI assent being required.</p> <p>(iii)</p> <p>The position for each party is as follows:</p> <ul style="list-style-type: none"> <li>the EA have not yet agreed their disapplications – this was discussed at ISH1;</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<ul style="list-style-type: none"> <li>• CWaCC as LLFA is understood to agree the disapplication but this is not yet reflected in the SoCG; and</li> <li>• the Applicant is confirming NE's agreement to the section 28E disapplication.</li> </ul> <p>(iv)</p> <p>The Applicant does not quite understand this question. The consents being sought to be disapplied are explained in the EM and above.</p> <p>In respect of the byelaws referred to in article 7(1)(c) and (d), the Applicant notes that whilst its pre-application searches did not uncover byelaws in force under these statutes within the Order limits, this does not mean that they do not exist. Unlike statutes such byelaws are not items of local legislation and can be historical and so are not necessarily available in searchable public records. As such, it is possible that such byelaws do exist and could bite upon the Proposed Development. Such disapplications are retained to therefore deal with that eventuality. This is standard approach on DCOs, and is considered acceptable in the context that the LLFA and EA will still approve relevant details pursuant to their Protective Provisions.</p> <p>(v)</p> <p>The wording related to the Community Infrastructure Levy Regulations 2010 is well precedented in recently consented solar DCOs including, Fenwick Solar Farm Order, The East Yorkshire Solar Farm Order 2025, Mallard Pass Solar Farm Order 2024, Stonestreet Green Solar Order 2025, and West Burton Solar Project Order 2025.</p>

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ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<b>Extract from CWaCC Guidance for Land Drainage Consents</b>

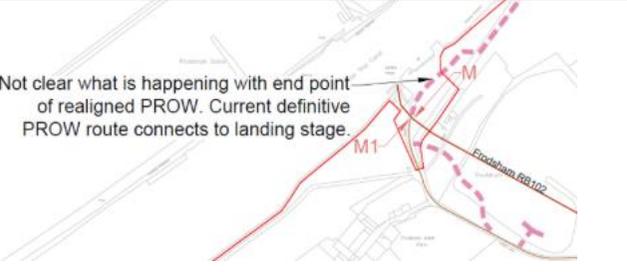
		<p><b>Pipe Culvert</b> (including extension and removal of) <b>Consent Required</b></p> <p><b>Oversized Box Culvert</b> (including extension and removal of) <b>Consent Required</b></p> <p><b>Trash Screens</b> as it is an alteration to a culvert and has the potential to obstruct flow. <b>Consent Required</b></p> <p><b>Bank Protection Works</b> (Temporary works may also require consent). <b>Consent May Be Required</b></p> <p><b>Pipe Crossing</b> (in channel) <b>Consent Required</b></p> <p><b>Pipe Crossing</b> (above bank) as it does not interfere with flow. <b>Not Consentable</b></p> <p><b>Pipe Crossing</b> (below bed) as it does not interfere with flow – Potential temporary works consent. <b>Not Consentable</b></p> <p><b>Protruding Pipe Outfall</b> as it will not act like a dam/weir or like obstruction. <b>Consent May Be Required</b></p> <p><b>Outfall within Bank profile</b> – as it does not interfere with flow – Potential temporary works consent. <b>Consent May Be Required</b></p> <p><b>Weir/Dam</b> or impoundment or temporary works that obstruct flow <b>Consent Required</b></p> <p><b>Bridge</b> (where soffit level is below bank top level) if it has the potential to affect flow. <b>Consent Required</b></p> <p><b>Bridge</b> (abutments not protruding but and not reducing flow area/width) <b>Not Consentable</b> as does not interfere with flow.</p> <p><b>Bridge</b> (Abutments protruding and / restricting flow) or Flume <b>Consent Required</b></p> <p><b>Clear span bridge</b> as it does not interfere with flow <b>Not Consentable</b></p> <p><b>Bridge with support in channel</b> as it will not act like a dam/weir or like obstruction Need to consider size of pier against size of watercourse, but would want to discourage the use of a pier in the watercourse. <b>Consent Required</b></p>		<p>Under S</p> <p>Under S</p> <p>---</p> <p>Under L</p> <p>Under S</p> <p>Under L</p> <p>Under L</p> <p>Under L</p> <p>Under S</p> <p>Under S</p> <p>Under L</p> <p>Under S</p> <p>---</p> <p>Under L</p>
		<p>* Note: Flow should be determined as</p>		

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
Q11.1.4	<p><b>Article 7. Application and modification of statutory provisions</b></p> <p>Article 7 (3) k Could the text be amended to include the bold highlighted text: for carrying out development which has been authorised by an order granting development consent <b>(and to the locations stated in Schedule 9 – hedgerows to be removed)</b> and the pursuant to the Planning Act 2008. If the text cannot be amended, please provide justification and relevant evidence to support your position</p>	<p>The Applicant’s position is that no amendment is necessary here. Article 7(3) deals with the modification of statutory provisions rather than conferring specific powers to remove hedgerows.</p> <p>The identification and powers related to the removal of hedgerows is addressed through Article 39. As discussed in Written Summary of Applicant’s Oral Submissions at Issue Specific Hearing 1, Article 39 is a twin pronged mechanism – sub-paragraph (4) is a generic power to remove hedgerows, and sub-paragraph (5) is a power in relation to specific hedgerows. The ability to have specific and general powers is well precedented, and the power is controlled by Requirement 9.</p> <p>Article 7(3) therefore needs to be consistent with Article 39, to ensure the modification of the Forestry Act applies to both the generic and specific powers. The proposed change by the ExA would only apply to the latter, and for the reasons given in the ISH1 Summary, both powers are required.</p>
Q11.1.5	<p><b>Article 8. Defence to proceedings in respect of statutory nuisance</b></p> <p>Can the applicant respond to comments raised at pre application stage which relate to:</p> <ul style="list-style-type: none"> <li>i) Article 8(1)(c) – delete “the nuisance”?”</li> <li>ii) Article 8(2) – Section 61(9) (prior consent for work on construction sites)?</li> </ul>	<p>In response to point i), there is no longer an article 8(1)(c) in the <b>Draft Development Consent Order (Draft DCO) [REP1-004]</b> but it is the Applicant’s understanding that the ExA is referring to what is currently article 8(1)(b). Having reviewed the current drafting alongside other equivalent articles in other as made DCOs (including The Oaklands Farm Solar Park Order 2025 and The Tillbridge Solar Order 2025), the Applicant has decided to amend the formatting of article 8(1) in order to make it clearer and more concise as follows:</p> <p><i>“8.—(1) Where proceedings are brought under section 82(1) (summary proceedings by a person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(f) in relation to a nuisance falling</i></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p><i>within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—</i></p> <p><i>(a) <del>the defendant shows that the nuisance—</del> (i) relates to premises used by the undertaker for the purposes of the authorised development or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the construction, maintenance, operation, use or decommissioning of the authorised development in accordance with a notice served under section 60 (control of noise on construction site) of the Control of Pollution Act 1974, or a consent given under section 61 (prior consent for work on construction site) of that Act, or any document approved under the provisions of Schedule 2 of the Order; or</i></p> <p><i><del>(b)</del> (b) is a consequence of the construction, maintenance or decommissioning of the authorised development and that it cannot reasonably be avoided; or</i></p> <p><i><del>(b-c) the nuisance</del> is a consequence of the use of the authorised development and that it cannot be reasonably avoided.”</i></p> <p>In response to point ii), the Applicant has reviewed article 8(2) in the context of other as made DCOs and will amend the Draft DCO as follows:</p> <p><i>“(2) Section 61(9) (prior consent for work on construction sites) <del>to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974, does not apply where the consent relates to the use of the premises by the undertaker the for purposes of</del></i></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<i>the authorised development, or in connection with the construction, <del>or</del> maintenance or decommissioning of the authorised development."</i>
