



CHESHIRE WEST AND CHESTER COUNCIL

Frodsham Solar DCO - EN010153

CWCC D3(B)

Cheshire West and Chester Council's comments on (extant) Procedural Deadline B documents, Deadline 1 and Deadline 2 submissions

submitted at Deadline 3 – 28 January 2026

1.0 INTRODUCTION

- 1.1. This document summarises CWCC’s responses to the (extant) Procedural Deadline B documents, Deadline 1 and Deadline 2 submissions.
- 1.2. Where relevant, the end column on each table is used to identify where issues are agreed (green), for / under discussion (amber), and not agreed (red).
- 1.3. The document is separated into three main groups of tables:
- i) Table 1 Extant Procedural Deadline B documents
 - ii) Table 2 Deadline 1 submissions
 - iii) Table 3 Deadline 2 submission

2.0 EXTANT PROCEDURAL DEADLINE B DOCUMENTS

- 2.1. This section summarises CWCC’s responses to the (extant) Procedural Deadline B documents.

Table 1: Extant Procedural Deadline B documents

1.1. PD2-009 Information to Inform Habitat Regulations (P03)

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-009 Information to Inform Habitat Regulations (P03)				

D3B1.01.01		General	A full review, co-ordinating with the later submissions, has not been practical for Deadline 3. Therefore, comments will be provided in conjunction with comments on any without prejudice derogation submission at Deadline 3a.	

1.2. PD2-021 Outline Public Rights of Way Management Plan (P02)

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-021 Outline Public Rights of Way Management Plan (P02)				
D3B1.02.01		General	In response to CWCC's Relevant Representations (11.27 RR)[RR-037] it would assist if the oPRoWMP were updated to include reference to the details of 11.27 e.g. "to include contact details, provision for reporting and dealing with complaints during the operational phase, including standards for resolution of complaints/carrying out remedial action, and ensuring that paths do not remain temporarily closed for longer than necessary". CWCC recommends that these contact details and standards/resolution processes be made available online, and that CWCC / Frodsham Town Council be consulted on the detailed arrangements.	
D3B1.02.02		5.1.4	CWCC welcomes including reference to the programme of implementation at 5.1.4 of [PD2-021] oPRoWMP) in response to CWCC's Relevant Representations (11.26-11.27 RR)[RR-037].	

1.3. PD2-028 Outline Flood Warning and Evacuation Plan

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-028 Outline Flood Warning and Evacuation Plan				

D3B1.03.01		General	No comments	
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1.4. PD2-030 Hydraulic Modelling Report Addendum

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-030 Hydraulic Modelling Report Addendum				
D3B1.04.01		General	No comments (defer to Environment Agency)	

1.5. PD2-032 Updated BNG Metric Spreadsheets

Ref	Document Para number	Document summary point	CWCC comments	Status
PD2-032 Updated BNG Metric Spreadsheets				
D3B1.05.01		General	<p>Please refer to CWCC's response to ExQ1 Q4.5.7 (REP2-005]</p> <p>In summary, the metric must be provided in Excel (xls) format, to enable assessment, due to the complexity of the site and volume of information contained within it. At the time of writing these are not yet available in the Examination Library.</p> <p>CWCC request the following:</p> <ul style="list-style-type: none"> • Metric calculation in original Microsoft Excel format (.xls) • UK habs plans pre and post development • baseline and proposed habitat condition assessments (in original Microsoft Excel format (.xls) <p>in order to properly assess the BNG submission.</p>	

			<p>CWCC has looked at the main summary tables only (Headline Results and Trading summaries) of the updated metric [PD2-032], as these are accessible and used the information as set out in the Applicant's Response to CWCC's Relevant Representation [PD2-027].</p> <p>CWCC do not agree that the BNG metric follows best practice/guidance. In particular, with reference to the trading rule deficit.</p> <p>The trading rules are set as such, to avoid habitat deficits and work in partnership with the metric's principle of calculating all habitat types and conditions into the same units. The higher the distinctiveness, the stricter the trading rule, to ensure valuable habitats are retained and replaced satisfactorily. For High distinctiveness habitats, such as Reedbeds, the rule is that the habitat must be replaced with the same habitat. Therefore, the metric does not follow best practice guidance.</p> <p>In addition, the trading rule deficit of reedbed has significantly decreased from 65.61 units to 12.59 units, with no updated supporting information or plans to explain this significant reduction.</p> <p>Other detailed comments are made in CWCC's response to ExQ1 - Q4.5.7.</p> <p>The following information is still outstanding:</p> <ul style="list-style-type: none"> • Baseline habitat type and condition assessments should be provided, to ensure the most appropriate habitat types have been assigned correctly according to UK Habs and the correct condition has been assigned. • The classification of watercourse types is required to be detailed, to understand why different habitat types have been allocated. • Baseline and proposed UK Habs plans with the habitat references used in the Habitat Reference Number column of the metric, should be provided. <p>In addition, an updated Biodiversity Net Gain report has not been provided to include the explanation provided in Appendix C of the Applicant's Response to CWCC's Relevant Representation [PD2-027], nor an explanation of the new metric information submitted.</p>	
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			CWCC notes that even if the metric results are agreed, in terms of the habitat classifications and numerical values, if the standard interpretation of those results is not applied as best practice, in terms of trading rules, a significant overvaluing of the habitat provision and undervaluing of habitat loss will occur.	
D3B1.05.01		General	In providing updated BNG metric spreadsheets, these should take account of any relevant changes to the development, e.g. as a result of National Grid Electricity Transmission Plc's response to ExQ1 [REP2-018] requesting the removal of infrastructure works within the substation boundary (as shown on the Works Plans [APP-009] <i>currently</i> [AS-007]).	

3.0 DEADLINE 1 DOCUMENTS

3.1. This section summarises CWCC's responses to the Deadline 1 documents.

Table 2: Deadline 1 submissions

REP1-004 3.1 Draft Development Consent Order - P04

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-004 3.1 Draft Development Consent Order - P04				

D3B2.01.01		General	<p>Please refer to the following:</p> <p>CWCC’s Local Impact Report [REP1-046] (LIR)</p> <p>Paragraph 8.8.</p> <p>CWCC’s Written Representations [REP1-048] (WR)</p> <p>Section 3</p> <p>Appendix A to CWCC’s Written Representations [REP1-048] (App WR)</p> <p>ISH1 Agenda Item 4</p> <p>CWCC’s Response to ExA’s first written questions (ExQ1) [REP2-005]</p> <p>Questions</p> <p>Q1.0.7 (re: oDEMP);</p> <p>Q3.1.2 / Q 3.2.1 / Q3.2.12 (re: contamination)</p> <p>Q6.0.1. / Q9.4.2 (re: non-percussive piling)</p> <p>Q7.0.4 (re: Article 39 and Requirement 9 (3) and trees)</p> <p>Q9.5.1 (re: costs associated with Visitor car park)</p> <p>Q9.5.2 (re: 11.26-11.27RR and oPRoWMP /Requirement 9 (2) (h))</p> <p>Q9.9.1 (re: detailed design approval / Requirement 6 (1))</p>	
D3B2.01.02	Part 1 Preliminary	Interpretation	<p>“permitted preliminary works” (PPW)</p> <p>CWCC seeks the removal of site clearance and remedial works from the definition of PPW due to concerns regarding control and these works falling outside of the construction phasing plan. There is the potential for significant impact on habitats which haven’t been accounted for (paragraph 3.4 of WR [REP1-048]. See also CWCC’s comments in Appendix A of its Written Representations relating to ISH1 agenda item 4 a); notably:</p> <p><i>“CWCC consider that if site clearance and remedial works are included in permitted preliminary works, these fall outside of the definition of</i></p>	

