



Frodsham Solar

Applicant Response to Written Representations

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CONTENTS

1.0	INTRODUCTION	2
1.1	Purpose of this Document.....	2
1.2	Approach.....	2
2.0	APPLICANT RESPONSES TO WRITTEN REPRESENTATIONS.....	3
2.1	Overview	3

TABLES

Table 2-1:	Response to Cheshire West and Chester Written Representation	4
Table 2-2:	Response to Environment Agency Written Representation	86
Table 2-3:	Response to National Highways Written Representation.....	108
Table 2-4:	Response to Natural England’s Written Representation	110
Table 2-5:	Response to Marine and Coastguard Agency Written Representation	120
Table 2-6:	Response to A Future Without Rubbish Written Representation	121
Table 2-7:	Response to NGET Written Representation	123
Table 2-8:	Response to Canal and River Trust Written Representation.....	125
Table 2-9:	Response to Cheshire Wildlife Trust Written Representation.....	128
Table 2-9:	Response to Essar Oil Written Representation.....	134
Table 2-9:	Response to Frodsham Active Travel Written Representation	136
Table 2-10:	Response to SP Energy Networks Written Representation.....	143
Table 2-11:	Response to Cllr Aidan Holman Written Representation.....	144
Table 2-12:	Response to Cllr Lucy Sumner Written Representation	147
Table 2-12:	Response to Cllr Helen Hayes Written Representation	154
Table 2-13:	Response to Rachel Drapeur Written Representation	155
Table 2-14:	Response to Cllr Copeman Written Representation	156

APPENDICES

Appendix A – Simplified Illustrative Drawing of Overhead Cable Crossing of River Weaver, supporting Applicant response to reference EA014

Appendix B – BNG Metric Rule 4 Technical Note

1.0 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This document provides the Applicant's responses to the Written Representations submitted by Interested Parties requested by the Examining Authority ('ExA') for submission at Deadline 1, 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 3 in accordance with the **ExA's Rule 8 Letter [PD-008]** issued on the 16th December 2025.

1.2 Approach

1.2.1 The Applicant has presented responses to the Written Representations within tables in **Section 2**.

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 TO WRITTEN REPRESENTATIONS

2.1 Overview

2.1.1 The following Interested Parties submitted Written Representations at Deadline 1, to which the Applicant has responded:

- i) Cheshire West and Chester Council **[REP1-048]**;
- ii) Environment Agency **[REP1-050]**;
- iii) National Highways **[REP1-055]**;
- iv) Natural England **[REP1-056]**;
- v) Marine and Coastguard Agency **[REP1-057]**;
- vi) A Future Without Rubbish **[REP1-058 / REP1-059]**;
- vii) National Grid Electricity Transmission **[REP1-061]**;
- viii) Canal and River Trust **[REP1-063]**;
- ix) Cheshire Wildlife Trust **[REP1-068]**;
- x) Essar Oil Ltd **[REP1-069]**;
- xi) Frodsham Active Travel **[REP1-071]**;
- xii) SP Energy Networks **[REP1-072]**;
- xiii) Cllr Aidan Holman **[REP1-073]**;
- xiv) Cllr Lucy Sumner **[REP1-074]**;
- xv) Cllr Helen Hayes **[REP1-075]**;
- xvi) Rachel Drapeur **[REP1-076]**; and
- xvii) Cllr Copeman **[REP2-006]** (submitted at Deadline 2).

2.1.2 The following Interested Parties submitted Written Representations at Deadline 1, to which the Applicant has not responded:

- i) Historic England **[REP1-051]** (as there are no matters to respond on within this representation); and
- ii) Inovyn **[REP1-070]** as the Applicant can simply respond that property discussions are on-going between the parties.

Table 2-1: Response to Cheshire West and Chester Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
2. Summary of Key Representations			
WR_CWACC2.1	2.5 – 2.9	<p>2.5. Appendix 25 to the LIR is a Welsh Government decision (October 2025) relating to a solar farm with battery storage units on land near Llanwern. Whilst the policy background differs and site circumstances will be individual to each scheme, attention is drawn to the decision as the issues in that case, in particular ecology landscape are in common with the Frodsham Solar situation. In terms of ecology, similarities include debate regarding the sufficiency of mitigation proposals</p> <p>2.6 Paragraph 5 “the proposed scheme is not located within any internationally designated ecological site, but it lies in close proximity to the Severn Estuary SPA, SAC, and Ramsar site, as well as the River Usk SAC.”</p> <p>2.7. Paragraph 10 “ Several protected bird species use the site although most of the ornithological interests is of site or local value. However, there is particular concern for Lapwing, a red-listed species with a declining local population. While a 12-hectare mitigation area is proposed, NRW and others question whether it is large enough to fully compensate for habitat loss or support population recovery. Overall, the Inspector is not certain that the Lapwing mitigation area is a sufficient size to at least compensate for the loss of arable and open pasture habitat let alone reach the level of ‘enhancement’ needed to meet the section 6 duty in the Environment (Wales) Act (the Act).”</p>	<p>The Applicant acknowledges the Council’s reference to a Welsh Government decision regarding a solar farm near Llanwern and recognises the Council’s statement that policy background and site circumstances differ between schemes. However, despite this acknowledgment, the LIR does not explain these differences in any meaningful way and still attempts to draw parallels that, in the Applicant’s view, are of limited value to the assessment of the Frodsham Solar DCO without considering the specific details of each scheme.</p> <p>In particular, several fundamental differences between the Llanwern scheme and the Proposed Development are worth noting.</p> <p>Firstly, the Llanwern scheme involved developing solar infrastructure within a large area of an existing Site of Special Scientific Interest. By contrast, the Proposed Development does not involve installing solar infrastructure within the Mersey Estuary SSSI. The Frodsham Solar proposals include a comprehensive set of measures specifically designed to restore, enhance, and ensure the long-term management of part of the Mersey Estuary SSSI through the management measures proposed for the NBBMA and the inclusion of provisions within the draft DCO that will guarantee the improvements to SSSI management remain in place indefinitely, not just for the 40-year lifespan of the permission.</p> <p>The scale, nature, and certainty of the mitigation proposed at Frodsham Solar differ significantly. In the Llanwern scheme, the Inspector’s concerns centred on whether the proposed retention of 11ha of farmland, identified as a mitigation area for Lapwing, would sufficiently compensate for habitat loss</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>2.8. Paragraph 12 “Nevertheless, the Inspector considers their concerns in respect of the potential harmful effects on Lapwing and SCB are such that they offend the duty in the Act to protect and enhance biodiversity”.</p> <p>2.9. The stepwise approach in Wales (referred to in the above decision) differs from England, but the mitigation hierarchy principles remain.</p>	<p>and whether it could meet the enhancement outcomes required under the Environment (Wales) Act. These concerns stemmed from the specific design, extent, and evidence base of the mitigation in that scheme.</p> <p>In contrast, the Frodsham Solar proposals are underpinned by a detailed, evidence-based Outline Non-Breeding Bird Mitigation Strategy. This strategy outlines the creation and long-term management of a substantial, contiguous mitigation area (approximately 53 ha), including wet grassland, scrapes, islands, and managed grassland, aiming to deliver higher-quality habitat than currently exists and to extend habitat availability throughout the non-breeding and passage periods. The mitigation is explicitly designed to maintain and, where possible, improve resources for key grassland and wetland species, such as Lapwing, Curlew, and Golden Plover, through habitat improvements, water management, and predator control.</p> <p>The long-term management of the mitigation area at Frodsham Solar is also fundamentally different. The Applicant has committed to appointing a suitably experienced independent conservation organisation to oversee the long-term management of the NBBMA, having secured a letter of intent from the RSPB, which previously objected to the Llanwern proposals. The management approach at Frodsham Solar includes adaptive management, monitoring, and review over a minimum period of 40 years, secured through the draft DCO. This level of certainty, longevity, and professional oversight is significantly different from the circumstances considered in the Llanwern scheme.</p> <p>Lastly, while the Applicant recognises that the mitigation hierarchy is a common principle across Welsh and English planning systems, there are fundamental policy and</p>

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			<p>legislative differences in how ecological impacts are assessed. Notably, the Llanwern scheme is determined under the Town and Country Planning regime, in the context of Future Wales – The National Plan 2040, Planning Policy Wales, and The Well-being of Future Generations (Wales) Act 2015. Frodsham Solar, however, is assessed under the Planning Act 2008, in accordance with National Policy Statements EN-1, EN-3, and EN-5.</p> <p>For these reasons, the Applicant considers that relying on the Llanwern decision offers limited benefit to the decision-making process and to understanding the effects of the Proposed Development. The ecological impacts of Frodsham Solar and the adequacy of its mitigation should instead be evaluated based on its own site-specific evidence, design, and secured mitigation commitments, as detailed in the application documents and Examination submissions.</p>
3. Comments on the draft DCO Articles			
WR_CWACC3.1	3.4	<p>Definition of permitted preliminary works – the removal of site clearance and remedial works from the definition due to concerns regarding control and fall outside of the construction phasing plan. There is the potential for significant impact on habitats which hasn't been accounted for. Appendix A sets this out in detail.</p> <p>In Appendix A, the Council also state that if site clearance and remedial works are included in permitted preliminary works, these fall outside of the definition of commencement and so are not controlled by the construction phasing plan in Environmental Statement: Appendix 2-2: Indicative Construction Phasing and Resource Schedule</p>	<p>The Permitted Preliminary Works (PPW) are controlled by Requirement 8 in Schedule 2 to the Draft DCO [as updated alongside this submission] which states that the PPW “must be carried out in accordance with the measures set out in Appendix 2-3 of the Environmental Statement”.</p> <p>Environmental Statement: Appendix 2-3: Permitted Preliminary Works [as updated alongside this submission] sets out the relevant controls to ensure that there are no environmental impacts resulting from the PPW.</p> <p>In addition, the PPW specifically relating to vegetation clearance are also subject to further control under Requirement 9(1), as vegetation clearance cannot start until a Landscape and Ecology Management Plan (LEMP) for the</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>[APP-051]. 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. 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.</p>	<p>relevant phase has been submitted to and approved by the relevant planning authority.</p> <p>Also, Requirement 12(4) includes additional controls for PPW involving site preparation for temporary facilities for the use of contractors, site clearance (including vegetational removal and demolition of existing buildings and structures), receipt and erection of construction plant and equipment to be utilised for Work No. 6C, and remedial work in respect of any contamination or other adverse ground conditions where this relates to Work no. 6C. These PPW require a Construction Environmental Management Plan (CEMP) to be submitted and approved by the relevant planning authority before works can start. Such a CEMP would include details on construction timing, in line with the overall commitments in that regard within the outline CEMP.</p> <p>As such, the Applicant considers that the Draft DCO already provides CWCC, as the relevant planning authority, with stringent controls on the implementation and timing of PPW. The combination of Requirement 9(1) and Requirement 12(4) means that before vegetation clearance could take place as a PPW, that both a LEMP and CEMP setting out how that work would take place would need to be approved by CWCC and so the scenario envisaged of a site cleared of vegetation with no mitigation area available for non-breeding birds would not occur.</p> <p>Finally, the Applicant, following comments raised at Issue Specific Hearing 1, revised Appendix 2-2: Indicative Construction Phasing and Resource Schedule [APP-051] to account for PPW, the establishment of the Skylark Mitigation Area and commitments given to Natural England to not construct any part of the Solar Array Development Area until the Non-Breeding Bird Mitigation Area is functional. This</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>was submitted at Deadline 1 as Appendix A to the Note on Updated Construction Resourcing Schedule [REP1-042]. The Schedule is indicative and not secured by the DCO, but this is because of the controls already set out in the requirements as explained above.</p>
WR_CWACC3.2	3.4	<p>Article 8 - Defence to proceedings in respect of statutory nuisance – CWCC is concerned that Article 8 goes further than the model DCO provisions in that it seeks to extend the defence to a statutory nuisance claim to not just the construction and maintenance of the authorised development but also the ‘operation, use or decommissioning’ of the authorised development. CWCC’s position is that the additional wording takes the defence further than the model DCO provisions. In the Explanatory Memorandum there is no justification for the additional defence relating to the ‘operation, use or decommissioning’ and CWCC does not consider it necessary and takes the defence too far.</p>	<p>Section 158 (Nuisance: statutory authority) of the Planning Act 2008 provides a defence of statutory authority in proceedings for nuisance for “carrying out development for which consent is granted by an order granting development consent” or “doing anything else authorised by an order granting development consent”. This not only includes the construction and maintenance of the authorised development, but also (as currently set out in article 8(1) of the Draft DCO [as updated alongside this submission]) the “operation, use or decommissioning of the authorised development” as these are all authorised by the DCO.</p> <p>In practical terms, the likelihood of “operation, use or decommissioning” causing a statutory nuisance is minimal. The Applicant’s Statutory Nuisance Statement [APP-126] concluded in paragraph 6.1.3 that the Proposed Development is not expected to cause a statutory nuisance during its construction, operation or decommissioning. However, given the Planning Act 2008 context, it is still considered appropriate to provide a statutory defence to account for unexpected events occurring.</p> <p>The drafting is also precedent, with The Stonestreet Green Solar Order 2025 including “operation” and “decommissioning” in its equivalent article and a number of recently made solar DCOs (such as Byers Gill Solar Order 2025, Tillbridge Solar Order 2025, Oaklands Farm Solar</p>

Ref	Paragraph Number	Comment	Applicant's Response
			Order 2025 and East Yorkshire Solar Farm Order 2025) including "decommissioning".
WR_CWACC3.3	3.4	<p>Part 3, Street Works - Articles 9-16 – concerns regarding the wide scope of the powers sought particularly in relation to street works undertaken outside of the Order limits which appears to go beyond what is required for the authorised development. Appendix A sets this out in further detail.</p> <p>In Appendix A the Council states: CWCC considers the scope of Article 10 to go beyond what is required for the authorised development. If works are required outside of the Order limits, what is required and where? There should be specific powers for CWCC to approve any such works by providing its consent.</p> <p>In addition, in accordance with other made DCOs, there should be a requirement to restore any street which has been temporarily altered and that work should be approved by the street authority.</p> <p>Additionally, Article 10(4) appears to be unnecessary as the undertaker is not and will not be the street authority for a street in which the works are carried out as it is a private company not a highway authority.</p> <p>CWCC requires more control in Article 10 to specifically approve any street works outside of the Order limits to retain control of its network and the deemed approval provisions in the current draft DCO do not accord with other consented schemes</p>	<p>Item 4b of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033] and the Draft DCO [as updated alongside this submission] submitted at Deadline 1 addresses the points raised in this representation about the drafting in articles 10, 12, 13 and 14.</p> <p>In respect of article 10(4), the Applicant is not quite clear on CWaCC's concerns. This paragraph relates to (3) and ensures that the street authority is content that any temporary changes have been restored appropriately. These paragraphs both refer to the 'street authority' as the definition of that term within NRSWA 1991 does not just cover highways maintainable at public expense, but also any private roads. In private roads, the 'street authority' would (in most circumstances) be the owner of that private road, not the local highway authority.</p> <p>In respect of the deemed approval provisions referred to in the representation, the Applicant understands this to be a reference to article 46(4) (procedure in relation to certain approvals etc.) of the Draft DCO. This drafting is well-precedented in other recently made DCOs such as The Tillbridge Solar Order 2025 and The East Yorkshire Solar Farm Order 2025. The Applicant acknowledges that the drafting is different in the equivalent provision in The Helios Renewable Energy Project Order 2025, but there are still deemed approvals if a decision is not made in 28 days in the street-related articles themselves in that Order.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		for example the recently consented Helios Renewable Energy Project DCO.	
WR_CWACC3.4	3.4	<p>Article 39 Felling or lopping of trees and removal of hedgerows – Article 39 should apply to approved removal and not retained features – see Appendix A for further detail.</p> <p>In Appendix A the Council states: CWCC's position is that more clarity is needed with approval given to tree and hedge retention and removal plans, and that Article 39 should apply to approved removal and not retained features.</p>	<p>Requirement 9(2)(b) (Landscape and ecology management plan) in Schedule 2 to the Draft DCO [as updated alongside this submission] requires the undertaker to specify in the LEMP details of "any hedgerows proposed for removal" and these details will be submitted to the relevant planning authority for approval prior to construction works (and in the case of vegetation removal – Permitted Preliminary Works) commencing. Requirements 9(2)(a) and 9(2)(d) also require the LEMP to include details of proposed tree and hedgerow planting and existing trees to be retained.</p> <p>As the provision of these details to the relevant planning authority via the LEMP is secured by requirement, there is no need to amend article 39 to duplicate this. Article 39 is the statutory power to deal with trees/hedgerows – it is for the Requirements to impose controls on the details of this, which they do as described above.</p> <p>The Applicant provides further explanation about the drafting of article 39 in Item 4e of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p>
Schedule 1 Authorised Development			
WR_CWACC3.5	3.5	The ambiguity / duplication of creation of skylark habitat (Work No. 6A) and works to create skylark habitat (Work No. 6B); and the inclusion of 'maintain' in the definition as raised by the ExA at ISH1.	The Applicant has addressed these points in Item 4f of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033] and in revisions to Work Nos. 6A, 6B and 6C in the Draft DCO [as updated alongside this submission] submitted at Deadline 1.

Ref	Paragraph Number	Comment	Applicant's Response
WR_CWACC3.6	3.5	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)).	A new Work No. 6D is not required for Schedule 1 to the Draft DCO because the creation and maintenance of habitat works by the LUM and the new wetland area adjacent to the Non-Breeding Bird Mitigation Area is already covered by Work No. 6A (ii) which is for "green infrastructure works including... open water habitats and reedbeds".
Schedule 2 Requirements			
WR_CWACC3.7	3.6	<p>Requirement 2 – Commencement of the Authorised Development:</p> <ul style="list-style-type: none"> Add a requirement to serve notice on the relevant planning authority that the development is to commence. We would suggest 14 days' notice is served of when the authorised development is intended to commence. 	The Applicant's position is that it is not necessary to add a requirement for the undertaker to serve notice on the relevant planning authority to notify them that the development is to commence. This is because Requirements 3(1) and 3(2) in Schedule 2 to the Draft DCO [as updated alongside this submission] require the undertaker to submit a written scheme setting out the phase or phases of construction of the authorised development, which "must include a timetable for construction", for approval by the relevant planning authority. As such, the relevant planning authority will already know when construction is due to commence without requiring the additional administrative burden associated with serving a notice.
WR_CWACC3.8	3.6	<p>Requirement 3 Phasing of development and final commissioning:</p> <ul style="list-style-type: none"> 3(4) add 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 	The Applicant's position is that such a requirement is not required because there is no planning reason or practical reason to limit or control the electricity generating capacity of the Proposed Development. The Explanatory Memorandum [REP1-006] at paragraphs 1.4.4 to 1.4.5 explains in more detail about why there is no upper limit on the capacity of the generating station and how the capacity to generate electricity should be limited by parameters set to control and limit environmental effects of the Proposed Development. This enables the Applicant to take advantage of technological improvements and innovation that may emerge before

Ref	Paragraph Number	Comment	Applicant's Response
			<p>construction, and it is in the public interest and in accord with national policy to facilitate efficient and maximise generation from renewable sources, not to limit them.</p>
WR_CWACC3.9	3.6	<p>Requirement 6 Detailed design approval:</p> <ul style="list-style-type: none"> • Add to 6.1. provision of details of fencing; drainage; power cables (with details of conduiting); anti-reflective coating to solar modules; and landscape programme. 	<p>The Applicant's position is that there is no need to add these provisions to Requirement 6 (Detailed design approval) for the following reasons:</p> <p>Fencing: Requirements for the undertaker to provide written details of both temporary fencing and permanent fencing to the relevant planning authority for approval (in consultation with the Environment Agency) are already set out in Schedule 2 to the Draft Development Consent Order (Draft DCO) [as updated alongside this submission] in Requirement 10(1) and Requirement 10(2) respectively. There is therefore no need to duplicate these requirements in Requirement 6(1).</p> <p>Drainage: There is already a requirement at Requirement 11 in Schedule 2 to the Draft DCO for the undertaker to submit details of the Surface Water Drainage Strategy to the relevant planning authority for approval (in consultation with the Lead Local Flood Authority and the Environment Agency). This requirement has to be met for each phase of the development before construction may start. There is therefore no need to duplicate this requirement in Requirement 6(1).</p> <p>Power cables (with details of conduiting): As the power cables will be located below ground, these are not a design matter and so it would not be appropriate for details of these to be included in Requirement 6(1) of the Draft DCO. In the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-033], the Applicant set out that DC cabling is installed in conduits and located in</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>grassland areas rather than beneath complex habitats or watercourses.</p> <p>At Deadline 1, the Applicant submitted an updated Outline Construction Environmental Management Plan (oCEMP) [as updated alongside this submission] which at paragraph 4.1.73 makes it clear that the installation method for cabling should account for potential removability requirements at decommissioning. The submission and approval of a detailed CEMP (which must be “substantially in accordance with” the oCEMP) by the relevant planning authority is already secured by Requirement 12 in Schedule 2 to the Draft DCO.</p> <p>Also, at Deadline 1, the Applicant submitted an updated Outline Decommissioning Environmental Management Plan [as updated alongside this submission] with a new paragraph 2.4.3 providing more information about what the benefits/impacts analysis considering whether cables and infrastructure are to be left in situ or removed will involve. The submission and approval of a detailed DEMP “substantially in accordance” with the oDEMP is already secured by Requirement 20.</p> <p>Anti-reflecting coating to solar modules: Whether the solar modules have anti-reflective coating or not is not a design point and so this is not appropriate for inclusion in Requirement 6(1) of the Draft DCO. The Applicant has already committed to fitting anti-reflective coatings on solar PV panels to reduce glint and glare in Table 5-2 of the Outline Operational Environmental Management Plan (oOEMP) [as updated alongside this submission]. The submission of a detailed OEMP (to be “substantially in accordance with” the oOEMP) to the relevant planning</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>authority for approval is already secured by Requirement 13 in Schedule 2 to the Draft DCO.</p> <p>Landscape programme: The Outline Landscape and Ecology Management Plan (oLEMP) [as updated alongside this submission] at Section 6 sets out the management and maintenance works required to successfully achieve the Project Design Principles that relate to landscape, ornithology and ecology. The submission of a detailed LEMP substantially in accordance with the oLEMP is already secured by Requirement 9 of the DCO (including the need to include a programme – a typo in this regard has been fixed in the Deadline 3 draft DCO) and so there is no need to duplicate this control in Requirement 6(1).</p>
WR_CWACC3.10	3.6	<p>Requirement 9 – LEMP:</p> <ul style="list-style-type: none"> • add reference to landscape implementation as well as management: • 9 (2) b) hedgerows (add reference to hedgerows to be retained, and replacing gaps in existing hedgerows) • 9 (2) e) implementation timetable add 'for landscaping works' for clarity • 9 (3) add reference to replacement of trees on a 2:1 ratio, and hedgerows on a 3:1 ratio • 9 (4) add reference to LEMP being carried out for the operational life of the development 	<p>In response to the first bullet point, there is no need to add a reference to "landscape implementation" to this requirement as well as "management" as Requirement 9(2)(e) already expressly refers to "an implementation timetable".</p> <p>In response to the second bullet point, the Applicant will add the wording "and confirmation of hedgerows to be retained" to Requirement 9(2)(b) in the next revision of the Draft DCO to be submitted to the Examination.</p> <p>In response to the third bullet point, the implementation timetable referred to in Requirement 9(2)(e) is the timetable for all matters contained within the Landscape and Ecology Management Plan (LEMP) so it would not be appropriate for the requirement itself to refer to only "landscaping works".</p> <p>In response to the fourth bullet point, it is not necessary to add a reference to the replacement ratios of trees and hedgerows to the face of the DCO because the Outline Landscape and Ecology Management Plan (oLEMP)</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<ul style="list-style-type: none"> • add reference to works being carried out in accordance with Arboricultural method statement (as well as LEMP) • add details of BNG monitoring 	<p>[REP1-028] at Section 6.6 provides various details about the species mix, provenance and planting densities for the planting of trees, shrubs and hedgerows. The submission of detailed LEMP (which is to be substantially in accordance with the oLEMP) for approval by the relevant planning authority is already secured by Requirement 9. Whilst the oLEMP does not specify a planting ratio the landscaping provides for:</p> <ul style="list-style-type: none"> • hectares of new native woodland, • 0.87 hectares of native mixed scrub, • approximately 2.5 km of new native hedgerow, and • approximately 5 km of new belts of native trees and shrubs. <p>It is clear that this will achieve well in excess of the ratios suggested by CWaCC.</p> <p>In response to the fifth bullet point, Requirement 9(2)(f) already sets out how the LEMP must include details of <i>“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 (decommissioning and restoration)”</i>. Consequently, there is no need to also add reference to LEMP being carried out for the Proposed Development's operational life to Requirement 9(4) as well.</p> <p>In response to the sixth bullet point, the Arboricultural Method Statement relates to construction, so it is not appropriate for reference to this to be included in the LEMP requirement which relates to operation. Table 5-3 of the oCEMP [as updated alongside this submission] sets out the obligation</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p><i>“to protect and retain existing trees and vegetation (in accordance with British Standard (BS) 5837:2012 and the Arboricultural Assessment)... and prepare an Arboricultural Method Statement to be agreed with CWaCC.”</i> The CEMP (which “must be substantially in accordance with” the oCEMP) is secured by Requirement 12 to the Draft DCO. In relation to operational phase and decommissioning phases of the Proposed Development, Table 5-2 and Table 5-3 of the oOEMP [as updated alongside this submission] sets out how routine vegetation management will be undertaken and pre-work surveys to ensure compliance with the LEMP while Table 5-3 of the oDEMP [as updated alongside this submission] provides a summary of decommissioning mitigation and management measures relating to trees and hedgerows (including a Pre-Decommissioning Ecological Survey, exclusion zones and buffer strips). The OEMP and the DEMP are already secured by the Draft DCO by Requirements 13 and 20 respectively.</p> <p>In response to the seventh bullet point, the oLEMP already sets out commitments to Biodiversity Net Gain Monitoring at section 7.3 and the LEMP is secured by Requirement 9 to the Draft DCO. The Applicant is also proposing to insert drafting in Requirement 9(2)(g) for greater clarity, so that it refers to “measures to achieve a net gain in biodiversity”. The rest of Requirement 9(2)(g) already refers to a monitoring regime.</p>
WR_CWACC3.11	3.6	<p>Requirement 12 – CEMP:</p> <ul style="list-style-type: none"> 12 (2) add the following: pre-construction updated habitat surveys; habitat constraints plan and precautionary measures; surface water management plan (including pollution control); 	<p>The documents listed in CWCC’s written representation do not need to be added to the list in Requirement 12(2) of Schedule 2 to the Draft DCO [as updated alongside this submission] as these measures are already secured by the Draft DCO as it is currently drafted.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		community liaison plan and complaints procedure; security and lighting details; soils management plan; procedures and controls for working outside core	<p>With the exception of the Soil Management Plan, the measures listed are already contained within the Outline Construction Environmental Management Plan [as updated alongside this submission] and Requirement 12(2) requires that the detailed CEMP submitted for approval by the relevant planning authority “must be substantially in accordance with” the Outline CEMP.</p> <p>In relation to the Soil Management Plan, Requirement 16(2) requires the undertaker to submit for the relevant planning authority’s approval (in consultation with Natural England and the Environment Agency) a plan which “must be substantially in accordance with the Outline Soil Management Plan”. The Outline Soil Management Plan was submitted alongside the DCO Application and the latest version was submitted at Deadline 1 and has Examination Library reference: REP1-026.</p>
WR_CWACC3.12	3.6	<p>Requirement 13 – OEMP:</p> <ul style="list-style-type: none"> 13 (2) e) Add need for updated CEMP and CTMP in relation to major replacement activities. In Appendix A the Council stated: that there should be clarity on scope of replacement activities (e.g. replacement of panels not structural supports) and restriction on the use of certain machinery (such as cranes). It also stated that major replacement activities should be defined in the DCO with the threshold for defining major replacement activities should be lower than 50% and include notification triggers relating to the location, season and frequency of the works. The Council 	<p>The Applicant’s detailed response to the various points raised in the first bullet point about major replacement activity are set out in Items 5a (major replacements during the operational phase) and 5b(i) (access track impacts, removal and reinstatement) of the Written Summary of Applicant’s Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p> <p>The Outline Operational Environmental Management Plan (oOEMP) [REP1-023] provides specific operational controls for maintenance and periodic replacements. Paragraphs 2.4.6 to 2.4.12 of the oOEMP set out the procedure for notification and seeking approval of management measures from CWACC in the event of any large-scale replacement activities and at paragraph 2.4.7 already states that “<i>management measures that are proposed to be put in place for those</i></p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>stated that the Applicant should consider a worst case replacement scenario of Frodsham Wind Farm decommissioning at the same time as a major replacement activity occurring. In relation to access tracks, the Council raised concerns about the need for major access track renewal or upgrade to facilitate major replacement activities.</p> <ul style="list-style-type: none"> 13 (2) add f) operational noise management plan 	<p><i>replacement activities, that are consistent with the principles of the CEMP, PROWMP, CTMP and OEMP that have been approved for the construction for the Proposed Development, but are also commensurate to the scale of activity proposed</i>". Part 2.4 of the oOEMP also deals with the overlap with any decommissioning or repowering of FWF with replacement activities.</p> <p>The Applicant added additional text to the oOEMP at Deadline 1 relating to the approach to be taken during replacement campaigns. As these details are already in the oOEMP and the OEMP is already secured by Requirement 13 there is no need to duplicate the control by the addition of a requirement for an updated CEMP and CTMP to be submitted for major replacement activities.</p> <p>In response to the second bullet point, there is no need for an operational noise management plan to be added as mitigation for the Proposed Development or to be added to the Draft DCO. This is because the Environmental Statement at Appendix 4-1: Noise Impact Assessment [APP-054] concluded at paragraph 7.19 that there would not be any significant effects as a result of operational noise arising from the Proposed Development and so no plan is necessary.</p>
WR_CWACC3.13	3.6	<p>Requirement 14 – CTMP:</p> <ul style="list-style-type: none"> 14 (2) add reference to implementation of travel plan add reference to carrying out pre and post-construction condition surveys of accesses (including PROW) and making good any defects caused at end of construction 	<p>In response to the first bullet point, there is no need to add reference to the implementation of the Construction Travel Plan. This is because the Construction Travel Plan must be included in the Construction Traffic Management Plan pursuant to Requirement 14(2) of Schedule 2 to the Draft DCO [as updated alongside this submission] and Requirement 14(3) requires the construction of the authorised development to be carried out in accordance with the approved Construction Traffic Management Plan.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<ul style="list-style-type: none"> inclusion of traffic routing, signage, management plan (with 'no tolerance' policy for contractor breaches) o need for updated CEMP in relation to major replacement activities 	<p>In response to the second bullet point, the Applicant's position is that there is no need to add reference to carrying out pre- and post-construction condition surveys or making good defects to the face of the DCO.</p> <p>This is because the main traffic movements associated with the construction of the Proposed Development will be taking place on private (rather than public Council-owned) roads and paragraph 4.1.5 of the Outline CTMP [as updated alongside this submission] is clear that there <i>"is no requirement for any works to be undertaken to the public highway to facilitate access to the Site"</i>. To the limited extent that access is taken from a public road, the local highway authority has controls over this in its Protective Provisions in Schedule 26 to the Draft DCO. In addition, the Applicant's amendment at Deadline 1 to article 10 (power to alter layout, etc. of streets) to insert the obligation for the undertaker to restore any street temporarily altered to the reasonable satisfaction of the street authority provides further control.</p> <p>In respect of Public Rights of Way, (PRoW) the Outline Public Rights of Way Management Plan (oPROWMP) [PD2-021] states at paragraph 3.3.5 the hierarchy of actions for management and mitigation measures during construction to enable PRoW to stay open where it is safe to do so. Paragraph 5.1.7 of the oPROWMP states that <i>"works would also be undertaken to improve the condition of existing rights of way within the Order Limits, where deemed appropriate, e.g. in locations which are periodically flooded or where sections of pass become impassable due to mud"</i> with the full PROWMP to set out the approach to be adopted to monitor and review the status of PRoW in the Order limits as well as the maintenance schedule for improvements or upgrades. The oPROWMP has been revised to also require the repair of</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>any PROW damaged during the course of construction, or during maintenance works. The PROWMP is secured by Requirement 15 to Schedule 2 of the Draft DCO.</p> <p>In response to the third bullet point, traffic routing and signage are already matters set out in the Outline CTMP and Outline PROWMP and will be in the CTMP and PROWMP as secured by Requirements 14 and 15 respectively.</p> <p>In response to the fourth bullet point, please see the response to WR_CWACC3.12 above.</p>
WR_CWACC3.14	3.6	<p>Requirement 15 – PROW</p> <ul style="list-style-type: none"> add reference to publicity and signage of PROW diversions/closures. include details of measures to minimise the extent and duration of closures. 	<p>The details in these two bullet points do not need to be added to the face of the Draft DCO. This is because these matters are covered in the Outline Public Rights of Way Management Plan (Outline PROWMP) [PD2-021]. Paragraphs 3.3.6 to 3.3.10 of the plan cover publicity and signage requirements and measures, while paragraphs 3.3.2, 3.3.3 and 3.3.5 set out the measures required to minimise the extent and duration of closures, which must ultimately be agreed by CWaCC. This measures are secured by Requirement 15 to Schedule 2 of the Draft DCO [as updated alongside this submission] which states the detailed PROWMP “must be substantially in accordance with” this outline plan.</p>
WR_CWACC3.15	3.6	<p>Requirement 17 – Ground conditions:</p> <ul style="list-style-type: none"> add provisions for the submission of a remediation strategy and verification plan prior to construction. Add provision for a verification report to be submitted following completion of remedial work. The remediation strategy needs to address historic contamination. Rewording 	<p>Requirement 17(1) to Schedule 2 of the Draft DCO [as updated alongside this submission] states that no phase of the authorised development may commence until a Ground Conditions Investigations and Assessments Strategy for that phase has been submitted to and approved by the relevant planning authority (in consultation with the Environment Agency). Requirement 1 sets out the definition of “ground conditions investigations and assessments strategy” as</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>recommended in line with the Land Contamination Risk Management (LCRM) approach for dealing with land contamination.</p>	<p>meaning "a strategy setting out the undertaker's proposals for investigating, assessing, and where necessary, remediating ground conditions, contamination and ground stability matters as they pertain to the phase of the authorised development to which the strategy relates".</p> <p>The definition then goes on to list from a) to h) the various assessments and investigations to be included in that strategy which at c) includes "remediation strategies and verification reports".</p> <p>As a consequence, there is no need to add provision for the submission of a remediation strategy and verification plan prior to construction, as these are already secured as they already make up part of the Ground Conditions Investigations and Assessments Strategy to be submitted for approval prior to construction pursuant to Requirements 1 and 17.</p> <p>The Applicant's approach is cognisant of the fact that the Proposed Development's interactions with ground conditions will likely require a web of different documents that will 'talk' to each other and will be produced at different stages of the ground conditions works packages. The strategy that will be produced for discharge will set out how these different steps will be carried out. The Applicant notes that this approach was agreed upon, without the need for an outline plan, on the Cory Decarbonisation Project DCO, for which the Order was made on 5 November 2025.</p> <p>The Outline CEMP was also revised at Procedural Deadline B with Table 5-5 setting out the approach in the event that contaminated land is found. The approach includes the need to submit to the relevant planning authority for approval a remediation strategy and, once implemented, the requirement to submit a verification report. An Unexpected Contamination</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>Protocol will also be developed and included in the final CEMP pursuant to Requirement 12(2)(c) to Schedule 2 of the Draft DCO.</p> <p>The Applicant also provided more information about measures relating to ground conditions and contamination at the Non-Breeding Bird Mitigation Area in Item 5h of Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p>
WR_CWACC3.16	3.6	<p>Requirement 19 – Skills, supply chain and employment:</p> <ul style="list-style-type: none"> • Add provision for monitoring, reporting and provision for an adaptive skills, supply chain and employment plan 	<p>Section 9 of the Outline Skills, Supply Chain and Employment Plan [APP-142] sets out provision for monitoring and feedback and how a monitoring and reporting plan (including a periodic review with CWCC) will be developed as part of the full Skills, Supply Chain and Employment Plan which must be submitted for approval in order to discharge Requirement 19 of the Draft DCO. Consequently, there is no need to duplicate this control on the face of the DCO as it is already secured.</p>
WR_CWACC3.17	3.6	<p>Requirement 20 – Decommissioning</p> <ul style="list-style-type: none"> • Periodic review of decommissioning end state (linked to monitoring of biodiversity) • Commencement of decommissioning following cessation of energy generation or duration of DCO (40years from final commissioning) • Provision for seasonal biodiversity surveys prior to final DEMP • Clarification of decommissioning end state (e.g. no mention of access tracks in 	<p>The Applicant's overarching positions in respect of decommissioning of the Proposed Development were set out during Issue Specific Hearing 1 in Items 5b (Access track impacts, removal and reinstatement), 5c (Underground cable removal), 5d (Decommissioning end state), 5e (Decommissioning timing), 5f (Decommissioning funding) of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p> <p>In response to the first bullet point, the Outline Decommissioning Environmental Management Plan (oDEMP) [as updated alongside this submission] includes at paragraph 2.4.8 an obligation for the final DEMP to be accompanied by a plan illustrating the proposed final end</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>Section 2.4 of oDEMP (PD2-020); provision of 'restoration plan'</p> <ul style="list-style-type: none"> • Retention of habitat mitigation areas included in 'end state' for hand-back to landowners; • Addition of restoration aftercare provisions • Period for completion of decommissioning • See Appendix A for further detail. 	<p>state of the Site following completion of decommissioning and restoration works. The Applicant's position is that there is no need for a periodic review of the decommissioning end state linked to biodiversity monitoring prior to this point, because the predicted end state at Year 10 or 20 will inevitably be different to position at Year 40 when the prevailing environmental information will be known.</p> <p>In response to the second bullet point, at Deadline 1 the Applicant inserted a new section 2.5 into the Outline Operational Environmental Management Plan [as updated alongside this submission] and amended Requirement 20 to Schedule 2 of the Draft DCO [as updated alongside this submission] to provide for decommissioning to commence in the event of the cessation of energy generation during the development's operational lifetime (see also Item 5e of Written Summary of Applicant's Oral Submissions at Issue Specific Hearing (ISH1) [REP1-033]).</p> <p>In response to the third bullet point, the oDEMP already sets out how pre-decommissioning surveys will be undertaken before any decommissioning works commence (for example at Tables 5-2 and 5-3).</p> <p>In response to the fourth bullet point, clarification of the decommissioning end state was added to the oDEMP submitted at Deadline 1 [as updated alongside this submission] at paragraph 2.4.8 (see item 5d in the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033]).</p> <p>In response to the fifth and sixth bullet points, the Applicant's position is that post-decommissioning, the Applicant will not have control over the land and whether habitats are retained</p>