Q11.1.6	<p><b>Article 12. Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way</b></p> <p>Can the applicant:</p> <ul style="list-style-type: none"> <li>i) review Article 12 which provides access to certain users put does not appear to include all users of rights of way?</li> <li>ii) advise if Article 12 should include consult with street authority as 12(4), street authority consent for any other street or public right of way?</li> </ul>	<p>vii) The Applicant does not understand this question. It is assumed that this is in relation to article 12(3). This does include all users of rights of way in this location – both non-motorised (noting that the reference to 'including' pedestrians is not a closed list) and vehicular.</p> <p>(i) The Applicant assumes that this question is referring to article 12(7). All powers in article 12 require the local planning authority to have first approved the public rights of way management plan (see <b>REP1-033</b> for further discussion on this).</p>
Q11.1.7	<p><b>Article 12. Temporary prohibition or restriction of use of streets and public rights of way, and authorising vehicular use on public rights of way</b></p> <p>Article 12 (3) refers to premises abutting a street or public right of way affected by the temporary alteration. Can the applicant advise what measures would be in place to impose and identify those people going to or from such premises including the travellers site?</p>	<p>Such matters would be managed pursuant to the public rights of way management plan which must be approved by the local planning authority before the powers in this article can be used.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q11.1.8	<p><b>Article 13. Permanent stopping up of, and creation of new public right of way and authorising vehicular use of public rights of way</b></p> <p>Can the applicant provide justification for permanent stopping up for the purpose of a temporary development?</p>	<p>The Applicant notes that the two permanent stoppings up proposed are replaced – there are no permanent stoppings up without replacement.</p> <p>The proposals put forward by the Applicant provide for two things:</p> <ul style="list-style-type: none"> <li>the replacement of points M to N with points M1 to N1 are made to legally reflect the route that is actually used in this location, which differ from the definitive map; and</li> <li>the changes at points P/P1 and Q/Q1 are to enable an upgrade in status at this location from footpath to bridleway, which allows a greater range of users. In legal terms this can only be achieved by 'stopping up' the footpath and replacing it with a bridleway.</li> </ul>
Q11.1.9	<p><b>Article 13. Permanent stopping up of, and creation of new public right of way and authorising vehicular use of public rights of way</b></p> <p>Can the applicant advise how it intends to resolve ambiguity in the application document that intrinsically link to the dDCO. For example, AS-003 (sheet 3) notes the following:</p>	<p>The Applicant will submit revised Access and Rights of Way Plans [AS-008] at Deadline 3 to remove the note and amend the alignment of the permissive paths (shown as pink dashes) to remain within the Order Limits, noting that the permissive paths are only shown on these plans for context.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>Not clear what is happening with end point of realigned PROW. Current definitive PROW route connects to landing stage.</p> 	
<p>Q11.1.10</p>	<p><b>Article 16. Traffic regulation measures</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] that this article should include NH consent for any works affecting its network.</p>	<p>The Applicant updated the draft DCO at Procedural Deadline B to provide that this article cannot be used on the SRN, which is considered to deal with NH’s concerns.</p>
<p>Q11.1.11</p>	<p><b>Article 16. Traffic regulation measures</b></p> <p>Can the applicant explain why it is necessary to place temporarily place traffic signs and signals in any road outside the OL? [Article 16 (2)]</p> <p>The Great Yarmouth Third River Crossing Development Consent Order 2020 DCO clause 18 is limited “for the purposes of the authorised development”. The Mallard Pass Solar Farm Order 2024 Pass DCO article 15 is limited to “in the interests of safety and for the purposes of the authorised development, or in connection with the authorised development”. The Cottam Solar Project</p>	<p>The power to temporarily place traffic signs and signals on roads outside the Order limits is necessary to ensure the safe and effective implementation of temporary traffic regulation measures required for the construction of the authorised development. In practice, advance warning signs, diversion signage or temporary speed controls often need to be positioned beyond the Order limits so that road users have adequate notice and traffic can be managed safely.</p> <p>However, the power in paragraph (2) is expressed as only being able to be utilised ‘in relation to any such temporary provision made under paragraph (1). Paragraph (1) can only be used ‘for the purposes of the construction of the authorised development’. Accordingly, paragraph (2)</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Order 2024 order article 15 is limited “in the interests of safety and for the purposes of, or in connection with, the construction of the authorised development, temporarily place traffic signs and signals in the extents of the road specified in column 2 of the table in Schedule 8 (traffic regulation measures)”.</p>	<p>can only be used in relation to the purposes of the construction of the authorised development and no further drafting is required.</p> <p>Accordingly, allowing temporary signage outside the Order limits is necessary and proportionate, and is consistent with the approach taken in other made DCOs, while remaining subject to clear safeguards and statutory controls.</p>
Q11.1.12	<p><b>Article 16. Traffic regulation measures</b></p> <p>Should Article 16(5) include site notices and also include ‘prior approval’ rather than ‘prior notice’? How would these notices relate to approval of traffic management plans for construction and decommissioning?</p>	<p>The Applicant does not propose to amend Article 16(5). There is an approval mechanism at Article 16(4) which requires the undertaker to consult with the chief officer of police and obtain written consent from the traffic authority before exercising the powers conferred by Article 16(1). This is well precedented.</p> <p>The Applicant will update article 16(5) at Deadline 3 to refer to site notices and to set out that the powers in this article cannot be used unless a construction traffic management plan for the authorised development has been approved</p>
Q11.1.13	<p><b>Article 17. Discharge of water</b></p> <p>Can the applicant clarify if this article applies to NH's drainage system as drafted or whether this applies to public drains only? If not, can you please respond to NH concerns related to this article in its relevant representation [RR-031].</p>	<p>The Protective Provisions for the protection of National Highways were updated at Procedural Deadline B to exclude this article from applying to the strategic road network, which is considered to deal with NH's concerns.</p>
Q11.1.14	<p><b>Article 18. Protective works to buildings</b></p>	<p>The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	Can the applicant respond to NH concerns raised in its relevant representation [RR-031] regarding the need for NH consent for access/work.	before the undertaker exercises certain powers over the strategic road network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 18(4) (protective works to buildings).
Q11.1.15	<p><b>Article 19. Authority to survey and investigate the land</b></p> <p>Can the applicant respond to NH concerns raised in its relevant representation [RR-031] regarding the need for NH consent for access/work.</p>	The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent before the undertaker exercises certain land related powers over the strategic road network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 19.