			<p><i>commencement and so are not controlled by the construction phasing plan. There could be a situation where the site is cleared of vegetation, with no mitigation area available for non-breeding birds, leading to significant negative impacts on the non-breeding bird population.</i></p> <p><i>There could be significant impacts on the habitat on site and further detail in the construction phasing plan should be provided to take account of remedial works.</i></p> <p><i>It is CWCC's position that site clearance and remedial works should be removed from the permitted preliminary works definition, as it requires control and are outside of the proposed construction phasing plan. In addition, the construction phasing plan should be updated to provide further detail on remedial works and site clearance should take place in accordance with the construction phasing plan."</i></p> <p>The current wording for PPW includes:</p> <p><i>(c) intrusive archaeological surveys to be carried out pursuant to the written scheme of archaeological investigation (or multiple written schemes of archaeological investigation) approved under requirement 18;</i></p> <p>as well as;</p> <p><i>(k) site clearance (comprising vegetation removal and demolition of existing buildings and structures); or</i></p> <p>See above for concerns regarding the inclusion of vegetation removal in the definition of preliminary works. As currently drafted (k) would allow demolition of existing buildings and structures, which includes the brick shafts / ventilation shafts as referred to in the oWSI [AS-029].</p> <p>If site clearance is to be retained within PPW, CWCC recommends that the drafting be amended to exclude the demolition of the brick shafts / ventilation shafts from (k).</p> <p>CWCC has experience of situations where various types of preliminary works have been seen to affect identified archaeological features requiring mitigation. If necessary, this can be dealt with via separate WSIs being submitted before works commence.</p>	
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			<p>It is noted the Requirement 12 (4) includes elements of PPW as being commencement of development for the NBBMA, which is welcomed and this should be extended to The Lum.</p> <p>There remain concerns over the potential impacts of PPW, particularly in relation to habitat/ecology impact (e.g. in relation to the LUM where habitat mitigation groundworks are proposed), and further consideration / discussion with the Applicant is needed. CWCC will confirm if it has any further comments following discussion with the Applicant.</p> <p>The definition of PPW in ERP1-004 has been amended to include the following:</p> <p><i>(l)access and highway improvements and use, comprising works to create, improve, repair or maintain streets, roads, haul roads and access points within the limits of deviation for Work No. 8 shown on the Works Plans.</i></p> <p>There are concerns over this addition (mainly in relation to adding potential ecology/habitat impacts); and further consideration / discussion with the Applicant is needed. CWCC will confirm if it has any further comments.</p>	
D3B2.01.03	Part 2	Article 8 - Defence to proceedings in respect of statutory nuisance	<p>See paragraph 3.4 of CWCC's WR (REP1-048]</p> <p>CWCC notes the Applicant's Response to ExA's First Written Questions (Q11.1.5) but has not yet had time to fully consider its response; and will respond in full on the submission of the next updated draft DCO by the Applicant.</p>	
D3B2.01.04	Part 3	Street Works	<p>See paragraph 3.4 of CWCC's WR (REP1-048]</p> <p>For Article 10 'power to alter layout' see CWCC's comments in Appendix A of its Written Representations [REP1-048] and ISH1 agenda item 4a) referred to under CWCC's comment on PPW's above.</p>	
D3B2.01.05	Part 6	Miscellaneous & General Article 36 – Felling or lopping of trees and removal of hedgerows	<p>For the additional wording to 36(3)(c) suggest adding text in bold/red:</p> <p>"(c) the transferee or lessee is a holding company or subsidiary an entity (whether that entity is a group company of the undertaker or any other</p>	

			entity) that is responsible for the on-going management of any part of Work No. 6, the identity of which has been agreed by the local planning authority in consultation with Natural England following approvals given under Requirement 9;”	
D3B2.01.06	Part 6	Miscellaneous & General Article 39 – Felling or lopping of trees and removal of hedgerows	See paragraph 3.4 of CWCC’s WR (REP1-048] and Appendix A of WR. CWCC considers more clarity is needed with approval given to tree and hedge retention and removal plans. Article 39 should apply to approved removal and not retained features. See also CWCC’s response to ExQ1 (Q.7.0.4) [REP2-005].	
D3B2.01.07	Schedule 1	Authorised development	See paragraph 3.4 of CWCC’s WR (REP1-048] and Appendix A (ISH1 Agenda item 4 f). CWCC recommends the addition of Work No 6D to include creation and maintenance of habitat works (new scrapes) by the LUM (Fig 2.2. Indicative Operational Layout) of APP-109 and new wetland area adjacent to the NBBMA (between fields A01 and A02)). CWCC considers the drafting should be made clearer; and it is helpful to have the mitigation works listed separately from other works. A breakdown of the various mitigation areas in Work No. 6 would help achieve this.	
D3B2.01.08	Schedule 1	Ancillary Works (h)	The definition of Ancillary Works (h) in Schedule 1 of the draft DCO, includes construction and decommissioning compounds which appears to be an unnecessary duplication of Work No 7	
D3B2.01.09	Schedule 2	Requirement 1 Interpretation	As stated in CWCC’s response to ExQ1 (Q.3.2.12) [REP2-005], it would be beneficial/preferable to reference inclusion of dealing with unexpected contamination as part of the remediation strategies and verification reports in Requirement 1(c) CWCC welcomes the addition 1(h) peat investigations.	
D3B2.01.10	Schedule 2	Requirement 2 Commencement	See paragraph 3.4 of CWCC’s WR (REP1-048] regarding addition of 14-day notice of commencement of development.	

			CWCC notes the Applicant's Response to ExA First Written Questions (Q11.3.1) [REP2-005].but has not yet had time to fully consider its response; and will respond on submission of the next updated draft DCO by the Applicant.	
D3B2.01.11	Schedule 2	Requirement 3 Phasing and Final Commissioning	<p>LIR 8.8. it would be of public interest and transparent for the export capacity of each phase and the cumulative total to be confirmed as part of notices to be provided under Requirement 3 (4) of Schedule 2 relating to phasing and date of final commissioning.</p> <p>See paragraph 3.4 of CWCC's WR (REP1-048] regarding adding 3(4) requirement for notification of the gross electrical output capacity / export capacity of each phase (and the cumulative total) to be confirmed as part of the notice.</p>	
D3B2.01.12	Schedule 2	Requirement 4 Written approval	No comments	
D3B2.01.13	Schedule 2	Requirement 5 Approved details and amendments	No comments	
D3B2.01.14	Schedule 2	Requirement 6 Detailed design approval	<p>See CWCC;s response to ExQ1 Q.9.9.1. [REP2-005]</p> <p>In summary, it is noted in reference to CWCC's earlier comments, that landscape implementation is included in Requirement 9, fencing is covered by Requirement 10 and surface water drainage is covered by Requirement 11.</p> <p>The use of anti-reflective coating has been confirmed via the Design Parameters Statement (REP1-014].</p> <p>Therefore, it is not necessary to include these items in Requirement 6.</p> <p>The Applicant's response to CWCC's WR in terms of power cables is awaited, and at present it is considered these details should be included in Requirement 6.</p> <p>CWCC considers it important to establish an agreed programme for landscape phasing and implementation and note that provision for an implementation timetable is included in Requirement 9.</p>	

D3B2.01.15	Schedule 2	Requirement 7 Battery safety	Recommend also including consultation with CWCC's Emergency Planning team as well as Cheshire Fire and Rescue Service and the Environment Agency	
D3B2.01.16	Schedule 2	Requirement 8 Permitted preliminary works (PPW)	<p>CWCC recommended adding to the requirement that the local planning authority be given 14 days notice of the commencement of PPW in any phase.</p> <p>CWCC considers that further control over the carrying out of PPW during specified months requires further consideration / discussion with the Applicant. CWCC will confirm any if it has any further comments.</p> <p>Suggest adding wording in bold/red:</p> <p>"8. The permitted preliminary works must be carried out in accordance with the measures set out in appendix 2-3 of the environmental statement relating to Permitted Preliminary Works"</p>	
D3B2.01.17	Schedule 2	Requirement 9 Landscape and ecology management plan (LEMP)	<p>See paragraph 3.4 of CWCC's WR (REP1-048] regarding:</p> <p>9 (2) b) hedgerows (add reference to hedgerows to be retained, and replacing gaps in existing hedgerows)</p> <p>9 (2) e) implementation timetable add 'for landscaping works' for clarity</p> <p>9 (3) add reference to replacement of trees on a 2:1 ratio, and hedgerows on a 3:1 ratio</p> <p>9 (4) add reference to LEMP being carried out for the operational life of the development</p> <p>add reference to works being carried out in accordance with Arboricultural method statement (as well as LEMP)</p> <p>add details of BNG monitoring.</p> <p>CWCC welcomes inclusion of a programme for permissive paths and Work no 6B under Requirement 9 (2)(h) and 2(i).</p>	

			CWCC notes the Applicant's Response to ExA First Written Questions (Q11.3.7) – but has not had time to fully consider its response; and will respond on submission of the updated draft DCO.	
D3B2.01.18	Schedule 2	Requirement 10 Fencing	No comments	
D3B2.01.19	Schedule 2	Requirement 11 Surface and ground water management	No comments	
D3B2.01.20	Schedule 2	Requirement 12 Construction environmental management plan (CEMP)	Requirement 12 of the draft DCO be amended to include additional matters including provision for a community liaison plan. See paragraph 3.4 of CWCC's WR (REP1-048] regarding: 12 (2) adding the following: pre-construction updated habitat surveys; habitat constraints plan and precautionary measures; surface water management plan (including pollution control); community liaison plan and complaints procedure; security and lighting details; soils management plan; procedures and controls for working outside core construction hours;	
D3B2.01.21	Schedule 2	Requirement 13 Operational environmental management plan (OEMP)	See paragraph 3.4 of CWCC's WR (REP1-048] regarding: a) 13 (2) e) Add need for updated CEMP and CTMP in relation to major replacement activities b) 13 (2) add f) operational noise management plan	
D3B2.01.22	Schedule 2	Requirement 14 Construction traffic management plan (CTMP)	See paragraph 3.4 of CWCC's WR (REP1-048] regarding: a) 14 (2) add reference to implementation of travel plan b) add reference to carrying out pre and post-construction condition surveys of accesses (including PRow) and making good any defects caused at the end of construction c) inclusion of traffic routing, signage, management plan, and d) the need for updated CEMP in relation to major replacement activities	
D3B2.01.23	Schedule 2	Requirement 15 Public Rights of Way (PRow)	Permissive paths should be included in the public rights of way management plan.	