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			<p>and further aftercare is undertaken would become a matter for the landowner. There is no precedent for a DCO to impose obligations on the developer once they no longer have control of the land, nor of imposing obligations on landowners about their land once a project has been decommissioned.</p> <p>However, planning and environmental law would still apply to the land that is currently in the Order limits and habitats would be well-established by the point of decommissioning, so any change by the landowner to some other use would require a separate and new planning permission – and so changes to the “end state” post-commissioning would be subject to the relevant planning authority’s control. This is set out in more detail (particularly in respect of the NBBMA) in Item 5d of Written Summary of Applicant’s Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p> <p>In response to the seventh bullet point, paragraph 2.4.9 of the oDEMP anticipates decommissioning to take between 12 and 24 months and to be undertaken in phases. Given that decommissioning is to take place so far in the future and with potential changes to environment, habitats and technology over that timeframe, the Applicant does not think it would be appropriate to set out how decommissioning works would be phased at this stage as what may seem appropriate today may not be the case at the end of the Proposed Development’s operational lifetime.</p>
WR_CWACC3.18	3.7	A number of additional Schedule 2 Requirements are suggested, and the Council intends to hold further discussions with the Applicant regarding these. The main additional requirements suggested relate to:	<p>The Applicant responds to these points as follows:</p> <p>Construction hours: The Applicant’s position is that it is not necessary to include construction hours as a requirement on the face of the DCO because the construction hours of work are set out in the Outline Construction Environmental Management Plan (oCEMP) [as updated alongside this</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<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 postdecommissioning monitoring and mitigation to target state. • Decommissioning fund/security • Requirement for written approval of Schedule 2 requirements • 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>submission] in paragraphs 4.1.2 to 4.1.5. Requirement 12 of Draft DCO [as updated alongside this submission] requires the detailed CEMP to be substantially in accordance with the oCEMP and to be submitted to the relevant planning authority for approval. As such, the relevant planning authority will have control over the construction hours in the CEMP and the mechanism by which working outside of those hours is managed.</p> <p>The Applicant notes that the Council's example drafting includes reference to replacement activities – please see the Applicant's response to WR_CWACC.3.12 for its position on this point.</p> <p>Unexpected contamination: Please see response to WR_CWACC3.15 above.</p> <p>Arboricultural method statement: Please see response to WR_CWACC3.10 above.</p> <p>Public rights of way diversions and permissive paths: There are no additional points in Appendix A in respect of PRow diversions and permissive paths. The Applicant is satisfied that the Outline Public Rights of Way Management Plan and Requirement 14 of the Draft DCO securing the Public Rights of Way Management Plan provides adequate mitigation measures to minimise impacts of the Proposed Development on PRow.</p> <p>NBBMA management and monitoring: Please see response to WR_CWACC3.21.</p> <p>Decommissioning fund / security: The Applicant has set out its position on this issue in Item 5f (Decommissioning funding) of the Written Summary of Applicant's Oral</p>

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			<p>Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p> <p>Requirement for written approval of Schedule 2 requirements: Requirement 4 (Requirement for written approval) of Schedule 2 to the Draft DCO already provides that that where <i>“the approval, agreement or confirmation of the relevant planning authority or another person is required, that approval, agreement or confirmation must be provided in writing”</i>.</p> <p>Pre-submission consultation requirement: The Applicant's position on this point is that this is not a well-precedented approach seen in as made solar DCOs.</p> <p>It is also not necessary to include this requirement because ongoing engagement with relevant consultees during the process of compiling requirement discharge applications is expressly set out throughout the suite of outline management plans. For example, Cheshire Fire and Rescue Service (CFRS) is one of the consultees referred to for the discharge of Requirement 7 of the Draft DCO and the Outline Battery Safety Management Plan (BSMP) [as updated alongside this submission] sets out in paragraph 1.5.6 how <i>“close consultation with continue with CFRS throughout the development process”</i>.</p> <p>Also, in practical terms, the necessity of maintaining ongoing engagement with consultees post-Examination is implicit in how the discharge of requirement process is set up to run and operate efficiently in practice. It is in the Applicant's own interests to continue to engage with consultees prior to the submission of discharge applications both in order to inform their application and to ensure that it has the best possible</p>

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			<p>chance of being approved by the relevant planning authority as quickly and efficiently as possible.</p> <p>Control over the programme of phasing for the Runcorn CO2 Spur pipeline: The Applicant's position in respect of how to address potential cumulative impacts of the Proposed Development and Runcorn CO2 Spur pipeline is set out in Item 5k of the Written Summary of Applicant's Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033] and in the Technical Note on Pipeline Interactions [REP1-041] submitted by the Applicant at Deadline 1.</p>
WR_CWACC3.19	3.8-3.10	<p>Whilst recognising that there are advantages to deferring matters to the various control documents (oCEMP, oLEMP etc) such as providing flexibility, CWCC consider that it is important for certain elements to be covered explicitly in the requirements. There are a number of reasons for this, not least transparency.</p> <p>The more streamlined and easier to navigate the various controls, the more efficient the discharge process is liable to be. Experience in dealing with TCPA permissions confirms that having a comprehensive list of planning conditions (requirements in the case of a DCO) forms the basis of understanding of what details/actions need to follow at the implementation stage. Commitments made in application submission documents can often be missed or inadvertently sidelined at the discharge stage. This is part of the reason for recommending key documents such as the NBBMS and oFlood Warning and Evacuation Plan are submitted and identified in their own right</p>	<p>In response to the general point about the approach of using the DCO requirements to secure control documents which contain the specific detail of the commitments, obligations and methodology, the Applicant's position is that this is a well-precedented, well-understood and standard approach that has been adopted for all DCOs.</p> <p>The purpose of the DCO is to provide the legal mechanism to provide the powers to deliver a project, not to provide a detailed account of the methodology being adopted to do so. If the detail of the control documentation were to be transferred into the DCO itself, it would have a significant impact on the length of this document and would make the DCO much more difficult to navigate. The Applicant does not believe there is anything unique about the Proposed Development that would warrant a different approach to be taken in this case.</p> <p>In response to the specific points raised about the NBBMS and Flood Warning and Evacuation Plan being submitted and identified in their own right to discharge requirements (rather than being appendices to other documents):</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>as opposed to being appendices to other documents (e.g. oLEMP and FRA).</p> <p>The added complexity and volume of accompanying material associated with the DCO process, demands a clear set of requirements and clarity in any documents to be certified. For example, exercising control under the Design Parameters Statement (APP-132) is liable to be more robust than reference to the Design Approach Document (APP-130). It may be preferable for the Applicant to extract relevant points to be certified from the Design Approach Document (e.g. Project Design Principles).</p>	<ul style="list-style-type: none"> • The Flood Warning and Evacuation Plan has to be submitted for approval pursuant to Requirement 12(2)(d) of the Draft DCO [as updated alongside this submission] and the Outline Flood Warning and Evacuation Plan [PD2-028] is already set out as a separate document. • The Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) is submitted as an appendix to the Outline LEMP [as updated alongside this submission]. Having considered the Council's points, the oNBBMS will remain in that location but the Applicant will also provide the oNBBMS as a separate document to be the certified version of this document to enable the Council to more readily access it. • Taking this same approach as with the oNBBMS, the Applicant will also provide an extract of the Outline Drainage Strategy as a separate document. <p>In response to the comment about the Design Approach Document [APP-130], Requirement 6(3) to the Draft DCO is clear that the authorised development must be designed and constructed in accordance with "the design principles" and article 2(1) defines "the design principles" as meaning Appendix A of the Design Approach Document (which is a certified document in Schedule 10 to the DCO). Appendix A sets out these principles clearly in a tabular format and so it is the Applicant's position that relevant points have already been extracted into one place to facilitate discharge of the relevant requirement. However, in keeping with the approach taken with the Outline NBBMS above, the Applicant will provide a</p>

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			copy of this Appendix A containing the Design Principles as a separate document to be certified.
WR_CWACC3.20	3.11	With reference to enabling efficient discharge of requirements, the suggested inclusion of a pre-submission consultation requirement prior to formal submission of a discharge application, with the relevant consultee (and preferably the host authority too) is liable to be essential for timely and positive discharge of the formal submissions.	Please see the Applicant's response to this issue at WR_CWACC3.18.
WR_CWACC3.21	3.12	The importance of the NBBMS, NBBMA and other habitat mitigation areas is so significant that it warrants inclusion with specific requirement(s) relating to the implementation and maintenance /management. Control to ensure an appropriate conservation body and the arrangements for long-term stewardship of the mitigation areas is critical.	<p>The Applicant agrees that this is important and there is already a requirement that relates to the implementation and maintenance of the Non-Breeding Bird Mitigation Area (NBBMA) and Non-Breeding Bird Mitigation Strategy (NBBMS). This is set out in Requirement 9(2)(j) to Schedule 2 of the Draft DCO [as updated alongside this submission]. This requirement provides that the details of the establishment, maintenance, management and monitoring must be prepared following consultation with Natural England and the Royal Society for the Protection of Birds. This must be "substantially in accordance with" the NBBMS and is to be submitted as part of the Landscape and Ecology Management Plan (LEMP) for approval by the relevant planning authority in consultation with Natural England.</p> <p>The Outline Non-Breeding Bird Mitigation Strategy (Appendix B of the Landscape and Ecology Management Plan [as updated alongside this submission]) sets out outline proposals for long-term monitoring and management of the NBBMA during the operational lifetime of the Proposed Development. These measures are secured because the</p>

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			detailed NBBMS is to be submitted pursuant to Requirement 9(2)(j) as explained above.
WR_CWACC3.22	3.13	Provision of a restoration plan to accompany the oDEMP would be consistent with EN3 paragraph 3.10.137/ <i>“The Secretary of State should ensure that the applicant has put forward outline plans for decommissioning the generating station when no longer in use and restoring the land to a suitable use (taking into account paragraphs 2.10.59 and 2.10.60)”</i> .	The Applicant has committed to providing a restoration plan to accompany the Decommissioning Environmental Management Plan. This was done as part of the amendments made to the Outline Decommissioning Environmental Management Plan (oDEMP) [as updated alongside this submission] at paragraph 2.4.8 and which were submitted at Deadline 1. The Applicant's position is that the Outline DEMP and its provisions in respect of decommissioning the development and restoring the land are consistent with National Planning Statement EN-3.
Schedule 12 Procedure for the discharge of requirements			
WR_CWACC3.23	3.14-3.17	<p>With regard to the procedure for discharge of requirements, the period of eight weeks appears reasonable to CWCC, on the basis that the 8 weeks starts again from the receipt of additional information if this is required.</p> <p>In ISH1, the Applicant advised that they would amend the time period to appeal under paragraph 4(2) to 42 days. CWCC supports that amendment.</p> <p>CWCC has some concerns that 5 working days for the appointed person to notify the parties of additional information required is too short in paragraph 4(3) and considers this should be more flexible and be provided as soon as reasonably practicable.</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 would support</p>	<p>The Applicant notes the Council's comments that an eight-week period for discharge of requirements is reasonable. The period for the undertaker to submit an appeal pursuant to paragraph 4(2) of Schedule 12 was amended from six months to 42 days in the Draft DCO submitted at Deadline 1.</p> <p>The Applicant has set out how five working days for the appointed person to request more information in paragraph 4(3) is well-precedented and preferable for clarity in Item 4h of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p> <p>In response to comments about the timeframes in paragraph 4(4), the Applicant's position is that the 10 working day time period is standard and has been approved by the Secretary of State in recent as made solar DCOs including The Byers Gill Solar Order 2025, The Oaklands Farm Solar Order 2025, The Stonestreet Green Solar Order 2025, The Tillbridge Solar Order 2025 and The East Yorkshire Solar Farm Order 2025.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		an amendment to this time period to 20 working days in accordance with the aforementioned advice note.	While the Applicant acknowledges that the example schedule in Advice Note 15 provides for a period of "20 business days" for representations to be submitted in the event of an appeal in the equivalent to paragraph 4(2)(d) of the Draft DCO, the Applicant would note that of the most recent as made DCOs, only The Byers Gill Solar Order 2025 has a 20-working day period, while The Helios Renewable Energy Project Order 2025 has a 14-day period and The Tillbridge Solar Order 2025, The East Yorkshire Solar Farm Order 2025, The Stonestreet Green Solar Order 2025 and The Oaklands Farm Solar Order 2025 all have 10 working day periods for appeal representations and the Applicant will keep the current drafting to be in line with the majority DCO drafting as made by the Secretary of State.
Schedule 2 5 and 26 Protective Provisions			
WR_CWACC3.24	3.18	Schedule 25 – Protective provisions for the protection of the drainage authority contains drafting irregularities and missing definitions. CWCC (in its capacity as LLFA) will share an updated draft of Schedule 25 with the Applicant and update the ExA at Deadline 2. It is expected that the content of Schedule 25 can be agreed relatively quickly with the Applicant.	The Applicant has received these amendments from CWaCC and included them in the draft DCO submitted at Deadline 3.
WR_CWACC3.25	3.19	Schedule 26 – Protective provisions for the protection of the highway authority – CWCC reserves its position on this Schedule until it has a chance to review the Applicant's position on the Articles in the dDCO relating to Street Works (9-16).	The Applicant has been informed by CWaCC that these provisions are now agreed.
Planning Performance Agreement			

Ref	Paragraph Number	Comment	Applicant's Response
WR_CWACC3.26	3.20	CWCC is preparing a draft planning performance agreement to share with the Applicant with the intent that this provides the additional resource needed to ensure the timely discharge of the requirements post-decision. CWCC will update the ExA at Deadline 2 as to progress with the Applicant.	Prior to Deadline 3, the Applicant has received the draft PPA and returned comments.
4. Biodiversity Matters			
Mersey Estuary RAMSAR SPA and SSSI			
WR_CWACC4.1	4.2-4.3	<p>(7.7 RR) A substantial part of the Order Limits, serves as FLL to the Mersey Estuary SPA and Ramsar site, (as shown on Page 20 of the Identification of Functionally Linked Land supporting SPA waterbirds in the North-West of England – Phase 2 October 2023 Natural England Commissioned Report NECR483) (Appendix B) As per the Executive Summary, FLL is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC) Special Protection Area (SPA) Ramsar site has been designated. 4.3.</p> <p>Currently, it is not demonstrated that the development would not have a significant impact on the Functionally linked land associated with the Mersey Estuary.</p>	<p>The Applicant accepts that the Order Limits represents FLL and this is fully recognised in the HRA.</p> <p>The Applicant disagrees with CWACC and considers that impacts on the SPA have been fully assessed and are addressed through the proposed mitigation. This view is supported by Natural England in its response to ExA First Written Questions [REP2-009], specifically Q4.4.2 part ii), confirming that the proposed mitigation will provide adequate uplift in habitat, subject to conservation management being secured as proposed through the DCO and also Q5.1.2, where Natural England states it is satisfied with the definitions of FLL and the classification of the entire Order Limits.</p> <p>The Applicant further refers to paragraph 7.3 of CWACs Relevant Representations [RR-037] which states 'Natural England holds the detailed expertise regarding non-breeding bird species linked to the Mersey Estuary designated site. At this stage, CWCC has raised broad concerns and will defer to Natural England's assessment'.</p>
Construction			
WR_CWACC4.2	4.4	There are various issues in terms of construction impacts on non-breeding birds qualifying species	The Applicant disagrees with CWACC and considers that construction impacts on non-breeding birds have been fully

Ref	Paragraph Number	Comment	Applicant's Response
		<p>for the Mersey Estuary that have not been fully assessed, and some impacts have been missed, which casts doubt over the assessment and therefore adequacy of mitigation proposals. This is in relation to noise and visual impacts during construction which could have been avoided by amendments to layout, impacts of flight path disruption not taken into account and also the phasing of the scheme in relation to functional level of the NBBMA.</p>	<p>assessed and are addressed through the proposed mitigation.</p> <p>The Applicant further refers to Natural England's Written Representations [REP1-056], NE14 to NE28, which consider both noise and visual impacts during construction.</p> <p>The Applicant has agreed an approach to functionality of the NBBMA with Natural England, whereby works on the NBBMA will be complete prior to construction of the solar farm and associated infrastructure. This is detailed in Section 3.2 of the information to Inform Habitats Regulations Assessment[PD2-009].</p>
WR_CWACC4.3	4.5	<p>(7.12 RR) The information on elevational differences between the Cells and whether this lessens or increases impacts on the NBBMA in terms of noise and visual disturbance seems to conflict between the two documents and does not seem to have been fully assessed to conclude whether these impacts are positive or negative.</p>	<p>The Applicant considers that the Information to Inform Habitats Regulations Assessment [as updated alongside this submission] fully considers all impacts on the NBBMA and further refers to Natural England's Written Representations [REP1-056], points NE14 to NE28, which consider both noise and visual impacts and, bar some points of detail, confirm they are generally content with the Applicant's position.</p>
WR_CWACC4.4	4.6	<p>(7.13 RR) Birds are currently flying over areas that will be subject to noise and visual disturbance generated whilst Cells 1, 2 and 5 are constructed, to get to and from Cell 3 and Cell 6. Figures 10a (Teal and Shelduck) and 10d (Black-tailed godwit) of the Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082), demonstrates birds are flying across Cells 1,</p>	<p>The Applicant does not accept that birds flying over Cells 1, 2 and 5 will be disturbed during construction for the following reasons:</p> <ul style="list-style-type: none"> i. Cell 3 will be functional prior to commencement of construction in these Cells. The availability of the NBBMA for non-breeding birds will inevitable alter

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		2 and 5 to get to and from Cell 6. This issue of flight path disruption during construction have not been fully assessed.	<p>flightlines as birds will primarily be commuting to / from the NBBMA and Cell 6.</p> <ul style="list-style-type: none"> ii. There will continue to be uninterrupted flight lines between the Mersey Estuary SPA / Ramsar and SSSI to both the NBBMA and Cell 6. iii. There is no evidence to suggest that current flight activity across Cells 1, 2 and 5 is in any way regular (i.e. a fixed flight line), rather reactive to conditions at the time. iv. Birds in flight are already avoiding wind turbines in Cell 5 (and Cell 1). Most of the construction within Cells 1, 2 and 5 will be in relatively close proximity to wind turbines. v. There is no evidence to indicate that construction activity would affect flight activity for commuting wetland birds. <p>The Applicant refers to Natural England's Written Representations [REP1-056], who's page 3 Summary states, 'Overall Natural England is satisfied that the conclusions of the Habitats Regulations Assessment (HRA) can be accepted subject to outstanding information being provided, and the package of mitigation measures being secured by the Development Consent Order'.</p>
WR_CWACC4.5	4.7	(7.14 RR) Paragraph 8.7.43 of Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041) states that the noise and vibration assessments are detailed in ES Vol 2 Appendix 4-1: Noise Impact Assessment (APP-054). These identify that, without mitigation, predicted noise levels (LAeq) from construction works—particularly	<p>The Applicant refers to responses WR_CWACC4.2, 4.3 and 4.4.</p> <p>It is the Applicant and Natural England's position that Impacts from noise and vibration can be adequately controlled, ensuring maximum development area delivered with no adverse impact on the integrity of the SPA. Mitigation</p>

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		<p>within Cell 3 of the NBBMA and areas within 180 m of Cell 3's eastern boundary could exceed disturbance thresholds for qualifying bird species of the Mersey Estuary SPA and Ramsar site. It also states that Saturday works within 120m of the SSSI north of Cells 2 and 3 may also require mitigation, although it is not clear why Saturday works are singled out for assessment. Justification as to why the SADA in these areas was not reduced to ensure noise was not at a level of significant impact within range of the NBBMA, is required.</p>	<p>measures are detailed in Tables 5.3 and 5.9 of the revised Outline Construction Environmental Management Plan [as updated alongside this submission].</p>
WR_CWACC4.6	4.8	<p>(7.43-7.45 RR) In Appendix 2-2 Construction Phasing (APP-051), the Western array construction begins immediately after the NBBMA construction is complete. In paragraph 8.7.28 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041), it is stated that the habitats in the NBBMA would become attractive to SPA species immediately on completion of earthworks, and therefore mitigation would be functional at that time. However, although some habitats will be ready for occupation by birds, such as the muddy areas, the wet grassland is unlikely to be in place immediately and so the area will not achieve the existing functional level prior to works and certainly not required for mitigation the impacts of construction on Cells 2 and 5. The Eastern Array recorded some non-breeding bird species and so no works should take place on this area until the NBBMA is functional. This will impact negatively on the non-breeding bird population.</p>	<p>The Applicant has agreed an approach to functionality of the NBBMA with Natural England, whereby works on the NBBMA will be complete prior to construction of both the Eastern and Western Array (. This is detailed in Section 3.2 of the information to Inform Habitats Regulations. As such, the matters set out in CWaCC's representation will not arise.</p>