Q11.1.16	<p><b>Article 19. Authority to survey and investigate the land</b></p> <p>Article 19(6) is quite novel, and the EM sets out what it is and why it has been added. This power is normally exercised by local authorities or statutory undertakers.</p> <p>Could the applicant update the EM to justify in more detail the reason to seek power to issue a warrant directly to an enforcement officer and then charge for this.</p>	<p>The EM has been updated at deadline 3 to address this point. These powers are intended to benefit landowners by allowing surveys before resorting to more onerous powers of temporary possession or compulsory acquisition (noting that for SADA, all but one parcel is under voluntary Option).</p> <p>In this context, it is noted that similar wording to article 19(6) is found in article 30(11) (relating to temporary possession). If access was not able to be taken under article 19(6), then the Applicant could then use article 30 powers (which lead to exclusive possession), where the same ability to issue a warrant could be utilised if access is still blocked.</p> <p>In both cases the wording is there to ensure that obstructions are not placed on entities that have received a statutory consent from being able to utilise the powers that have been granted to them, and it is prudent for them to be able to be enforced for all 'levels' of powers that have been granted.</p> <p>Furthermore, it is noted that absent article 19, similar investigation and survey powers could be exercised under section 172 of the Housing and</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
		<p>Planning Act 2016 without geographical limitation, including being able to seek a warrant for access.</p> <p>Finally, it is noted that the wording at Article 19(6) is well preceded across many recently consent DCOs including:</p> <ul style="list-style-type: none"> <li>• Byers Gill Solar Order 2025 Article 20(9)</li> <li>• Fenwick Solar Farm Order Article 20(6)</li> <li>• East Yorkshire Solar Farm Order 2025 Article 19(6)</li> <li>• Mallard Pass Solar Farm Order 2024 Article 18 (7)</li> <li>• Oaklands Farm Solar Park Order Article 16(7)</li> <li>• Heckington Fen Solar Park Order 2025 Article 16(8)</li> </ul>
Q11.1.17	<p><b>Article 20. Temporary suspension of navigation</b></p> <p>This article enables temporary suspension of navigation to the River Weaver within the OL. Can the applicant provide justification for including “any other enactment” in article 20(1) if no specific legislation or enactments are to be disapplied as a consequence of this article?</p>	<p>As set out in paragraph 4.4.13 of the <b>Explanatory Memorandum (EM) [REP1-006]</b>, the Applicant has undertaken a local legislation search and did not find any enactments that are relevant to the River Weaver itself or to what the Applicant is intending to do at this location.</p> <p>Paragraph 4.4.13 of the EM then goes on to say that:</p> <p><i>“In that context, the drafting in Article 20(1) referring to “any other enactment” has been included as a catch-all provision and the Applicant is not proposing to disapply any specific legislation or enactments as a consequence of this article”.</i></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>Stringing the overhead cable connection between the solar farm and the substation, which are separated by the River Weaver at this location, is an integral part of the Proposed Development. In order to do so safely, for both construction workers and members of the public, the Applicant needs the power provided in article 20 to temporarily close or temporarily restrict passage of vessels.</p> <p>The Applicant has carried out its due diligence and undertaken a local legislation search to determine what local legislation is in place within and in the vicinity of the Order limits that may affect its ability to undertake the Proposed Development. This search identified that there is a number of local statutes in the vicinity, but not one that needed to be disapplied for these activities</p> <p>However, local legislation is not all readily located in one place nor is it easily accessible, and so the "any other enactment" text has been included to ensure that should there be any local legislation affecting that part of the River Weaver which is of relevance but which has not been revealed as part of the Applicant's search or raised as part of representations during the Examination, but were to come to light during the construction of the Proposed Development (noting the existence of navigable rivers and a canal in the vicinity of the Proposed Development and the range of local legislation that was found), then the undertaker would still have the power under article 20 to temporarily suspend navigation to ensure safety of the public and to deliver the Proposed Development. This drafting is precedented and is based on article 20 of The Lake Lothing (Lowestoft) Third Crossing Order 2020.</p>
Q11.1.18	<p><b>Article 23. Compulsory acquisition of rights</b></p> <p>The EM sets out that article 23 is subject to article 44 (Crown Rights). Where an applicant wishes to</p>	<p>The Applicant is in the process of obtaining consent from the Crown Estate and will continue to update the Examining Authority as this progresses.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>compulsorily acquire some other person's interest in that same land, that can only be done if the appropriate Crown authority consents to it under s135(1) of the Planning Act 2008. Can the applicant update the EM to set out if the crown authority has been consulted and also provide the ExA with a progress update on discussions with the Crown.</p>	
Q11.1.19	<p><b>Article 23. Compulsory acquisition of rights</b></p> <p>Article 23(2) and 23(4) allow acquisition rights to be delegated to statutory undertakers. However, not all transferees benefitting from protective provisions in Schedule 13-27 under article 23(3) are undertakers. Can the applicant:</p> <ul style="list-style-type: none"> <li>i) Provide full justification why these parties need the powers to compulsorily acquire rights.</li> <li>ii) Update article 23 (2) so that order rights are capable of being transferred to undertakers but only if "required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker". An example of such wording can be noted on the Gate Burton Energy Park Order 2024 and Cottam Solar Project Order 2024.</li> <li>iii) Detailed justification why article 23(3) is required so that the consent of the Secretary</li> </ul>	<p>The Protective Provisions require that, where the authorised development affects existing apparatus or infrastructure then alternative or replacement apparatus, and associated rights, must be provided. The need to acquire new rights comes as a direct consequence of the protective provisions, rather than being an extension of compulsory acquisition powers. Article 23 (4) seeks to ensure that all beneficiaries of protective provisions are able to secure the necessary rights to install, operate and maintain apparatus where agreement cannot be reached with landowners, without the Applicant having to do this beforehand.</p> <p>The Applicant also notes that it is not possible in legal terms to acquire rights 'on behalf' of a third party, meaning this wording is required to give effect to the intent behind the Protective Provisions.</p> <p>The Applicant will amend paragraphs (3) and (4) at Deadline 3 to give effect to the above intention and as per the ExA's suggestion, i.e. that such rights can only be acquired in relation to apparatus matters.</p> <p>Paragraph (4) needs to be read with article 36(3) which provides an exception to the need for Secretary of State consent for transfer of benefit to parties with the benefit of Protective Provisions, who are all named</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>of State is not required pursuant to article 36(3) and the undertaker has notified the Secretary of State.</p>	<p>parties in the DCO. This differs from Paragraph (3) which deals with any other statutory undertaker who may be later identified.</p> <p>These provisions are considered appropriate, as all the parties listed in the Protective Provisions are substantive bodies in their own rights, and whilst not all statutory undertakers, are all regulated bodies and/or able to pursue their own CPOs in the absence of a DCO.</p>