			See paragraph 3.4 of CWCC's WR (REP1-048] regarding adding reference to publicity and signage of PRow diversions/closures and including details of measures to minimise the extent and duration of closures.	
D3B2.01.24	Schedule 2	Additional requirement	<p>CWCC consider that an additional requirement relating to permissive paths would be appropriate; The Oaklands Farm Solar Park Order 2025 contains a requirement which could be adapted.</p> <p>The phasing of completion and the minimum number of days that the paths be accessible should be tailored to the Frodsham Solar scheme, and preferably less than 12 months and more than 264 days in the wording below.</p> <p><i>“Permissive path</i></p> <p><i>61.—(1) Where a phase of the authorised development includes the provision of a permissive path, the permissive path must be provided and open to the public within [12] months of the date of final commissioning in respect of that phase.</i></p> <p><i>(2) No phase of the authorised development which includes a permissive path may commence until written details of the route and maintenance provisions have been submitted to and approved by the local planning authority as part of the detailed design approval required by requirement 5(1).</i></p> <p><i>(3) The permissive path must be maintained and access by the public permitted for [264 days] a year (subject to closures for maintenance or emergencies) until commencement of decommissioning of the authorised development pursuant to requirement 22 (decommissioning and restoration).”</i></p>	
D3B2.01.25	Schedule 2	Requirement 16 Soil Management Plan (SMP)	Consider adding that no PPW may commence (as well as no phase of the authorised development) until the SMP is approved. See wording on Requirement 17. This may depend on what are works included in final PPW definition.	
D3B2.01.26	Schedule 2	Requirement 17 Ground conditions	Further to paragraph 3.6 of CWCC's WR (REP1-048] regarding adding provision for the submission of a remediation strategy and verification plan prior to construction; it is accepted that reference in Requirement 1	

			<p>'interpretation' including 1 c) remediation strategies and verification reports' addressed CWCCs concern.</p> <p>Minor drafting point on current wording: add comma after 'ground conditions only', and consider omitting 'only', as this is more relevant to the definition of PPW.</p> <p>Whilst CWCC would prefer rewording of the requirement to explicitly follow the Land Contamination Risk Management (LCRM) approach for dealing with land contamination, there are no further comments on wording of Requirement 17.</p>	
D3B2.01.27	Schedule 2	Additional requirement	<p>As stated in CWCC's response to ExQ1 (Q.3.2.12) [REP2-005], regarding unexpected contamination the following additional requirement is recommended/preferred:</p> <p>Contaminated Land - Unexpected Contamination</p> <p>If, during the course of development, any contamination is found which has not been previously identified, proposals for detailed Site Investigation, Risk Assessment, Remediation and Verification shall be submitted and approved in writing by the Local Planning Authority. The remediation shall be implemented as approved. No part of the development site shall be occupied or brought into operational use until a Verification Report (to demonstrate the remediation of the unexpected contamination has taken place) has been submitted to and approved in writing by the Local Planning Authority. The reports required above shall be completed in accordance with the Environment Agency Land Contamination Risk Management Framework.</p> <p>The provision of the above additional requirement has the advantage of being transparent, and across the construction, operational (including replacement activities) and decommissioning.</p> <p>Whilst unexpected contamination could be dealt with via an unexpected contamination protocol in the CEMP, as stated in CWCC's response to ExQ1 (Q.3.2.12) [ERP2-005], the issues may not end on completion of the construction phase, and may require management for many years. It potentially could generate considerable documentation and a separate workstream.</p>	

			<p>CWCC consider it would be most appropriate to deal with this via a separate specific unexpected contamination requirement. However, CWCC accept that unexpected contamination can be dealt with via an Unexpected Contamination Protocol in the oCEMP, oOEMP and oDEMP.</p> <p>Table 5-5 of the oCEMP [REP1-021] provides additional detail of a protocol, which should also be included in the oOEMP/oDEMP [REP1-022 and REP1-024]. See also the Environment Agency's comments EA004 in their Written Representations [REP1-050].</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>"Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ..."</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D3B2.01.28	Schedule 2	Requirement 18 Archaeological mitigation strategy	<p>CWCC recommend adding that no PPW shall commence (as well as no phase of the authorised development) until the archaeological mitigation strategy is approved, e.g. similar to wording on Requirement 17. The details of the wording may depend on what are works included in final PPW definition.</p>	
D3B2.01.29	Schedule 2	Requirement 19 Skills and supply chain	<p>Please see paragraph 3.4 of CWCC's WR (REP1-048] regarding adding provision for monitoring, reporting and provision for an adaptive skills, supply chain and employment plan.</p> <p>CWCC consider that there is an issue with the timing of submission / approval. To be effective the plan needs to be implemented well before commencement of development. An alternative might be to require submission for approval [6] months prior to intended commencement of PPW or development. Submission needs leave sufficient time for both the approval process, and implementation of the plan prior to commencement.</p>	
D3B2.01.30	Schedule 2	Requirement 20 Decommissioning	<p>The revised wording for 20 (1) (b) is not clear in its intent.</p>	

			<p>Decommissioning</p> <p><u>20.—(1) Decommissioning works must commence no later than the earlier of—</u></p> <p><u>(a) in respect of all of the authorised development, 40 years following the date of the final commissioning of Work No. 1 that is the subject of the last notice given by the undertaker pursuant to requirement 3(4) (phasing of the authorised development and date of final commissioning); or</u></p> <p><u>(a)(b) in respect of all of the authorised development, phase of the authorised development, prior to the end of the timeframes set out in the decommissioning timing provisions where those provisions are engaged in respect of that phase.</u></p> <p>Suggest that 20 (1) (b) be reworded to make it clear that this sub-paragraph deals with respect to each and any phase of the development. At present it is confusing to start both a) and b) with 'in respect of all of the authorised development'. Any redraft should also make it clear that decommissioning on all phases is to commence no later than 40 years from final commissioning of Work No. 1.</p> <p>Please also refer to comments at paragraph 3.4 of CWCC's WR (REP1-048] regarding adding (<i>it is noted that some of the comments have been addressed by changes to Requirement 20 and/or the control documents</i>):</p> <ul style="list-style-type: none"> o Periodic review of commissioning end state (linked to monitoring of biodiversity) o Commencement of decommissioning following cessation of energy generation or duration of DCO (40years from final commissioning) o Provision for seasonal biodiversity surveys prior to final DEMP o Clarification of decommissioning end state (e.g. no mention of access tracks in Section 2.4 of oDEMP (PD2-020); provision of 'restoration plan' o Retention of habitat mitigation areas included in 'end state' for hand-back to landowners; o Addition of restoration aftercare provisions o Period for completion of decommissioning <p>Appendix A of CWCC's written representations provides further detail.</p>
D3B2.01.31	Schedule 2	Additional requirements	<p>During ISH1 the ExA requested the Applicant to provide wording for a decommissioning bond/security/ funding on a without prejudice basis.</p> <p>The Applicant's suggestion (if such a provision is considered necessary) is to follow the Helios DCO example with a variation; and if the Secretary</p>

			<p>of State decides to follow the ExA's proposal for the Oaklands Farm Solar, other amendments are suggested. See Written Summary of Applicant's Oral Submissions at ISH1 [REP1-033].</p> <p>CWCC welcome the provision of some form of security requirement and consider that this is appropriate to give the local planning authority greater certainty over the funding of decommissioning and improved control (either directly in the case of Oaklands Farm Solar, or indirectly in the case of Helios DCO). Provision of a security is considered to be in the public interest, as opposed to reliance on private landowner interest.</p> <p>Whilst CWCC would prefer to see the Oaklands Farm Solar type of requirement for Frodsham Solar, it is accepted that a provision similar to the Helios DCO would be beneficial too.</p> <p>It is considered that the point at which a security is required e.g. whether 15 years of operation is appropriate, depends to an extent on the particular funding circumstances. If reliance on income from the solar generation is needed, then 15 years would not seem appropriate to deal with the risk of an early failure of the project.</p> <p>In addition to the above, at present limited information has been provided by the Applicant on the arrangement with the landowners. The options require a decommissioning bond to be in place, but there is little more in terms of detail.</p> <p>Further comments can be made once a draft Requirement is provided.</p> <p>Considerations may relate to matters such as agreement over the sum for the security (e.g. is this derived from an average of 2 or 3 estimates; what provision is made for a dispute clause; the appropriate period for review, noting five years in the Oaklands Farm Solar; who holds the security; what happens if the site is transferred etc.</p>	
D3B2.01.32	Schedule 2	Additional requirements	<p>As per Appendix A to CWCC's Written Representations [REP1-048] (ISH1 Agenda Item 4g) an Hours of Working (construction, replacement activities & decommissioning) requirement is recommended:</p> <p><i>"No construction or other operations/works associated with the construction and or decommissioning of the authorised development shall</i></p>	