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WR_CWACC4.7	4.9	The Skylark Mitigation Area is not included in the Construction Phasing programme. This should be in place prior to works on areas with breeding Skylarks, otherwise the Skylark population will be negatively impacted.	As detailed in Table 5.3 of the revised Outline Construction Environmental Management Plan [as updated alongside this submission] , the Skylark Mitigation Area (SMA) will be in place and functional before the development of the solar areas.
Operation			
WR_CWACC4.8	4.10	There are concerns that the solar panels will cause displacement and reduction in population size of non-breeding bird associated with the designated site, due to reduction of land available for use and obstruction of flight paths from the site to functionally linked land within and outside of the Order Limits. There will be disruption of flight paths and foraging grounds originally protected under the Frodsham Windfarm Mitigation proposal. This will also reduce the area of Functionally linked land, decreasing its resilience and ability to sustainably support non-breeding bird populations and disrupt flight of non-breeding birds to and from areas of functionally linked land within and adjacent to the site. In addition, the introduction of an expanded and upgraded public right of way network across the marsh has not been fully assessed and should be reduced in extent near sensitive areas.	<p>To the Applicant's knowledge, there is no evidence that solar panels disrupt flight lines and so does not agree with CWAC on this point. The Applicant refers to its response in WR_CWACC4.4.</p> <p>In response, Natural England has welcomed the updates of the HRA [as updated alongside this submission] and Natural England are satisfied with the information provided in relation to the assessment completed on non-breeding bird displacement as set out in REP1-056 NE27. Natural England are also satisfied that the mitigation area proposed will meet the requirements of displaced SPA birds [Q5.2.2 - responses to the ExA's first written questions]</p> <p>In addition, there is no evidence or indication that glint and glare and (or) solar developments in general results in adverse effects on bird flightpaths. This position is supported by the conclusions of Natural England, which has raised no objection on this matter.</p> <p>The Applicant notes CWaCCs concerns with regards to the PRow network and the Order Limits has been fully assessed in relation to this within the updated HRA [as updated alongside this submission] paragraph 8.3.11. Further to this recreational use will be monitored, noting that this is an issue that the area currently experiences. Natural England has raised no objection on this matter and welcomes the</p>

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			<p>adaptive measures that introduce monitoring of such issues [NE28; REP1-056].</p> <p>The Applicant therefore disagrees that effects have not been fully assessed.</p>
WR_CWACC4.9	4.11	<p>(7.15 RR) Frodsham Windfarm (FWF) Mitigation areas comprise Cells 2, 3 and half of Cell 5. These are areas dedicated to compensate for the impacts of the FWF development (displacement of non-breeding birds, access to and loss of functionally linked land). Currently, there is unobstructed access from the Estuary to mitigation cells 2, 3 and 5 and 6. Cell 6 is outside of the Order Limits, but adjacent to its boundary, mapped as functionally linked-land and recorded a high concentration of qualifying bird species during the bird surveys. Unobstructed access from the Estuary to Cell 6 was designed into the Frodsham Windfarm Mitigation proposal. Note that the one of the Windfarm mitigation obligations is to retain Cell 6 in its active dredging receptor state, due to its importance for non-breeding birds. The development of Cells 2 and 5 will reduce the unobstructed access gap between the two existing wind turbine arrays from 1.9km to 1.1km, restricting access for birds from the northern Estuary boundary to Cell 6. This is likely to have a significant effect on qualifying SPA species in terms of displacement due to disruption of flight paths and also use of existing mitigation cells 2 and 5 in conjunction with usage of Cell 6. Qualifying bird species have also been also recorded on Cell 1, as is the case historically and</p>	<p>The Applicant does not dispute the presence of SPA bird presence within Cell 1 and all bird species presence within the entire Order Limits have been addressed within HRA [as updated alongside this submission]. The Lum is also considered and will be enhanced as part of the Proposed Development design to benefit SPA species (but not limited to).</p> <p>Cell 6 is also acknowledged within the updated HRA [as updated alongside this submission] and lies outside the Order Limits and will continue to function in accordance with the FWF mitigation obligations as stated in paragraph 5.4.9; as such this area is not actively managed for wildlife and conditions are subject to commercial commitments. The Proposed Development does not introduce barriers to flight or restrict access to Cell 6, and open airspace will remain available. Accordingly, the Applicant maintains the same response, that there will be no significant impacts on qualifying bird species flightpaths either alone or in combination, and that this matter has been adequately addressed and no concerns have been raised by Natural England and the RSPB during on-going engagement.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>in some areas of the wider SADA (Eastern array), with a high concentration in an area known as "The Lum", adjacent to Cell 1, with birds flying from Cell 1 to other mitigation cells on site.</p>	
WR_CWACC4.10	4.12	<p>There are concerns that during operation of the solar farm, the proposed solar panels in the western parts of Cells 2 and 5 will lead to disruption of the flight paths of birds flying from the Estuary to Cell 6, due to not being able to forage on Cells 2 and 5, glint and glare effects and possible issues with the birds mistaking the panels for water. It is noted that the Glint and Glare Assessment did not include impacts on ecological receptors. In paragraph 6.6.4 of the Information to Inform Habitats Regulations Assessment (APP-125), impacts are addressed briefly, stating that the bird species associated with the SPA/Ramsar generally move across the flat estuarine landscape in broad, dispersed flight paths, meaning their exposure to visual elements, such as solar panel reflections or structural outlines is brief and intermittent. This, however, does not address the scale of impact of such a large area of solar panels across the landscape. If exposure is accepted to be intermittent and brief, it still may not be insignificant, due to the scale.</p>	<p>To the Applicant's knowledge there is no evidence of glint and glare affecting bird flights. Glint and Glare is fully considered in Section 8.5 of the Information to Inform Habitats Regulations Assessment Final - P03 [as updated alongside this submission]. This references a Natural England Report (NEERC 012, 2016) 'Evidence review of the impact of solar farms on birds, bats and general ecology' and notes the report makes no reference to evidence of glint and glare.</p> <p>Air space will still persist between Cells 2, 5 and 6. There is no evidence that Solar panels and or any low infrastructure creates fragmentation, particularly for flight for waders and (or) wildfowl. Movement between the estuary and Cell 6 is not in any way impeded. There is also no evidence within the of bird collisions and solar panels being "mistaken" as water, despite this being widely hypothesized.</p> <p>In the absence of any evidence that solar panels impede bird movements, or lead to alterations of flight activity due to glint and glare, the Applicant does not accept 'exposure' to solar panels to have any effect on flying birds, regardless of scale. Given that the Mersey Estuary, NBBMA and Cell 6 are also contiguous, the Applicant disagrees that the Proposed Development will impact bird flight paths.</p> <p>It is also important to note that boundary features, as well as elevations persist, and birds are able to and still persist flying over these to get to other cells. Further to this, solar panels</p>

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			<p>have a low profile and do not create any obstruction to bird flight.</p> <p>In addition, the adjacent FWF was intentionally designed to preserve connectivity between the Estuary and Cell 6, and no disruption to flight paths has been observed in that area. This conclusion is supported by three years of survey data from the current application site and WeBS.</p>
WR_CWACC4.11	4.13	<p>(7.16 RR) The disruption of connectivity of Cell 6 from Cells 2 and 5 and part of Cell 3 also raises concerns regarding the fragmentation of the area of FLL, in terms of visual disturbance and reduction in area available to the birds to land around the favoured Cells 1 and 6. Although disturbance or displacement of qualifying bird species from FLL and disruption to bird flight paths due to glint and glare effects have been included as elements in the HRA, these have not been fully assessed and impacts on Cell 6 and therefore the FLL as a whole, have not been considered as an operational impact</p>	<p>It is not accepted that there will be fragmentation of the area. The NBBMA is contiguous with Cell 6 and lies immediately adjacent to the Mersey Estuary SPA. As such the mitigation area improves continuous habitat connectivity for SPA birds.</p> <p>Regarding flightlines, the Applicant refers to response WR_CWACC4.4.</p> <p>It is the Applicants position that FLL has been fully assessed in the HRA [as updated alongside this submission], the conclusions of which are accepted by Natural England, subject to provision of outstanding information on management measures.</p>
Footpaths			
WR_CWACC4.12	4.14	<p>(7.8 RR) Impacts from disturbance on the designated site due to the proposed increased and upgraded footpath/ PRow network have not been included as an impact during the operation of the Proposed Development, which is a significant omission.</p>	<p>The Applicant disagrees with this comment. As per the response in WR_CWACC4.8, recreational pressure and access management has been included as an impact in the HRA [as updated alongside this submission], paragraphs 8.3.11 – 8.3.20. The HRA identifies potential disturbance pathways during operation, including visual and acoustic disturbance from walkers and cyclists, the presence of dogs near wetland habitats, and the concentration of access in</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>sensitive edge habitats. These pathways are clearly defined and form the basis of the operational assessment.</p> <p>Furthermore, the HRA (as per the paragraphs stated above) sets out a comprehensive package of design, control and mitigation measures, which also includes adaptive management during the operational phase to manage recreational pressures specifically.</p>
WR_CWACC4.13	4.15	(7.18 RR) There are existing paths on Site, in varying condition and status. There are proposals to introduce new footpaths and upgrade existing ones, some of which will accommodate cycle and equestrian use. These elements will have negative impacts on the non-breeding species recorded on Site, in terms of human disturbance (visual and noise). Increased quality in footpaths will lead to more intense use and new footpaths will lead to disturbance across a wider area than currently occurs. The elevated position of some of the paths will also increase levels of disturbance.	<p>The Applicant has addressed this comment in response WR_CWACC4.12 and has also addressed it within Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027], response to CWACC7.13.</p> <p>Through on-going consultation with Natural England, Natural England have raised no concerns or objections with regards to this matter [REP1-056].</p>
WR_CWACC4.14	4.16	(7.18) There is a new footpath proposed along part of the eastern boundary of the NBBMA (Footpath A) and the eastern and western boundaries of Cell 1 (Footpath B), adjacent to the Mersey Estuary as shown in Figure 1 Route Hierarchy plan in the Outline Landscape and Ecology Management Plan (APP-144). These footpaths cause the most concern in terms of impacts on non-breeding birds.	<p>The Applicant notes that the matter raised has already been addressed within Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027], CWACC7.16.</p> <p>The Applicant would like to add that through progressive and on-going consultation with Natural England, no concerns or objections have been raised regarding this matter.</p>
WR_CWACC4.15	4.17	(7.21. RR) Bird screens are proposed for mitigation in some locations, as shown in Figure 2-3a and 2-3b Illustrative Environmental Masterplan of the	<p>Screening is proposed as a precautionary and best practice measure. It is also a measure that is commonly adopted by nature reserves. It's inclusion reflects standard conservation</p>

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		<p>Environmental Statement: Volume 3 Chapter 2 Figures. However, if these are deemed to be required along significant lengths of boundaries, it suggests that the impact is significant and that the design should be altered to achieve a wider buffer along that edge to avoid disturbance, as an avoidance measure. In addition, screens will only mitigate visual impacts for birds already landed on the Estuary side of the Site, not those within the Site.</p>	<p>practice to manage human-wildlife interactions and does not imply that impacts are significant.</p> <p>The HRA [as updated alongside this submission] concludes that operational disturbance from recreational pressures will not result in adverse effects and no objections or concerns have been raised through on-going consultation with Natural England.</p>
WR_CWACC4.16	4.18	<p>(7.23 RR) It is stated in paragraph 5.6.19 of the Information to Inform Habitats Regulations Assessment (APP-125) that during the operational phase, disturbance or displacement could occur through the development delivering increased public access to the land; however, this is considered likely to be comparable to the current farming related activity levels and recreational activities, which include unregulated fishing within the NBBMA. This is not concurred with, as there is a significant difference in small-scale infrequent impacts that ad-hoc fishing and operation of machinery cause, as opposed to a network of new and upgraded footpaths across the area. Further assessment is required.</p>	<p>The Applicant invites CWaCC to review the updated HRA [as updated alongside this submission], paragraph 8.3.13 specifically states that that vehicle access into the Site is confined to current established routes.</p> <p>As noted above, the HRA has considered the impacts of its access proposals and concluded that they do not lead to adverse effects on integrity. Natural England has not disagreed with these conclusions.</p> <p>Recreational pressure and behavioural monitoring will also be implemented as part of adaptive management as part of the NBBMS.</p> <p>Routine maintenance within close proximity of the NBBMA will also be limited to the sensitive non-breeding period, as secured through the measures set out in Table 5-3 of the oOEMP [as updated alongside this submission].</p>
WR_CWACC4.17	4.19	<p>(7.25. RR) Recreational disturbance is an identified pressure on the Mersey Estuary RAMSAR/SPA/SSSI, with additional Habitat Regulations Assessment requirements on residential developments within the Zone of</p>	<p>The Applicant notes that the matter raised has already been addressed within PD2-027, CWACC7.25.</p> <p>As per the original response, the Applicant has included specific monitoring commitments in the oLEMP [as updated</p>

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		Influence (DEFRA Magic mapping) and a Recreational Mitigation Strategy formed by neighbouring local planning authorities (Merseyside Environmental Advisory Service).	alongside this submission] and oDEMP [as updated alongside this submission] to ensure potential impacts from recreational access are monitored and managed accordingly, which is welcomed by Natural England [REP1-056].
	4.20-4.22	<p>(7.26 RR) The Frodsham Neighbourhood Plan (see Policy Compliance Document (APP-129) has policies specifically in relation to recreation, aiming to support recreation for developments only where there is no impact on biodiversity. Policy EDVE2: Tourism and the Visitor Economy of the Frodsham Neighbourhood Plan states that “Proposals that enhance and improve existing tourist attractions and facilities or that create new sustainable tourism opportunities will be supported where they are in accordance with Local Plan policies ECON3 and STRAT9. Subject to their accordance with other relevant policies in the Neighbourhood Plan, developments will be supported, where they:</p> <ul style="list-style-type: none"> • Demonstrate that potential effects on biodiversity, noise and environmental impacts have been explored and avoidance and mitigation measures employed” • Will not result in adverse impacts on the ecological value and function of Frodsham Marshes 	<p>The Applicant notes that the matter raised has already been addressed within PD2-027, CWACC7.22.</p> <p>Policy ECON 3 describes new tourism opportunities, and 2025 updates cite developments including “Chester Zoo” and “glamping”. The Applicant does not agree that the policy referenced is relevant to the Proposed Development. The Applicant considers that reliance on tourism policy in this context is misplaced.</p> <p>The Applicant reiterates that the approach is consistent with Policy EDVE2 of the Frodsham Neighbourhood Plan, which requires biodiversity impacts to be avoided or mitigated rather than precluding access. As noted in the explanatory text to Policy EDVE2, increased visitor numbers and wildlife protection are not considered mutually exclusive where impacts are appropriately managed.</p>
WR_CWACC4.18	4.23-4.25	(7.27 RR) Policy GSRL4: Creating New Green/Open Spaces of the Frodsham Neighbourhood Plan states: To encourage	The updated HRA [as updated alongside this submission] details mitigation including screening, path alignment, and access management and adaptive measures during the

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		<p>developments that create or develop additional green community/recreational spaces. In accordance with other relevant policies in the Neighbourhood Plan, development will be supported where they:</p> <ul style="list-style-type: none"> Will not result in adverse impacts on the ecological value and function of Frodsham Marshes. <p>These policies are currently not complied with.</p>	<p>operational phase ensures compliance with EDVE2, and no adverse effect on the ecological value of Frodsham Marshes will occur.</p> <p>Furthermore, there is an overall biodiversity net gain on the Frodsham Marshes as a result of the Proposed Development.</p>
Decommissioning			
WR_CWACC4.19	4.26	<p>There are concerns with decommissioning of the non-breeding bird mitigation area, due to the impacts being different to that during construction, due to the birds having been restricted to smaller areas. There are also concerns with long-term management of the NBMMA not being secured, with no control over its apparent decommissioning if handed back to landowners.</p>	<p>The Applicant has also provided a detailed response on this issue in Q4.4.4 of Applicant Responses to ExA First Written Questions [REP2-003].</p>
WR_CWACC4.20	4.27	<p>(7.30 RR) Throughout the relevant documents it is stated that as the land would be handed back to the landowners on completion of decommissioning, the long-term retention of the landscaping improvement works cannot be assumed. This is concerning when considering the likely dependency of qualifying bird species on the NBBMA and has not been fully accounted for in terms of adverse impacts at the decommissioning stage. The impacts could be worse than at the construction stage, as the provision of land for non-breeding birds is in a much smaller area than</p>	<p>The Applicant has also provided a detailed response on this issue in Q4.4.4 of Applicant Responses to ExA First Written Questions [REP2-003]. The Applicant notes that post decommissioning the position will be, in the main, a reversion to the baseline position (land that is currently identified as being FLL). Furthermore, it is highly likely that those parts of the NBBMA in the SSSI will be retained in their location, as following the amendments made to the draft DCO, to change the management regime of this land would require NE consent.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		currently, so will be significantly more vulnerable to disturbance. This should be reassessed. If the non-breeding bird mitigation area is not retained post-development, this is a significant impact and not comparable to construction activity impacts, as is asserted. A possible solution could be retention of the NBBMA in the long-term.	
WR_CWACC4.21	4.28	(7.31 RR) Part-decommissioning will occur when the solar panels require replacement approximately halfway through the Proposed Development (Table 2-13 Indicative Operational Lifespan of Proposed Development Components (Chapter 2 Proposed Development (APP-035)). The NBBMA will be more vulnerable to disturbance than currently, where the birds are spread across a wider area. With the construction traffic routed along the southern boundary of Cell 3 (Appendix A of the Transport Assessment (APP-134)), this means that the qualifying bird species are vulnerable. This impact has not been taken into consideration. This will also coincide with the Frodsham Windfarm decommissioning (2042) and this has not been considered as a cumulative impact.	<p>Replacement activities are restricted to outside of the sensitive non-breeding bird period as per the HRA [as updated alongside this submission] and Table 5-3 of the outline OEMP [as updated alongside this submission] .</p> <p>The HRA also considers that enhanced vegetation screening and barriers from the solar development will also reduce impacts during any replacements.</p> <p>In relation to the crossover of FWF decommissioning or repowering and Frodsham Solar replacement activities (to the extent that there is crossover and noting that replacement traffic movements will be significantly less than construction), this is dealt with in section 2.4 of the Outline Operational Environmental Plan; which (at paragraph 2.4.12) provides that if there is a crossover between the two activities, then the Council would be able to not approve the notification of replacement activities until it was content that appropriate management measures were in place.</p> <p>The HRA has been updated to account for this.</p>
WR_CWACC4.22	4.29	(7.47 RR) Some of the documents refer to the NBBMA being taken on long-term to form a reserve. Due to the long-term success of the	The Applicant agrees that the approach to management of the NBBMA is essential to the integrity of the designated sites and specialist long-term management is required.

Ref	Paragraph Number	Comment	Applicant's Response
		<p>NBBMA being essential to the integrity of the designated site, this approach of specialised long-term management is agreed with, however, there is no confirmation of this at this stage. This is required to be secured.</p>	<p>Management by an appropriate conservation body is secured via the oNBBMS.</p>
Cumulative Impacts			
WR_CWACC4.23	4.30-4.32	<p>There are concerns that the cumulative construction impacts of the Runcorn Carbon Dioxide Spur have not been fully assessed or mitigated for. The pipeline route runs through the most sensitive areas of the Order Limits in terms of non-breeding birds, restricting timelines for reducing impacts. Impacts should be fully assessed, mitigated for and controlled securely.</p> <p>(7.33 RR) the Runcorn Carbon Dioxide Spur Pipeline project (Ref 78) in paragraph 6.7.3.1 of the Information to Inform Habitats Regulations Assessment (APP-125), it is stated that the pipeline runs through Cells 1, 2 and 5, but in Paragraph 7.1.6 goes on to state that it runs through Cells 1, 3 and 5 as well. The route of the pipeline has changed during the PEIR stage, which may explain the inconsistency. The pipeline is proposed to run through Cell 1, Cell 2 and Cell 3 (NBBMA) and so introduces further additional impacts to the Cells included in the Non-breeding Bird Mitigation Strategy (NBBMS), as well as Cells used by qualifying SPA bird species elsewhere in the Order Limits. This could have significant adverse cumulative effects on the NBBMS. The only likely lower impacts would be if the pipeline was installed at the same time as construction</p>	<p>The Applicant notes that the HRA [as updated alongside this submission] has been updated since this initial comment was raised to clarify the in-combination position. The Applicant position on this matter is set out in its Technical Note on Pipeline Interactions [REP1-041]. The Applicant has, through its CEMP, imposed all the controls necessary to ensure that its potential contribution to cumulative impacts can be managed. It is entirely within CWaCC's control to ensure that similar approved controls are put in place on the pipeline's consent.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>works on each of the Cells involved. Further assessment and detail is required on how this can be achieved and how significant impacts will be avoided. including assessment of the various phasing scenarios between the two projects and all sensitive areas within the site and how significant impacts will be avoided.</p> <p>This could have significant adverse cumulative effects on the NBBMA and further assessment and detail is required, including assessment of the various phasing scenarios between the two projects and all sensitive areas within the site and how significant impacts will be avoided.</p>	
WR_CWACC4.24	4.33	(7.34 RR) The Frodsham Wind Farm will be impacted by the project in terms of its mitigation and also in terms of the mitigation proposed for the Proposed Development. This should be included as a project for assessment of cumulative/incombination effects. See Operational impacts section.	<p>Natural England confirms that it is possible that mitigation can exist within an area that is already utilised for mitigation (Q4.4.3; ExA Qs) which can mitigate for all birds by both developments and accepts the HRAs conclusions in principal.</p> <p>Natural England also welcomes the approach the Applicant has undertaken within the updated HRA to ensure the operational FWF is considered (NE49; REP1-056) and has not raised further concerns or objections throughout on-going consultation.</p>
Survey Data and Non-Breeding Bird Mitigation Strategy			
WR_CWACC4.25	4.34	There are concerns that the survey data is not robust enough on which to base a Non-Breeding Bird Mitigation Strategy and that the methodology used is flawed. This means that impacts to non-breeding bird populations are more significant than currently assessed and the NBBMS is inadequate. In addition, the principle of providing a higher	The Applicant disagrees that survey data is not sufficiently robust and notes Natural England has accepted the baseline data [REP1-056] within the updated HRA [as updated alongside this submission].

Ref	Paragraph Number	Comment	Applicant's Response
		<p>quality smaller mitigation area in place of larger mitigation areas is flawed, as this will reduce areas for birds to move if displaced, render the bird populations more vulnerable to disease and reduces the contiguous area of functionally linked land and therefore its resilience and long-term viability.</p>	<p>The Applicant also refers to the detailed response provided in Q5.0.1 of Applicant Responses to ExA First Written Questions [REP2-003].</p> <p>The Applicant has also provided a detailed response on this issue in Q5.0.1 of Applicant Responses to ExA First Written Questions [REP2-003].</p>
WR_CWACC4.26	4.35	<p>(7.36 - 7.41 RR) No single year of the three years of non-breeding bird surveys included all areas of the site, and only one year had surveys of the NBBMA, leading to queries regarding the robustness of the data and therefore the mitigation proposal. Even with the inconsistent survey data, wide usage of non-breeding qualifying bird species was recorded across the Site.</p>	
WR_CWACC4.27	4.36	<p>(7.52-7.56 RR) Cleeve Hill Solar Park Mitigation: The Cleeve Hill Solar Park Mitigation is referenced in the report as an example of how to calculate the amount of area required for non-breeding bird mitigation. However, there seem to be conflicting figures through the documents, between the Information to Inform Habitats Regulations Assessment (APP-125) and Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) (APP-144). The 2024/25 non-breeding survey data is not included in the ONBBMS. The Cleve Hill example does not account for the fact that the majority of the proposed NBBMA is already acting as a NBBMA, casting doubt on its application to this development and value in mitigation strategy.</p>	<p>The Applicant notes that the HRA [as updated alongside this submission] has been updated through on-going consultation with Natural England. The Applicant agrees with Natural England that bird-day calculations should not be solely relied upon and this was never the Applicants intention, which is translated throughout the updated HRA and stated in Section 2 of the oNBBMS, located within the oLEMP [as updated alongside this submission]. The bird-day calculations are merely a supplementary exercise to calculate an appropriate mitigation size, not an absolute figure.</p> <p>the. With regards to the comparability of the 'Cleeve Hill approach' to the Proposed Development, the Applicant does not downplay the existing habitats that support the current SPA population, but rather the wind farm mitigation area is unreliable in extent and, importantly, reliability. The</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>importance of temporal availability (i.e., seasons) and the very substantial benefits of re-engineering and conservation focussed adaptive management must be considered alongside scale; it is unclear to the Applicant if CWACC has done so in its response. Natural England agrees that improved habitat quality and appropriate management will increase the existing capacity and will also avoid AEoSI [Q4.4.2 -ExAs Qs)</p> <p>Furthermore, the oNBBS located within the oLEMP [as updated alongside this submission] includes Year 2 and Year 3 in the bird-day calculations which was agreed with Natural England throughout on-going consultation. Note year 3 is 2024/2025.</p>
WR_CWACC4.28	4.37	(7.49-7.51) Documents state that a key focus of the NBBMS is in relation to foraging habitats for curlew, lapwing and golden plover, i.e., those SPA species which regularly utilise grassland habitats and for which FWF provides some specific mitigation. However, other SPA species impacted by the Proposed Development, such as Teal, Shelduck, Dunlin, Redshank and Black-tailed godwit also require mitigation and this has not been taken into account.	<p>The Applicant disagrees on this point – all SPA species have been fully considered and are included in the HRA [as updated alongside this submission] and will benefit from the NBBMA.</p> <p>Natural England welcome the updates to the HRA and are satisfied will the information that has been provided [NE02/03- REP1-056].</p>
	4.38 – 4.39	The new NBBMA, which comprises Cell 3 and a small section of Cell 2, is proposed to compensate for the loss of existing mitigation Cells 2 and 5, as well as areas that recorded qualifying bird species in the rest of the Site. The proposed reduction in existing mitigation areas means that the bird population is dependent on one smaller area of mitigation land, reducing the ability to use different	<p>The Applicant refers to previous responses regarding this point in its Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027], Sections CWACC7.47.</p> <p>It is further added that, as the NBBMA will be managed by a conservation body for the sole purpose of nature conservation, significant or regular disturbances are not</p>

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		<p>areas nearby if temporary or permanent disturbances occur on that land. The range of the bird population will be reduced and it will become more vulnerable to disease, competition for food resources and overcrowding.</p>	<p>anticipated. In the event of temporary disturbances during operation birds using the NBBMA will be able to temporarily relocate on Cell 6, adjacent farmland and /or the Mersey Estuary and River Weaver, as well as retained and enhanced features within the Order Limits (the Lum and pools by Marsh Farm). The Applicant therefore disagrees with CWACC on this point, and adds that there will be substantial benefits to SPA birds through dynamic nature conservation management of the NBBMA.</p>
<p>Protected Species Breeding birds</p>			
WR_CWACC4.29	4.40	<p>There are concerns that the Skylark Mitigation Area has been reduced significantly since the PEIR stage of the development without justification, that the SMA is not appropriately located and has not been surveyed to assess current Skylark presence and therefore suitability. In addition, those breeding birds relying on mitigation in field edges may be disturbed by the introduction of new and upgraded public rights of way, which has not been assessed.</p>	<p>The Applicant refers to previous responses regarding Skylarks in its Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027], specifically Sections CWACC7.70 to CWACC7.41.</p> <p>The Applicant has also provided a detailed response on this issue in Q4.4.5 of Applicant Responses to ExA First Written Questions [REP2-003].</p>
WR_CWACC4.30	4.41	<p>(7.58 RR) The introduction of footpaths along some of the green buffers between the development and areas retained for breeding bird mitigation in the Western and Eastern Arrays has not been assessed in terms of impacts on these areas. This means that impacts could be higher than have been mitigated for.</p>	<p>The Applicant does not accept that impacts have not been assessed and refers to its previous response in CWACC7.53 of the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p> <p>This notes that farmland and boundary-nesting species, as anticipated to utilise the green buffers, frequently breed successfully alongside existing PRoWs, farm tracks, and similar features across the wider landscape. There is no evidence to the Applicant's knowledge that such are disturbed</p>

Ref	Paragraph Number	Comment	Applicant's Response
			from breeding by footpath use. The Applicant does not accept that impacts could be higher than have been mitigated for.
WR_CWACC4.31	4.42	(7.60 RR) There is no clear explanation of the Skylark baseline currently on Site in terms of area, quality of habitat and distribution, and how the proposed mitigation (NBBMA and Skylark Mitigation Area (SMA)) is adequate. The SMA location is not near to any areas where Skylark were recorded during the surveys, as they favoured the northern area of the Site, across Cells, 1, 2 and 3. The survey results as shown in Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082), show that of the 21 pairs recorded, there are nine pairs of Skylark in the NBBMA area already, as well as in Cells 1, 2 and 5. The Proposed Development will significantly restrict their current range, due to lack of open areas and disturbance from new and upgraded footpaths. This could mean that the Skylark Mitigation Area is not adequate and could reduce the Skylark population in the area.	The Applicant notes its responses regarding Skylarks in its Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] , specifically Sections CWACC7.70 to CWAC7.71 (pages 103 to 106). The Applicant has also provided a detailed response on this issue in Q4.4.5 of Applicant Responses to ExA First Written Questions [REP2-003] .
WR_CWACC4.32	4.43	(7.77-7.80 RR) The SMA has not been fully surveyed for breeding birds to establish the baseline. Other bird species may be impacted by the proposed enhancements for Skylarks and this has not been assessed. If Skylarks are not using the area currently, there should be an assessment as to why this may be. This could include non-habitat related factors, such as location beneath pylons and proximity to the M56 motorway, which are both potentially sub-optimal factors for a	The Applicant has provided a detailed response on this issue in Q4.4.5 of Applicant Responses to ExA First Written Questions [REP2-003] . The Applicant also refers to its responses regarding skylarks in its Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] , specifically Sections CWACC7.70 to CWAC7.71 (pages 103 to 106).