Q11.1.20	<p><b>Article 23. Compulsory acquisition of rights</b></p> <p>Article 23(10) states that access rights”, “cable rights” and “vegetation maintenance rights” have the same meaning as they are defined in Schedule 8. Can the applicant check through dDCO for schedule 8 references as in some instances the reference appears to be Schedule 7 (land in which only new rights etc. may be acquired).</p>	<p>This paragraph was included in error and will be removed from the draft DCO at Deadline 3.</p>
Q11.1.21	<p><b>Article 23. Compulsory acquisition of rights</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised regarding the lack of NH consent, and extinguishment of its rights.</p>	<p>The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent before the undertaker exercises certain powers over the strategic road network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 23 (compulsory acquisition of rights).</p>
Q11.1.22	<p><b>Article 24. Private rights</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and the concerns it has</p>	<p>The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent before the undertaker exercises certain powers over the strategic road</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>raised regarding any land within the OL limits to be temporarily possessed and the effects upon NH</p>	<p>network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 24 (private rights).</p>
<p>Q11.1.23</p>	<p><b>Article 24. Private rights</b></p> <p>Article 24 (1) and 24 (8) extend the definition of private rights beyond the model to include “any right of way, trust, incident, restrictive covenant, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support; and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect” .</p> <p>Can the applicant explain how it consulted with relevant parties regarding its approach and going beyond the model?</p>	<p>The Applicant first notes that this drafting is actually intended to be helpful, rather than an ‘extension’, noting that the vast majority of made DCOs to date moved away from the Model Provisions to refer to ‘private rights’ rather than just ‘private rights of way’.</p> <p>In that context, this drafting helps avoid ambiguity as to what ‘private rights’ may mean, rather than just using the phrase without further definition.</p> <p>As required by the Planning Act 2008, the Applicant has engaged and consulted with all parties identified in the Book of Reference, including those listed in Part 3, who would be the holders of interests affected by this drafting.</p> <p>As is common with all DCOs, the Applicant did not in its consultation materials set out the land powers it would seek over each plot of land within the Order limits but instead made clear that parties’ land interests could be affected by the Proposed Development full stop and invited them to engage with the Applicant on how the Proposed Development could affect them.</p> <p>Throughout the pre-application process, the Applicant took proactive steps to engage with persons impacted by the compulsory acquisition of land or rights through both formal consultation and ongoing informal engagement, including those parties who hold an interest that would be affected by this article.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>The Applicant also used its local knowledge and connections with the landowners, and their agents, to identify any unregistered landowners and holders of private rights to ensure that effective engagement could take place.</p> <p>It is also noted that the majority of the interests within Part 3 are either parties which benefit from protections in the Protective Provisions, or are the parties with whom the Applicant has reached voluntary agreements with in relation to the Proposed Development.</p>
Q11.1.24	<p><b>Article 27. Power to override easements and other rights</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and clarify whether there will be a temporary interference or permanent extinguishment of NH's interests?</p>	<p>The Applicant is discussing this with NH as it will depend on the exact nature of NH's interests in the relevant plots.</p> <p>However, NH will be able to manage all impacts under this article pursuant to its Protective Provisions (which will be updated at Deadline 3) to move article 27 to be considered in the same way as article 24.</p>
Q11.1.25	<p><b>Article 29. Rights under or over streets</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised that NH consent would not be required.</p>	<p>The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent before the undertaker exercises certain powers over the strategic road network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 29.</p>
Q11.1.26	<p><b>Article 30. Temporary use of land for constructing the authorised development</b></p> <p>Can the applicant provide further justification to explain why under article 30(10) it requires new rights</p>	<p>Article 30 (10) does not grant an <u>additional</u> power to create new rights. It is clarificatory drafting to make clear that utilising the power in article 30 does not prevent the powers in articles 23 or article 26 being used on the same land where those powers are able to be exercised.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	over all of the order land which in effect creates undefined new rights in the land over temporary possession powers?	This is to ensure it is clear that an undertaker can use temporary possession powers on 'blue' plots on the Land and Crown Land Plans before using rights powers, or on pink plots where the undertaker ultimately only acquires subsoil or airspace.
Q11.1.27	<p><b>Article 30. Temporary use of land for constructing the authorised development</b></p> <p>Should any provisions relating to notices/counter notices which do not reflect the Neighbourhood Planning Act 2017 (NPA 2017) proposed regime (not yet in force) be modified to more closely reflect the incoming statutory regime where possible? For example, the notice period that will be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under article 30(3). Other than prior precedent, what is the justification for only requiring 14 days' notice in this case?</p>	<p>The Applicant notes that the regime under NPA2017 is not reflective of current practice and after 8 years has still not come into force.</p> <p>It is specifically disapplied in DCOs, as set out in article 7, and justified in the Explanatory Memorandum.</p> <p>The justification for the shorter time period is that the Proposed Development is a Nationally Significant Infrastructure Project and therefore should not be unduly constrained.</p> <p>The time limit to use the powers equates to the duration of construction plus 1 year (as per sub-paragraph (4) of Article 30), in respect of construction, and again is limited to the "maintenance period" in respect of maintenance. In addition, the Applicant notes that compensation is payable and Article 30 contains other appropriate protections which are in place. The Applicant does not consider that there is any reason to restrict this project, in comparison with other solar DCOs which have been made or are awaiting determination. Having looked at recent made solar DCOs including Oaklands Farm Solar Park Order 2025, Fenwick Solar Farm Order 2025 and East Yorkshire Solar Farm Order 2025.</p>
Q11.1.28	<p><b>Article 30. Temporary use of land for constructing the authorised development</b></p>	<p>The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent before the undertaker exercises certain powers over the strategic road</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised that NH consent would not be required.	network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 30.