			<p><i>take place outside the hours of 08:00 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays or at any time on Sundays or Bank Holidays, except in accordance with a protocol for working outside the permitted hours as approved under the construction environment management plan and/or decommissioning environmental management plan. The replacement activities referred to in the outline operational environmental management plan shall be subject to the same restrictions.”</i></p> <p>There is also a need to incorporate control over the hours of Permitted Preliminary Works in a similar way and CWCC’s position is that the control of hours of construction for those works should also be included in the requirements.</p>	
D3B2.01.33	Schedule 2	Additional requirements	<p>The use of non-percussive continuous flight augur piling should either be secured via inclusion in one of the existing requirements or an additional requirement if this is not addressed via the Design Parameters Statement [REP1-014].</p> <p>See also CWCC’s response to ExQ1 (Q.9.4.2) [REP2-005].</p>	
D3B2.01.34	Schedule 2	Additional requirements	<p>Please see paragraph 3.7 of CWCC’s WR [REP1-048] relating to additional Schedule 2 Requirements</p> <p>The main additional requirements suggested relate to:</p> <ul style="list-style-type: none"> • Construction hours – See Appendix A to this WR for example wording • Unexpected contamination (possible addition to Requirement 17) • Arboricultural method statement (possible addition to Requirement 9) • Public rights of way diversions • Permissive paths • Provision for NBBMA management and monitoring, including period of post-decommissioning monitoring and mitigation to target state. • Decommissioning fund/security • Requirement for written approval of Schedule 2 requirements 	

			<ul style="list-style-type: none"> • Undertaker to have pre-submission consultation requirement with consultation body prior to submission of application to discharge requirement • Control over the programme of phasing for the Runcorn CO2 Spur pipeline (to avoid / control potential cumulative impact) <p>The ExA expected a definition of major replacement activities in the DCO (see ISH1 5a)</p>	
D3B2.01.35	Schedule 2	Additional requirements	As referred to in CWCC's response to ExQ1 (Q.9.5.1) [REP2-005] unless addressed elsewhere (e.g. amending an existing requirement or in a relevant control document, an additional requirement is needed to ensure that the Applicant is responsible for the costs associated with the Visitors car park (including the costs of construction, ongoing management and maintenance costs and decommissioning).	
D3B2.01.36		Additional comments	See Appendix A to CWCC's WR [REP1-048] and ISH1 agenda item 5a). CWCC considers that the level of major replacement activity assessed in the Environmental Statement should be secured as an upper limit in the draft DCO)	
D3B2.01.37	Schedule 9		See comments on LIR (LV.007) regarding replacement of trees.	
D3B2.01.38	Schedule 10	Documents and plans to be certified	<p>Note earlier comment about certifying the Design Approach Document. (Paragraph 3.10 of CWCC's WR [REP1-048])</p> <p>Note error in table to Note on updated Construction Resourcing Schedule (P01) [REP1-042]. Document needs updating.</p> <p>Note earlier comment about having a specific requirement for implementation of the Non-Breeding Bird Mitigation Strategy, Non-breeding Bird Mitigation Area and other habitat mitigation areas (paragraphs 3.7 and 3.12 of CWCC's WR [REP1-048] and submitting the non-breeding bird mitigation strategy as stand-alone document.</p>	
D3B2.01.39	Schedule 12	Procedure for discharge of requirements	CWCC welcomes the change to 42 days for appeals as agreed at ISH1. In 12 4. (3) CWCC also welcome the additional wording:	

			<p><i>“specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted”.</i></p> <p>However, the drafting still refers to the appointed person having only 5 working days to notify appeal parties. This should be longer / more flexible.</p> <p>CWCC considers the timescale of 10 working days to submit representations pursuant to an appeal in paragraph 4(4) to be too short and recommend this time period be extended to 20 working days; or such longer period that the appointed person notifies.</p>	
D3B2.01.40	Schedule 25	Protective Provisions (drainage)	Amendments agreed with Applicant; to be submitted at next deadline.	
D3B2.01.41	Schedule 26	Protective Provisions (drainage)	No comments/amendments	

REP1-012 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-012 6.2 Env Statement: Vol 2 Appendix 2-3: Permitted Preliminary Works - P02				
D3B2.02.01		General	Further consideration / discussion with the Applicant is needed. CWCC will confirm any further comments.	
D3B2.02.02		General	<p>CWCC is considering whether the updated document addresses concerns raised at ISH 1 as summarised in Appendix A (ISH agenda 4 a) of CWCC’s Written Representations a [REP1-048].</p> <p>CWCC considered that the definition of permitted preliminary works was drawn too widely, especially with inclusion for provision of (i) site clearance (including vegetation removal), and (e) remedial work in respect of contamination etc. and also (f) diversion and laying of apparatus; and much of Work No. 8.</p> <p>CWCC considered that if site clearance and remedial works were included in permitted preliminary works, these fall outside of the definition</p>	

			<p>of commencement and so are not controlled by the construction phasing plan.</p> <p>It is noted that some PPWs would constitute commencement of development if carried out in the NBBMA as provided for by Requirement 12 (4), but further consideration needs to be given to PPW's being carried out on the SADA, and the other PPW's not covered by Requirement 12 (4) that would not trigger commencement.</p> <p>CWCC will confirm any further comments.</p> <p>Initial consideration is that there could be a situation where the site is cleared of vegetation, with no mitigation area available for non-breeding birds, leading to significant negative impacts on the non-breeding bird population. There could be significant impacts on the habitat on site and further detail in the construction phasing plan should be provided to take account of remedial works.</p> <p>Site clearance and remedial works should be removed from the permitted preliminary works definition, as these require control and are outside of the proposed construction phasing plan.</p> <p>The construction phasing plan should be updated to provide further detail on remedial works and site clearance should take place in accordance with the construction phasing plan.</p> <p>Para. 2.1.1 of the updated Construction Resources Schedule [REP1-042] states:</p> <p>“However, to provide a conservative assessment a nominal allowance for HGVs and personnel movements has been allowed for Document Ref: EN010153/DR/8.15 Frodsham Solar December 2025 Note on updated Appendix 2-2: Resource Schedule Revision P01 2 in Month 1 and 2 should PPW be required in advance of starting the NBBMA. This retains a 30-month programme. (<i>Our emphasis</i>)</p> <p>Appendix A - ES Vol 2 Appendix 2-2: Indicative Construction Phasing and Resource Schedule Rev P02 in REP1-042 confirms that PPW would be carried out during construction of the NBBMA and some two months prior to commencement of the construction of the NBBMA.</p>	
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			The potential adverse impacts of PPW taking place during and before need to be assessed	
D3B2.02.03		General	CWCC will provide further comments on the phasing schedule when it has considered the document provided.	
D3B2.02.04	1.1.4	The only exception to the above is where emergency works are required, where such works occur CWaCC must be notified of those works within 72 hours of their commencement.	Notification of emergency work to CWCC should be as soon as practical, and no longer than 12 hours from their commencement.	
D3B2.02.05	Table 1	No intrusive works or works requiring plant and machinery during between November to March inclusive within 200m of the NBBMA without prior approval of the Council.	This additional wording only applies in relation to 'Environmental surveys, geotechnical surveys, intrusive archaeological surveys'. Comments on this to follow. The seasonal restriction should be across other sensitive areas, and the season for excluding works should be the whole non-breeding bird period. The reasoning behind the 200m distance should be provided, as well as a definition of intrusive works.	

REP1-014 7.1 Design Parameters Statement - P02

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-014 7.1 Design Parameters Statement - P02				
D3B2.03.01		General	Any further comments to follow	
D3B2.03.02	1.2.9	"...and a potential small car parking area to facilitate public	Suggest re-wording of this, as the visitor car park is for public access, but not to the enhanced habitat areas, as this would be counterproductive to the habitat areas.	

		access to the enhanced habitat areas....”	
D3B2.03.03	1.2.9	“Because Work No. 6 is controlled through the oLEMP and related requirements (ensuring these enhancements are delivered as specified), the detailed elements of the green infrastructure and habitat creation are not included in Table 6 of this Design Parameters Statement”.	<p>Whilst acknowledging that the oLEMP deals with habitat details, it is considered that the Design Parameters Statement should provide a degree of details consistent with other work packages. The oLEMP is primarily a management tool, and details of the initial development should be included with the design parameters for transparency.</p> <p>Work Package 6 should also include The Lum and Biodiversity Enhancement Area explicitly, as these are being considered as part of the mitigation solution.</p>
D3B2.03.04	1.2.10	Work No7. – Construction and Decommissioning Compounds	<p>It is queried / should be clarified how construction compounds will be detailed/controlled for major replacements during the operational phase.</p> <p>Note that in the draft DCO Work No 7 is for “construction, maintenance and decommissioning compounds” (our emphasis).</p> <p>Under the design parameters it would be preferable to clarify the permitted duration for maintenance compounds (e.g. during major replacement works).</p> <p>Works for construction and decommissioning compounds are also included in the definition of Ancillary Works (h) in Schedule 1 of the draft DCO, which appears to be an unnecessary duplication.</p> <p>It would be beneficial to add a Table 9 to the Design Parameters Statement to detail the parameters of Ancillary Works.</p>
D3B2.03.05	Various tables	Cabling Work	<ul style="list-style-type: none"> i) Add clarification regarding underground electrical cabling to be in conduits or ducting, as opposed to trenching (unless specified in the parameters). ii) Query whether reference to ‘Onsite cabling’ referred to in the Component of Proposed Development on Tables 1 and 2 is a duplication in terms of works covered by Work No 5 Works including electrical cables and communication cables including – and the parameters be referenced in Table 5?