Ref	Paragraph Number	Comment	Applicant's Response
		<p>species that are known to avoid predator-perches. As stated in 8.8.44 of Chapter 8 of the Environmental Statement Volume 1 Chapter 8: Ornithology (APP-041) "Skylarks prefer large, uninterrupted landscapes free from tall trees or hedgerows, which supports their territorial displays and reduces predator risk." This is a further concern noting that the SMA has been reduced from approx. 30ha at the PEIR stage, to 5.5ha. This could mean that the Skylark Mitigation Area is not adequate and could reduce the Skylark population in the area.</p>	
Bats			
WR_CWACC4.33	4.44	<p>There are concerns that trees proposed for removal have not been subject to bat survey and so bat roosts presence and the mitigation and compensation measures required are unknown.</p>	<p>The Applicant refers to its previous response in CWACC7.76 of the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]. This refers to additional checks of trees scheduled for removal in October 2025 by suitably qualified ecologists, and notes that none offered bat roost potential following the criteria set-out in the 'Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition', Collins (2023).</p>
WR_CWACC4.34	4.45 – 4.47	<p>(7.83 - 7.84 RR) Paragraph 7.7.16 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) stated that no trees with features suitable to support roosting bats were identified during the PEA or during either the 2023 or 2024 extended UKHab surveys. Paragraph 7.7.72 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that trees present within the Main Development Area would be retained and protected during</p>	<p>Refer to response WR_CWACC4.33.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>construction. However, the Frodsham Solar Arboricultural Assessment (APP-146) details removal of G034 to enhance the NBBMA, and G067, G069, a section of G099 and A106 to facilitate the development.</p> <p>It should be confirmed that the trees listed for removal in the Arboricultural report were surveyed for bat roosting potential. If not, Bat roosting surveys should be carried out on these trees by a suitably qualified ecologist to best practice guidelines.</p> <p>Further tree surveys could be required, to ascertain the status of the bat population on site and any mitigation required. It is likely this could be mitigated for in terms of roosting provision with retaining tree roosts and attaching limbs to other trees and bat boxes on retained trees.</p>	
WR_CWACC4.35	4.48	<p>(7.85-7.88 RR) Bat surveys were carried out July-November 2023, which missed the Spring survey season and did not include the NBBMA. During some surveys the static detectors stopped working. Paragraph 7.8.32 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that any individual length of hedgerow removal would likely be no greater than 6m. This would be unlikely to significantly disrupt any bat foraging lines and proposed planting (proposed no closer than 50m to any existing wind turbines) would compensate for these losses. Although the activity surveys were limited, due to the lack of likely significant impacts</p>	<p>The Applicant agrees with CWACC on this point and further refers to its response Q4.1.4 of Applicant Responses to ExA First Written Questions [REP2-003].</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>on foraging and commuting habitats and likely benefits to such habitats from the proposals, there are no significant concerns regarding foraging and commuting bats.</p>	
Otters			
WR_CWACC4.36	4.49 – 4.55	<p>There are concerns regarding the obstruction of Otters from feeding areas, due to solar farm fencing and fencing of the NBBMA, over this extensive area of suitable habitat. This could reduce the natural range of Otters in the area.</p> <p>(7.89-7.91 RR) 7.6.27 and 7.6.27 of Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) and 7.6.26 of Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) concluded that the mustelid scats and mammal holes found in the NBBMA were likely to be Otter. It is not clear why further survey work, such as erecting cameras in the locations where evidence was found, were not carried out, to confirm the finding and provide a robust baseline.</p> <p>Paragraph of the states that “the larger ditches located along the southeastern boundary of the SADA, together with the series of ponds and ditches located within the NBBMA, may be suitable for resting, foraging or commuting otter.” These ditches provide a likely route for Otters from the River Weaver up to Cell 6 and through to the NBBMA.</p> <p>Therefore, presence on site is assumed as in 7.6.28 of Environmental Statement: Volume 1</p>	<p>The Applicant refers to its previous detailed response to these points in CWACC7.78 of the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>Chapter 7: Terrestrial Ecology (APP-040) which states "Taking into account the desk study records, the presence of suitable habitat within and adjacent to the Main Development Area and the extensive home range of otters, it is considered likely that otters are utilising watercourses located within the Main Development Area and may occasionally utilise the ditch network"</p> <p>(7.92-7.93 RR) 7.8.45 and 7.8.110 of the of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that "Although the Proposed Development will result in the cessation of access to otter within the NBBMA, considering the presence of suitable habitat within the surrounding landscape such as the River Weaver, extensive network of ditches remaining available to otter within the SADA and within surrounding the Site, and large open waterbody directly south of the Main Development Area (in Cell 6), the cessation of access to the NBBMA is unlikely to adversely affect free movement of otter throughout the landscape, or the availability of food or shelter resources." Relying on areas outside the control of the Applicant to justify or mitigate impacts caused by the Proposed Development is not accepted.</p> <p>7.93-7.94 RR). Otters are likely travelling to the NBBMA to use a food resource, likely due to the fish within the fishing pools. The fishing pools will be removed and the area will be fenced off as part of the NBBMS so that Otters will no longer be able to access the area. This is likely to remove an</p>	

Ref	Paragraph Number	Comment	Applicant's Response
		<p>important food source, causing displacement and restricting the local range of the species. In terms of range, it is assumed that the solar panels fences will not restrict access through the ditch network in the SADA. If this is not the case, further assessment is required.</p> <p>It is not clear whether Otters are using the Manchester Ship Canal or travelling through the SADA to get to the NBBMA. Mitigation measures have been considered if they are travelling through the SADA, such as standard buffers from watercourses, any new crossings being open-span and some existing culverts being upgraded to open-span crossings, which will enhance some ditch connectivity. This however, does not mitigate for the loss of food resource and loss of access to the NBBMA that the development proposes, where Otters are likely present currently. This is likely to have a negative impact on the local Otter population and restrict their range.</p>	
Badgers			
WR_CWACC4.37	4.56 – 4.58	<p>The applicant should make simple changes to the proposed layout to ensure appropriate buffers from the network of setts are implemented. There are concerns that the development will obstruct badgers foraging and commuting routes and that the introduction of footpaths will displace badgers from the area, due to the limited areas on the Marsh on which they can build new setts coinciding with the areas where upgraded and new public rights of way are proposed. Recommended surveys by the applicant's own ecologist and</p>	<p>The Applicant has provided detailed responses regarding badgers in Q4.1.2, Q4.5.3 and Q11.3.7 of Applicant Responses to ExA First Written Questions [REP2-003].</p> <p>Table 5-1 (page 53) of the oCEMP [as updated alongside this submission] 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; if the survey identifies changes to badger sett locations, or that there is</p>

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		<p>requested by the LPA to ascertain commuting and foraging impacts have not been carried out.</p> <p>(7.105 RR) Comments within the CWCC PEIR Response remain largely the same and are substantiated by an expansion in the Badger population on Site in range and size, as well as further impacts due to the introduction of an expanded and upgraded footpath network. There is an extensive population across the Site and impacts from solar farm construction and operation, including introducing long-term human disturbance in the form of an upgraded and expanded footpath network, have not been fully mitigated or compensated.</p> <p>(7.106 RR) Although discussions with the Applicant were based on the fact that most of the setts are on field/embankment boundaries so are unlikely to be impacted due to the biodiversity/landscape buffers proposed, paragraph 4.4.2 and 4.4.3 of the Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (Confidential Badger Annex) (APP-078) state that three main setts, four outlier setts and one annex sett is located within 5m of the solar panels/fencing and one main sett and three outlier setts are located within 10m of solar panels/fencing. The "avoid" step of the mitigation hierarchy has not been followed, with standard 30m buffers from Badger setts not designed into the proposed layout. Simple amendments in the proposed layout would reduce direct impacts on Badger setts during construction and operation.</p>	<p>potential for disturbance of badgers, the Applicant acknowledges the legal protections afforded to badgers and will ensure full compliance, through licensing, and the necessary mitigation measures that would be required as part of the licensing process. 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 Outline Landscape and Ecology Management Plan [as updated alongside this submission].</p>

Ref	Paragraph Number	Comment	Applicant's Response
WR_CWACC4.38	4.59	(7.108 - 7.109 RR) In terms of Badger commuting and foraging, there is a likelihood that Badgers foraging territory, or links between them, will be disrupted. This is due to the predator-fencing around 64ha of the 253ha of the Site and the rest of the solar array is proposed to be fenced. The solar array fencing will have mammal gaps, but access to the areas of land will still be significantly restricted.	<p>The Applicant has provided detailed responses regarding badgers in Q4.1.2. Q4.5.3 and Q11.3.7 of Applicant Responses to ExA First Written Questions [REP2-003].</p> <p>The Applicant reiterates that badger gates will be fitted to fencing (aside from the NBBMA), as is common practice for solar installation and is widely accepted. As such the large majority of the Order Limits will remain available to badgers and, with the removal of agricultural practices in the Eastern SADA, will arguably provide improved foraging opportunities for badgers.</p>
WR_CWACC4.39	4.60	Badger bait-marking surveys were previously requested, to obtain information about interactions between setts and different badger clans on Site, as well as pathways through the Site, so that impacts could be clearly understood and mitigated. This study was also recommended in paragraph 4.5.25 of RSK Survey in Annex 2 Frodsham Renewable Energy Development Preliminary Ecological Appraisal Report (RSK Biocensus, 2023) (Redacted) of Environmental Statement: Volume 2 Appendix 7-1 (APP-075). The recommendation in the report was made when there were only 2 main setts and 5 outlier setts on Site in 2022 and no footpaths were proposed i.e. when potential impacts were significantly lower.	<p>The Applicant has provided detailed responses regarding badgers in Q4.1.2. Q4.5.3 and Q11.3.7 of Applicant Responses to ExA First Written Questions [REP2-003].</p> <p>See also responses under WR_CWACC4.37 and WR_CWACC4.38.</p> <p>It is the Applicant's position that, given harm to badgers or their setts will be avoided in accordance with legislative requirements, and that the large majority of the Order Limits will continue to be available to badgers, bait-marking surveys would be disproportionate the level of impact anticipated.</p>
WR_CWACC4.40	4.61-4.62	In addition, a proposal for an upgraded and extended footpath network across the Order Limits has been proposed. Some of these are on the raised areas between Cells, in a similar location as the Badgers. Setts are located on embankments,	<p>The Applicant has provided detailed responses regarding badgers in Q4.1.2. Q4.5.3 and Q11.3.7 of Applicant Responses to ExA First Written Questions [REP2-003].</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>likely due to the scrub habitats present and some areas within the Cells being wetter and/or flooding. This means that the badgers' opportunities to create new setts away from human disturbance if required and ability to respond to sett closures is reduced, again, increasing significance of impacts. New Footpath A</p> <p>as shown on Figure 1 (Indicative Route Hierarchy) of the Outline Landscape and [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>The basis for this response is unclear to the Applicant; badgers commonly create setts close to footpaths and vehicle tracks, as well as in urban and semi-urban areas. Regardless, there will continue to be substantial areas of embankment within the Order Limits without footpaths. Recreational access to the Order Limits will be overwhelmingly within daylight hours and so the potential for disturbance of badger setts is negligible. As such, with the necessary protections during construction (as provided for in Table 5.3 of the oCEMP [as updated alongside this submission]), the Applicant does not accept there is any potential for significant impacts on badgers.</p>
Reptiles			
WR_CWACC4.41	4.63-4.64	<p>Justification on survey extent is required.</p> <p>(7.113 RR) The Site provides suitable Reptile habitat in the form of marshy and rough grassland with hedgerows and a ditch network. Reptile surveys were undertaken in 2022 on the Preliminary Site Boundary. This did not include the NBBMA, which comprises ditches and larger open water areas, so a different habitat to the rest of the Order Limits, reducing the ability to extrapolate survey results to this area. Further justification is required as to why omission of this area in the survey does not affect the results and mitigation proposals.</p>	<p>The Applicant refers to previous responses regarding reptiles and reptile surveys in its Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027], specifically Section CWACC7.85.</p> <p>Measures to ensure the protection of reptiles during construction are provided in Table 5.3 of the revised Outline Construction Environmental Management Plan - P03 [as updated alongside this submission].</p> <p>It is further added that the habitats within the NBBMA will be improved for reptiles (should they be present or colonise), as will the habitats within the wider Order Limits, which will collectively deliver an increase of +28.42% in habitat units,</p>

Ref	Paragraph Number	Comment	Applicant's Response
			+88.92% in hedgerow units and +11.21% in watercourse units for forty years. This is considered to represent a considerable benefit to most species, including (if present) reptiles.
Local Wildlife Sites			
WR_CWACC4.42	4.65-4.67	<p>There are concerns the development will lead to the rescinding part of the LWS designation, and the remaining area of the LWS vulnerable to degradation, due to unmitigated impacts on non-breeding birds and other qualifying criteria.</p> <p>(7.117 RR) In the Frodsham, Helsby and Ince Marshes, where the main Proposed Development will take place, the main development area will cover approximately 20% of this LWS (Statutory and non-statutory sites or Features of Nature Conservation Plans (APP-012).</p> <p>(7.119 RR) Paragraph 7.8.8 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that "The terrestrial ecology features for which all three LWSs are designated for comprise static habitat features, with the exception of invertebrates for which Frodsham, Helsby and Ince Marshes LWS and Frodsham Field Studies Centre LWS are also cited.". It is not clear what this means, as there are other terrestrial ecology features, such as mammals, that are qualifying criteria of the Frodsham, Helsby and Ince Marshes LWS. Table 7.9 of the same does not list birds or mammals as qualifying features. In Table 3-2: Non-statutory Designated Sites of the Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological</p>	<p>The Applicant has addressed this point in in Q4.5.5 of Applicant Responses to ExA First Written Questions [REP2-003].</p> <p>Habitats across the LWS designation will be enhanced, as demonstrated by the BNG unit uplifts of +28.42% in habitat units, +88.92% in hedgerow units and +11.21% in watercourse units, for forty years. This is considered to represent a considerable benefit to the LWS.</p> <p>Further, following decommissioning of the Proposed Development, habitats will be either returned to current (pre-development) conditions, or be left in a better condition, as demonstrated in BNG units. It is therefore unclear as to how the LWS will be vulnerable to degradation.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		Species Baseline Report (APP-076), it also states that invertebrates are the only faunal qualifying feature. The impacts on the LWS should be assessed against all of its qualifying features.	
WR_CWACC4.43	4.68	Wildlife Corridors/buffers qualifying feature: At a smaller scale, although there will be wildlife corridors left between areas of panels, the accessibility of these to wildlife is reduced, in terms of Otters and Badgers restricted by fencing, raising concerns with food sources being restricted and badger clan interactions being disrupted, both of which are likely to lead to displacement. At a larger scale, birds are restricted in landing and utilising existing FWF mitigation cells 2 and 5 and cell 1 in the wider Order Limits. The LWS currently provides buffering habitat to the Mersey Estuary RAMSAR/SPA/SSSI and the reduction in area that can function as such is a significant concern.	<p>The Applicant has addressed the point regarding wildlife corridors in Q4.5.3 of Applicant Responses to ExA First Written Questions [REP2-003]. CWACs comments on badgers and otters are addressed above in WR_CWACC4.36 to WR_CWACC4.40.</p> <p>It is the Applicants position that mitigation for all RAMSAR/SPA/SSSI features has been provided. Specifically on the point of the LWS acting as a buffer to these designations, the Applicant highlights the existing separation between the Mersey Estuary and the Order Limits which is created by the Manchester Ship Canal and the raised 'Frodsham Score' embankment.</p>
WR_CWACC4.44	4.69	(7.123 RR) Birds: There are significant concerns regarding non-breeding birds, relating to reduction in habitat, indirect disturbance, long-term sustainability of the population and increased human disturbance from an upgraded footpath network. Please see non-breeding bird sections RR 7.51-7.58). REF THIS DOC NUMBER	The Applicant considers this point is addressed in earlier responses; WR_CWACC4.6, WR_CWACC4.7, WR_CWACC4.10 – WR_CWACC4.13 and, WR_CWACC4.14 to WR_CWACC4.17.
WR_CWACC4.45	4.70	(7.124 RR) Mammals: There are concerns regarding Otters and Badgers, regarding connectivity through the landscape, loss and	The Applicant has addressed this point in Q4.5.3 of Applicant Responses to ExA First Written Questions [REP2-003] .

Ref	Paragraph Number	Comment	Applicant's Response
		restriction of access to food resource and displacement. Please see Otter section in RR 7.91 – 7.97 and Badger sections RR 7.106-	
Biodiversity Net Gain			
WR_CWACC4.46	4.71	<p>There are concerns regarding the under-valuing and misclassification of habitats, resulting in unaccounted for habitat loss. The mitigation hierarchy has not been followed, to avoid high value habitats and the proposed layout should be amended to rectify this. There is no supporting document to understand methodology behind the metric or to provide further assessment.</p> <p>(7.130-7.131 RR) The development is reported to achieve a net gain in habitat units of 11.52% (194.86 units), net gain in hedgerow habitats of 88.92% (48.25 units) and a net gain in watercourse units of 13.35% (14.65 units). However, this includes 65.61 units of reedbed that have not been compensated for, according to metric trading rules. This means that the Headline results are irrelevant, in accordance with Statutory User Guidelines and user guidance for non-statutory version of metrics. This is a significant proportion of the baseline on Site. See Statutory Biodiversity Metric User Guide Table 2 Biodiversity metric rules: "Rule 1 The trading rules of this biodiversity metric must be followed." And Figure 14 "If trading rules have not been satisfied, then a net gain in biodiversity cannot be claimed".</p>	<p>Notwithstanding that there is no current mandatory requirement for BNG on Nationally Significant Infrastructure Projects, an updated biodiversity metric [PD2-032] has been submitted reporting an increase of +28.42% in habitat units, +88.92% in hedgerow units and +11.21% in watercourse units. It is relevant that all measures considerably exceed the 10% mandatory BNG requirement for planning application types, and that the measures will be delivered for a forty-year period - ten years longer than is required for mandatory BNG. As such, the Proposed Development will deliver a very significant gain for biodiversity which should not be under estimated.</p> <p>It is acknowledged that trading rules are not met with regards to reedbeds, however due to the reclassification of some reedbed areas as outlined in Appendix C of PD2-027 the deficit is reduced to -12.59 units.</p> <p>It is accepted that trading rules are an inherent rule of the Statutory Biodiversity Metric, and as such it has not been claimed that the Proposed development delivers a biodiversity net gain in full accordance with the metric process, only that an increase in units is achieved. This comment has been addressed through the response to CWACC7.94. within PD2-027.</p> <p>It should also be noted that Statutory Biodiversity Metric User Guide Table 2 Biodiversity metric rules 'Rule 4' states that 'In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the</p>

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			<p>relevant planning authority'. In this case the relevant planning authority would be the Secretary of State. The Metric User guide provides further guidance on the application of Rule 4, which states 'If you meet the requirements to use rule 4 it can be implemented through...deviations from the biodiversity metric trading rules'.</p> <p>Natural England have recently published a recent blog post (dated 7th January 2026, provided as Appendix B, with an accompanying explanatory note) outlining a case study implementing Rule 4. Natural England's note sets out a Rule 4 example which is directly comparable to the Proposed Development in the following ways:</p> <ul style="list-style-type: none"> i. Natural England consider their case study example to represent a landscape scale gain. ii. The Proposed Development is approximately 100ha larger than the case study site, and so must also be considered as a gain of landscape scale. iii. The Natural England case study includes the loss of a habitat of high distinctiveness (in that case open mosaic habitat), which is not replaced directly. Instead scrub and grassland is delivered as this is considered to be the most ecologically valuable approach for the location. This demonstrates that there is scope for loss of habitats of high distinctiveness under Rule 4. The Proposed Development includes loss of reedbed, also a habitat categorised as of high distinctiveness. However the Proposed Development will result in an overall increase in area of +0.5ha of reedbed habitat, as outlined in Q4.2.1 of Applicant Responses to ExA First Written Questions [REP2-003]).

Ref	Paragraph Number	Comment	Applicant's Response
		<p>Paragraph 7.7.73 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that even though the reedbed meets UK Habs definitions; "due to the small and isolated nature of the majority of the areas of reedbed within the Main Development Area, these clumps, of reeds, are considered unlikely to function in the same way as larger and ecologically connected areas of the reedbed. Furthermore, the areas of</p>	<p>iv. Design of habitats to be provided as part of the Proposed Development has been informed by the site location, adjacent to the Mersey and corresponding non-breeding bird populations (which are of international importance). Like the Natural England example, habitats have been designed to benefit species valuable to the location.</p> <p>It is also relevant that the NBBMA will be managed by a suitably experienced conservation organisation for forty years. The Applicant considers this a unique opportunity that represents exceptional circumstances.</p> <p>As such, , although the Applicant acknowledges that, once the BNG regime for NSIPs is introduced, the Secretary of State would ultimately have to make a decision on the application of Rule 4, in the absence of this being the case the Applicant considers that Rule 4 could be applied to the Proposed Development were BNG a mandatory requirement and that therefore a metric-compliant biodiversity net gain would be achieved by the Proposed Development. As such, the Applicant does not agree with CWAC on this point.</p> <p>This comment has been addressed through the response to CWACC7.95. within PD2-027.</p>

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		<p>reedbed subject to loss are either dry, encroached with scrub/trees or are not located adjacent to/connected to open water. These areas are therefore considered transient in nature and would likely be subject to continued drying and therefore change in the future. As such, in the absence of the Proposed Development, it is considered likely that these areas would be lost in the short to medium term." This is not concurred with, as the UK Habs definitions are tailored for the metric and are proportionate and flexible, in terms of their classification. The Reedbeds fit the criteria according to UK Habs and should be considered as such. Although the reedbeds may dry out in the future, that does not justify misclassifying them in the current baseline survey. There is a large amount of Reedbed units generated from the reedbed present on Site, so the areas of reedbed are not insignificant. In addition, to have a wetland habitat not properly compensated for adjacent to a RAMSAR/SPA/SSSI site designated for its wetland habitats, further adds to the unacceptability of this approach.</p> <p>(7.133 RR). Reedbed is a high distinctiveness habitat and should be retained in the first instance. No justification has been given for the loss of this habitat, nor for the lack of compensation proposed. The loss of some of the other high distinctiveness habitat on Site, wet woodland, has also not been justified. In line with the approach taken under the statutory biodiversity gain hierarchy, used as a guide, medium high and very high distinctiveness habitats are highlighted in terms of retention and</p>	<p>This comment has been addressed through the response to CWACC7.96. within PD2-027. It should be noted that the Proposed Development will result in an overall increase in area of +0.5ha of reedbed habitat as outlined in Q4.2.1 of Applicant Responses to ExA First Written Questions [REP2-003].</p>

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		<p>avoidance of impacts. The general mitigation hierarchy should be demonstrated, as detailed in Local Plan Policy Part Two Policy DM44; "16.8 The mitigation hierarchy (avoid, minimise, mitigate, compensate) shall be followed when considering development proposals. Avoidance of damage will always be CWCC's preferred option, with compensation only acceptable as a last resort. Compensation for habitat loss should aim for like for like replacement and either be delivered on-site or off-site, secured by planning conditions, planning obligations and/or biodiversity offsetting mechanisms within the borough."</p> <p>(7.134-7.137 RR) An amended layout should be provided, to avoid loss the higher distinctiveness habitats of reedbed and woodland as much as possible, with any residual losses justified. Further reedbed and woodland habitats should be created on Site to resolve this issue. The same should be carried out with medium distinctiveness habitats.</p> <p>A Biodiversity Net Gain Strategy document should be provided, to understand the approach taken on Site and provide justifications for decisions made on retention and loss of habitats.</p> <p>Currently the Proposed Development is considered to generate a significant net loss in biodiversity that</p>	<p>This comment has been addressed through the response to CWACC7.97. within PD2-027. An updated biodiversity metric (PD2-032) shows no loss of 'high' distinctiveness woodland. It is repeated that the Proposed Development will result in an overall increase in area of +0.5ha of reedbed habitat as outlined in Q4.2.1 of Applicant Responses to ExA First Written Questions [REP2-003].</p> <p>This comment has been addressed through the response to CWACC7.98. within PD2-027</p> <p>It is not agreed that the Proposed Development delivers a net loss, as addressed through the response to CWACC7.99. within PD2-027. It should be noted the updated biodiversity metric (PD2-032) has been submitted reporting an increase of +28.42% in habitat units, +88.92% in hedgerow units and +11.21% in watercourse units, and which will be delivered for forty years. Impacts to local wildlife site are addressed as a response to WR_CWACC4.42.</p>

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		<p>also impacts on the Local Wildlife Site and adjacent national and international designations.</p> <p>See 7.137 RR for technical issues with the metric that are likely to significantly alter the metric results.</p>	<p>This has been addressed through the response to CWACC7.100 within PD2-027. An updated biodiversity metric [PD2-032] has been submitted.</p>
Peat			
WR_CWACC4.47	4.79-4.83	<p>There are concerns that impacts on peat have not been assessed and mitigated for.</p> <p>(7.138-7.141 RR) 7.138. Table 7-3: Scoping of Ecological Features of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that "There are no peat dependent ecological habitats or species within the Main Development Area. Furthermore, ground investigation surveys undertaken of the SADA identified no peat to a depth of 5.0 m. As such, the Proposed Development would not impact any peat that may be present". However, this does not account for compaction and hydrological impacts and this should be assessed.</p> <p>Table 10-3: Scoping Responses with respect to Ground Conditions states "The impact of disturbance and/or removal of peat on climate change and removal of peat resource has also been considered within ES Vol 1 Chapters 7:</p>	<p>The Applicant provided a Technical Note on Peat Resources [REP1-043] at Deadline 1 which further clarifies the Applicant's understanding that there is unlikely to be peat present at depths which would be affected by the Proposed Development. This includes reference to the Geoarchaeological Desk Based Assessment (RU.3.3.8.4) (July 2025) (Rev A) by Oxford Archaeology submitted to support the Hynet Runcorn CO2 Spur application 25/02108/FUL).</p> <p>The Applicant has included additional measures within the outline Construction Environmental Management Plan [as updated alongside this submission] which includes a commitment to provide an assessment of peat depths across the Site arising from the detailed design phase ground investigation. The oCEMP commits to providing any necessary mitigation to protect any peat resources identified such as low pressure machinery.</p> <p>The Environment Agency have confirmed in their response to the Examining Authority's written questions and requests for information (ExQ1) [REP2-008] that in relation</p>

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		<p>Terrestrial Ecology (APP-040)", however, it is not clear where this assessment is.</p> <p>A clearer assessment of the peat depths across the Site and assessment of compaction and hydrological impacts is required.</p> <p>Peat is also referred to in CWCC's representations on archaeology (RR-037 Section 8) and as part of the ISH1 representations (Appendix A). Reference is made to the Geoarchaeological Desk Based Assessment (RU.3.3.8.4) (July 2025) (Rev A) by Oxford Archaeology submitted to support the Hynet Runcorn CO2 Spur application 25/02108/FUL) and this is provided at Appendix C.</p>	<p>to potential compaction and hydrological impacts to peat (Q3.2.15), they agree that the peat is at a depth where it is unlikely to be impacted by development.</p> <p>Similarly, Natural England response to Q3.2.15 confirms they do not have any concerns in relation to peat.</p>
EIA and HRA			
WR_CWACC4.48	4.84-4.86	<p>Mersey Estuary RAMSAR SPA and SSSI: Currently, it is not demonstrated that the development would not have a significant adverse impact on the Functionally linked land associated with the Mersey Estuary designation, due to impacts on functionally linked land. In terms of Habitat Regulation Assessment, it is the LPA's view that the current Information to Inform Habitat Regulations Assessment has insufficient information on which the ExA, as the competent authority can make an assessment, and that the current information demonstrates adverse impacts on the Mersey Estuary RAMSAR and SPA.</p> <p>There are concerns that the Applicant has yet to provide a full assessment of the cumulative impacts, particularly in relation to the Runcorn Carbon Dioxide Spur Pipeline by Liverpool Bay</p>	<p>The Applicant refers to Natural England's Written Representations [REP1-056], who's page 3 Summary states, 'Overall Natural England is satisfied that the conclusions of the Habitats Regulations Assessment (HRA) can be accepted subject to outstanding information being provided, and the package of mitigation measures being secured by the Development Consent Order'.</p> <p>The Applicant's position on cumulative/in-combination matters is set out in the Technical Note on Pipeline Interactions [REP1-041]. It also notes that NE's response to the Runcorn spur pipeline re-emphasises the need for CWaCC to impose appropriate controls on that consent.</p>

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		<p>CCS Ltd (TCPA application 25/02108/FUL) and the Hynet North West Hydrogen Pipeline by Cadent Gas Ltd which is at pre-application stage for a DCO consent (EN060006).</p> <p>On application 25/02108/FUL, Natural England currently advises that insufficient information has been provided to inform the conclusions of the Habitats Regulations Assessment. Further information is required to demonstrate that the proposed development will not impact on existing mitigation land for the Frodsham Wind Farm and/or have an in-combination impact on mitigation proposed as part of the Frodsham Solar Farm Development Consent Order which may impact on SPA bird populations outside of the designated sites. (Appendix C)</p>	
5. Summary of recommendations for suggested changes to address Biodiversity matters			
Proposed Layout			
WR_CWACC5.1	5.2-5.13	<p>CWaCC suggested a number of design changes to the Proposed Development.</p>	<p>Section 5 of the CWACC Written Representation sets out a summary of recommendations for suggested changes to address biodiversity matters.</p> <p>The Applicant's starting point is that a comprehensive assessment of ecological impacts has been provided and the Applicant has introduced a range of mitigation measures that are designed to ensure that there are no significant adverse effects on biodiversity, that where adverse effects arise these are minimised to an acceptable level and that mitigation and enhancement is provided to offset those adverse impacts identified. On this basis the Applicant does not consider that changes to the Proposed Development are required.</p>

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			<p>NPS EN-1 is clear that the NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective (paragraph 4.3.9).</p> <p>Moreover, in the context of habitat sites (as defined in NPS EN-1), paragraph 4.2.21 of NPS EN-1 states that <i>“the existence of another way of developing the proposed plan or project which results in a significantly lower generation capacity is unlikely to meet the objectives and therefore be treated as an alternative solution”</i>.</p> <p>A series of points have been raised in Section 5.0 that have been considered within the Applicant's responses to other matters raised by the Council and other Interested Parties.</p> <ul style="list-style-type: none"> • Standoff distances have been considered in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.15, CWACC7.6 and CWACC7.65. Matters such as the static nature of the Proposed Development, local topography, buffer distances integrated into the design and measures such as screening, demonstrate that sufficient consideration has been given in relation to standoff distances. • The Lum and Redwall Reebed have been considered in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.68, CWACC7.60, CWACC7.61. • Vulnerability to disease, food resource and overcrowding is considered in Response to Local Planning Authority and Statutory Environmental

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			<p>Body Relevant Representations [PD2-027] reference CWACC7.62.</p> <ul style="list-style-type: none"> • Connectivity, including access to Cell 6 has been considered in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] reference CWACC7.62 and in WR_CWACC4.4 of this response. • Rerouting of footpaths has been considered in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.04, CWACC7.14, CWACC7.16 and CWACC11.1, CWACC7.53. The Applicant has sought to strike a balance between providing interesting, educational routes which allow the public to view wildlife and experience estuary views, whilst providing mitigation in the form of screening and sensitive routing to mitigate effects on wildlife. • Badger disturbance - has been considered in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.81, CWACC7.82 and CWACC7.83. Pre-construction surveys for badgers will be completed, at which point final layout of footpaths can be determined, avoiding setts wherever possible. Where this cannot be achieved, appropriate licenses will be sought.