Q11.1.29	<p><b>Article 31. Temporary use of land for maintaining the authorised development</b></p> <p>Can the applicant explain what provisions would be in place under article 31 to prevent compulsory acquisition of land which is only intended to be used temporarily? This is done for article 30 (see 30(4) and 23(1)) but not article 31.</p>	<p>The Applicant notes that article 30(4) and 23(1) do not 'prevent' compulsory acquisition. The former sets a time limit for the period of temporary possession, and 23(1) allows for lesser rights powers to be taken in compulsory acquisition plots.</p> <p>Article 23(2) does limit the scope of CA powers to identified blue plots on the Land and Crown Land Plans. There is not an equivalent provision in article 30, as this DCO does not have any 'temporary possession' only plots.</p> <p>Article 31 should be seen in this context, and will apply only to pink land (where the Applicant will be able to use its compulsory acquisition powers) or blue powers (where the Applicant is already limited to rights powers).</p> <p>Furthermore, article 31 applies to a period that goes well beyond the period within which compulsory acquisition or rights powers can be used – the latter being only able to be used within five years of the Order being made.</p> <p>As such, the Applicant will either:</p> <ul style="list-style-type: none"> <li>• use the power within that time period on land not initially subject to a GVD/NTT to undertake maintenance but which within that time period could still be subject to those powers if found to be ultimately; required; or</li> </ul>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<ul style="list-style-type: none"> <li>• be time barred from using those powers.</li> </ul> <p>Nothing in article 31 itself permits powers of compulsory acquisition, but it should not be used to limit the powers already given by articles 21 and 23. The current drafting of Article 31 is therefore considered appropriate.</p>
Q11.1.30	<p><b>Article 31. Temporary use of land for maintaining the authorised development</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and the concerns it has raised that NH consent would not be required.</p>	<p>The Applicant has addressed NH's concern in the Protective Provisions for National Highways, which were updated at Procedural Deadline B. The Protective Provisions now explicitly require NH's written consent before the undertaker exercises certain powers over the strategic road network (SRN) or in respect of NH's existing rights or apparatus, including powers under Article 31.</p>
Q11.1.31	<p><b>Article 33. Apparatus and rights of statutory undertakers in temporarily closed streets</b></p> <p>Should the title for article 33. Apparatus and rights of statutory undertakers in temporarily closed streets be amended as the article is not just applicable for temporarily closed streets?</p>	<p>This article will be amended at Deadline 3 to remove reference to 'temporarily closed'.</p>
Q11.1.32	<p><b>Art 36. Consent to transfer the benefit of the Order</b></p> <p>Should Article 36(3)(c) be removed; and 36(3)(a) and 36(3)(d) must both apply?</p>	<p>Article 36(3)(c) was updated at Deadline 1 to account for the discussions at ISH1 (as further explained in <b>[REP1-033]</b>) and so should therefore not be deleted.</p> <p>The Applicant does not fully understand the ExAs second query. Article 36(3) sets out circumstances in which the Secretary of State's consent is not required. Each of sub-paragraphs (a) to (d) addresses a different scenario where adequate controls are already in place (for example, regulation under another regime, agreement with the local planning</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>authority, or the expiry of compensation claim periods). As a result, the Applicant is content with the drafting which means any one of these conditions is sufficient.</p>
<p>Q11.1.33</p>	<p><b>Article 38. Planning permission, etc.</b></p> <p>The EM refers to similar orders where this has also been allowed but does not give a justification for allowing it in these circumstances. Can the applicant provide this justification for the proposed development?</p> <p>Can the applicant explain why does it require permitted development rights that is normally available to statutory undertakers. The EM refers to other schemes but does not set out why it is needed.</p>	<p>The Explanatory Memorandum submitted at Deadline 1 <b>[REP1-006]</b> expands upon why this article is needed in the circumstances of the Proposed Development.</p> <p>The Applicant assumes that second part of the question is referring to paragraph (2). This drafting is well precedented and in any event:</p> <ul style="list-style-type: none"> <li>• in being granted a DCO, the Applicant is being granted powers akin to a statutory undertaker to build an electricity undertaking;</li> <li>• the Applicant is already a statutory undertaker by virtue of holding an electricity generation licence (with the article of the DCO having the benefit of defining 'operational land' for the purposes of permitted development powers); and</li> <li>• just like other solar projects, the Proposed Development is being brought forward amidst a surge in advancement in renewable energy generation technologies and how the benefits of low carbon generation schemes can be maximised. The Applicant should be to utilise permitted development powers to take advantage of those advancements, whilst noting that they are not able to be used for EIA development (as per the GPDO), or development that would otherwise require a change to the DCO (pursuant to sections 33 and 115 of the Planning Act 2008).</li> </ul>
<p>Q11.1.34</p>	<p><b>Article 44. Crown rights</b></p>	<p>Consent under the Planning Act 2008 s135(1) and 135(2) is being sought by the Applicant, please see response to Q.11.2.18.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
	<p>Should the word “take” be removed from Crown rights 44.— (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to <b>take</b>, use,.....</p> <p>Should consent under PA2008 s135 (1) and 135(2) also be obtained from the Crown authority. The EM confirms that “the proposed Order land includes parcels of land which constitute Crown land” but not that consent was obtained in line with s135.</p>	<p>The drafting of Article 44 (Crown Rights) including the use of the word “take” has been included in previous consented DCOs including:</p> <ul style="list-style-type: none"> <li>- The East Yorkshire Solar Farm Order 2025</li> <li>- The Heckington Fen Solar Park Order 2025</li> <li>- The Stonestreet Green Solar Order 2025</li> <li>- The West Burton Solar Project Order 2025</li> </ul> <p>The Applicant therefore proposes to retain this language.</p>
Q11.1.35	<p><b>45. Service of notices</b></p> <p>The applicant is requested to justify its approach to Article 45. Service of notices as currently drafted it does not require notices to be served through the postal recorded delivery service</p>	<p>The Applicant considers that Article 45 is appropriately drafted and that it is not necessary to require service by recorded delivery (noting that the article does allow service by post).</p> <p>This approach is well precedented in recently made DCOs, including large solar projects consented in 2025 including The Heckington Fen Solar Park Order 2025, The West Burton Solar Project Order 2025, The East Yorkshire Solar Farm Order 2025, and The Byers Gill Solar Order 2025. There is nothing different about the Proposed Development to require a departure from those precedents.</p>
Q11.1.36	<p><b>46. Procedure in relation to certain approvals etc.</b></p> <p>The guidance contained within Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders suggest this article</p>	<p>The Applicant considers that Article 46 is appropriately included as an article of the Order. The procedure for the discharge of requirements is set out in Schedule 12 of the draft Order. Article 46, by contrast, establishes a general process for consents, agreements and approvals required under the Order otherwise than in relation to requirements,</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	could be embedded in a schedule rather than an article. Can the applicant advise?	including those arising under protective provisions and other operational articles. The Applicant's approach reflects established precedent in made Development Consent Orders, including the Fenwick Solar Farm Order, East Yorkshire Solar Farm Order 2025, Mallard Pass Solar Farm Order 2024, Heckington Fen Solar Park Order 2025 and the West Burton Solar Project Order 2025, each of which includes an equivalent standalone article relating to the procedure for consents and approvals outside the discharge of requirements schedule.
Q11.1.37	<p><b>46. Procedure in relation to certain approvals etc.</b></p> <p>The undertaker already has the benefit of Article 46(2) which sets out that "consent, agreement or approval must not be unreasonably withheld or delayed". Can the applicant provide relevant justification to demonstrate why it is necessary to include Article 46(4) i.e. provides for requests for consent to be agreed by default where the consenting authority does not respond within eight weeks.</p>	The Applicant considers Article 46(2) necessary to ensure consent and approvals under the Order do not cause undue delay to the delivery of a nationally significant infrastructure project. Whilst Article 46(2) prevents consents from being unreasonably withheld or delayed, Article 46(4) addresses the situation where a consenting authority fails to respond. This is particularly relevant to consents required under Protective Provisions where approvals from statutory undertakers are frequently required. The Applicant notes that appropriate safeguards remain available through the ability of the relevant statutory authority to object and refer matters to dispute resolution under the protective provisions.
Q11.1.38	<p><b>46. Procedure in relation to certain approvals etc.</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and advise whether article 46 could be disapplied in the context of any consent relating to the strategic road network</p>	The Applicant's position remains as in <b>Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]</b> , namely that following the changes to NH's PPs, the only 'consent' that the Applicant would be seeking from National Highways would be in respect of land powers, not works/street powers, and as such there are no safety considerations which could suggest that the deemed consent provision in article 46(4) is not appropriate.