D3B2.03.06	Table 1	Work No.1 ground mounted solar photovoltaic generating station	Given the design parameter includes provision that the solar PV modules will have an anti-reflective coating, this satisfies CWCC's earlier concern to ensure that anti-reflective coating be included in Requirement 6 'detailed design approval' (see paragraph 3.6 [REP1-048]).	
D3B2.03.07	Table 1	Work No.1 ground mounted solar photovoltaic generating station	It is queried why the maximum depth of concrete footings or piles for the solar PV modules is 5m BEGL, whereas other works are 4m BEGL?	
D3B2.03.08	Table 2	Work no 2A & 2B (BESS) e. concrete piling;	Consideration should be given to incorporation of a parameter to restrict piling to use of low pressure, non-percussive piling rigs (refer to CWCC's response to ExQ1 Q9.4.2) [REP2-005].	
D3B2.03.9	Table 2	Work no 2A & 2B (BESS) f. car parking and access roads;	Consideration should be given to including parameters for the materials surface treatment and drainage of car parking and access roads.	
D3B2.03.10	Table 6	Work No. 6A green infrastructure	Consideration should be given to including additional parameters, particularly the hard landscaping and built development. This should include the materials surface treatment and drainage of car park works. Details of the design and height of fencing, gates, boundary treatment etc. should be included. Work Package 6 should also include The Lum and Biodiversity Enhancement Area explicitly, as these are being considered as part of the mitigation solution.	
D3B2.03.11	Table 6	Work No. 6B skylark habitat	No details of Work No 6B 'works to create skylark habitat' are provided. This needs detailing (e.g. provisions such as bird nesting and bat roost features).	
D3B2.03.12	Table 6	Work No. 6C NBBMA	Additional detail in terms of parameters for Work No. 6C ' Works to create a Non-Breeding Bird Mitigation Area'. No details of design or scale are provided, Parameters in terms of the gross depth of excavations should be provided. Details of the design and height of parameters for predator control fencing should be included.	

			Work Package 6 should also include The Lum and Biodiversity Enhancement Area explicitly, as these are being considered as part of the mitigation solution.	
D3B2.03.13	Table 7	Work No 7. Construction and decommissioning compounds	As referred to above. Also add parameter for how long a duration a compound shall remain (even if on broad terms e.g. removal within set period of commissioning operational use.	
D3B2.03.14	Table 8	Work No 8. Access etc.	Query whether a different design specification to permeable compacted stone over an appropriate geotextile is appropriate for some access roads/tracks e.g. those enduring higher levels of use.	

REP1-018 7.4 Outline Construction Traffic Management Plan

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-018 7.4 Outline Construction Traffic Management Plan				
D3B2.04.01		General	<p>CWCC consider that it would be useful to include reference to the guidance in EN-1 within the oCTMP such as:</p> <p>The travel plan shall include demand management and monitoring measures to mitigate transport impacts.</p> <p>The travel plan should provide details of proposed measures to improve access by active, public and shared transport to:</p> <ul style="list-style-type: none"> • reduce the need for parking associated with the proposal • contribute to decarbonisation of the transport network • improve user travel options by offering genuine modal choice. 	
D3B2.04.02	5.4.1	Highway peak hours (AM)	<p>The tracked changes from [PD2-014] have not been carried forward to the latest version [REP1-018];</p> <p>PD2-014</p>	

			<p>5.4 Impact on Other Highway Users</p> <p>5.4.1 It is not envisaged that the construction site will have any impact on other road users caused by delays accessing the site. Arrangements will be made to ensure that lorries avoid (wherever possible) entering and leaving the site during the weekday highway peak hour periods between 08:07:30 – 09:08:30 and 16:030 – 17:030 (these peak hour periods will be clarified and confirmed with the LHA and updated as necessary within the final CTMP). These arrangements will be organised locally by the Site Manager who will be responsible for the day to day running of the construction programme.</p>	
			<p>REP1-018</p> <p>5.4 Impact on Other Highway Users</p> <p>5.4.1 It is not envisaged that the construction site will have any impact on other road users caused by delays accessing the site. Arrangements will be made to ensure that lorries avoid (wherever possible) entering and leaving the site during the weekday highway peak hour periods between 08:30 – 09:30 and 16:30 – 17:30 (these peak hour periods will be clarified and confirmed with the LHA and updated as necessary within the final CTMP). These arrangements will be organised locally by the Site Manager who will be responsible for the day to day running of the construction programme.</p>	

REP1-020 7.5 Outline Construction Environmental Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-020 7.5 Outline Construction Environmental Management Plan - P03				
D3B2.05.01		General	Any further comments to follow	

D3B2.05.02	Table 5-5		<p>As referred to in comments on the draft DCO [REP1-004] Table 5-5 of the oCEMP [REP1-021] provides additional detail of an unexpected contamination protocol.</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
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REP1-022 7.6 Outline Operational Environmental Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-022 7.6 Outline Operational Environmental Management Plan - P03				
D3B2.06.01		General	Further comments to follow	
D3B2.06.02		General	The oOEMP includes an Environmental Incident Management and Pollution Prevention Plan and an Unexpected Contamination Protocol to ensure appropriate response if contamination is encountered, this would apply for any major replacement campaign.	
D3B2.06.03		General	<p>With regard to the unexpected contamination protocol, CWCC consider it appropriate to replicate the detail from the oCEMP [REP1-021] in the oOEMP (and oDEMP).</p> <p>Table 5-5 of the oCEMP provides additional detail of a protocol, which should also be included in the oOEMP/oDEMP [REP1-022 and REP1-024].</p>	

			<p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	
D3B2.06.04		General	<p>As referred to in comments on the draft DCO [REP1-004] Table 5-5 of the oCEMP [REP1-021] provides additional detail of an unexpected contamination protocol.</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>	

REP1-024 7.7 Outline Decommissioning Environmental Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-024 7.7 Outline Decommissioning Environmental Management Plan - P03				
D3B2.07.01		General	Further comments to follow	
D3B2.07.02		General	As noted in Appendix A to CCWS's Written Representations [REP1-048] ISH1 Agenda items 3 a)	

			The oDEMP needs to cover aftercare/restoration provisions.
D3B2.07.03		General	<p>With regard to the unexpected contamination protocol, CWCC consider it appropriate to replicate the detail from the oCEMP [REP1-021] in the oDEMP (and oOEMP).</p> <p>Table 5-5 of the oCEMP provides additional detail of a protocol, which should also be included in the oOEMP/oDEMP [REP1-O22 and REP1-024].</p> <p>The current drafting of point 2 of the wording for the protocol in Table 5-5 [REP1-021] states:</p> <p><i>“Where the Applicant determines that remediation of the contaminated land is necessary, a written scheme and programme ...”</i></p> <p>CWCC consider this needs rewording to provide the local planning authority (in consultation with the Environment Agency) with control over whether remediation is necessary.</p>
D3B2.07.04		Decommissioning End State	<p>Please refer to Appendix A of CWCC’s Written Representations [REP1-048]</p> <p>CWCC agrees that the end state should be defined, so certainty on the state of the mitigation areas at the time of handover back to landowners can be secured.</p> <p>CWCC recommended that the following issues be incorporated:</p> <ul style="list-style-type: none"> • Clarification of decommissioning end state (e.g. no mention of access tracks in Section 2.4 of oDEMP (PD2-020); provision of ‘restoration plan’ (preferably as part of the oDEMP) • Retention of habitat mitigation areas included in ‘end state’ for handback to landowners; • Addition of appropriate restoration aftercare provisions 15 <p>Regarding mitigation Cells 2, 3 and 5 of the Frodsham Wind Farm, at the decommissioning end state, these are no longer obligated to be in the management condition they are currently, as the Wind Farm would have</p>

			<p>been decommissioned at that point. Therefore, the decommissioning end state may not simply be the same as the current baseline and it should be clarified what condition these areas will be in at the point of handover.</p> <p>Following on from this, the Applicant states there is no guarantee what happens to the mitigation areas after the handover back to landowners. If there is no post-operational long-term management of the NBBMA and other mitigation areas, the landowner could, for example, fill in wetland scrapes, with no controls or mitigation put in place. This could have significant adverse impacts on the non-breeding bird populations and designated sites.</p>	
D3B2.07.05			<p>CWCC recommended that the following issues be addressed incorporated:</p> <ul style="list-style-type: none"> • Periodic review of commissioning end state (linked to monitoring of biodiversity) • Provision for seasonal biodiversity surveys prior to final DEMP 	

REP1-026 7.10 Outline Soil Management Plan

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-026 7.10 Outline Soil Management Plan				
D3B2.08.01		General	<p>Further detail of soil management in relation to the works to create the NBBMA should be included; or at least references to be included in the full soil management plan.</p> <p>One of the objectives of the proposed soil re-engineering for the NBBMA is to remove the existing seedbed and resolve issues of ruderal vegetation encroachment (paragraph 6.9.3 of oLEMP [REP1-028]. This should be referenced in the outline Soil Management Plan, preferably with details of the measures used to achieve this. For the wider development reference is made in Section 5 to Preliminary Works and Soil Stripping, with topsoil</p>	

			stripped and stockpiled. Clarification should be provided as to whether a different approach is to be taken for form the NBBMA.	
D3B2.08.02	Section 5	Soil Management by Project Phase	<p>Given that works to form the NBBMA will constitute the first phase of the Authorised Development, and the NBBMA will be complete before the commencement of works on the SADA (East and West) (as per para. 1.1.2 of the Note on updated Construction Resourcing Scheule [REP1-042]) it would be appropriate to set out for clarity how the soil management plan will deliver on that phasing in more detail.</p> <p>For instance, setting out the framework of a programme in relation to the carious elements and how they may overlap; e.g. the cut and fill exercise; the filling in of the canal pools, formation of the new scrapes, seeding/soft landscaping of Cell 3, eradication of the New Zealand pygmyweed (NZPW), excavation of the water storage area within the SSSI boundary, and removal from the NBBMA of excavated material arising from construction of the water storage area.</p>	

REP1-028 7.13 Outline Landscape and Ecology Management Plan - P03

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-028 7.13 Outline Landscape and Ecology Management Plan - P03				
D3B2.09.01		General	Further comments to follow	
D3B2.09.02		General	CWCC consider that the Non-Breeding Bird Mitigation Strategy (Appendix B) be submitted as a separate document; and referred to as such in the draft DCO.	