Ref	Paragraph Number	Comment	Applicant's Response
6. Green Belt			
WR_CWACC6.1	6.1-6.7	<p>There is disagreement between CWCC and the Applicant over whether the development is inappropriate development in the Green Belt, due to the differing interpretation over whether the site is grey belt.</p> <p>CWCC consider the site to be Green Belt and not grey belt for the reasons set out in RR-037.</p> <p>Further comments on the Applicant's response to Relevant Representations (PD2-027) including responses on the Green Belt issues will be provided for Deadline 3 (28 January 2026).</p> <p>Very Special Circumstances must be demonstrated if the ExA considers the site to be Green Belt and not grey belt, and CWCC acknowledge that under EN-1 (Para. 4.2.17) (as CNP Infrastructure) the starting point is that the development would be considered to have met the test of very special circumstances in relation to justifying development in the Green Belt.</p> <p>Whilst the BESS element of the project is not directly a renewable energy generating development it does appear to fall within the definition of 'other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon infrastructure", as referred to in the definition of Critical national priority (CNP) in the Glossary to EN-1. The Helios Renewable Energy Project DCO</p>	<p>In relation to whether the site is grey belt. the Applicant has responded at reference CWACC5.4 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p> <p>The Applicant agrees with CWCC that the Proposed Development is Critical National Priority (CNP) Infrastructure, and therefore it should be taken as a starting point that it meets the test of very special circumstances.</p> <p>The Applicant agrees with CWCC that the BESS element falls within the definition of 'other energy infrastructure, fuels, pipelines and storage infrastructure' which fits within the definition of 'low carbon infrastructure' within the definition of CNP Infrastructure.</p> <p>In relation to the impact of the Proposed Development on the Green Belt, the Applicant has responded at Section 1.10 of Appendix A Green Belt Assessment to the Planning Statement [APP-128] that it would have limited to moderate harm to the Green Belt, but that Substantial Weight should be afforded to that harm in the overall balance in accordance with planning policy.</p> <p>The Applicant does not believe that granting development consent to the Proposed Development, which will be assessed based on the specific circumstances of this application, including the clear and well-established need for renewable energy development, will have long-lasting effects on how Green Belt policy is applied to this Site and the surrounding area. It is not unusual for one development within</p>

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		<p>granted on 3 December 2025 (EN010140) included a BESS and in the ExA's report to the Secretary of State (8.4.1) considered the proposed development to be covered by the critical national priority of low carbon infrastructure as set out in paragraph 4.2.5 of NE-1.</p> <p>CWCC consider that allowing this development in the Green Belt will have far reaching consequences in terms of the application of Green Belt policy on this site and surrounding area for some considerable time.</p> <p>CWCC maintain that the impact of the Proposed Development on the Green Belt and openness would be substantial and needs to be considered in the planning balance.</p>	<p>the Green Belt to be approved while another is refused within the same area, as each decision depends on the particular facts of the application and the policy context at that time.</p> <p>Nothing in CWaCC's submission would change its view and it therefore considers that this is ultimately a matter for the ExA and Secretary of State to come to a view on between the parties' submissions.</p>
7. Landscape and visual effects			
WR_CWACC7.1	7.2-7.3	<p>CWCC's concerns are set out in RR-037. Further representation has been made in response to the ISH1 hearing in Appendix A, particularly with regard to the National Character Areas (NCA)</p> <p>Details for NCA60 Mersey Valley and NCA 62 Cheshire Sandstone Ridge are provided at Appendix E and Appendix F respectively. Attention is drawn to the photographs within the documents</p>	<p>CWCC's Appendix A appears to make two linked points: first, that while the Proposed Development is unlikely to be of a scale that would change the character of NCA60 (Mersey Valley) or have a significant effect on NCA62 (Cheshire Sandstone Ridge), the NCA profiles nonetheless provide relevant strategic context for understanding sensitivity and "special qualities"; and second, that the photographs within the NCA documents (including views associated with the Sandstone Ridge and the War Memorial) illustrate valued characteristics and reinforce CWCC's view that some assessment of the NCA's is required</p>

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			<p>CWCC's comments are noted. The Applicant agrees that National Character Areas provide useful strategic context, but maintains that the district-level LCA framework and the scheme-specific viewpoint/route assessment remain the most appropriate basis for detailed assessment of landscape and visual effects at the scale at which change would be experienced. The LVIA already recognises the relevant NCAs in baseline, identifying that the Order Limits sit largely within NCA60 and that NCA62 forms part of the adjacent receiving context, and it explains that NCAs are broad characterisations whose "key characteristics" may not apply uniformly at the site scale, hence their use as background context rather than the primary assessment unit.</p> <p>In addition, the LVIA evidence base already captures the essence of the NCA photographic point: it records that the Council's ASCV supporting document includes a photograph taken from Frodsham War Memorial looking over the Order Limits, which aligns with the representative viewpoint analysis undertaken within the LVIA. Accordingly, the Applicant's position is that NCA considerations are recognised, but the substantive evaluation of effects on openness, views and route experience is most robustly addressed through the submitted LVIA's local character and viewpoint assessments (including the War Memorial), which directly address the matters CWCC highlight at the scale at which impacts would be perceived.</p>

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WR_CWACC7.2	7.6-7.8	<p>With reference again to Appendix 25 in the LIR and the Welsh Government decision (October 2025) relating to a solar farm with battery storage units on land near Llanwern, the Landscape and Visual Amenity considerations are also worthy of note in relation to Frodsham Solar.</p> <p>At paragraph 24 “The site itself is not within a nationally designated landscape, but it lies near sensitive areas, including the Wilcrick Moor aspect area and several Historic Landscape Character Areas (HLCAs). ... While the ES concludes that the overall landscape character would not be dramatically altered, it identifies Moderate Adverse effects, which the Inspector states are acknowledged as significant.”</p> <p>Attention is drawn to the Visual Impact paragraphs 27 to 37, where there a several parallels with the Frodsham Solar development and impacts.</p>	<p>CWCC's reference to the Welsh Government Llanwern decision is noted, but the Applicant does not consider it a sound comparator for Frodsham Solar because it turns on highly site-specific effects which do not have a clear parallel here.</p> <p>In the Llanwern case, the Inspector's visual impact concerns were explicitly framed around the relationship of the scheme to Bishton, including findings that the solar array would visually surround the village to the north, east and west, forming a “dark, regimented” and conspicuous presence that would interrupt views from multiple directions and harm the village's rural setting (including for people approaching the village), and that planting/buffers would not adequately address that effect.</p> <p>Those very specific impacts are not relevant to the Frodsham context, where the assessment issues raised are the effects on views from an elevated vantage point across an expansive working landscape and from access routes within the site.</p> <p>The Inspector also addressed the fact that the Llanwern proposal was proposed in a more ‘traditional’ rural landscape remote from adjoining industry, whereas Frodsham sits within a highly modified working marsh where major man-made components and influences already form part of the baseline context.</p> <p>Accordingly, landscape and visual effects for Frodsham should be considered on the basis of the submitted LVIA evidence and the site's own context. The Applicant's position on (i) Viewpoint 9: Frodsham Hill War Memorial and (ii) the experience from on-site PRoW/permissive routes, including the role of the landscape mitigation, enhancement and</p>

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			access proposals, is set out clearly elsewhere in the Applicant's submissions.
WR_CWACC7.3	7.9	CCWC's representations to date have focussed on the impacts from the representative viewpoint 9 at Frodsham Hill War Memorial. However, the impacts on the enjoyment of the PROW in and around the site are also key, and the journey through the site for users of the path network will be markedly different from today's experience, and it is likely that the value of the experience will be substantially reduced as a result of the development, despite efforts by the Applicant to mitigate the impacts through enhancements and establishment of permissive paths.	<p>CWCC's concern about a change in PROW experience is noted, but the Applicant considers the conclusion is unduly pessimistic in light of what is proposed and what the LVIA concludes.</p> <p>The LVIA acknowledges that there would be likely significant operational visual effects for a limited number of PROW-related receptors within/adjacent to the Order Limits (including Viewpoint 25, users of RB102/RB108, and limited lengths of FP93 and FP81). However, it also concludes that these effects are localised, experienced by a relatively small number of receptors, and that proposed planting would reduce visibility over time such that long-term visual effects at Viewpoint 25 and along FP93/FP81 would not be significant.</p> <p>In addition, the scheme is not simply relying on "filtering views". It includes substantial access enhancements intended to make the area more attractive and legible for recreational use, including improvements to the existing PROW network and approximately 5.34km of new permissive paths, together with signage and interpretation, benches, bins, cycle parking and (if needed) a visitor car park, with details to be secured through the final LEMP. The access strategy is supported by design buffers, including a 10m buffer between fencing around solar PV modules and PROW, which reduces the</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>immediacy of operational boundaries alongside routes and helps create generous linear corridors for users.</p> <p>This approach reflects the requirements of NPS EN-1 in relation to good design and responds to pre-application consultation feedback. Natural England welcomed the proposals to enhance the PRoW network and the associated “connecting people with nature” benefits, including the role of screening/viewing areas and interpretation in allowing visits without detriment to wildlife (Consultation Report Appendix 10: Section 42 Applicant Response [APP-032]). CWCC officer feedback also identified the practical issue that some existing paths are difficult to negotiate in winter conditions, which the Applicant’s access enhancements are intended to address (Design Approach Document, paragraph 5.4.25, [APP-130]).</p> <p>Overall, while the character of some on-site routes will change, the Applicant’s position is that the combination of (i) the LVIA’s conclusion that effects are localised and reduce over time on key routes, and (ii) the new and enhanced route network plus interpretation and visitor infrastructure, means the recreational offer is likely to be materially improved rather than materially diminished in practice.</p>
10. Cumulative and In-combination Effects (APP-046)			
Hynet Runcorn CO2 spur pipeline			

Ref	Paragraph Number	Comment	Applicant's Response
WR_CWACC10.1	10.2-10.12	<p>CWACC has set out that it considers the Applicant should assess the cumulative effects of the Hynet Runcorn CO2 spur in the scenario that the pipeline is constructed after the NBBMA is created.</p> <p>CWACC also note that there could be impacts arising from the pipeline being constructed prior to the NBBMA being created and that the best option is for the pipeline through Cell 3 and the NBBMA to be constructed simultaneously.</p> <p>CWACC suggest that where the projects do not overlap that a commitment to a joint working ground should be provided, not just in a scenario where the construction works overlap.</p>	<p>The Applicant has already provided a detailed and comprehensive response to the potential cumulative and in-combination effects between the Proposed Development and the Runcorn Spur CO₂ Pipeline in the Technical Note on Pipeline Interactions [REP1-041]. The note builds on the Applicant's response reference CWACC16.1 provided in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] and addresses, in detail, the three potential sequencing scenarios identified by the Council:</p> <ul style="list-style-type: none"> • construction of the pipeline prior to establishment of the NBBMA ("Before Scenario"); • concurrent construction of the pipeline and the NBBMA ("Concurrent Scenario"); and • construction of the pipeline following establishment of the NBBMA ("After Scenario"). <p>Before Scenario – pipeline constructed prior to the NBBMA</p> <p>This forms the basis of the Runcorn Spur Pipeline application and LBCCS has confirmed that it does not intend to pursue or assess any alternative sequencing. As set out in REP1-041, the Applicant considers that, in this scenario, the mitigation measures embedded within the pipeline application, together with the seasonal restrictions and construction controls secured through the Proposed Development's outline CEMP [as updated alongside this submission], are sufficient to ensure that no significant cumulative effects or adverse</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>effects on integrity of the Mersey Estuary SPA and Ramsar site would arise.</p> <p>In addition, and with reference to paragraph 10.8 of the Council Written Representation, the agreed alignment of the pipeline along the northern boundary of Cell 3 lies outside the area proposed to be lowered to create the NBBMA wetlands. Accordingly, there are no challenges associated with the earthworks required to create the NBBMA resulting from the prior installation of the pipeline.</p> <p>Concurrent Scenario – overlap of construction programmes</p> <p>REP1-041 explains that the Applicant has already committed, through the outline CEMP, to all measures that it is reasonably able to commit to at this stage in respect of the Concurrent Scenario, including the establishment of a Working Group to manage potential cumulative and in-combination effects where construction programmes overlap.</p> <p>The outline CEMP requires the detailed CEMP to be informed by discussions with LBCCS. This provides a clear mechanism by which the Council, as the approving authority, can be satisfied that significant cumulative effects or adverse effects on integrity will be avoided prior to construction commencing. Should the Council consider that the measures proposed in a detailed CEMP are insufficient, it retains the ability to withhold approval, meaning that construction could not proceed.</p> <p>The Applicant's position therefore remains that a joint working group is required where construction programmes overlap, because coordinated measures may be required to manage</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>cumulative impacts. Where there is no overlap, however, the responsibility lies with the later project to demonstrate that it can proceed without causing unacceptable effects via the measures it would be required to set out in its CEMP. In those circumstances, a joint working group is not considered necessary.</p> <p>REP1-041 also makes clear that the DCO cannot impose controls on another consented scheme. It is therefore for the Council, when determining the Runcorn Spur Pipeline application, to impose such conditions as it considers necessary to ensure that cumulative and in-combination effects are appropriately managed.</p> <p>After Scenario – pipeline constructed following establishment of the NBBMA</p> <p>In relation to this scenario, the Applicant's position, as set out in REP1-041, is that it is not required to undertake a cumulative or in-combination assessment of this scenario.</p> <p>Once established, the NBBMA would function as ecological mitigation land. It would not be an operational element of the Proposed Development giving rise to impacts on shared receptors; rather, it would form part of the ecological baseline for any subsequent project. As such, there can be no "pipeline plus NBBMA" cumulative effect in EIA or HRA terms, because the NBBMA itself does not generate effects.</p> <p>This approach is consistent with the Planning Inspectorate's guidance <i>Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment</i>, which states:</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p><i>“Where other existing and/or approved developments are expected to be completed before construction of the proposed NSIP and the effects are fully determined, effects arising from them should be considered as part of the baseline and may be considered as part of both the construction and operational assessment.”</i></p> <p>In the context of the Runcorn Spur Pipeline, the Proposed Development, including the NBBMA, would therefore form part of the baseline environment against which the pipeline proposal would be assessed, should the After Scenario arise.</p> <p>REP1-041 further explains that it would not be appropriate for the Applicant to speculate on what mitigation measures LBCCS might propose in the After Scenario, particularly where the pipeline application expressly relies on the Before Scenario and does not assess any alternative sequencing.</p> <p>It is for the Council as the determining authority for the pipeline application to decide whether, by virtue of the application made for the pipeline and the terms of the EIA provided with that application, it has a self-imposed limitation, i.e. it must be constructed prior to the Proposed Development. Without appropriate restrictions being imposed via planning conditions, there would be a risk that the project would be approved without sufficient assessment to conclude that likely significant effects would not occur, such that the integrity of the Mersey Estuary SPA and Ramsar could be harmed.</p>

Ref	Paragraph Number	Comment	Applicant's Response
Hynet North West Hydrogen Pipeline			
WR_CWACC10.2	10.13	The Hynet NW Hydrogen Pipeline Project is understood to have been paused, as referred to in The Hynet NW Hydrogen Pipeline Project Update Nov 2025 Appendix K. However, the cumulative impacts should still be assessed.	The Applicant has assessed the cumulative effects of the Hynet NW Hydrogen Pipeline Project. This remains a worst case assessment of the projects being constructed concurrently.
Frodsham windfarm (FWF)			
WR_CWACC10.3	10.14-10.17	<p>The Applicant has taken the existence of FWF as part of the baseline to the Frodsham Solar assessment. Consideration should be given to the temporary nature of FWF. The FWF consent provides a 25-year operational life and requires demolition restoration and aftercare of the windfarm at the expiry of the deemed permission under Section 90 of the Town and Country Planning Act 1990 (RR-037 Appendix E) (conditions 48 to 54). The decommissioning provisions apply from 14 February 2042 (RR-037 Appendix F) or earlier if energy generation ceases. The provisions provide for decommissioning, restoration and two years of aftercare.</p> <p>It may be reasonable to assume that proposals for FWF repowering will be submitted, as a likely scenario, but a worst-case position should be assessed, and this is liable to be the decommissioning of FWF around 2042.</p> <p>The implication of FWF being a temporary permission ought to be factored into the assessment of the impacts of Frodsham Solar, and notably in relation to the landscape and visual assessment. The urbanising influence of the wind</p>	<p>An Environmental Statement (ES) is required to assess the "likely significant effects" of a proposed development on the environment, not to assess a worst-case scenario.</p> <p>Although the operational consent for the existing wind farm is time-limited, both the Applicant and the Council believe it is likely that the wind farm will be re-powered at the end of its current consented life, consistent with general industry practice and policy support for renewable energy infrastructure.</p> <p>This aligns with the current NPPF and the draft NPPF under consultation, which both provide express support for re-powering and life extension of wind farms. Therefore, permanent decommissioning of the wind farm does not constitute a likely future baseline scenario. The assessment has been conducted based on the continued presence of a wind farm at the site, which represents the most realistic and reasonable future baseline for the purpose of EIA.</p> <p>In relation to the crossover of FWF decommissioning or and Frodsham Solar replacement activities (to the extent that there is crossover), this is dealt with in section 2.4 of the Outline Operational Environmental Plan; which (at paragraph 2.4.12) provides that if there is a crossover between the two activities, then the Council would be able to not approve the</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>turbines should be recognised as temporary, and as such for a substantial length of the proposed lifetime of Frodsham Solar (circa 28 years, between 2042 and 2070) the solar project will be the dominating influence on the landscape character. It may be reasonable to regard the decommissioning of FWF relatively early in the life of Frodsham Solar as reducing the landscape impacts from the current baseline, but equally, it should be acknowledged that any justification for adding Frodsham Solar to the landscape based on the influence of the existing FWF is a temporary addition to the landscape.</p> <p>The worst-case scenario also needs to take account of the potential for cumulative impacts relating to the decommissioning activities of FWF coinciding with or being within a short-timeframe in relation to any Frodsham Solar major replacement activities.</p>	<p>notification of replacement activities until it was content that appropriate management measures were required.</p>
11. Decommissioning			
WR_CWACC11.1	11.1	<p>CWCC's concerns relating to decommissioning are set out in RR-037 and further expanded upon in the representations for ISH1 (Appendix A). For information Appendix L provides some further detail in relation to the changed ownership of Frodsham Wind Farm following its commissioning.</p>	<p>The Applicant's position in respect of decommissioning of the Proposed Development was set out during Issue Specific Hearing 1 and are set out in Items 5b (Access track impacts, removal and reinstatement), 5c (Underground cable removal), 5d (Decommissioning end state), 5e (Decommissioning timing), 5f (Decommissioning funding) of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) [REP1-033].</p>
12. Community Benefit Fund			

Ref	Paragraph Number	Comment	Applicant's Response
WR_CWACC12.1	12.1-12.14	<p>CWCC welcomes the principle of the Applicant's proposed Community Benefit Fund (CBF) (Section 5.5 of the Planning Statement) (APP-128).</p> <p>The details of the CBF were not discussed with CWCC prior to the submission of the DCO application. There has been initial discussion with the Applicant over the CBF, following submission of the Relevant Representations but no draft or further details of the CBF has been provided by the Applicant to date. CWCC will update the ExA at relevant points throughout the Examination.</p> <p>CWCC have expressed the view that the fund should be extended to include additional/separate contributions in relation to the BESS not just the Solar generating station.</p> <p>CWCC have raised the point with the Applicant, following the Government's consultation on Community Benefits and Shared Ownership of Low Carbon Energy Infrastructure (July 2025), that the examples given in terms of level of benefit are considerably higher than the £500 pa/per MW sum currently proposed for Frodsham Solar. This equates to £73,500 pa assuming 147MW Solar; or some £2,940,000 over the 40-year life span.</p> <p>Reference has been made to the Scottish Government's Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments, and an expectation/recommendation of £5,000 per MW of installed capacity for onshore wind. The illustrative example in the consultation document for various</p>	<p>As set out in section 5.5 of the Applicant's Planning Statement [APP-128], while the Applicant is committed to providing a Community Benefit Fund and that this will provide local benefits, it cannot and should not be taken into account within the planning balance (R (on the application of Wright) v Resilient Energy Severndale Ltd and Forest of Dean District Council [2019] UKSC 53). This is consistent with the approach taken to other as made DCOs, such as Sunnica Energy Farm DCO.</p> <p>Any debate as to the nature of, and administrative arrangements for, a Community Benefit Fund, are therefore not an Examination matter. Nevertheless, the Applicant confirms that the level of community benefit currently proposed will be kept under review, including in light of the Government's ongoing consultation on community benefits associated with renewable energy infrastructure.</p> <p>The Explanatory Memorandum [REP1-006] at paragraphs 1.4.4 to 1.4.5 explains in more detail about why there is no upper limit on the capacity of the generating station and how the capacity to generate electricity should be limited by parameters set to control and limit environmental effects of the Proposed Development. It enables the Applicant to take advantage of technological improvements and innovation that may emerge before construction, and it is in the public interest and in accord with national policy to facilitate efficient and maximise generation from renewable sources.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>sized solar schemes utilises £1,000 per MW for solar.</p> <p>The consultation paper also expects that elements such as the BESS be linked to CBF contribution, additional to the Solar element.</p> <p>Whilst any mandatory arrangement is liable to be some time off, and it is not liable to be retrospective, CWCC expect undertakers to provide commensurate levels of community benefit on a voluntary basis.</p> <p>Frodsham Windfarm Ltd (with a capacity of 50MW) contributes an annual grant of £120,000 to the Marshes Community Benefit Fund (Appendix M).</p> <p>In considering the CBF proposals, it is expected that the mechanism for delivery/implementation ensures a minimum CBF requirement. There should also be indexation on the contributions. Provision for increasing the CBF contributions at key stages of the project is also expected, for instance on any repowering or retrofitting of the scheme, reflecting any newly installed capacity.</p> <p>It should be clear in any mechanism controlling the CBF that it is an obligation on the relevant licence-holder in situations where there may be a change of ownership/undertaker.</p> <p>Governance/administration and enforcement provisions for the CBF need to be detailed.</p> <p>As funding is normally linked to the energy capacity of the Solar project this is one reason why transparency over the final MW capacity of the</p>	

Ref	Paragraph Number	Comment	Applicant's Response
		<p>development is appropriate and should be secured through the DCO, even if there is no upper limit of MW capacity in the DCO itself.</p> <p>Whilst CBF funding is often linked to the operational commissioning date, CWCC have asked the Applicant to consider provision of initial contributions in advance of this, as this is liable to foster the sort of benefits from a CBF that the Government recognises as important, such as the role local communities have in hosting such infrastructure, increasing community acceptability of projects, improving community engagement and lasting relationships with the developer. Similarly, continuation of funding during decommissioning would likely add to acceptance by the local community.</p> <p>CWCC consider it important to conclude the basis of the CBF during the Examination Period. This would provide appropriate transparency to the process.</p>	