ExA Q1 Ref.	ExA Q1 Question	Applicant’s Response
Q11.1.39	<p><b>47. Guarantees in respect of payment of compensation</b></p> <p>Can the applicant explain why this article guarantee would only be in place for 15 years (after the date on which the relevant power is exercised). Can the guarantee be in place for the operational period of 40 years + the duration of the decommissioning phase?</p>	<p>The Applicant considers that a 15 year duration is appropriate and reflects timescales related to compulsory acquisition powers and compensation, rather than the operational lifespan of the Proposed Development.</p> <p>Compulsory Acquisition powers under the DCO are subject to a 5 year time limit, and compensation claims arising from the exercise of those powers are generally subject to a statutory limitation period of up to 6 years. In practice, compensation claims may not arise immediately following acquisition and, where disputed, may take several years to be resolved. Considering the period for exercising compulsory acquisition powers, the limitation period for bringing compensation claims, and the time required for determination of any claims cumulatively, the Applicant considers 15 years a reasonable amount of time for claims to arise, to be considered and then resolved. No new compulsory acquisition liabilities would arise during the later operational phase or the decommissioning phase.</p> <p>This 15 year timeframe included in this article is well precedented in other recently made Development Consent Orders, including the Fenwick Solar Farm Order, the East Yorkshire Solar Farm Order 2025, the Mallard Pass Solar Farm Order 2024, the Oaklands Farm Solar Order 2025, the Byers Gill Solar Order 2025 and the Heckington Fen Solar Park Order 2025.</p>
Q11.1.40	<p><b>48. Compulsory acquisition of land – incorporation of the mineral code</b></p> <p>Can the applicant advise if any minerals been identified, and if not, then is this article required as the SoS may consider such articles unnecessary</p>	<p>Given the history of the Site (i.e. used to deposit dredgings from the Manchester Ship Canal), the Applicant considers it likely that unregistered mines or minerals rights may exist in the Order limits.</p> <p>Furthermore, the Book of Reference has identified unknown interests as holding mines and minerals interests in multiple plots within the Order limits, pursuant to HMLR data excepting mines and minerals from the freehold titles of the relevant plots.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		This article is therefore appropriate to be kept in the DCO to ensure both sides' interests are protected pursuant to the minerals code where mines and minerals are sought to be exploited.
<b>11.2 Schedule 1 – Authorised development</b>		
Q11.2.1	<p><b>Paragraph 1 of Schedule 1</b></p> <p>Can the applicant provide a definition of CCTV in paragraph 1 of Schedule 1 as CCTV is referred to in work numbers, for example Work no.2A.</p>	CCTV stands for Closed-Circuit Television and refers to the use of cameras to monitor and, where applicable, record activity within a defined area for security and operational purposes. The term is commonly and ordinarily used within planning, construction and operational contexts and is widely understood. As a result, the Applicant does not consider the inclusion of a definition to be necessary.
Q11.2.2	<p><b>Work no 5</b></p> <p>For work no 5, can the applicant review the use of the term '<b>and</b>' that appears the end of (c) electrical and communication cables connecting Work No. 1 to Work No.2; <b>and</b></p>	The draft DCO will be amended to move the “and” to Work No. 5 (b) above.
Q11.2.3	<p><b>Work no 7</b></p> <p>Can the applicant clarify what is meant by the term 'download' in bullet point f</p>	The term “download” in this context means the area for vehicles to park and unload materials, equipment etc. and then turn around and leave the compound.
Q11.2.4	<p><b>Work no 8</b></p>	There are no activities in Work No. 8 required within the non-breeding bird mitigation area. The Limits of Deviation for Work No. 8 can be found on the <b>Works Plans [AS-006]</b> which demonstrate this.

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	Can the applicant clarify if any activities in work no 8 would be required within the non breeding bird mitigation area (work no 6C).	
<b>11.3 Schedule 2 - Requirements</b>		
Q11.3.1	<p><b>Requirement (R) 2. Commencement of the authorised development</b></p> <p>Can the applicant advise if the word “begin” should be changed to “commence”; that is, the authorised development must not commence.....</p>	<p>The Applicant does not consider that “begin” should be replaced with “commence”.</p> <p>The use of the word “begin” is deliberate to ensure that the development consent can be kept alive where only permitted preliminary works have been undertaken, which would not be possible if ‘commence’ was used.</p> <p>This had precedent in the recent Cory Decarbonisation Project Order 2025, amongst others.</p> <p>The Applicant notes for context, however, that begin should be read in the context of section 155 of the Planning Act 2008, which defines development beginning by reference to a ‘material operation’ being carried out.</p> <p>As such, the development can be begun by permitted preliminary works, but those works in and of themselves must be a material operation. As such, the development would not be kept be alive by trivial works.</p>
Q11.3.2	<p><b>R6. Detailed design approval</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and advise if this</p>	<p>The Applicant has considered National Highways’ relevant representation and does not consider it necessary or appropriate to amend Requirement 6 to include National Highways as an approving body.</p> <p>No new accesses are proposed to be constructed directly from the Weaver Lane or Brooks Furlong bridge structures, and the nearest extent of Work</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>requirement can be expanded to also include NH approval?</p>	<p>No. 8 is located some distance from those bridges. Importantly, the bridges themselves are not subject to alteration under the Development Consent Order, as no powers in Schedule 1 apply to them, nor do the street works powers.</p> <p>While the bridge structures fall within the red line boundary, their inclusion does not in itself give rise to powers to undertake works to those assets. As drafted, the Order does not authorise physical works to the bridges, and therefore there is no basis on which National Highways' approval of detailed design would be required under Requirement 6.</p>
<p>Q11.3.3</p>	<p><b>R6. Detailed design approval</b></p> <p>Should R6(2) also include reference to the works plans? That is, 6(2) The authorised development must be designed and constructed in accordance with the design parameters statement and works plans?</p>	<p>The Applicant does not consider it necessary to include a reference to the works plans in Requirement 6(2).</p> <p>The works plans are already secured through Article 4 of the Order, which requires each numbered work to be situated within the corresponding numbered area shown on the works plans and within the limits of deviation. Requirement 6(2) is intended to control design matters through the Design Parameters Statement, rather than repeat elements secured elsewhere in the Order.</p> <p>Accordingly, the Applicant considers the current drafting to be clear and sufficient and does not propose to amend Requirement 6(2).</p>
<p>Q11.3.4</p>	<p><b>R6. Detailed design approval</b></p> <p>Paragraph 10.4.4. of Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096] notes that an appropriate site investigation will be required to inform the final mitigation measures and this could be completed under a requirement of the DCO during</p>	<p>The Applicant can confirm that site investigation work to inform final mitigation measures will be controlled through the Requirements of the Order. However, the Applicant does not consider it necessary to add such provisions to Requirement 6.</p> <p>Matters related to site investigations, ground conditions and contamination are controlled by Requirement 17. Requirement 17 requires that, prior to</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>the detailed design phase of the development. Can the applicant advise if site investigation proposals would be submitted and approved in writing by the relevant planning authority and whether this can be added to R6.</p>	<p>the commencement of any phase of the authorised development—and prior to certain permitted preliminary works, including intrusive environmental surveys and geotechnical investigations—a ground conditions investigations and assessments strategy for that phase must be submitted to and approved in writing by the relevant planning authority, in consultation with the Environment Agency.</p> <p>Requirement 17 also requires the authorised development to be carried out in accordance with the approved strategy.</p> <p>Accordingly, the Applicant considers that the controls set out in paragraph 10.4.4 of Appendix 10-1 are already secured through Requirement 17 and that no amendment to Requirement 6 is necessary.</p>