D3B2.09.03		General	More detail is needed on the NBBMS and soil re-engineering. This is a general point across the SADA, and should be added to the design parameters e.g. in terms of the extent of land raising / details of cut and fill	
D3B2.09.04		3.1.14 The SI, as provided in Annex 3, identified moderate to high levels of permeability within the upper metre of made ground, with ground water present at depths of 0.8 to 2.0 m below ground level. Groundwater was perched on a layer of black clay, thought to be deposited within the cells at depth due to the differentiated settlement of finer clay particles compared to the coarser silts and sands. This indicates that re-engineering the cells so the lower permeability clays are closer to the surface could deliver a wet soil at the surface, and therefore wet grassland could be created as demonstrated within the Water Balance report provided as Annex 4.	CWCC consider that further detail of the re-engineering works to form the NBBMA should be provided and additional details provided in the Design Parameters Statement [REP1-014] for Work No. 6. In particular. parameters relating to the depth of excavation.	

REP1-032 8.12 Applicant's Response to Other Relevant Representations - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-032 8.12 Applicant's Response to Other Relevant Representations - P01				
D3B2.10.01		General	Any comments to follow	

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REP1-033 8.13 Written Summary of Applicant’s Oral Submissions at the Issue Specific Hearing 1

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-033 8.13 Written Summary of Applicant’s Oral Submissions at the Issue Specific Hearing 1				
D3B2.11.01		General	Any comments to follow	

REP1-034 8.14 Technical Note on Major Replacement Works

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-034 8.14 Technical Note on Major Replacement Works				
D3B2.12.01		General	Further comments to follow	
D3B2.12.02		General	General comment that the submission does not try to address the scale of major replacement activities. Further discussion with the Applicant is needed in relation to the NBBMA.	
D3B2.12.03	16.1.2	Frodsham Wind Farm Firstly, it should be noted that there is a side agreement between Frodsham Wind Farm and the Applicant which requires both parties to coordinate activities associated with construction, operation and decommissioning. It	CWCC note the comments made on behalf of Frodsham Wind Farm Limited (FWFL) in response to the ExQ1 and relating to the side agreement / asset protection agreement are noted. <i>[At the time of this submission the letter from Osborne Clark LLP (dated 15 January 2026, and showing as loaded on PINS website 21 January 2026 Deadline (DL2) is not included in the Examination Library (28 Jan 2026)]</i>	

		would not be in the interest of either party to be undertaking a major replacement campaign at the same time as decommissioning or repowering, either logistically or from a safety perspective.	<p><i>“There are still a number of outstanding points to be addressed primarily relating to:</i></p> <ul style="list-style-type: none"> <i>• sharing and maintenance of the access track which currently serves FWF and is intended to additionally serve the Frodsham Solar Project;</i> <i>• the potential for ground subsidence to the wind turbines and associated equipment during construction of the Frodsham Solar Project and the responsibilities of both parties during the lifetime of the projects; and</i> <i>• the practicalities and set back distances, specifically around oversail and the lay down areas for the turbines when it comes to repowering or decommissioning of FWF.”</i>
D3B2.12.04	16.1.3	Irrespective of this, in respect of wind farm decommissioning, the timing and approach to the works would be controlled by virtue of the planning conditions and the requirements of the two consents. Condition 48 of the Frodsham Wind Farm consent requires the operator of the wind farm to submit, for approval by Cheshire West and Chester Council, a scheme for the demolition and removal of the wind farm. In relation to a major replacement campaign of Frodsham Solar, the oOEMP requires the submission of a notification for approval of the works prior to them being undertaken, taking account of the wind farm demolition and removal scheme. These mechanisms provide the necessary control by the Council to ensure that measures are in place to prevent any unacceptable cumulative effect	Any further comments to be provided

		arising if the two programmes were to overlap.		
D3B2.12.05	16.1.4	If Frodsham Wind Farm were to re-power, this would require planning permission, and the planning application for that scheme would have to show how the ongoing maintenance of the Proposed Development had been taken account of in its environmental management measures.	Any further comments to be provided	

REP1-035 8.15 Note on updated National Policy Statements EN-1, EN-3, and EN-5 - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-035 8.15 Note on updated National Policy Statements EN-1, EN-3, and EN-5 - P01				
D3B2.13.01		General	The Applicant's submission update on policy is welcome background information.	
D3B2.13.02	1.1.5		<p>With regard to the highlighted point in the Executive Summary of the Government's Response:</p> <p>"For applications that have been accepted for examination before publication of the updated 2025 NPSs, the 2024 versions will underpin planning decisions"</p> <p>It seems reasonable to conclude that the intention behind this statement is that where there is a disparity between the old and the new policy versions, for applications already under Examination, the 2024 policy statements would take precedence. However, CCWC acknowledge that</p>	

			the 2025 statements are material considerations, and as the more up to date, where practical they should be taken into account.	
D3B2.13.02	Table 1	Paragraph 2.10.82 of the updated NPS EN-3 (formerly paragraph 2.10.90 of the 2024 NPS EN-3) has been updated to strengthen the requirement on applicants to “consider reasonable opportunities to maximise restoration, creation, and enhancement of wider biodiversity” and introduces Local Nature Recovery Strategy Strategies as a means of identifying opportunities.	The Cheshire and Warrington Local Nature Recovery Strategy 2025-2035 has only recently been published.	
D3B2.13.02	Table 1	Paragraph 2.10.26 of the updated 2025 NPS EN-3 (formerly paragraph 2.10.34 of the 2024 NPS EN-3) has been updated to note that where peat soils are present on a site, then an applicant’s Soil Management Plan should include consideration of mitigation against impacts to peat soils. Paragraph 2.10.84 of the updated 2025 NPS EN-3 (formerly paragraph 2.10.92 of the 2024 NPS EN-3) has also been amended to say that applicants should consider whether they need to provide geotechnical and hydrological information such as identifying the presence of peat “according to country-specific definitions” at each site.	The Applicant’s position is noted.	

D3B2.13.02	Table 1	<p>Updates to Paragraph 5.14.7 of the updated 2025 NPS EN- and</p> <p>Paragraph 5.14.8 of the updated 2025 NPS EN-1 (formerly paragraph 5.14.7 of the 2024 NPS EN-1) has also been updated to require that applicants prepare a travel plan “adopting a vision-led approach to identify demand management and monitoring and fall-back measures that proactively mitigate transport impacts [the underlined text being the new text inserted in 2025 NPS]”</p>	<p>CWCC consider that reference to demand management etc should be included in the oCTMP.</p>	
D3B2.13.02	Table 1	<p>Paragraph 5.15.9 of the updated 2025 NPS EN-1 (formerly paragraph 5.15.10 of the 2024 NPS EN-1) has been updated to set out that applicants “must consider the Circular Economy and how to ensure that their project aligns with the government’s circular economy ambitions”.</p> <p>Paragraph 5.15.12 of the updated 2025 NPS EN-1 (formerly paragraph 5.15.13 of the 2024 NPS EN-1) has also been amended to set out that applicants are “encouraged to prepare a construction materials management plan to inform the use of construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, or</p>	<p>The Applicant’s position is noted.</p>	

		degeneration of valuable materials, for example, from accidental damage or excessive weathering [the underlined text indicates text inserted by 2025 NPS]"		
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REP1-036 8.16 Statement of Common Ground with Cheshire West and Chester Council (CWCC) - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-036 8.16 Statement of Common Ground with Cheshire West and Chester Council (CWCC) - P01				
D3B2.14.01		General	Under discussion with Applicant	

REP1-037 8.17 Statement of Common Ground with the Environment Agency - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-037 8.17 Statement of Common Ground with the Environment Agency - P01				
D3B2.15.01		General	Current position noted	

REP1-038 8.18 Statement of Common Ground with National Highways - P01

Ref	Document Para number	Document summary point	CWCC comments	Status

REP1-038 8.18 Statement of Common Ground with National Highways - P01			
D3B2.16.01		General	Current position noted

REP1-039 8.19 Statement of Common Ground with Liverpool Bay CCS Limited - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-039 8.19 Statement of Common Ground with Liverpool Bay CCS Limited - P01				
D3B2.17.01		General	Current position noted Please refer to comments on the Technical Note on Pipeline Interactions [REP1-041] below.	