Table 2-2: Response to Environment Agency Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
EA004	-	<p>We note that only the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015] includes the unexpected contamination protocol wording we requested; the 7.6 Outline Operational Environmental Management Plan - P02 (Clean) [PD2-017] and the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Clean) [PD2-019] does not include the wording. We strongly recommend that these documents are updated to include the appropriate wording. We will however, be able to request this wording in the full management plans in due course, as we are listed as a consultee for requirements 13 and 20 within the 3.1 Draft DCO - P03 (Clean) (1) [PD2-005].</p>	<p>The Applicant has revised the outline Operational Environmental Management Plan (oOEMP) [as updated alongside this submission] and the outline Decommissioning Environmental Management Plan (oDEMP) [as updated alongside this submission] to include the unexpected contamination protocol wording requested by the EA.</p>
EA006	-	<p>We were concerned that Protective provisions for the protection of the Environment Agency were included in Schedule 23 of the draft DCO.</p> <p>At this current time, we do not believe it's appropriate for the Environment Agency to engage in drafting protected provisions on this topic.</p> <p>Due to the associated environmental risk, the need for greater scrutiny and direct enforcement, we do not agree to disapply these activities under Section 150 of the Planning Act 2008.</p>	<p>The Applicant still considers that it would be appropriate for a disapplication to be given in relation to the DCO, and sees no reason why the Proposed Development is being treated different from other NSIP projects. It will continue to discuss this point with the EA.</p> <p>Ultimately, the Applicant accepts that if section 150 approval is not granted, then these Protective Provisions could be removed from the draft DCO.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>We believe that it would be more beneficial for the Applicant to engage with the Flood Risk Activity Permit (FRAP) process as soon as possible.</p> <p>The 3.1 Draft DCO - P03 (Clean) (1) [PD2-005] still contains protective provisions for the Environment Agency.</p>	
EA007	-	<p>In the interests of a practical and proportional position, we consider the proposed crossings on main rivers (i.e. CP14, CP17, CP22) to be acceptable. Crossings CP14 and CP22 would provide betterment as they will replace culverts with clear span crossings. The Applicant has proposed a localised lowering of the eastern bank for CP22. This ensures sustainable design which minimises the loss of flood storage volume for the most conservative of the design events (i.e., Mersey tidal). We are assured that it will not adversely affect flood risk (for the watercourse being crossed) in the operation phase as the abutment crest, which will be above the existing level, will tie into the existing bank levels with wing walls.</p> <p>As part of the decommissioning phase, the Applicant has proposed to remove proposed crossings where there were no pre-existing crossings (i.e CP17). We agree with this approach. The Applicant does not propose to remove CP14 and CP22 during decommissioning, as they replace and provide betterment on existing crossings (culverts). We find this acceptable for CP14, but not for CP22, due to details relating to the embankment crest reprofiling and decommissioning.</p>	<p>The Applicant is in discussion with the EA on the retention of crossing CP22.</p> <p>As noted by the EA CP22 is an existing crossing which is currently facilitated by a 850mm pipe culvert, as shown on drawing 14740-WCD-XX-XX-SK-S-003 (Appendix A of Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]). If the proposed crossing was to be removed at the point of decommissioning and the bank reinstated it would require the reinstatement of the 850mm culvert to retain the crossing point.</p> <p>The Applicant does not consider this to be the most sustainable solution. The proposed design of CP22 would improve conveyance, connectivity, and flood storage. The reduction in the existing bank crest would only be localised to the crossing, with the bridge deck, ground levels at the bridge approach and wingwalls tying into the adjacent bank crest level.</p> <p>Consequently, the effective bank crest would remain unchanged, with the bridge and wing walls ensuring there would be no greater risk of overtopping than in the current situation</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>As the crossing proposed for CP22 would involve reprofiling of the embankment crest, with no plan to decommission and reinstate the embankment, we are concerned that it may increase flood risk beyond the lifetime of the development. We would only allow this proposed design if there's a commitment to removing the crossing, and reinstating the embankment crest, during the decommissioning phase. If the Applicant does not wish to remove the CP22, then we'd require a new design to be submitted that doesn't involve altering the embankment crest.</p> <p>To resolve this issue, we require a commitment within the outline Decommissioning Environmental Management Plan (DEMP) that crossing CP17 shall be fully removed, including all superstructure and subterranean elements of the structure. For CP22, if the current design is preferred by the Applicant, then we'd require the same commitment as for CP17, with the additional detail of:</p> <ul style="list-style-type: none"> • reinstating the embankment crest to its original pre-development condition and profile, including soil structure, vegetation, and hydrological characteristics, unless otherwise agreed in writing with the Environment Agency. 	
3	-	<p>Upon reviewing the Applicant's document 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042], we raised concern that postconstruction water quality monitoring would be inadequate and the 7.6 Outline Operational Environmental Management Plan</p>	<p>Table 5-4 in the outline Construction Environmental Management Plan (oCEMP), outline Operational Environmental Management Plan (oOEMP) and outline Decommissioning Environmental Management Plan (oDEMP) [as updated alongside this submission] have been updated to reflect the regular water quality monitoring</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>[APP-137] and 7.5 Outline Construction Environmental Management Plan [APP-136] should therefore be updated.</p> <p>The Applicant has updated Table 5.4 of the 7.5 Outline Construction Environmental Management Plan [PD2-016] to state that surface water monitoring positions and parameters of testing shall be set out in the CEMP. However, we request that the 'Requirement for monitoring' column in Table 5.4 reflects that regular water quality measurements and samples will be required.</p> <p>The Applicant should be aware that we additionally requested reference to a monitoring plan to be included in the 7.6 Outline Operational Environmental Management Plan - P02 (Tracked) [PD2018].</p> <p>Table 5-4 of the 7.6 Outline Operational Environmental Management Plan - P02 (Tracked) [PD2-018] currently does not include specific reference to water quality monitoring. We request this be updated. This would provide us with the confidence that as the site completes construction, and transitions into operation, there will be no negative water quality impacts, and the relevant mitigations are performed as expected.</p> <p>We note that Table 5.4 of the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Tracked) [PD2-020] states there will be "Regular water quality monitoring to detect sedimentation and contamination impacts". Any water quality monitoring details should be</p>	<p>requested by the Environment Agency and to provide consistency of approach within each stage of the project.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>consistent across the three phases of the project (construction, operation and decommissioning).</p> <p>For awareness, a monitoring plan should provide details of frequency, quantity, location and method of monitoring. A suggested frequency is monthly, starting six months prior to construction, ongoing throughout construction, and ending six months post construction. The locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings.</p> <p>Methods may include in-situ handheld devices or samples sent off to laboratories, it should not be limited to site walkovers, and visual inspections of the drainage water. Any water samples should be sent to a United Kingdom Accreditation Service (UKAS) accredited laboratory, and where applicable Monitoring Certification Scheme for Equipment (MCERTs) accredited testing must be carried out.</p> <p>The results of laboratory analysis of water samples should be tabulated, recorded and be able to be provided to the Environment Agency if requested, or sent automatically in the event of a pollution incident.</p>	
EA009 / EA019	-	<p>We are satisfied and consider this issue resolved.</p> <p>We were concerned that access and egress hadn't been sufficiently considered. Within the proposed site several land parcels are surrounded by watercourses and rely on vehicular crossings. The Applicant has engaged with the Cheshire Joint</p>	<p>The Applicant considers this matter to be resolved, as stated by the EA in their Written Representation. However, we note that the EA recommend that the finished floor level of safe refuge areas is raised to the H++ tidal scenario. We understand that this is not a requirement of the EA and the Applicant has agreed that the proposed areas of safe refuge, which have been discussed and agreed with the CWACC Emergency Planning</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>Emergency Planning Team regarding access and egress to the site. We will defer to the Cheshire West & Chester Council and the Cheshire Joint Emergency Planning Team for their final view on whether there is safe access and egress in the event of a flood. We therefore consider this issue resolved.</p> <p>We recommend that the finished floor level of safe refuge areas is raised to the H++ tidal scenario.</p>	<p>Team and the Cheshire Fire and Rescue Service, are considered adequate for the risks posed, noting that the H++ tidal scenario is not a design flood event. Reference should be made to Table 2-2, Issue ID: EA009, of Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p>
EA010	-	<p>The Applicant has presented a report titled 'Technical Note Integrity of New Bridges in Flood Event (dated 15 October 2025, ref.14740-WCD-XX-XX-TN-S-001) which considers uplift in the Mersey tidal event and impact from debris. In relation to uplift, the report suggests the following:</p> <ul style="list-style-type: none"> • Assumes a design flood level of 5.88m AOD; • Assumes a bridge deck level between 5.3-5.8m AOD for CP14, CP17 and CP22; • Based on initial calculation, for a concrete deck option, the self-weight of the bridge deck, and supporting steelwork would be sufficient in resisting the uplift forces on the bridge soffit determined in accordance with CD356 of the Design Manual for Roads and Bridges (DMRB) and Australian Standard AS5100.2 Bridge Design Part 2 Design Loads; • An alternative open mesh steel grating deck design was considered, but has not been 	<p>The Applicant can confirm that, based on the modelling details agreed with the Environment Agency as part of the pre-application process, the bridge decks would not fall below 5.3m AOD. The Applicant notes that the Protective Provisions in Schedule 23 of the draft DCO require the undertaker to obtain approval of specified works, which include bridges over main rivers, prior to the commencement of construction. As such the Applicant will determine final detailed design specifications, including the height of the bridge deck soffit, as part of this approval process.</p> <p>Paragraph 2.4.2 of the outline Decommissioning Environmental Management Plan [as updated alongside this submission] has been revised to confirm that cables embedded in watercourse crossings that are to be retained after decommissioning, and within 8m of those crossings, will be removed as part of the decommissioning works.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>progressed in terms of detailed drawings presented.</p> <p>Given that the design presented is the concrete option, and the Applicant complies with the above assumptions, then we consider the proposal acceptable in terms of operability during a flood event, in the context of debris impact and uplift for the watercourses which are to be crossed. However, we require the Applicant to confirm that the height of bridge decks will not fall below 5.3mAOD. This will ensure that assumptions in the report are correct.</p> <p>The Applicant has not included a commitment to removing cables embedded in crossings within 7.7 Outline Decommissioning Environmental Management Plan - P02 (Tracked) [PD2-020]. Following decommissioning, it's possible that we may need to remove crossings left in place to carry out maintenance operations on main rivers.</p> <p>To resolve this issue, we require:</p> <ul style="list-style-type: none"> • a commitment to removing cables embedded in crossings during decommissioning; • confirmation of the height of the bridge decks. <p>We are pleased to see in 7.6 Outline Operational Environmental Management Plan - P02 (Clean) [PD2-017] that the crossings will be inspected following a flood event.</p>	
EA014	-	We were concerned that the above ground cable crossing of the River Weaver height was undefined.	The Applicant has not yet undertaken detailed design of the overhead cable crossing of the River Weaver, with detailed

Ref	Paragraph Number	Comment	Applicant's Response
		<p>It was therefore unclear if there would be sufficient space for emergency works to flood defence assets.</p> <p>A detailed technical drawing is required showing the:</p> <ul style="list-style-type: none"> • proposed arrangement, including cable sag; • the horizontal / vertical offsets from the riverbank / flood defence on both sides of the river. <p>We have not been provided with drawings demonstrating the offset between the above ground cable and the flood defence asset.</p>	<p>design scheduled to be undertaken post-consent, should the Proposed Development be consented.</p> <p>The Applicant has prepared a simplified illustrative drawing at Appendix A of this document for the overhead cable crossing of the River Weaver. The drawing is based on LiDAR data to represent the position of the flood defence embankment and the river, and uses the maximum parameters for the overhead cabling set out in Table 4 of the Design Parameters Statement [REP1-015], and the buffers secured by paragraph 4.4.3 of the outline Landscape and Ecology Management Plan [REP1-028] These include:</p> <ul style="list-style-type: none"> • Pylon on the south side of the River Weaver located minimum of 16m from the toe of the embankment; • Pylons on the north side of the River Weaver located minimum of 16m from the River Weaver; and • Pylons shown to be 15m in height. <p>The Environment Agency's guidance on '<i>Exempt flood risk activities: environmental permits</i>' sets out at section 2.1 that for a 132kV cable such as that proposed, the cable must achieve a vertical clearance of 12m above a flood bank crest in order to be exempt from the need for an environmental permit (and thus, presumably, generally acceptable to the EA).</p> <p>The drawing at Appendix A illustrates the anticipated 'sag' of the cables, demonstrating that it is possible to achieve a clearance of 12m above the flood bank crest on the south side of the River Weaver, depending on the tension put through the cables.</p> <p>The Applicant notes that whilst an acceptable design is achievable, there is limited margin for deviation without conflict with the 12m height clearance constraint. At this point along the</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>bank of the River Weaver, access to the river bank for maintenance reasons is not a significant constraint.</p> <p>If at the detailed design stage it is not possible to achieve the 12m clearance over the flood bank crest then the Environment Agency would have control over the approvals for the overhead cable crossing through the existing Protective Provisions set out at Schedule 23 of the draft DCO [as updated alongside this submission]. In addition, the Applicant has included a commitment within the outline Operational Environmental Management Plan [as updated alongside this submission] that the Environment Agency will be able to access the flood defence at all times.</p>
EA015b	-	<p>We have raised the following issue with the Applicant's project team in correspondence:</p> <p>To ensure flood asset safety, we require the Applicant to provide, as part of the CEMP (to be secured under Requirement 12 of the draft DCO), the following details specific to any works proposed within the vicinity of fluvial or tidal defences:</p> <ul style="list-style-type: none"> • A comprehensive list and plan of all works proposed within: <ul style="list-style-type: none"> • 8 metres of any fluvial defence; and • 16 metres of any tidal defence • Detailed drawings and specification of any works that would alter crest level, slope, profile, or composition of the flood assets (including crosssections and materials) 	<p>Table 5-4 of the outline Construction Environmental Management Plan [as updated alongside this submission] has been revised to include the information requested by the Environment Agency.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<ul style="list-style-type: none"> • Construction methodology for all works within the buffer zones, including: <ul style="list-style-type: none"> • Sequence of works (including temporary works). • Plant and machinery to be used (and associated loading). • Access routes used. • Assessment of loading implications (static and dynamic) from footpaths, viewing platforms/slots, plant, and any other structures on or adjacent to the crest, with justification that the flood asset structural stability is maintained. • A planting plan showing exact locations and species of proposed trees/hedgerows and details of root protection measures (e.g., root barriers, structural soils, distance from crest) to avoid compromising asset stability and future maintenance. • Confirmation that the proposed works will not inhibit future inspections, remediation or replacement of the flood asset, and specifying how access for maintenance will be preserved. • Where relevant, details of protective measures to prevent erosion or washout associated with footpaths or viewing areas (e.g., surface treatments, reinforcement, drainage measures). 	

Ref	Paragraph Number	Comment	Applicant's Response
		This wording needs to be included as a commitment in the outline CEMP for us to resolve issue EA015(b).	
EA020	-	<p>We raised concerns that document 7.6 Outline Operational Environmental Management Plan [APP-137] risked chemical and fuel spills near sensitive water receptors during the operational phase.</p> <p>The Applicant updated Table 5.4 of document 7.6 Outline Operational Environmental Management Plan [PD2-017], to include the appropriate measures to ensure chemicals and fuels are located a minimum of 10m from all watercourses, with bunded areas or site drainage system to prevent leaching of contaminants.</p> <p>We recommend that Table 5.5. is also updated for consistency, to ensure the measures protecting surface water and groundwater are compatible.</p>	Table 5-5 of the outline Operational Environmental Management Plan [as updated alongside this submission] has been revised to include the information requested by the Environment Agency.
EA-BESS-01	-	During decommissioning, the risk from sedimentation affecting watercourses and surface water quality, and contamination of groundwater and surface water from spills, leaks, or improper waste management are similar to the construction phase. Therefore, mitigation measures written into Table 5.4 of the 7.5 Outline Construction Environmental Management Plan - P02 (Clean) [PD2-015] should be consistent with the 7.7 Outline Decommissioning Environmental Management Plan - P02 (Clean) [PD2-019].	Table 5-4 of the outline Decommissioning Environmental Management Plan [as updated alongside this submission] has been revised to include the information requested by the Environment Agency

Ref	Paragraph Number	Comment	Applicant's Response
		<p>We recommend that the Applicant updates the outline DEMP to include mitigation measures such as a minimum buffer distance of 10 m from watercourses, and fuel, oil or solvents being stored in covered bunded areas.</p> <p>We have also identified that Table 5.4 of the outline DEMP currently does not include any mention of potential impacts from foul drainage. We assume that it will be the same as during construction and operation phase, however we recommend that clarification is included in the outline DEMP.</p>	
EA-BESS-02	-	<p>Section 9.8.48 of 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042], and section 4.5.5. of the 7.8 Outline Battery Safety Management Plan [APP-139], state that the BESS will include a base of the permeable stone surfacing, which will be lined with an impermeable geotextile. Although, the impermeable lining will prevent any infiltration and protect groundwater, there is the potential for pollutants to attach to the surface of the permeable stone in the lined areas. These could be re-mobilised in surface water runoff, and enter the water environment, unless the containment areas are managed after an event. We are concerned that contaminants trapped in the permeable stone could be remobilised, and cause secondary pollution if valves are re-opened and drainage is reinstated, following a fire event.</p> <p>We recommend that the Applicant provides a commitment, following a fire, to ensure there's</p>	<p>Paragraph 4.5.7 of the Outline Battery Safety Management Plan [as updated alongside this submission] has been revised to require cleaning or replacement of the stone surfacing within the BESS compound following a firefighting event.</p> <p>The final bullet point on page 38 (beneath the heading Fire Water Management) ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) [AS-019] includes the following text "<i>The base of the permeable stone surfacing in the BESS will be lined with an impermeable geotextile as a precautionary measure to prevent firewater polluting shallow / perched groundwater.</i>". On this basis no update to this document has been undertaken.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>cleaning of the stone surfacing, or its removal and replacement, before any drainage valves can be reopened. We note that section 4.5.7 of 7.8 Outline Battery Safety Management Plan [APP-139], states that the lagoon and drainage system would be cleaned before the valve from the firewater lagoon is reopened. We recommend that this statement is developed to be inclusive of the permeable stone substrate.</p> <p>Further to the above, the section titled 'Surface Water Treatment' on page 37 of 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 - Accepted at the discretion of the Examining Authority [AS-019] states that there will be "permeable surfacing within the proposed BESS compound and substation". We recommend that this is updated to include reference to impermeable lining, as a measure to protect surface waters and groundwater.</p>	
EA-BESS-03	-	<p>We support the design discussed in section 9.8.51 of 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 – Accepted at the discretion of the Examining Authority [AS-019], and section 4.5.8 of 7.8 Outline Battery Safety Management Plan [APP-139], which states that a shut off valve will be placed on the fire water lagoon outfall and will be automated (set in the off position when fire water sprinklers are activated). However, we recommend that the Applicant clarifies that the automatic shutoff</p>	<p>Paragraph 4.5.8 of the Outline Battery Safety Management Plan [as updated alongside this submission] has been revised to confirm that shutoff valves will include a manual override. Paragraph 3.2.12 has been amended to confirm that a specific maintenance programme for the automotive shut-off valves will be provided.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>valves will also include a manual override, in case the automation fails.</p> <p>We note that 1.4.3 of 7.8 Outline Battery Safety Management Plan [APP-139], sections vi and vii, discusses that equipment will be monitored and maintained to prevent equipment failure. We recommend that the automative shutoff valves are committed to have a specific maintenance programme, with clearly defined frequency of checks. This will guarantee that these remain operational at all times, and perform in the event of a fire.</p>	
EA-BESS-04	-	<p>We have noted some inconsistencies between paragraphs regarding whether the Applicant is intending on discharging to watercourses, or tankering firewater offsite.</p> <p>We recommend that the Applicant confirms which statement is correct, and amend relevant documents to ensure consistency:</p> <ul style="list-style-type: none"> • Section 4.3.6 of 7.8 Outline Battery Safety Management Plan [APP-139], states that the water contained by the valves will be tested and released or, if necessary, removed by tanker and treated offsite (in consultation with the relevant consultees at the time). • Section 4.5.7 of 7.8 Outline Battery Safety Management Plan [APP-139], states that firewater held could be tested and either removed from Site via tanker to a suitable disposal / treatment facility, or treated onsite and reused as firewater provision. 	<p>The Applicant can confirm that the description provided within paragraph 2.4.63 of Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035] is the correct description, as follows:</p> <p><i>“The BESS compound design would include a dedicated pipe network which would enable firewater from an affected Battery Storage Unit to be piped to a dedicated firewater collection lagoon. During a firefighting event, the valve from the lagoon would be shut and firewater held, tested and either removed from Site via tanker to a suitable disposal / treatment facility, or treated onsite and reused as firewater provision. The lagoon and drainage system would be cleaned before the valve from the firewater lagoon is reopened.”</i></p> <p>Paragraph 4.3.6 of the Outline Battery Safety Management Plan [as updated alongside this submission] has been revised to be consistent with the above. Furthermore, the detailed Battery Safety Management Plan which is secured pursuant to Requirement 7 will be required to provide a full and</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>• Section 9.8.52 of 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042] states that following a fire, contaminated flows will be collected from the fire water lagoon, and transported by tanker to an appropriate treatment facility.</p> <p>In addition to the above, section 9.8.32 of 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042] states that surface water runoff from the proposed BESS compound will discharge to an adjacent watercourse. We recognise that this is in relation to drainage under “normal operations”, as opposed to during and following a fire. However, we recommend that the Applicant update this sentence, to clarify that any discharge will not be permitted in the event of a fire (dependent on outcomes on the above clarification).</p> <p>Our preference is the removal of any contained firewater offsite. If any contained water is proposed to be released, it may be subject to a water discharge activity permit, and should be discussed further with the Environment Agency.</p>	<p>detailed description of fire water management measures and must be approved in consultation with the Environment Agency.</p>
EA-BESS-05	-	<p>Sections 4.3.6 and 4.5.7 of 7.8 Outline Battery Safety Management Plan [APP-139] mentions testing of contaminated fire water. Specifically, section 4.3.6 states “Pollution analysis will always be conducted before removing from site (if polluted) or releasing into drainage systems, if safe to do so.” We acknowledge that details of the sampling methodology, locations and analytical parameters</p>	<p>Paragraph 4.5.7 of the Outline Battery Safety Management Plan [as updated alongside this submission] has been revised to require water testing in accordance with the EA guidance.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>will be determined post-consent and established in the detailed BSMP and OEMP. However, we recommend that the Applicant updates the oBSMP to include further details of what testing is being proposed in the event of a fire. Testing is important to provide information of the quality of water that has been contained during, and after, a fire. It will ascertain if it contains any contaminants and the level of risk posed to the water environment.</p> <p>For advice, we expect that water samples would be taken when safe to do so. These samples would then be sent to a UKAS accredited laboratory for analysis, using UKAS and MCERTS accredited methods (where applicable). The water samples should be checked against the list of hazardous substances in the surface water pollution risk assessment guide</p>	
EA-BESS-06	-	<p>We recognise that section 2.6.11 of 7.8 Outline Battery Safety Management Plan [APP-139] states that a post-incident recovery plan shall be developed, which will include the method of removal and disposal of damaged equipment, including batteries. We recommend that sections 3.2.13 and 3.2.16 of the 7.8 Outline Battery Safety Management Plan [APP-139] are updated to include details of how batteries may be removed, and replaced, as part of the maintenance during the development's lifetime. We are pleased that there are details of a "fire watch", and that removed batteries will be stored on impermeably lined surfaces, and are covered. However, if locations for</p>	<p>The Applicant considers that this level of information, which will be dictated in part by the specific battery system installed, should be left to the detailed Battery Safety Management Plan which the Environment Agency will be consulted on prior to approval.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		this activity could be identified on site plans, this would be welcome.	
EA-BESS-07	-	We note that 1.4.3, section viii, and 4.4.3 of the 7.8 Outline Battery Safety Management Plan [APP-139] recognises that a BESS system and site-specific Emergency Response Plan (ERP) will be developed at the detailed design stage. We recommend the ERP includes informing any downstream river/groundwater abstractors in the event of a fire, should impacts to surface water and/or groundwater occur. This will ensure that Environment Agency incident response personnel are made aware of this as a priority. All relevant incident response parties should be made aware of the ERP and provided with immediate access to it.	Paragraph 4.4.3 of the Outline Battery Safety Management Plan [as updated alongside this submission] has been revised to require the ERP to include a procedure for the notification of the EA and downstream river/groundwater abstractors.

<p>EA-SUBS-01</p>	<p>We recommend that the Applicant outlines the committed design mitigation to prevent contaminants from substation plant. This mitigation would prevent substation plant containing hazardous chemicals, such as oil transformers, from releasing contamination to the surface water drainage system, from both spills and leaks during operation and any fire events. The drainage arrangements around the substation are not adequate in the event of a substation fire, especially if they contain transformers that rely on oil as a cooling and insulating medium.</p> <p>Details regarding firewater management are captured in the 7.8 Outline Battery Safety Management Plan [APP-139], however in relation to the BESS only, not the Substation. Therefore, we strongly recommend that further details regarding the drainage management at the substation are included in the 7.6 Outline Operational Environmental Management Plan [APP-137].</p> <p>It is unclear if the Substation will be impermeably lined to contain any contaminants that could be spilled during operation, or mobilised in the event of a fire. Suitable lining, and sealed drainage systems, are important to prevent any contaminants reaching groundwater or surface waters via runoff. We recommend that the Applicant confirms whether the Substation will be impermeably lined.</p> <p>It is unclear if the Substation will also have any permeable stone, like the BESS. We recommend the Applicant clarifies this detail. We note that the section titled 'Surface Water Treatment' on page 37 of 6.2 ES Vol 2 Appendix 9-1 Flood Risk</p>	<p>Paragraph 2.4.83 of Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035] confirms that:</p> <p><i>“The substation compound would comprise a hard surfaced internal access road and a series of concrete hardstanding plinths on which plant and equipment would be mounted. Loose stone, laid on an impermeable geomembrane,”</i></p> <p>In relation to drainage paragraph 2.4.84 states:</p> <p><i>“Similar to the BESS compound, in normal operation the stoned areas of the compound would allow rainwater to be captured, attenuated to a greenfield runoff rate and then drain to a nearby watercourse. In an emergency situation a valve would be automatically engaged to isolate the compound and prevent any run-off for a period of time. This would allow the run-off to be collected and treated in an appropriate way.”</i></p> <p>Section 11 of ES Volume 2, Appendix 9-1: Flood Risk Assessment and Drainage Strategy [AS-019] describes the proposed surface and foul water drainage strategy and confirms that both the BESS compound and the Frodsham Solar Substation compound would be formally drained. The Applicant acknowledges that the Fire Water Management section of the strategy focuses on the BESS compound and does not explicitly describe fire risk associated with the substation compound. However, it is noted that the fire risk associated with the substation compound is considered to be lower than that of the BESS, and that the substation comprises established equipment subject to defined standards for construction and operation with those standards accounting for pollution and fire risk.</p>
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	<p>Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 - Accepted at the discretion of the Examining Authority [AS-019] states that there will be “permeable surfacing within the proposed BESS compound and substation”. However, we know that this is inconsistent with other documents and have already recommended that this is updated.</p> <p>As commented above regarding BESS, for the substation we recommend that any stone substrate used and lining should be committed to being thoroughly cleaned (or removed and replaced, if substrate is used) as part of the post-incident measures, before normal drainage resumes.</p> <p>We note that section 2.4.175 of 6.1 Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035] and section 9.8.32 of 6.1 Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042] states that it is proposed to discharge surface water from the BESS compound and Frodsham Solar Substation to an adjacent watercourse, limited to greenfield runoff rate. We recommend that the Applicant clarifies whether the Substation will have an automatic shutoff valve, to be closed in the event of a leak/spill during operation, or in the event of a fire at the substation. As commented above in relation to the BESS, this automatic valve should also have a manual override and will require sufficient maintenance.</p> <p>The section titled ‘Drainage’ on page 42 of 6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (Clean) - Revision 2 - Accepted at the discretion of the Examining Authority [AS-019] states that “Fire water will be</p>	<p>The concept drainage sketch at Appendix P of ES Volume 2, Appendix 9-1 [AS-019], together with the associated drainage calculations, encompasses the entirety of both the BESS and substation compounds. As set out in the ES, the stoned areas of the substation compound would be laid on an impermeable geomembrane and the compound would be capable of isolation in the event of an emergency. Accordingly, the surface water drainage system within the substation compound will operate as a sealed system designed to retain firewater runoff in the event of a fire. The drainage system will be designed with sufficient storage capacity to accommodate anticipated firewater volumes, including an appropriate allowance for rainfall during an incident. Detailed calculations will be undertaken at the detailed design stage to confirm that containment volumes are adequate pursuant to Requirement 11 of the draft DCO.</p> <p>The provision of a sealed drainage system will also mitigate against the potential accidental release of oils or chemicals. The substation will be equipped with an automatic shut-off valve, which would close in the event of a leak or spill during operation or in the event of a fire, and which would also include a manual override. In addition, in accordance with established substation design standards, primary oil containment will be provided at individual oil-filled items of plant, including transformers, through integral bunding or oil-retaining structures designed to accommodate at least 110% of the maximum oil volume of the equipment. Secondary containment will be achieved at compound level through a combination of impermeable surfacing, sealed drainage systems and controlled discharge arrangements. The substation compound will be constructed with an impermeable base layer to prevent infiltration of oil or contaminated water to ground.</p>
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	<p>managed within the BESS compound, and substation and will not be released to the wider water environment”. However, it is unclear what management of any contaminated water from the substation site is committed to. We recommend that the details of containment and disposal of any potentially contaminated water at the substation are consistent with the BESS. Please refer to the comments above regarding the BESS, and ensure that the outline OEMP is updated to reflect this for the substation.</p> <p>We recommend that the details of testing of any potentially contaminated water at the Substation should be consistent with the BESS. Please refer to comments above and ensure that the outline OEMP is updated to reflect this.</p> <p>In addition to the comments above, we recommend that the Applicant commits to using a dry-type transformer, which does not contain flammable oil. This can decrease the risk of fire at a substation.</p> <p>Even if a dry-type transformer is used, and the risk of a substation fire is significantly lowered, the equipment at the substation still has a risk of leaks or spills. Therefore, we recommend that the Applicant provides more detail of the hazardous and polluting substances anticipated to be present within Substation plant and equipment, including transformer type, and the design and operational measures to contain these substances. These include:</p> <ul style="list-style-type: none"> • Secondary containment systems such as double-skinned tanks and bunding; 	<p>In line with the commitment made in relation to the BESS under EA-BESS-02, the Applicant is also committed to the cleaning or replacement of the stone surfacing within the substation compound following a firefighting event. This commitment, along with the principles of the substation drainage design outline above, has been included within Table 5-4 of the Outline Operational Environmental Management Plan [to be updated alongside this submission].</p>
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		<ul style="list-style-type: none">• Leak detection and level monitoring systems;• Bund water management;• Oil water interceptors/separators in the drainage system. <p>Oil containment must be in accordance with the Control of Pollution (Oil Storage) Regulations 2001 and the Applicant should employ best practice pollution controls for oils and other hazardous and polluting substances.</p>	
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Ref	Paragraph Number	Comment	Applicant's Response
EA-WFD-01	-	We requested the WFD Assessment is updated, however we are yet to see any changes to this and therefore this item on terminology remains an unresolved recommendation.	Environmental Statement: Volume 2 Appendix 9-2: Water Framework Directive Assessment [as updated alongside this submission] has been revised to change the terminology from "Supports Good" to "Not High".

Table 2-3: Response to National Highways Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
NH-A	2.4A	NH concerns in respect of: <ul style="list-style-type: none"> • Work No. 6A • Skylark habitat Creation • Work No. 8 • The bridges • Geotechnical risks • Property matters • PPs 	<p>All of these issues are still under discussion with National Highways and the Applicant's position remains as it was in its Response to National Highways Relevant Representation.</p> <p>The Applicant considers that Work No. 6A, skylark mitigation, and Work No. 8 will not impact upon National Highways assets or access to them, and there are no geotechnical risk to the SRN and it has explained why to National Highways in a meeting. Once a response is received from National Highways to that, further consideration will be given as to whether any further drafting is required in the DCO.</p> <p>On the bridges (and from that, the Protective Provisions), discussions are still on-going with National Highways as to the Applicant's proposals. In particular, it is noted that National Highways has not yet agreed with the Applicant's change of approach to the Weaver Lane bridge for it to be converted to a cycle track rather than a bridleway. As such, the Applicant has not yet changed the DCO and associated documentation until an agreed position can be reached (noting that if cycle track status is not agreed, then the Applicant would have to revert to changing its plans to not change the status of the public right of way on the bridge).</p> <p>The Applicant considers that there should be no issues in relation to property matters with National Highways, but notes in any event that its compulsory acquisition proposals on the SRN are subject to National Highways consent under their Protective Provisions.</p>
NH-B	2.4G	In relation to plots 4-20, 5-10 and 5-17 due to the plans being 2D currently, it appears that the SRN	Such a change is not required. The Book of Reference was amended at Procedural Deadline B to make clear that these

Ref	Paragraph Number	Comment	Applicant's Response
		beneath the bridges and over the underpass is included within the red line boundary. NH therefore requests that the Applicant either amends the plans to provide clarity on this or provides wording within the DCO to clarify the position and provide comfort to NH that the SRN beneath the bridge structures and over the underpass is not included within the Order Limits.	plots do not include the bridges or underpass. No further changes are required.