Q11.3.5	<p><b>R7. Battery safety management</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement be amended to include consultation with NH on the battery safety management plan?</p>	<p>The Applicant has considered National Highways' relevant representation and does not consider it necessary to amend the requirement to include consultation with National Highways.</p> <p>The locations of the battery storage facilities are fixed and shown on the Works Plans. An Outline BSMP has been submitted and has been prepared with reference to NFCC guidance, and the requirement already provides for consultation with the relevant fire and rescue service on the detailed BSMP.</p> <p>The BSMP includes plume modelling, which demonstrates that, in the event of a battery fire, there would be no impact on the Strategic Road Network, including the Weaver Viaduct. On this basis, the Applicant is satisfied that the scheme does not give rise to risks to National Highways' assets or the adjacent network.</p>
Q11.3.6	<p><b>R9. Landscape and ecological management plan</b></p>	<p>Please see the response to question 4.6.1 above.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Can the applicant advise why R9(2) which secures for details of landscaping works and ecological mitigation/enhancement measures does not explicitly state a minimum 10% biodiversity net gain in habitats, hedgerows and watercourse units during the operation of the authorised development? Can the applicant also confirm what metric would be used to show how those percentages had been reached.</p>	
Q11.3.7	<p><b>R9. Landscape and ecological management plan</b></p> <p>R9(2) (g) the ecological surveys – can the applicant clarify the context of commencement of a numbered work? Does it mean that ecological surveys would be undertaken prior to permitted preliminary works?</p>	<p>The Applicant confirms that the reference in Requirement 9(2)(g) does not mean that ecological surveys <u>must</u> be undertaken prior to permitted preliminary works.</p> <p>Some ecological surveys may be carried out as part of the permitted preliminary works (PPW). For all PPWs, with the exception of 'the temporary display of advertisements', <b>Appendix 2-3 of the ES [REP1-012]</b> requires badger, otter and water vole surveys where the PPW lies within specified distances of badger setts or watercourses. For certain PPWs there is a requirement for a CEMP or LEMP to be prepared prior to undertaking works. In these instances ecological surveys must be undertaken in order to inform the preparation of these plans. Hence , surveys would be undertaken prior to these PPWs being carried out.</p>
Q11.3.8	<p><b>R9. Landscape and ecological management plan</b></p> <p>R9(2) (j) notes that the non-breeding bird mitigation strategy must include a New Zealand pygmyweed control and management strategy. Can the applicant advise if this New Zealand pygmyweed control and management strategy would be consulted upon and approved by the local planning authority and Natural</p>	<p>Requirement 9(1) states that any permitted preliminary works comprising vegetation removal (which would include removal of New Zealand pygmyweed) cannot start until a Landscape and Ecology Management Plan (LEMP) for the phase has been approved by the relevant planning authority in consultation with Natural England. Requirement 9(1)(j) requires the LEMP to include a New Zealand pygmyweed control and management strategy.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	England prior to commencement of preliminary permitted works?	As a result, any PPW that results in the removal of New Zealand pygmyweed, may proceed only after the relevant LEMP (which will include a New Zealand pygmyweed control and management strategy) is approved and consulted upon with NE.
Q11.3.9	<p><b>R10. Fencing and other means of enclosure</b></p> <p>Where reference is made to 'any proposed permanent or temporary fences, walls or other means of enclosure' should the R be explicit in that it 'must be carried out in accordance with the approved details'.</p>	The Applicant has considered this point and will update the draft DCO accordingly at Deadline 3.
Q11.3.10	<p><b>R11. Surface and ground water management</b></p> <p>Can the applicant clarify the reference in R11(1) to substantially in accordance with section 11 of the flood risk assessment and drainage strategy? Can an outline surface water drainage strategy be submitted into the examination?</p>	Section 11 of the Flood Risk Assessment and Drainage Strategy (document reference <b>ES Vol 2 Appendix 9-1: Waterco Flood Risk Assessment and Drainage Strategy [EN010153/DR/6.2] [AS-019]</b> ) sets out what is the outline drainage strategy for the Proposed Development. However, for ease, the Applicant will at Deadline 3 extract out that strategy as a standalone document.
Q11.3.11	<p><b>R11. Surface and ground water management</b></p> <p>Regarding R11(3) can the applicant include the EA as a relevant authority to be consulted on the construction ground water and surface water management plan?</p>	No amendment is required. Requirement 11(3) already provides that the construction ground water and surface water management plan for each phase must be submitted to and approved by the relevant planning authority "in consultation with the lead local flood authority and the Environment Agency."

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
Q11.3.12	<p><b>R11. Surface and ground water management</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement can be amended to also include NH approval?</p>	<p>The Applicant has considered National Highways' relevant representation and does not consider it necessary to amend the requirement to include National Highways' approval.</p> <p>No part of the proposed drainage strategy involves discharges to the Strategic Road Network or connection to National Highways drainage assets. Given that the drainage proposals do not affect the SRN or National Highways' infrastructure, there is no basis for National Highways' approval to be required under this Requirement.</p>
Q11.3.13	<p><b>R12. Construction environmental management plan</b></p> <p>Regarding R11(3) can the applicant include NH as a relevant authority to be consulted on the construction environmental management plan?</p>	<p>The Applicant has agreed to add NH as a consultee to this Requirement and will do so at Deadline 3.</p>
Q11.3.14	<p><b>R12. Construction environmental management plan</b></p> <p>Paragraph 1.3.5 of the Outline Construction Environmental Management Plan [APP-136] states if the DCO is granted, each of the outline plans submitted with the Application will be developed into a final document once a contractor is appointed, with approval by Cheshire West and Chester Council prior to construction (following consultation on each plan as set out in the DCO). As this statement only mentions outlines plans already submitted into the examination this implies that other plans not yet in</p>	<p>Paragraph 1.3.5 of the OCEMP needs to be read alongside paragraph 1.3.3, which sets out the full list of plans to be produced.</p> <p>Paragraph 1.3.5 is just making the point where there are outline versions of them, they will be developed further.</p> <p>To give absolute clarity on this point, Requirement 12(1) will be updated at Deadline 3 to provide the following: <i>"No phase of the authorised development may commence until a construction environmental management plan (including, or accompanied by, the plans listed in sub-paragraph (2)) for that phase has been submitted to and approved by...."</i></p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	place may not follow a regime of consult and approval?	Similar changes will be made to Requirements 13 and 20.