REP1-040 8.20 Statement of Commonality - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-040 8.20 Statement of Commonality - P01				
D3B2.18.01		Table 2 Statement of commonality	CWCC consider that more detail of the community benefit fund is needed before this can be considered agreed with the Applicant.	

REP1-041 8.21 Technical Note on Pipeline Interactions

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-041 8.21 Technical Note on Pipeline Interactions				
D3B2.19.01		General	Any further comments to follow	
D3B2.19.02	Section 1	Introduction	Noted	
D3B2.19.03	Section 2	Before Scenario	<p>One of the implications of the Runcorn Pipeline being installed before the NBBMA is that the detailed design of the NBBMA would need to take account of the pipeline in its construction and design. Natural England's (NE) Written Representations [REP-056] refer to concerns regarding the operational impacts of the CO2 pipeline relating to the potential for changes to the hydrology within the NMMBA. NE consider that this impact need to be addressed within the Habitats Regulations Assessment (HRA). At NE35 [REP1] NE advise that</p> <p>"The applicant must consider any factors that may undermine the success of the proposed habitats within the NBBMA. If works to the pipeline are undertaken before or at the same time as the habitats within the NBBMS are created, this creates a risk for the applicant in terms of the success of the NBBMA.</p> <p>The route of the pipeline in its current form shows the route passing through the NBBMA between the Canal Pools area and the wetland habitats. It is not clear how locating the pipeline in this area will impact on the water supply mechanisms to the wetland habitats and how it may alter the movement of water within the NBBMA.</p> <p>We advise assessment of the incombination operational impacts of the pipeline should be addressed within the HRA".</p> <p>As a result NE does not agree with the overall conclusions of the HRA at this stage.</p> <p>It may well be that the Applicant is able to address NE's concerns, noting that the conceptual model in the Water Balance Report (Annex 4 of the</p>	

			NBBMS in Appendix B of the oLEMP [REP1-028]) appears not to rely on the proposed water storage area to be provided in place of the canal pools, although the water storage area does appear to add resilience to adaptive water management of the NBBMA.	
D3B2.19.04	Section 3	Concurrent Scenario	<p>Section 3 details the Applicant's commitments, through the oCEMP and establishment of a Working Group. At paragraphs 3.3 and 3.4 emphasis is placed on CWCC's ability to refuse to approve the CEMP if it is not satisfied at that time with the outcome of discussions between the Applicant and LBCCS.</p> <p>CWCC's primary concern is not with the ability to control the concurrent scenario via the CEMP (and with the benefits of the Working Party), but with the After Scenario.</p> <p>CWCC may need to consider further the case law referred to in paragraphs 3.8 and 3.9, but the position at present seems to be that if the projects' timeline slips into the After Scenario, CWCC's reliance on the provisions of T&CPA controls (e.g. CEMP) for the Runcorn Pipeline could be inadequate to avoid significant cumulative effects or in-combination adverse effects on integrity.</p> <p>There does not seem to be an issue in principle with exercising the sort of control on the Runcorn Pipeline suggested in paragraph 3.14 to ensure that works in Cells 1, 2 and 5 are separated from works to create the NBBMA; and to secure involvement of a Working Group.</p> <p>Consideration of the alternative of conditioning the Runcorn Pipeline to be developed before the NBBMA (paragraph 3.16) is noted, may not be acceptable to LBCCS.</p> <p>The Back Stop position advanced in paragraphs 3.18 and 3.20 involving potential use of the Applicant's compulsory acquisition powers is noted. However, CWCC cannot rely on the Applicant pursuing this route to establish that the EIA/HRA conclusions would be secured. A preferable position would be for the Applicant and LBCCS to reach formal agreement, to deal in particular with the After Scenario, but preferably all scenarios.</p>	
D3B2.19.05	Section 4	After Scenario	The points in paragraphs 4.1 to 4.3 regarding acceptance of the need to consider the Runcorn Sour Pipeline for the EIA/HRA are noted. The	

			<p>Applicant's position seems to rely on a nuanced argument at paragraph 4.5 that the NBBMA itself could not be seen as causing an impact, and should be seen as a baseline for the Runcorn Spur Pipeline.</p> <p>That seems to be an untenable position, in consideration of the cumulative impact of both projects, which are currently both under assessment.</p> <p>The point about the NBBMA not causing an impact/effect, also seems misplaced, as the primary function of the NBBMA is to provide mitigation for the Frodsham Solar project and without it, the impacts of Frodsham Solar would be acknowledged to be significant adverse effects. A non-functioning or only partially functioning NBBMA would demonstrably cause adverse effects.</p> <p>Again the Applicant's point at paragraph 4.7 is made on the basis that the Frodsham Solar development has been carried out, and how the pipeline projects should be considered in that situation. However, that is not the position in terms of consideration of the current draft DCO (nor in relation to consideration of the current pipeline application), both of which require consideration of the cumulative / in-combination effects.</p> <p>The Applicant's point at paragraph 4.8 and 4.9 appears to side-step the Applicant's responsibility to carry out the assessment and present appropriate mitigation for the impacts, and places the onus on LCCS or CWCC.</p> <p>Paragraphs 4.10 and 4.11 appear to acknowledge/confirm that the combined developments in the After Scenario would result in significant EIA effects.</p>
D3B2.19.06	Section 5	Conclusion on Runcorn Spur Pipeline	<p>CWCC disagrees with the Applicant's conclusions on the Before Scenario, and the After Scenario.</p> <p>For the Before Scenario this is in light of NE's comments referred to above, and it is acknowledged that the Applicant may be able to present further information to NE to remove its concerns.</p> <p>For the After Scenario CWCC disagrees that the Applicant is not required to assess the cumulative / in-combination effects.</p>

			At present, it seems unlikely that the project would have no adverse effect on the integrity of a European site.	
D3B2.19.07	Section 6	Hynet Hydrogen Pipeline	CWCC acknowledge the delay to the Hynet North-West Hydrogen Pipeline project.	

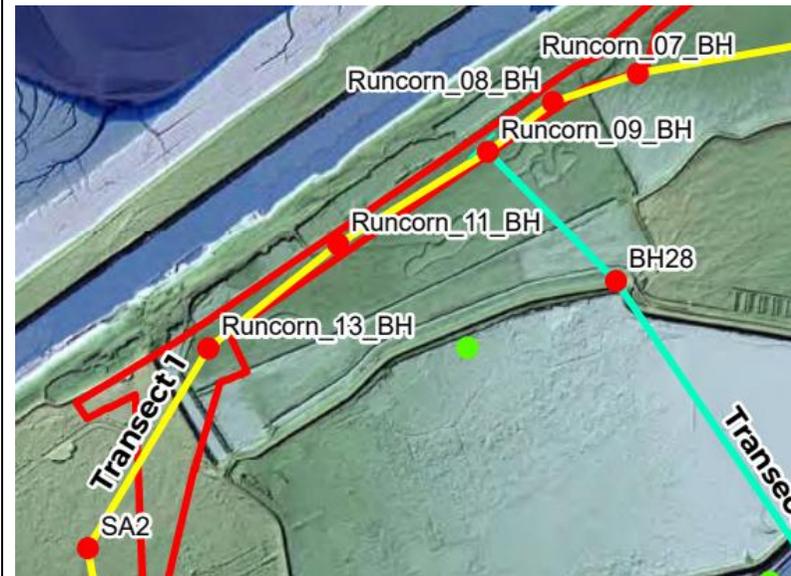
REP1-042 8.22 Note on updated Construction Resourcing Schedule - P01

Ref	Document Para number	Document summary point	CWCC comments	Status
REP1-042 8.22 Note on updated Construction Resourcing Schedule - P01				
D3B2.20.01		General	Further comments to follow	
D3B2.20.02	2.1.1	<p>“However, to provide a conservative assessment a nominal allowance for HGVs and personnel movements has been allowed for Document Ref: EN010153/DR/8.15 Frodsham Solar December 2025 Note on updated Appendix 2-2: Resource Schedule Revision P01 2 in Month 1 and 2 should PPW be required in advance of starting the NBBMA. This retains a 30-month programme. (<i>Our emphasis</i>)</p>	<p>The potential adverse impacts of PPW taking place on the SADA during and potentially even before construction of the NBBMA need to be assessed.</p> <p>Further discussion with the Applicant is needed in relation to the construction programme, noting that there appears to be no provision for the newly created NBBMA to establish and provide suitable functional habitat for use by all SPA species before construction on the SADA commences.</p> <p>See CWCC’s comments at paragraph 7.43 and 7.44 in Relevant Representations [RR-037] and the corresponding further comments in response to CWACC7.40 in CWCC D3(A) submission for Deadline 3.</p> <p>CWCC expect the Skylark mitigation habitat to be provided before works to the NBBMA commence; and this needs incorporating into the schedule.</p>	
D3B2.20.03	Appendix A	ES Vol 2 Appendix 2-2: Indicative Construction	The totals in the table seem to contain errors (e.g. yellow highlight on extract below).	