Table 2-4: Response to Natural England’s Written Representation

Ref	Paragraph Number	Comment	Applicant’s Response
NE01	-	<p>Natural England is satisfied that the applicant has confirmed that works within the NBBMA will be completed and functional prior to works commencing with the Solar Array Development Area (SADA).</p> <p>The DCO should secure the updated construction timetable.</p>	<p>The commitment that works within the NBBMA will be completed and functional prior to works commencing within the Solar Array Development Area (SADA) does not need to be added to the face of the Draft DCO itself.</p> <p>This is because this commitment is already secured by Requirement 12 to Schedule 2 of the Draft DCO [as updated alongside this submission] as that time commitment is set out in the Outline Construction Environmental Management Plan [as updated alongside this submission] (at paragraphs 2.4.5 and 2.4.6) and the CEMP which must be submitted for approval before construction can commence must be substantially in accordance with the oCEMP.</p>
NE07	-	<p>Natural England notes that the HRA has been updated to take account of our comments however further amendments are needed. For clarity the following species should be included as passage features for the Mersey Estuary Ramsar; shelduck, black tailed godwit, redshank and the following species should be included as wintering features; teal, pintail and dunlin.</p> <p>The applicant can resolve this issue by updating the HRA to include the above information.</p>	<p>The Applicant notes this. Table 7-1 has been updated in the updated HRA [as updated alongside this submission]</p>

Ref	Paragraph Number	Comment	Applicant's Response
NE15	-	<p>Natural England welcomes the updated information provided by the applicant with regards to the areas of SSSI within the NBBMA.</p> <p>Natural England expects further detail with regards to the SSSI management to be captured within the detailed NBBMS.</p> <p>We note that the draft DCO now includes a requirement regarding the future management of the SSSI within the NBBMA. It would be helpful if the applicant can provide some written clarity on what this requirement achieves for the SSSI, both in terms of the canal pools within the SSSI and as supporting habitat to overwintering birds which are the features of the SSSI.</p>	<p>At Procedural Deadline B, the Applicant added article 7(5) to the Draft DCO. The effect of this is to ensure that any details which are approved and relate to the establishment, maintenance, management and monitoring regime for Work No. 6C (works to create the NBBMA) to land within the Mersey Estuary SSSI will form part of the management scheme of the SSSI for the purposes of section 28J of the Wildlife and Countryside Act 1981. In practical terms, this means that if the undertaker (and any other party, post the decommissioning of the Proposed Development) wanted to manage the SSSI land in a way that would fall outside of that management scheme then Natural England's consent would be required because the Wildlife and Countryside Act 1981 would apply.</p>
NE16	-	<p>Natural England welcomes the applicant's confirmed approach regarding the creation of the water storage pond within the SSSI boundary to replace the existing pools. This should ensure continued supporting habitat and maintain the function of this area as a high tide roost within the SSSI boundary for the relevant SSSI (and SPA) features.</p> <p>However, Natural England notes that the applicant has included within the draft DCO an application to disapply Section 28E of the Wildlife and Countryside Act 1981 (7. (1)(f)). Natural England will discuss this matter further with the applicant and our legal team before providing further advice regarding this matter.</p>	<p>The Applicant can confirm that it is the intention for article 7(1)(f) of the Draft DCO to disapply section 28E of the Wildlife and Countryside Act 1981 and that the ES text referred to in the representation (paragraph 8.7.29 of ES Chapter 8: Ornithology [APP-041]) is incorrect.</p> <p>The rationale for the disapplication is that it avoids duplication of approvals, as it is proposed that via the DCO that Natural England are involved as a consultee in the approval of both the Landscape and Ecology Management Plan and the Non-Breeding Bird Mitigation Strategy pursuant to Requirement 9 instead. This and previous precedents for this are set out in the Explanatory Memorandum [REP1-006] (paragraphs 4.2.16 to 4.2.21).</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>It should be noted that text with the ES (Chapter 8 Ornithology 8.7.29 Incorporated Mitigation) sets out that an assent would be submitted to NE for the works within the SSSI, therefore clarity is needed between the ES and draft DCO to understand the applicant's position.</p>	
NE17	-	<p>Natural England welcomes the inclusion of Tables 8.1 and 8.2 within the HRA to address this issue.</p> <p>We are satisfied with the information provided within Table 8.2 with the exception of the below points regarding golden plover and curlew.</p> <p>Table 8.2 incorrectly characterises the current use of the Order Limits by golden plovers. It states that they are exclusively found in Cell 3 during November to February, whereas Table 5.5 shows that they are also found in Cells 1 and 2, sometimes in the same numbers as Cell 3.</p> <p>Table 8.2 does not make clear the importance of the Western SADA for curlew, as Table 5.14 demonstrates that curlews are evenly spread over Cells 1, 2, and 3.</p> <p>We advise that Table 8.2 is updated to summarise the distribution of golden plover and curlew in line with information provided within Tables 5.5 and 5.14 in the HRA.</p>	<p>Table 8-2 has been updated in the updated HRA [as updated alongside this submission] in line with the comments provided.</p>
NE18	-	<p>Natural England has reviewed the additional information provided within the HRA and accepts that subject to the additional information requested within this response that the conclusions stated</p>	<p>The Applicant considers that all necessary mitigation is secured via the various management plans, Non Breeding Bird Mitigation Strategy and the relevant requirements, specifically those which require consultation with Natural England i.e.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		here can be accepted. The conclusions are subject to all mitigation measures being adequately secured within the DCO and supporting documents.	Requirement 9 (Landscape and ecological management plan), Requirement 12 (Construction environmental management plan) and Requirement 16 (Soil management plan).
NE23	-	<p>Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to noise disturbance.</p> <p>Mitigation measures for noise disturbance should be included with the CEMP and secured within the DCO.</p>	<p>Table 5-9 of the outline Construction Environmental Management Plan (oCEMP) [as updated alongside this submission] includes a row for the impact of noise arising from construction activities at ecological receptors. Requirement 12 of the draft DCO secures the production of a final CEMP which must be in substantial accordance with the oCEMP.</p>
NE24	-	<p>Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to noise disturbance.</p> <p>Mitigation measures for noise disturbance should be included with the CEMP and secured within the DCO.</p>	<p>Table 5-9 of the outline Construction Environmental Management Plan (oCEMP) [as updated alongside this submission] includes a row for the impact of noise arising from construction activities at ecological receptors. Requirement 12 of the draft DCO secures the production of a final CEMP which must be in substantial accordance with the oCEMP.</p>
NE25	-	<p>Natural England is satisfied with the information provided by the applicant and accepts the HRA now provides sufficient detail with regards to lighting.</p> <p>Mitigation measures for lighting should be included within the CEMP and secured within the DCO.</p>	<p>The outline Construction Environmental Management Plan (oCEMP) [as updated alongside this submission] requires the production of a sensitive lighting strategy. The oCEMP specifies that the sensitive lighting strategy must ensure that lighting is not directed towards the NBBMA. When task lighting is required suitable measures should be implemented to avoid unnecessary lighting spill into adjacent habitats e.g. through the use of appropriate lighting strength, cowls and hoods.</p>

Ref	Paragraph Number	Comment	Applicant's Response
			Requirement 12 of the draft DCO secures the production of a final CEMP which must be in substantial accordance with the oCEMP.
NE29	-	Natural England advises that further information is still required with regards to the bird-day calculations, please see NE46 for details.	Information regarding this comment and NE46 is provided in the updated oNBBMS [as updated alongside this submission]
NE30	-	<p>Natural England welcomes information from the applicant regarding ongoing discussions with regards to the securing of a long-term management conservation body.</p> <p>We welcome the commitment from the applicant to secure an appropriate conservation body. However, the applicant has also stated that where agreement with a conservation body cannot be reached that the applicant will employ or contract suitably qualified and experienced personnel. If this is the case, then Natural England raises further concerns. Our agreement with the applicant's overall mitigation package is on the basis that a conservation body, such as RSPB, is secured. Where this is not the case, then Natural England considers that the mitigation package cannot be supported as it gives rise to uncertainty regarding the high level of management required to ensure the mitigation package is successful.</p> <p>We welcome the inclusion of an Adaptive Management Plan (AMP) to support the mitigation plans; the detailed AMP should be prepared as part of the detailed NBBMS. We advise the applicant to consider the additional measures that may be</p>	<p>The Applicant has undertaken proactive engagement with the RSPB and, as evidenced in Appendix D to the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027], the RSPB has expressed a clear intent to fulfil the role of the conservation organisation responsible for the management of the NBBMA. The Applicant will continue to seek further engagement with RSPB over the course of the examination. The oNBBMS has been updated to be clear that it will be a nature conservation organisation which takes on the management of the NBBMS and for this to be identified in the detailed NBBMS. This will ensure that this outcome is delivered, irrespective of if RSPB (as an example of a nature conservation organisation) specifically, reach an agreement with the Applicant before the end of Examination.</p> <p>The updated oNBBMS [as updated alongside this submission] makes clear reference to the provision of an effective adaptive management plan (AMP), which is secured through Requirement 9(j), noting that this must be prepared in consultation with Natural England and the RSPB.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>required within the AMP to ensure the overall success of the mitigation plans and note that this may include where additional land provision could be provided to support SPA birds.</p>	
NE35	-	<p>Natural England has ongoing concerns with regards to the potential impacts on the NBBMA as a result of the Runcorn CO2 spur pipeline.</p> <p>We continue to encourage the applicants of both developments to work together to minimise impacts and welcome the joint working group proposed by the applicant.</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 in-combination operational impacts of the pipeline should be addressed within the HRA.</p>	<p>The Applicant notes that a Technical Note on Pipeline Interactions [REP1-041] was produced following ISH1 to set out the Applicant's position both in terms of the likely effects associated with the different phasing scenarios of the two projects and the mechanisms which it considers should be most appropriately used to control cumulative effects.</p> <p>In relation to factors that may undermine the success of the proposed habitats within the NBBMA, the Applicant notes that the pipeline would run east-west along the northern boundary of the cell, immediately south of the canal ponds. Trenched construction techniques are proposed in this area by Liverpool Bay CCS Limited, with a trenchless crossing planned at the western edge of Cell 3 into Cell 4. The creation of the wetland within Cell 3 does not depend on groundwater flowing from the land north of the Cell 3 into the wetland area, so the pipeline would not hinder the wetland creation.</p> <p>Moreover, the updated water balance modelling included in Appendix B of the oLEMP [as updated alongside this submission] shows that the wetland habitats in Cell 3 would be established and maintained by direct rainfall inputs. Groundwater exchange is not essential for maintaining water levels.</p> <p>It is also noted that the Runcorn Spur Pipeline Outline Environmental Management Plan commits, at reference RU-WR-023, to placing clay plugs within the open trench sections</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>to prevent the formation of preferential groundwater pathways, thereby retaining shallow groundwater within Cell 3.</p> <p>Based on this, the Applicant does not believe the pipeline will affect the water supply to the wetland habitats, nor will it disrupt water movement within the NBBMA in a way that would prevent the creation and upkeep of the targeted habitats.</p> <p>The in-combination assessment has been updated in the updated HRA [as updated alongside this submission] to reflect the above points.</p>
NE36	-	Natural England does not agree with the overall conclusions of the HRA at this stage, see our comments above in NE35.	As above response in relation to concerns raised in relation to in-combination effects.
NE43	-	Natural England welcomes the additional information provided by the applicant however considers that it has not been demonstrated within the oNBBMS that the additional 'pan handle' area added to the NBBMA will serve a functional use for SPA birds. We therefore question it being included within the total area of mitigation. The applicant should provide further detail on this area or consider removing it from the NBBMA.	The updated HRA [as updated alongside this submission] and ONBBMS [as updated alongside this submission] have been revised to provide additional explanation regarding the value of the 'panhandle' area as agreed with Natural England during ongoing discussions (26/01/2026).
NE44	-	Natural England welcomes any updates from discussions with the RSPB to ensure that the conclusions within the HRA can be supported in line with our comments in NE30.	The Applicant notes this. See response to NE30.

Ref	Paragraph Number	Comment	Applicant's Response
NE46	-	Natural England notes that specific information regarding the use of the 1000 bird-days/ha used for curlew remains unclear as no reference has been given in the text. A reference should be provided or justification set out within the text of Annex A.	This has been addressed in the updated oNBBMS [as updated alongside this submission] .
NE48	-	Natural England welcomes any updates from discussions with the RSPB to ensure that the conclusions within the HRA can be supported in line with our comments in NE30.	The Applicant notes this. See response to NE30.
NE54	-	As noted in NE16 the text within the ES indicates that the applicant intends to submit an application for SSSI assent in respect of the works to be carried out to the Canal Pools within the SSSI. However, this conflicts with the application in the draft DCO 7(1)(f). The applicant should provide further information as set out within NE and align the ES and draft DCO documents.	Please see the Applicant's response to NE16 above. There is an error in the ES and the Draft DCO sets out the correct position at article 7(1)(f), namely that the intention is to disapply section 28E of the Wildlife and Countryside Act 1981.
NE55	-	It is stated here that a sward height of 5-10cm should be maintained over winter. However, this is too tall for lapwing. We advise the aim should be to graze hard in late summer and autumn to achieve a short sward of less than 5cm. Then graze to keep the grass this short over winter or until the livestock needs to be removed if the site gets too wet. Milder winters mean that grass keeps growing throughout the year, so it is important to keep up the grazing pressure. (Particularly if the aim is to provide conditions for breeding waders, the grass will need to be kept short over winter as the stock	The oNBBMS has been updated to reflect this comment [as updated alongside this submission] .

Ref	Paragraph Number	Comment	Applicant's Response
		<p>rate will have to be low from March onwards. Ideally stock would be removed from mid-March to May to avoid trampling damage.)</p> <p>We advise the oNBBMS is updated to include the above change to sward height for the winter.</p>	
NE56	-	<p>It is important that the grassland management caters specifically for those species being displaced by the development. Therefore, we advise grassland waders are prioritised and a short sward (around 80% of the area should be less than 5cm sward height, with 20% scattered clumps and tussocks of taller vegetation) is provided.</p> <p>We advise the oNBBMS is updated to ensure the grassland management focuses on SPA species.</p>	<p>The ONBBMS is clear that its objective is to manage the habitats for those species that would be displaced by the solar array areas. Section 4.2 of the ONBBMS [as updated alongside this submission] specifically described the management of grassland areas for Golden Plover, Lapwing, Curlew (and other SPA species). The section on setting measurable targets also highlights the importance of an annual survey of the extent and quality of grassland created, with key attributes for the quality of the grassland being sward height and absence of negative indicator plants. The decisions on which areas of the NBBMA will be managed in a particular manner e.g. sward height, ground wetness and sward mix will all be determined by the conservation organisation using their experience and knowledge.</p>
NE57	-	<p>It is stated here 'that measurable targets will be set to ensure the NBBMA is functioning. However, as bird populations fluctuate and are subject to numerous environmental factors which are not able to be controlled, it is envisaged that measurable targets will be based on extent of habitat area and hydrological function.'</p> <p>Whilst Natural England welcome that targets will focus on habitats (and this should include habitat quality as well as habitat extent) there will still be a requirement to monitor bird usage of the mitigation</p>	<p>The Outline NBBMS [updated alongside this submission] has been updated to provide for this.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		area. This should be clearly outlined within the oNBBMS.	

Table 2-5: Response to Marine and Coastguard Agency Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
MCA-01	-	<p>The applicant has confirmed that there are no works below the Mean High-Water Spring. However, a marine licence may still be required for the overhead cabling works in or over the River Weaver, especially considering navigation on the river below will be impacted during the construction period. The Marine Management Organisation has not confirmed either way, just that it's it up to the applicant to satisfy themselves.</p> <p>We note the applicant has confirmed that "Sufficient height clearance across the River Weaver would be maintained to allow boats to continue to operate with particular reference to overhead cabling between the Site and Frodsham substation. The cabling would be no lower than the nearest existing headroom limitation" which we welcome.</p> <p>The MCA would expect consultation with local users with regards to the River Weaver closures during the construction works.</p>	<p>The Applicant is satisfied that a marine licence is not required to construct and operate the Proposed Development.</p> <p>With regards consultation with local users of the River Weaver, the Applicant has set out in Table 5-7 of the outline Construction Environmental Management Plan [as updated alongside this submission] that <i>"the contractor shall provide at least 3 months' advance notice to the recreational clubs (including Weaver Sailing and Ski Club and Frodsham Kayaking) on the River Weaver of any closure of the River Weaver. Notices shall also be published in local newspapers and online community resources e.g. Frodsham Town Council newsletters of scheduled closures."</i></p>

Table 2-6: Response to A Future Without Rubbish Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
AFWR-01	-	<p>Frodsham Marsh Tipping Lagoon is a legacy landfill site directly within the proposed development area. See Figure C7 for the location and size of this site. Given that there is seemingly nil, or minimal, awareness of this site existing and the risk it could pose, a risk analysis must be carried out as soon as possible before the development goes ahead. Construction of the solar project must not cause leaching or otherwise disturb this legacy landfill site, which potentially contains hazardous materials and could interact with solar cell and battery components and amplify these hazards.</p>	<p>The Applicant was first made aware of the concerns set out in Written Representation following the public consultation held by the Applicant at Frodsham Community Centre on the 30th November 2025, where the author of REP1-058 attended and discussed their concerns about the project. The paper submitted to the examination [REP1-058] was not provided to the Applicant at the exhibition event but it was published as part of the Frodsham Town Council meeting, 23 September 2024.</p> <p>The main issues identified by A Future Without Rubbish are summarised on pages 6 and 7 of [REP1-058] within three points.</p> <p>Point 1 describes the presence of Frodsham Marsh Tipping Lagoon, a legacy landfill. It is claimed that the Applicant had little or no awareness of this site. However, this registered landfill was documented in the Geo-Environmental Desk study included in the Preliminary Environmental Information provided for consultation, and which was available at the aforementioned community consultation event. The presence of this legacy landfill (for which the licence was surrendered in 1983) is referenced in Environmental Statement: Volume 2 Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096]. Frodsham Marsh Tipping Lagoon forms one of the former Manchester Ship dredging deposit lagoons, identified as Cell 1 on Figure 1-4 of Environmental Statement: Volume 3 Chapter 1 Figures [APP-105]. Environmental Statement: Volume 1 Chapter 10: Ground Conditions [APP-043] acknowledges the existence of dredging deposit lagoons, recognising the potential for contamination and recommending mitigation. The recommended mitigation has been incorporated into the outline Construction Environmental Management</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>Plan [as updated alongside this submission] and is secured by Requirement 12 of the draft DCO.</p> <p>Point 2 concerns the flood risk at the Site. It is suggested that there has been no analysis of how this could impact the development during its construction or its long-term prospects. A thorough flood risk assessment has been carried out, including site-specific hydraulic modelling, Environmental Statement: Volume 2 Appendix 9-1: Flood Risk Assessment and Drainage Strategy [APP-084 to APP-088]. The Applicant has consulted extensively with the Environment Agency to ensure a comprehensive flood risk assessment has been provided and that appropriate mitigation measures are in place to address flood risks, which are secured within the draft DCO.</p> <p>Point 3 highlights the conservation value of Frodsham Marshes. The Applicant has provided a detailed ecological impact assessment and Habitat Regulations Assessment, along with mitigation measures to protect and enhance the biodiversity of the Site and the ecological interest features of the Mersey Estuary SPA, Ramsar site, and SSSI.</p>

Table 2-7: Response to NGET Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
NGET-01	1.2	Discussions on the Protective Provisions are ongoing between NGET and the Applicant, and these are not yet agreed. NGET will provide a version of Protective Provisions it requires to be included in the Order at Deadline 3 identifying the difference of position with the Applicant, if agreement has not been reached by that deadline.	The Applicant can confirm that helpful discussions between had with the parties between Deadlines 2 and 3 to seek to enable NGET's concerns to be resolved.
NGET-02	1.3	<p>The Applicant seeks permanent acquisition of rights in relation to the whole of NGET's 400kV Frodsham Substation to facilitate its connection and to deliver other proposed works (as detailed below), as well as over the access road into the Frodsham Substation. NGET needs to ensure the safety and integrity of its existing infrastructure at Frodsham Substation and access to the substation must be maintained at all times via the access road. NGET requests the Applicant remove the extent of its substation from the compulsory acquisition powers shown on the Land Plans. It is also essential that NGET has continued access to its tower bases which fall within the draft Order Limits to maintain and inspect the towers and overhead lines. Currently, it is not clear whether or how this access will be maintained.</p> <p>NGET objects to the proposal to provide green infrastructure (Work No. 6A) within the boundary of Frodsham Substation on the basis that it would interfere with its operation and compromise its ability to discharge its statutory function.</p>	<p>The Applicant is seeking permanent acquisition of rights in relation to the whole of NGET's 400kV Frodsham Substation because the specific proposals for precisely where and how the connection will be made between the Proposed Development and the Grid have not been agreed between the parties, and in light of the fact that there is no property agreement yet between the parties. Seeking the permanent acquisition of rights across the whole substation at this stage is to ensure that the Applicant has the necessary powers and flexibility in place to facilitate the connection once the specific details are known. This is a standard approach that has been taken with other DCOs.</p> <p>In respect of Work No. 6A, the Applicant has confirmed to NGET that this is shown around the substation to allow for temporary access tracks to be put in place, if required, to allow vehicles to travel between the construction compounds that are shown on the Works Plans, and the NGET/SPEN compound areas; and then to do associated habitat restoration once those tracks are taken up. No permanent habitat or landscaping proposals are proposed in this location. Discussions with NGET are on-going in respect of any further protections are needed in the Protective Provisions in light of this.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>NGET has concerns about the cumulative impacts of the Project along with the proposed HyNet North West Hydrogen Pipeline (the "Hynet Pipeline"), and the proposed Runcorn Carbon Dioxide Spur Pipeline (the "Runcorn Pipeline") and in particular the cumulative impacts of the three projects on the access road to NGET's Frodsham Substation. This is a critical access road, and it is essential that any access required by the projects is coordinated to minimise disruption to the operation of the Frodsham Substation.</p>	<p>The Protective Provisions in Schedule 21 to the Draft DCO as well as the terms of a connection agreement between the two parties will act to safeguard NGET's ability to access its tower bases and other elements of its infrastructure as well as protect its ability to fulfil its statutory duties.</p> <p>In relation to the cumulative impacts of the different projects, the Applicant notes that NGET would have the ability to require coordination as part of giving its approvals pursuant to its Protective Provisions. It remains willing to discuss this issue further with NGET, as it accepts the criticality of the access road.</p>

Table 2-8: Response to Canal and River Trust Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
CART-01	-	<p>Given the consideration given to cumulative impact in the Examination process, in relation to Hynet Carbon Dioxide (Runcorn Spur) and Hydrogen pipelines, resulting in measures such as collaborative working between Applicants and respective measures in the OCEMP, the Trust would question as to whether the potential impacts of use of the Access Track (including on the stability of the adjacent embankment of the Weaver Navigation), cumulatively, as a result of these Projects should also be taken into consideration.</p>	<p>There is no indication within any of the documentation relating to the cumulative development sites which was reviewed during the preparation of the Transport Assessment which indicated that any of the cumulative development sites will generate significant volumes of traffic along the SPEN Substation Access Track during the Construction Phase of the Proposed Development.</p>
CART-02	-	<p>The Applicant has agreed the principle that the Trust would be able to access Marsh Lock at all times (24/7 as required by our operational needs) and agreed to amending Article 12 to account for the need to maintain the Trust's access to Marsh Lock and its infrastructure along the Access Track.</p> <p>This amendment has not yet been formally recognised in dDCO, and the Trust is grateful for the Applicant's co-operation in this matter and looks forward to this commitment being reflected in the revised dDCO to be submitted at Deadline 1. The amendment of the dDCO in this way is considered an appropriate means to address the matter, removing the need for protective provisions. In the event of the dDCO not being amended, the Trust would require alternative protection to be secured.</p>	<p>The Applicant made this amendment to article 12 as part of the Draft DCO [as updated alongside this submission] submitted at Deadline 1.</p>

Ref	Paragraph Number	Comment	Applicant's Response
CART-03	-	<p>The Trust has sought clarification on how works to facilitate the grid connection to the Frodsham SPEN substation to the north of the River Weaver requiring use of the Access Track during construction, would not exceed the level of vehicle use outlined in the Transport Assessment and further that any construction machinery and plant for these works can be accommodated in the type and number of vehicles outlined. The Applicant has confirmed in writing to the Trust that the Transport Assessment accounts for vehicle movements associated with the grid connection and reconfirms the information outlined in the Transport Assessment. The Trust is seeking reassurance however that the proposed works can be accommodated within the forecasted vehicle type and number to clarify that the grid connection works would not result in greater vehicle and construction use of the Access Track and Sutton Weaver Bridge. The Trust would seek to review any proposed increase in use of the Access Track and Sutton Swing bridge, for any phase of the Proposed Development, including the impact of traffic on this construction route, including the bridge and the stability of the embankment of the Weaver Navigation.</p>	<p>The Grid Connection Statement [APP-145] describes the small scale of works that would be carried out in and around the SPEN Substation, which support the small amount of movements considered in the Transport Assessment.</p> <p>The Applicant does not consider the number of movements proposed would have any impacts on the bridge or embankments, which already support movements of the type proposed by the Applicant.</p> <p>The outline Construction Traffic Management Plan [as updated alongside this submission] has been revised to include a commitment to notify the CRT in the event of any proposed increase in the number of vehicles using the SPEN Substation Access Track and Sutton Weaver Swing Bridge, over and above the forecast traffic generation set out within the TA [APP-134].</p>
CART-04	-	<p>The Construction Traffic Management Plan (para 4.1.4) states that 'the access to the SPEN Frodsham Substation will be via the A56 Chester Road, where a dedicated private access road leads to the substation complex. All construction traffic will be directed east along the A56, where onwards</p>	<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. The Grid Connection Statement [APP-145] describes the small scale of works</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>connections to the strategic highway network, including Junction 12 of the M56, can be made.' It is understood that the minimal use envisaged resulted in assessment of the Access Track being scoped out and that the Transport Assessment focuses on the main access to the solar array. However, given the potential for construction traffic generation to impact the Sutton Weaver Bridge and the Access Track, the Trust would seek for the potential traffic generation in connection with the grid connection works to be clarified.</p> <p>The revised Outline Construction Traffic Management Plan (oCTMP) refers to the management of Abnormal Indivisible Loads (AIL) and the Trust would welcome that the outline CTMP is updated to refer to the requirement when an AIL crosses the Sutton Weaver Bridge, and any further detailed CTMP(s), where applicable, to ensure any necessary consents are obtained.</p>	<p>that would be carried out in and around the SPEN Substation, which support the small amount of movements considered in the Transport Assessment.</p> <p>It is not anticipated that there will be any requirement for indivisible abnormal load (AIL) deliveries to the SPEN Substation as part of the Proposed Development construction. All AIL movements required would be for delivering components to the Site, not to the SPEN substation, and as such it should not be necessary for any AIL vehicles to cross the Sutton Swing Bridge.</p>

Table 2-9: Response to Cheshire Wildlife Trust Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
CWT-01	-	<p>We also strongly disagree with the applicant's claims of additionality, which have been affirmed with renewed insistence in the newest version of the IIHRA. They state that "the approach to mitigation for FLL loss during the operational phase is deemed 'additive', whereby additional measures above those already enacted under FWF are implemented" (IIHRA 8.2.11). We disagree on the fundamental principle of additionality when it comes to ecological mitigation. Additionality means that if mitigation B were to suddenly cease, mitigation A would still be in effect. This is not the case in this instance. The applicants are replacing mitigation instead of adding mitigation, and this leads to an overall net loss for the wildlife as they are now only getting mitigation for one development instead of two, as well as the in-combination effects.</p>	<p>As set out in the HRA [as updated alongside this submission] and the oNBBMS [as updated alongside this submission], the baseline for the assessment is the mitigation currently delivered under the Frodsham Wind Farm (FWF), which remains in place. That mitigation is not removed, reduced, or replaced by the Proposed Development.</p> <p>The Proposed Development delivers mitigation that is additional to the existing FWF mitigation through the re-engineering of cell 3, the creation of grassland and scrapes and hydrological control, which extends seasonal habitat availability (not limited to; Table 8-1 and Table 8-2).</p> <p>The HRA is explicit in that the mitigation is "above what is already in place and is being delivered" (paragraph 3.2.7). The Proposed Development does not rely on the withdrawal or substitution of FWF mitigation to offset its effects.</p> <p>Accordingly, the mitigation for the Proposed Development is additive to the existing baseline and has been assessed on that basis and the HRA concludes that, with this additive mitigation (best summarised as quality over quantity; paragraph 8.1.6 of PD2-009) in place, there will be no AEol. Natural England also supports this conclusion [REP1-056].</p>
CWT-02	-	<p>Cell 3 is referenced throughout the IIHRA and the oNBBMS as both being retained and enhanced as well as completely reengineered. If Cell 3 is to be completely reengineered, the whole area should be marked as lost in the BNG metric habitat baseline tab and created in the habitat creation tab. Enhancement is not the same as destruction and</p>	<p>Cell 3 is retained within the Order Limits and continues to function as habitat for non-breeding birds throughout the lifetime of the Proposed Development. The works to Cell 3 comprise re-contouring and hydrological re-engineering to improve habitat quality and functionality, rather than the permanent loss of habitat or loss of function. The entire works period for the construction of the NBBMA is 6-9 months. Once</p>