Q11.3.15	<p><b>R15. Public rights of way</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] and advise if this requirement can be amended to also include NH approval?</p>	<p>The Applicant has considered National Highways' relevant representation and does not consider it necessary to amend the requirement to include National Highways' approval.</p> <p>The Public Rights of Way Management Plan (PRoWMP) is primarily concerned with managing the impacts of construction activity on Public Rights of Way. Although it does set out where changes to the PRoW are proposed, it does not deal with the management of those changes. The legal mechanism for upgrading the PRoW is secured through the DCO, rather than through the PRoWMP.</p> <p>As there are no proposed works to the bridge or the public rights of way upon them, there are no impacts on National Highways assets and therefore the Applicant does not consider it necessary to include National Highways approval in this requirement.</p> <p>Please also see response to question 9.5.3</p>
Q11.3.16	<p><b>R17. Ground conditions</b></p> <p>Can the applicant respond to NH relevant representation [RR-031] that it expects to be involved in the approval of the ground conditions investigations, the assessments strategy should accord with CD622 – Managing Geotechnical Risk, and where construction is close to the network,</p>	<p>The Applicant has considered National Highways' relevant representation and does not consider it necessary to amend the requirement to include National Highways' approval or consultation at this stage.</p> <p>The Proposed Development is not located sufficiently close to the Strategic Road Network (SRN) for construction activities or groundworks to reasonably give rise to geotechnical risk to National Highways' assets. The completed ground conditions assessments do not identify any</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	geotechnical risks to the strategic road network would need to be considered	mechanisms by which the works would affect the stability or operation of the SRN. As such NH do not need to be consulted on this strategy.
Q11.3.17	<p><b>R17. Ground conditions</b></p> <p>Requirements 17 (1) notes that no part of the permitted preliminary works for that phase comprising geotechnical surveys and other investigations for the purpose of assessing ground conditions may start, until a ground conditions investigations and assessments strategy for that phase has been submitted to and approved by the relevant planning authority, such approval to be in consultation with the Environment Agency. However, the interpretation of permitted preliminary works in the dDCO includes (e) remedial work in respect of any contamination or other adverse ground conditions. Should R17 (1) therefore include remedial work rather than just geotechnical surveys and other investigations to assess ground conditions?</p>	The draft DCO submitted at Deadline 1 [REP1-004] provided for this change, as discussed at ISH1.
Q11.3.18	<p><b>R18. Archaeological mitigation strategy</b></p> <p>Should R18 include reference to the Outline Written Scheme of Investigation, and could this R include post-excavation analysis, reporting, publication and archiving? Is R18(2) section 11.9 of the environmental statement referring to Volume 1 Chapter 11: Cultural Heritage and Archaeology?</p>	<p>Requirement 18(1) does include reference to the outline written scheme of archaeological investigation.</p> <p>The reference in R18(2) to section 11.9 of the environmental statement is referring to Volume 1 Chapter 11: Cultural Heritage and Archaeology, the DCO will be updated at Deadline 3 to make this absolutely clear.</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		The Requirement does not need to refer to post-excavation analysis, reporting, publication and archiving as this is already dealt with in the outline WSI.
Q11.3.19	<p><b>R20. Decommissioning</b></p> <ul style="list-style-type: none"> <li>i) Can the applicant advise where decommissioning works commence no later than 40 years how long these decommissioning works would last? Could this timeframe be included in the R?</li> <li>ii) Can the applicant advise where decommissioning works commence no later than 40 years how long these decommissioning works would last? Could this timeframe be included in the R?</li> <li>iii) Where parts of the proposed development stops generating electricity earlier than 40 years (for example solar PV modules) what would be the timescales for decommissioning to start on those affected infrastructure?</li> </ul>	<p>The Applicant confirms that Requirement 20 of the draft DCO secures that decommissioning works must commence no later than 40 years after final commissioning. The duration of decommissioning works is addressed in the Environmental Statement, which assumes decommissioning would typically take between 12 and 24 months and would be undertaken in phases. Given the long timescales involved until decommissioning would take place, it is not possible to commit to a precise duration at this stage.</p> <p>As such, the ultimate programme for the works will be included in the detailed DEMP, as set out in R20(2). Once the DEMP is approved, including its programme, it must be implemented as approved (R20(4)). This will provide certainty on timing without putting a specific timeframe into the DCO itself.</p> <p>Where parts of the proposed development stop generating electricity earlier than 40 years, the updated DCO and <b>oOEMP [REP1-022]</b> submitted at Deadline 1 provide a process by which certainty will be gained as to the timing of decommissioning.</p>
<b>11.12 Schedule 11 – Arbitration Rules</b>		
Q11.12.1	This schedule does not recognise that any matter for which the consent or approval of the Secretary of State (or the Marine Management Organisation if applicable) is required under any provision of this	The Applicant acknowledges that Schedule 11 of the <b>draft DCO [REP1-004]</b> does not state that matters for which the consent or approval of the Secretary of State should not be subject to arbitration (the Marine Management Organisation is not relevant due to the location of the

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
	<p>Order would not be subject to arbitration. Can the applicant review this schedule in context with the wording examples contained in the Norfolk Vanguard Offshore Windfarm DCO and the draft Hornsea Three Offshore Windfarm DCO.</p>	<p>Proposed Development). However, neither do Schedule 14 of The Norfolk Vanguard Offshore Wind Farm Order 2022 nor Schedule 13 of The Hornsea Three Offshore Wind Farm Order 2020 as made by the Secretary of State.</p> <p>This is because this principle is set out in the draft DCO's arbitration article, with article 42(2) stating that "<i>any matter for which consent or approval of the Secretary of State is required under any provision of this Order is not subject to arbitration</i>". This is in line with the drafting approach taken in the Norfolk Vanguard and Hornsea Three DCOs which have similar drafting in articles 38(2) and 37(2) respectively.</p>
Q11.12.2	<p>Would schedule 11 (4)(10) result in expeditious decisions taking prominence over quality decisions?</p>	<p>Paragraph 4(10) to Schedule 11 of the <b>draft DCO [REP1-004]</b> states:</p> <p><i>"If a party fails to comply with the timetable, procedure or any other direction then the arbitrator may continue in the absence of a party or submission or document, and may make a decision on the information before the arbitrator attaching the appropriate weight to any evidence submitted beyond any timetable or in breach of any procedure or direction."</i></p> <p>The Applicant's position is that the drafting does not compel the arbitrator to make decisions in a certain way if there is a failure to comply with the timetable or procedure or direction, as "may" is clearly used throughout to indicate that the arbitrator is very much in control and has the freedom to decide what is the best course of action to suit the circumstances.</p> <p>The reason for including paragraph 4(10) is to ensure there is a clear timetable and procedure in place for the parties to follow so the arbitration</p>

ExA Q1 Ref.	ExA Q1 Question	Applicant's Response
		<p>is conducted in a timely, robust manner which does not lead to undue or unnecessary delay to the delivery of Proposed Development.</p> <p>The Applicant also notes that this is standard and well-precedented drafting featuring in Schedule 14 of The Norfolk Vanguard Offshore Wind Farm Order 2022 (paragraph 4(10)) and Schedule 13 of The Hornsea Three Offshore Wind Farm Order 2020 (paragraph 4(9)) as well as recently made solar DCOs such as Schedule 14 of The Tillbridge Solar Order 2025 (paragraph 4(10)), Schedule 11 of The Oaklands Farm Solar Park Order 2025 (showing as paragraph 168(10) due to a formatting error in the as made DCO) and Schedule 16 of The Stonestreet Green Solar Order 2025 (paragraph 4(10)).</p>