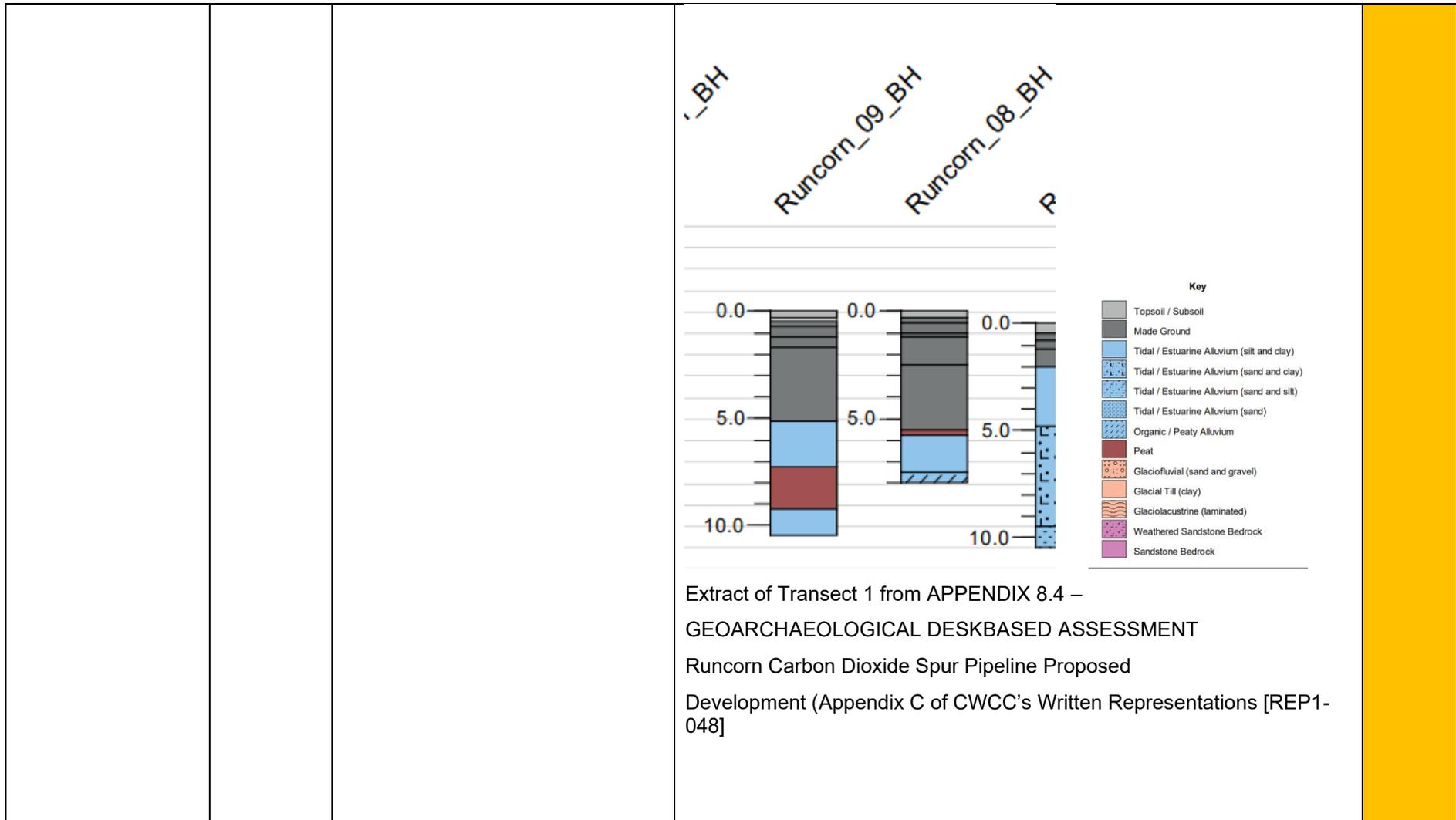
		<p>with green halos positions below 2m (includes Runcorn_08_BH, Runcorn_09_BH, Runcorn_013_BH, BH28, BH29 and SJ47NE14). Peat has not been encountered within 2 metres of the existing ground surface.</p> <p>3.7 Based upon the proven peat distribution on Figure 3.1, which identifies positions where shallow peat (within 1.2 metres of the current ground surface) is encountered in the Blue coloured positions with red halos, the potential for interaction of drainage or duct excavations and groundworks, in the areas outside the SADA and NBBMA, is limited though potentially may occur to the south west of the NBBMA. This interpretation is generally consistent with the interpretation proposed within the Geoarchaeology Assessment undertaken for the Runcorn Carbon Dioxide Spur Pipeline Development [Planning Application reference 25/02108/FUL].</p>	<p>Carbon Dioxide Spur Pipeline Proposed Development (Appendix C of CWCC's Written Representations [REP1-048]. See extracts below.</p> <p>Whilst the boreholes indicate that the peat deposits are between 5-10m below current ground levels, it is notable that the depth and the thickness of these peat layers vary over a relatively short distance along the transect. The point being that knowledge of variances in peat deposits in the NBBMA, where there will be extensive re-engineering works, may require further investigation/assessment, although it is also acknowledged that the majority of the exploratory locations in the NBBMA revealed no peat.</p> <p>Fig 4.1 of the technical note shows areas of potential further investigation, and whilst the canal pools along the northern side of the NBBMA are included, it is notable that no further reference is made in relation to the NBBMA. Given the extent of engineering work proposed on the NBBMA, intentionally bringing less permeable soils nearer the surface, it is considered that a Peat Management Plan for the NBBMA would be appropriate.</p> <p>Peat deposits in the NBBMA that may be currently at greater depth than 5m, are liable to have excavations above that would temporarily or otherwise bring the deposits closer to the surface. This may not be an issue, but further clarity from the Applicant regarding the assessment of the impact of the re-engineering works within the NBBMA on potential peat deposits would be welcome, especially in relation to compaction from earthworks. It appears that potential impacts may be greater than for other areas, such as the SADA, due to the large-scale excavation (cut and fill) exercise to form the NBBMA; as well as some peat deposits being present at 5m-10m depth.</p> <p>In general, i.e. not just to satisfy concerns about peat deposit, greater detail of the proposed engineering works to the NBBMA soils (e.g. in terms of how the composition of the soils would be altered) and establishment of parameters for works in the NBBMA (e.g. in terms of limits on depth of excavation) should be provided.</p> <p>The Water Balance Update Report (Annex 4 of the NBBMS within the oLEMP [REP1-028] contains the drawing GM12793-007 Rev A (Proposed Levels Option 2), and this shows proposed cut and fill along with sections.</p>	
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It is understood that this is a conceptual model, and it does not depict provision of the water storage area on the northern embankment to Cell 3. It is understood that the water storage area is proposed, not least as this would add resilience to the adaptive water management for the NBBMA. Clarification from the Applicant regarding the provision of a water storage area and its parameters e.g. location (viz-a-viz) the SSSI should be provided.

Re-engineering of the soils is proposed to form the NBBMA, and



Extract of Fig 7 from APPENDIX 8.4 –
GEOARCHAEOLOGICAL DESKBASED ASSESSMENT
Runcorn Carbon Dioxide Spur Pipeline Proposed
Development (Appendix C of CWCC's Written Representations [REP1-048])



Extract of Transect 1 from APPENDIX 8.4 –
 GEOARCHAEOLOGICAL DESKBASED ASSESSMENT
 Runcorn Carbon Dioxide Spur Pipeline Proposed
 Development (Appendix C of CWCC's Written Representations [REP1-048])

Other Deadline 1 submission documents

- 3.2. The 'clean' versions of the relevant document have been referred to in the Table above, noting that there are 'tracked change' versions that have not been listed.
- 3.3. The following (other) documents from the Applicant's submission on Deadline 1 are noted:

Deadline 1

REP1-001 8.11 Deadline 1 Cover Letter

REP1-002 1.5 Application Document Tracker - P04

REP1-003 2.2 Land and Crown Land Plans - P03

REP1-006 3.2 Explanatory Memorandum - P03

REP1-008 4.3 Book of Reference - P04

REP1-010 4.4 Land and Rights Negotiations Tracker - P02

REP1-030 8.8 Draft DCO Schedule of Changes - P02

REP1-031 8.10 Schedule of Land Rights Changes - P02

REP1-044 8.24 Statutory Undertaker Negotiations Tracker -P01

- 3.4. CWCC does not have specific comments to make on these documents at the present time.

4.0 DEADLINE 2 DOCUMENTS

4.1. This section summarises CWCC’s responses to the Deadline 2 documents.

Table 3: Deadline 2 submissions

REP2-003 Applicant’s Response to ExA First Written Questions

Ref	Document Para number	Document summary point	CWCC comments	Status
REP2-003 Applicant’s Response to ExA First Written Questions				
D3B3.01.01		General	CWCC have not been able to give this proper or full consideration in the time available since submission. CWCC will confirm if it has any further comments.	