Ref	Paragraph Number	Comment	Applicant's Response
		re-creation; it is whether the site stops serving its ecological function for any period of time.	<p>completed habitats within the NBBMA will be managed for the benefit of wetland birds for forty years, This period is well in exceedance of the 30-year requirement for mandatory BNG and it is therefore the Applicant's position that impacts from the construction of the NBBMA are inconsequential in terms of habitat effects.</p> <p>With regards to BNG no habitat within the NBBMA is input into the metric as 'enhanced'. This is based on impacts to habitats only, and may not be the same for species receptors (e.g., non-breeding birds). All areas of 'retained' habitat are located at the top of embankments, with all re-engineering works limited to the cell basin. As such, it is accurate to say these areas will be retained. This is clearly indicated as 'Outer Embankment' on Figure 3 of the Outline Non-Breeding Bird Mitigation Strategy issued as Appendix 3 of the Outline Landscape and Ecology Management Plan [as updated alongside this submission]</p>
CWT-03	-	The SADA (particularly Cells 1, 2, 5) is sometimes emphasised as being bad for birds when it is convenient to undervalue it, and sometimes as being good for birds. This contradiction is most apparent and concerning when it is stated that "during construction of the NBBMA, alternative habitats for SPA birds will be available through: i) All habitats within the SADA" (oNBBMS 8.2.6). If the rest of the SADA is expected to be used by all Cell 3 birds while Cell 3 is under construction, the rest of the SADA should be considered as ecologically valuable as Cell 3. This conclusion exposes the inadequacy of the proposed mitigation efforts.	<p>The assessment does not assume that the SADA substitutes for Cell 3, nor does it treat the SADA as mitigation for the Proposed Development during the construction period, particularly as the construction of the NBBMA will take place outside of the core sensitive non-breeding period (paragraph 8.2.5; PD2-009). The primary mitigation is the delivery of the NBBMA, which is constructed and functional prior to the commencement of solar development, ensuring continuity of suitable habitat for SPA species.</p> <p>Habitats within the SADA being available during construction of the NBBMA reflects the fact that these habitats remain physically available and accessible during that period. It does not imply that the SADA provides habitat of equivalent quality or</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>that all birds using Cell 3 would be displaced to, or reliant upon, the SADA.</p> <p>Furthermore, the wider area, including Cell 6 will also be available to displaced species, however this is not solely relied upon. Given that the construction of the NBBMA will overwhelmingly be undertaken outside the period for which the SPA is designated it is the Applicant's view that temporary loss of habitat is inconsequential.</p> <p>The Applicant does not consider that the SADA is "bad", rather it is of suboptimal quality. This is evidence based on the results of significantly lower numbers (sustained throughout the survey period) when compared to Cell 3, which is as would be expected based on management practices and topography. These conclusions are supported by Natural England [REP1-056]. Regardless, the HRA [as updated alongside this submission] considers use of the entire Order Limits by SPA species.</p>
CWT-04	-	<p>Finally, there are several small "errors" throughout the various documents which, intentionally or not, serve to minimise the impacts of the development. The IIHRA still states that the Skylark Mitigation Area is 30ha (IIHRA 3.1.9), and the column headers in Table 8-1 include the hectarage of the NBBMA but not of 'Cells 1, 2, 5 + existing Cell 3/NMMBA'. However, small issues like these provide nowhere near as much frustration as the lack of clarity, consistency, and coherence in the various methodologies as outlined below.</p>	<p>The Applicant notes that minor editorial inconsistencies can occur across a large, complex and evolving examination document set, particularly where documents have been updated iteratively in response to progressive consultation.</p> <p>Table 8-1 of the HRA [as updated alongside this submission] relates to the NBBMA only, and does not discuss skylark, as is stated in the title.</p>
CWT-05	-	<p>Bird surveys: The bird surveys are piecemeal, inconsistent across years, varying in extent and</p>	<p>Data used to inform the HRA [as updated alongside this submission] are drawn from multiple years of survey data,</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>methodology. These surveys are the basis for the calculations and assertions made about the impacts and mitigation for birds. If the underlying data itself can't be trusted, how can the rest?</p>	<p>alongside desk-study data, including the BTO WeBS data (latest data available during submission).. The data can be trusted and has been used as a tool to assess annual variation which is standard practice.</p> <p>Where survey coverage differs between years, this is transparently reported and taken into account through the application of precautionary assumptions, including the use of peak counts, multi-year datasets and conservative thresholds (e.g. the 1% SPA population criterion). However, it is important to note that this area is very well understood and researched, as evidenced by the desk study.</p> <p>Conclusions are based on the combined weight of evidence from field surveys, long-term WeBS data and other desk study records. This approach provides a robust evidence base for the identification of FLL, impact assessment and the design of mitigation.</p> <p>Natural England is satisfied with the data and the overall assessment undertaken by the Applicant [REP1-056].</p>
CWT-06	-	<p>The 'Cleve Hill approach' (Annex 1 of oNBBMS); The introductory paragraph is unclear and incoherent, making it difficult to decipher how the calculations and assumptions have been made. Additionally, the revisions to the oNBBMS now state that "for the purposes of impact assessment, mitigation has been designed to account for all SPA bird use across the entire Order Limits" (2.1.1), but calculations do not seem to have been updated to reflect this. Furthermore, the original documents relating to the Cleve Hill calculations and methodology have not been made available, so it is difficult to assess the original scheme on which the</p>	<p>There is no established metric to account for all bird species when calculating bird-day calculations.</p> <p>The mitigation does not solely depend on the bird-day calculations as stated in the HRA [as updated alongside this submission] and is used as a broad supplementary guide, as no metric exists. To supplement the metric, a qualitative approach has been undertaken which was agreed with Natural England. The NBBMA is not solely dependent upon quality, it is also dependant on management by a reputable conservation organisation for it to be and to continue to be successful throughout the operational lifetime of the Proposed</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>Frodsham one is basing its mitigation. The Kent Wildlife Trust sent objections to the Cleve Hill Scheme9, so it is likely that we would disagree with the Cleve Hill approach and its application to this case both in principle and in specifics.</p>	<p>Development as stated in the oNBBMS [as updated alongside this submission].</p> <p>The mitigation for the Proposed Development has been designed specifically for the Order limits, informed by site-specific survey data, habitat conditions and the conclusions of the HRA [as updated alongside this submission]. The Applicant can assure CWT, that all SPA species have been accounted for, quantitatively where possible i.e. "Cleeve hill" and all species have been addressed qualitatively as agreed with Natural England (see Table 8-2).</p> <p>Natural England are satisfied with the approach presented in the oNBBMS [as updated alongside this submission] and the HRA [as updated alongside this submission] that has been undertaken by the Applicant.</p>
CWT-07	-	<p>BNG metric and report: It is unclear which areas have been included in the BNG metric, and which have not. The BNG report10 fails to explain how the metric has been filled out, which habitats are retained, enhanced, and lost. There is no map to identify the individual parcels and how they correspond to the metric. There is no justification for how the metric was filled out, particularly with regard to the habitats under the solar panels and the loss and re-creation of Cell 3.</p>	<p>An updated BNG metric has been provided as [PD2-032]. This sets out how the metric has been calculated in detail. It should be noted that habitats will be managed for a forty-year period, well in excess of the 30-year period required for mandatory BNG.</p>
CWT-08	-	<p>We would therefore like to request that the applicant submit additional or revised documents, as detailed below, to provide the incomplete or missing information outlined above. Without these, our ability to properly evaluate certain aspects of</p>	<p>As set out in the HRA [as updated alongside this submission], bird-day calculations have been applied selectively and proportionately. Published literature on bird-days is available for a limited number of species only, principally lapwing and golden plover, which are relevant to the Proposed Development. Curlew bird-day values were included</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>the application will be hindered, particularly those broached in the Written Questions.</p> <ul style="list-style-type: none"> • The complete and coherent methodology of the calculations undertaken to determine the mitigation required based on the 'Cleve Hill' approach. This should include: <ul style="list-style-type: none"> • justification as to why only 3 species have been included instead of all SPA species identified earlier in the document. • Citation of the "literature" used to inform the 'bird days supported by each ha'. • Clarification on the calculation of bird days. • An Excel spreadsheet version of the BNG metric • An updated BNG report to reflect the changes to the metric. This should also include: <ul style="list-style-type: none"> • Habitat condition assessment sheets that aren't blank. • A map of all habitat parcels corresponding to the 'habitat reference number' column in the metric. • Justification as to why the UKHab guidance for defining habitats under solar panels¹¹ has been ignored, and which official guidance has been used instead. 	<p>on a precautionary basis using a proxy value (1,000) due to the absence of established published literature for that species. These three species form the basis of the Frodsham Wind Farm mitigation (cells 2 and 5), due to their habitat requirements, and are therefore rationally the species which are considered for the Proposed Development.</p> <p>Other SPA qualifying species were not included in bird-day calculations because there is no supporting literature to justify such an approach, and bird-day calculations are not required to inform the conclusions of the HRA. Further, other SPA species are largely tied to wetland habitats and/or were recorded in very low numbers during surveys. The Cleeve Hil methodology, assumptions, and limitations of the calculations are described within the HRA and have been discussed in detail with Natural England since submission.</p> <p>As confirmed during Examination [REP1-029], the conclusions of the HRA, including the finding of no AEol do not rely on bird-day calculations. The information provided at present and within the HRA and the oNBBMS is therefore sufficient to support and enable Cheshire Wildlife Trusts assessment and its conclusions without the literature.</p> <p>An updated BNG metric provided as [PD2-032] was supplied as an excel spreadsheet to the Cheshire Wildlife Trust and CWACC on the 12th January 2026. The Applicant provided GIS shapefiles identifying habitat parcel locations and also containing condition assessment information have been provided to Cheshire Wildlife Trust via email on 28th January 2026. It should be noted that condition assessment sheets submitted with the application were to provide information relating to monitoring criteria and not intended as baseline data.</p>

Ref	Paragraph Number	Comment	Applicant's Response
			The Applicant has previously set out rationale for the classification of panels in [PD2-027] ref CWACC7.100 and also in [REP1-032] ref CWT-5. It is understood that Natural England has confirmed that the UKHab Classification solar panel habitat type does not apply to the metric.

Table 2-9: Response to Essar Oil Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
EO-01	-	Essar Oil (UK) Limited (now known as EET Fuels) confirm that they support the application and the Frodsham Solar project. However, there are the following points that we wish to make for consideration as the project proceeds. Essar Oil operate the nearby Stanlow Refinery and there are existing pipeline assets that cross land within the project extent. These pipelines are of huge significance to the refinery operations and to the wider region through the fuels they provide. Within the draft Development Consent Order there are proposed protective provisions for these essential pipeline assets and Essar require both parties to work reasonably to agree appropriate protections within the finalised wording of the Order.	<p>The Applicant is awaiting any further comments from Essar/EET on the Protective Provisions and agrees that appropriate protections need to be in place for their assets.</p> <p>The Essar/EET Protective Provisions in the draft DCO are based on those for oil companies elsewhere in the draft DCO and other made DCOs.</p>

Ref	Paragraph Number	Comment	Applicant's Response
EO-02	-	Additionally, there has been some uncertainty about the precise location of the pipelines and there is a risk that some elements of the current design for the proposed development may encroach into the protective strip above the pipelines. Essar are working to provide updated information to record the location of the pipelines and may require the final design of the development to be amended to account for the pipelines' presence.	

Table 2-9: Response to Frodsham Active Travel Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
FAT-01	-	<p>The following extracts taken from the applicant's responses are repeatedly dismissive of the views expressed by residents of Frodsham & Helsby with their combined population of over 15,000 people.</p> <p>The applicant's response on pp. 17, to feedback specific to views from high ground, i.e. No's, FS2-OFF -033, 032, 051, 056, 019, is dismissive when it states:</p> <p><i>"- assessment from elevated positions including at Frodsham Hill and Helsby Hill and concludes that visual effects would not be significant."</i> and</p> <p><i>"Mitigation measures such as planting for screening would not be effective given the change in elevation."</i></p> <p>The applicant's response on pp.16 to feedback expressing broader concern for the visual impact. i.e. No's FS2_OFF_007, 009, 012, 014, 017, 023, 032, 033 and 053 is again fixed and dismissive when it recognises :</p> <p><i>"Chapter 6: Landscape and Visual Amenity [EN010153/DR/6.1] does identify significant residual adverse visual effects, but only for the users of the PRowWs that pass through the Proposed Development. No significant effects are predicted for any residential properties. These effects cannot be further mitigated through the mitigation hierarchy. Paragraph 5.10.13 of National Policy Statement EN-1 acknowledges that major</i></p>	<p>The Applicant disagrees that its responses to consultation feedback are dismissive of local concerns. Visual impact including the views from elevated locations such as Frodsham Hill and Helsby Hill were specific themes raised through consultation and have been expressly recognised and assessed in the Environmental Statement.</p> <p>The Applicant's use of terms such as "significant" and "not significant" is not intended to minimise the importance of any individual concern. These terms are used in the Environmental Impact Assessment (EIA) as a matter of professional judgement within an established methodology for environmental assessment. ES Vol 1 Chapter 6: Landscape and Visual [APP-039] explains that professional judgement is an important part of the LVIA process. In that context, the LVIA recognises that elevated views are available from locations to the south of the Site, including Frodsham Hill and Helsby Hill, and has assessed specific viewpoints from those locations. ES Vol 1 Chapter 6: Landscape and Visual [APP-039] identifies moderate adverse effects at those elevated viewpoints, but concludes those effects are not significant in EIA terms. Further explanation to this point is set out at <i>Ref CWACC6.7</i> of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p> <p>ES Vol 1 Chapter 6: Landscape and Visual [APP-039] does identify significant residual adverse visual effects for certain receptors, particularly users of public rights of way that pass through or immediately adjacent to the Order Limits, and these effects are clearly reported as significant. The assessment distinguishes these close-range effects from effects</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p><i>energy projects are "likely to have visual effects for many receptors around proposed sites".</i></p>	<p>experienced from more distant or elevated locations, where views are assessed as not undergoing a fundamental change in character, and therefore not significant in EIA terms.</p> <p>With regard to whether additional mitigation would be effective in further mitigating the visual impacts of the Proposed Development, ES Vol 1 Chapter 6: Landscape and Visual [APP-039] explains that proposed planting would, over time, reduce visibility of new structures for some receptors, but also records that, because of the nature of elevated viewpoints and the viewing geometry involved, planting cannot be relied upon to screen the development in the same way as it can from lower-level routes and receptors. This reflects an honest application of the mitigation hierarchy based on the evidence and assessment of effects, not a dismissal of the concerns raised.</p> <p>Finally, on residential receptors, ES Vol 1 Chapter 6: Landscape and Visual [APP-039] assesses the limited potential for change in views to affect amenity and explains why any visibility from nearby properties would occur in the context of existing large-scale infrastructure, with screening typically present, such that effects would not be of a nature or degree that would materially affect living conditions. That is a conclusion in EIA terms only; it does not deny that some residents may still perceive a change in their wider environment.</p> <p>All development delivers benefits of one form or another (otherwise development would simply not happen), and all development gives rise to harm to one degree or another (an inevitable consequence of change), but at its core the planning balance is about comparing the benefits that a proposed development would deliver against the harm that it would cause. The Applicant does recognise that the Proposed</p>

Ref	Paragraph Number	Comment	Applicant's Response
			Development will result in adverse visual impacts, but considers (at paragraphs 8.3.13 to 8.3.16 of the Planning Statement [APP-128]) that in planning terms this should carry limited weight. This is not to disregard the visual impact, but a professional judgement as to the weight the issue should be given in planning terms. The Applicant has also set out the many benefits of the Proposed Development within Section 5 of the Planning Statement, and it is the Applicant's position that the benefits of the Proposed Development in this location and landscape that is already characterised by major infrastructure and renewable energy development outweigh the visual harm.
FAT-02	-	<p>Our contention is that :</p> <ol style="list-style-type: none"> 1. The applicant has shown no consideration for the local community's views or needs by dismissing them when it concludes : "that visual effects would not be significant." This is disingenuous and untrue as residents consistently express the opposite view. 2. The applicant has dismissed proposals to screen the panels with planting when they state that "planting for screening would not be effective given the change in elevation." 3. The applicant has made no attempt in their design to soften what will change 600 acres of greenbelt to a brutally unnatural looking landscape on the marshes, as viewed from Frodsham & Helsby hills. 	<ol style="list-style-type: none"> 1. The Applicant has provided a response to this point in the row above, reference FAT-01. 2. The Applicant has provided a response to this point in the row below, reference FAT-03. 3. The Applicant has provided a response to this point with reference to FAT-01 in the row above, and FAT-03 in the row below.
FAT-03	-	Evidence is available, with calculations, in Appendix 1, which shows that locally the sun barely generates any power at angles less than 200. Even at this angle the drawing shows that a large area of	The Applicant recognises Frodsham Active Travel's (FAT) concern about the visual impact of the Proposed Development from elevated positions around Frodsham and Helsby, and has

Ref	Paragraph Number	Comment	Applicant's Response
		<p>all panels behind the front row will be screened by the panels in front of them. i.e. the applicant's design includes a high level of screening which would prevent power generation even when the sun is less than 200.</p> <p>Recognising this fact, placing a tree screen in front of each row, the top of which presented an angle of 200 to the front panel, would not affect the solar power generated for all but the front row. For illustration purposes, the diagram illustrates how 7 or 8m high screens can be as close as 2-4 m respectively, to the front row. As trees naturally have different sizes & shapes, suitably shaped trees would need to be placed in front of each block of arrays such that a 200 angle was maintained.</p> <p>Importantly the illustration shows that, as the viewing angle from Frodsham hill is only 5.50 for the nearest array of panels, a row of 7-8m high trees would screen from view approx. 31-42 m of the panels behind the front row of panels. This screening benefit would increase to approx. 70-93m for the most distant panels and the extent of screening would be approximately doubled when viewed from Helsby hill.</p> <p>We contend that the monotonous unnatural views presented from the hills by huge blocks of industrial looking black/grey arrays should be mitigated as suggested in feedback. See FS2_OFF 066 : "Respondent suggested hiring a specialist in aesthetics to make the solar farm look more appealing." The applicant deflected this comment</p>	<p>reviewed the detailed submission with regard to viewing angles and potential for additional screening.</p> <p>The Applicant's position is that whilst additional planting along the boundaries of solar array areas is theoretically achievable as set out in FAT's response, it's benefits would be limited, and the impact of such planting would have consequential constraints to the Proposed Development. Such a position is recognised at paragraph 5.10.26 of NPS EN-1 (November 2023).</p> <p>The nature of the existing views towards the Site from Frodsham Hill and Helsby Hill are inherently open, expansive and panoramic. The views are far-reaching and take in a dramatic estuarine landscape of industrial, urban and infrastructure development including rivers, refineries, power stations, wind turbines, electricity transmission infrastructure, motorways, towns, and distant city skylines. These views are dynamic of uncompromising industry, and remarkable for the scale and variety of development visible. It is within this context that the Proposed Development is to be sited; a landscape that has been engineered by human activity and has the capacity to accept large-scale change now, in the way it has accepted large-scale change in the past. Views across this landscape are judged to be about gaining a 'birds eye view' of the region, as much as an appreciation of natural landscape.</p> <p>The Applicant has however recognised the value attached to these views by local people and as set out in ES Vol 2 Appendix 6-8: Effects on Viewpoints [APP-071] has assessed the value of these views as 'high' (the highest classification in accordance with the methodology set out at ES Vol 2 Appendix 6-1: LVIA Methodology [APP-064]).</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>and submitted a design in the application which appears unchanged and still monotonously dull.</p> <p>We contend that major changes are required and could be achieved by :</p> <ol style="list-style-type: none"> 1. Use of natural screens of trees, bushes and shrubs in front of each section of panels. 2. Varying the heights of the natural screens over a range of 7- 8m and also varying the distances from the front of the panels and the width of the screens. 3. Frequently softening the straight lines and edges of the rows of panels. 4. Leave open areas within the largest sections of panels and create small copses of trees and bushes. <p>There would of course be supplementary benefits of making the changes proposed as not only would more greenery encourage and maintain or increase active travel but the necessary increase in shrubs and trees used would support a significantly higher level of biodiversity.</p>	<p>The Applicant also recognises the large-scale of the Site and the Proposed Development within these views, however it is the Applicant's professional opinion that the introduction of the Proposed Development would represent only an incremental increase in the influence of industry and infrastructure in the wider view. There would be a clear change in view, but fundamentally the view would remain an expansive panoramic one looking out from an elevated location across lower-lying areas where built development including industry and infrastructure are a well-established presence. ES Vol 1 Chapter 6: Landscape and Visual [APP-039] concludes that whilst there would be a moderate adverse visual effect, this would not be significant in EIA terms.</p> <p>In the context of the assessed level and significant of effect, the Applicant has had to balance the needs of the Proposed Development against the requirement for (and benefits of) any further additional mitigation.</p> <p>The Applicant's Design Approach Document [APP-130] notes these competing aims and that <i>"Existing and new vegetation will often screen the arrays, but screening is not always the principal objective. Softening and breaking up views is the chief aim, and at times the imperative to maintain the open character of the landscape and preserve long-distance views over the Mersey Estuary and towards the sandstone escarpment is more important than preventing views of solar infrastructure."</i></p> <p>It is the Applicant's position that further mitigation as suggested by FAT would have very limited beneficial screening effect, and that even with such planting, the extent of solar development apparent across the view would be largely unchanged. In this regard such mitigation would not alter the conclusions of the visual assessment made in ES Vol 1 Chapter 6: Landscape and Visual [APP-039]. Additional planting as suggested by</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>FAT would serve to screen intermittent rows of panels across the Proposed Development, but not substantially screen views of the Proposed Development any further than is already proposed by the mitigation secured in the outline Landscape and Ecology Management Plan [as updated alongside this submission].</p> <p>The additional planting would conversely result in a reduction in the installed capacity and efficiency of the solar development across the Proposed Development, increase maintenance requirements, and in the longer-term reduce the openness of the marshland character. The Applicant notes that the reduction in installed capacity and efficiency is in relation to the increased offsets that would be required reducing development footprint, rather than as a result of the angle of sun and shading as set out by FAT.</p> <p>The Applicant's current approach to mitigation also aligns with CWCC's landscape strategy guidance reproduced at paragraph 2.3.5(x) of the outline Landscape and Ecology Management Plan [as updated alongside this submission] for LCA4a (Frodsham, Helsby and Lordship Marshes), which identifies a landscape management strategy of "<i>retain the open character of the marsh by restricting planting to low growing scrubby species typically found in the local landscape, taking into account the importance of the area for ground nesting birds and wintering/passage birds. Woodland planting /screening using tall or ornamental species is not appropriate in the open marsh.</i>"</p> <p>Whilst the Applicant agrees with FAT that additional planting could offer some additional biodiversity benefits including as habitat connectivity and wildlife corridors, these benefits similarly need to be considered against the constraints identified above.</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>The Applicant's proposed design and mitigation measures secured by the outline Landscape and Ecology Management Plan [as updated alongside this submission] are an appropriate design response for the Site, achieve the Applicant's design objectives, and avoid or reduce significant adverse effects as far as practicable. The Applicant is therefore not proposing to introduce additional planting at this time.</p>
FAT-04	-	<p>Currently many sections of these Byways which link the site to the town are very badly degraded due to frequent use by heavy agricultural vehicles and are worse in winter with deep flooded potholes. Note : photographic evidence is available. This has a serious adverse impact for not only leisure, commuters and service vehicles but potentially for access by emergency services. We believe that these byways should be improved as part of the scheme and that two national and Cheshire West policies are applicable.</p>	<p>The Applicant acknowledges the existing issues with a number of the public rights of way within the Order Limits. The Applicant has set out at paragraph 5.1.7 of the outline Public Rights of Way Management Plan [as updated alongside this submission] that <i>"Works would also be undertaken to improve the condition of existing rights of way within the Order Limits, where deemed appropriate, e.g. in locations which are periodically flooded or where sections of pass become impassable due to mud. The full PRow Management Plan will set out the approach to be adopted to monitor and review the status of PRow within the Order Limits and the maintenance schedule for improvements or upgrades."</i></p> <p>The Applicant will review opportunities to enhance existing public rights of way as part of the final PRow Management Plan and final Landscape and Ecology Management Plan, in consultation with CWCC and landowners.</p>

Table 2-10: Response to SP Energy Networks Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
SPEN-01	-	<p>The required statutory clearances between the proposed ground mounted solar panels and the existing overhead lines are not met by the current proposed design. There are measures set out in the draft DCO requiring SPM approvals to proposals within 15m of any SPM assets. However given the current design's lack of clearances between the overhead lines and the 4m high solar panels, it is considered further statements and commitments need to be made to ensure the required clearances are safeguarded at this stage prior to consent being granted and not post consent in applying the protective provisions. SPEN considers its RRs are not being taken into account.</p>	<p>The Applicant can confirm it has not been not taking SPEN's RR into account – it is currently awaiting confirmation of the exact statements SPEN wishes the Applicant to make, in the context of the plethora of controls already contained within the Protective Provisions.</p> <p>The Applicant has at Deadline 3 updated the Design Parameters Statement to provide for the vertical clearance requirements it understands SPEN requires.</p>

Table 2-11: Response to Cllr Aidan Holman Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
CLLRAH-01	-	<p>By law the developers are required to enhance active travel opportunities on their development sites. Currently the marshes are already a popular destination of walkers, bird watchers and cyclists. Cubico earlier this year told us they might create a network of paths, with hides for bird watching, but I would like to see greater commitment to this idea than was forthcoming at the time. I would also like to see commitment to a range of access ways suitable not just for pedestrians but those who might want to cycle, riding or wheeling. I would also like to see how these active travel routes would be maintained and managed.</p>	<p>There is no legal requirement for the Applicant to enhance active travel opportunities as part of the Proposed Development. However, as set out in the Design Approach Document [APP-130] and the outline Landscape and Ecological Management Plan [as updated alongside this submission], the Applicant is proposing to deliver enhanced access and recreation opportunities across the Site.</p> <p>Permissive paths have been proposed to create additional opportunities for recreational access. They have been located to provide enhanced views of the Mersey Estuary and River Weaver, and also to offer linking paths between the existing PRow to create a network of routes of differing lengths within the Site. In addition to providing new walking routes, it is also proposed to provide additional cycling and horse-riding opportunities by connecting to existing Restricted Byways. New bird viewing areas and educational display boards should enhance the visitor experience.</p> <p>The outline Landscape and Ecological Management Plan [as updated alongside this submission] describes how the public rights of way within the Order Limits, and newly created permissive paths, would be managed over the lifetime of the Proposed Development.</p> <p>The outline Landscape and Ecological Management Plan [as updated alongside this submission] is secured by Requirement 9 of the draft DCO [as updated alongside this submission].</p>
CLLRAH-02	-	<p>Several locals have expressed concern that over the last century, large amounts of dangerous</p>	<p>The Applicant refers to the response provided to Cllr Sumner at reference CLLRLS-01. Table 5-5 of the outline Construction</p>

Ref	Paragraph Number	Comment	Applicant's Response
		chemicals were dumped in the marshes and that disturbing this could be disastrous. After being pushed at the meetings last January, axis/cubico arranged for a few more tests. But these seem to have been highly selective and limited to one small part of the site. I would like to see greater commitment to the safety of the public and their own workers by conducting tests over a wider area, before work begins.	Environmental Management Plan [as updated alongside this submission] which is secured by Requirement 12 of the draft DCO [as updated alongside this submission] contains a series of measures committing the Applicant to further more detailed investigation and assessment of ground conditions prior to the construction of the Proposed Development.
CLLRAH-03	-	The suggested community benefit fund of £60k seems disproportionately low given the size and yield of the solar farm site. The adjacent wind farm CBF is twice that! I believe that this is insufficient when compared to the significant visual and practical impact the solar farm will have on the local residents, the damage done to the local ecosystem, and effects on tourism in the area. I would also like to propose that local councillors or similar from the area be appointed to help determine what be done with such a fund, as happens with the Protos CBF currently.	The Applicant continues to discuss arrangements in respect of the Community Benefit Fund with the local planning authority. Any debate as to the nature of, and administrative arrangements for, a Community Benefit Fund, are not an Examination matter. Nevertheless, the Applicant confirms that the level of community benefit currently proposed will be kept under review, including in light of the Government's ongoing consultation on community benefits associated with renewable energy infrastructure.
CLLRAH-04	-	The greatest impact of the Solar farm will be visual. Its going to be huge, and visible for miles around. This will ruin the view over the marshes, and as Frodsham attracts walkers and tourists for whom that view is an attraction, businesses in Frodsham will directly suffer, to say naught of the eyesore inflicted on residents who will be afflicted with it daily! The Axis/Cubico position appears to be that something that big can't be hidden entirely so there is no point even trying. When they were questioned	The Applicant has responded to the comments regarding the visual impact of the Proposed Development (including from elevated vantage points near to Frodsham) in the responses to Frodsham Active Travel (above, table 2-9 of this document), references FAT-01 and FAT-03.

Ref	Paragraph Number	Comment	Applicant's Response
		on their plans for mitigation the response was almost apathetic. I am not at all satisfied with this given the problem could be solved with things that are found naturally on our planet in huge numbers: trees! Strategically placed rows of trees between the solar panels and the town could easily mitigate the visual impact and prevent the landscape looking completely industrial! One of my colleagues has already sent you their response with a very detailed explanation of why this wouldn't even adversely impact the effectiveness of the solar panels.	

Table 2-12: Response to Cllr Lucy Sumner Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
CLLRLS-01	-	<p>Cllr Sumner submitted a Written Representation that covered a range of topics under the following headings.</p> <ul style="list-style-type: none"> • Historic Landfill Concerns • Unlined Tanks and Reported Chemical Disposal • Limitations of the Axis / Smith Grant Site Investigation • Worst-Case Interaction of Buried Chemicals and a Battery Fire • Previous Wind Farm Discharge of Conditions • Flood Risk and Site Sensitivity • Environmental and Ecological Impacts • Community Infrastructure and Public Benefit • Requirement for Landscape Screening • Cycleways and Bridleways 	<p>Cllr Sumner's written representation [REP1-074] raises a number of matters, which are addressed in turn below.</p> <p>Historic Landfill Concerns</p> <p>The representation refers to the historic disposal of mixed industrial residues, including references to the former ICI Runcorn chemical complex. A comprehensive geo-environmental assessment has been undertaken and is reported in Environmental Statement (ES) Volume 2, Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096]. This assessment includes detailed analysis of historic mapping, regulatory and environmental records, and review of previous site investigations undertaken in connection with previous developments, including the Frodsham Wind Farm.</p> <p>In addition, the Applicant has undertaken project-specific ground investigation and chemical testing to inform the Environmental Statement. Cheshire West and Chester Council and the Environment Agency have confirmed that the assessments submitted are appropriate for this stage of the project and have agreed with the recommended mitigation measures, which are secured through requirements within the draft Development Consent Order (DCO).</p> <p>Unlined Tanks and Reported Chemical Disposal</p> <p>The historic unlined tanks and tipping lagoons referenced in REP1-074 relate to the former Manchester Ship Canal Dredging Deposit Ground cells. These areas have been subject</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>to extensive investigation as part of previous developments and have been further considered within the Applicant's assessment.</p> <p>Cllr Sumner raised similar concerns during the Section 42 consultation on the Preliminary Environmental Information Report and attended the Applicant's public consultation events to discuss these matters directly. In response, the Applicant invited the provision of any specific information regarding the location or nature of any unregulated chemical disposal within the Site. No further details were provided. In the absence of such information, the Applicant has relied on extensive desk-based research and site-specific investigation data, all of which is reported within Environmental Statement: Volume 2, Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096].</p> <p>Limitations of the Axis / Smith Grant Site Investigation</p> <p>Following the concerns raised by Cllr Sumner, the Applicant offered to undertake targeted site investigation works at the locations identified by Cllr Sumner as being of greatest concern, namely the Battery Energy Storage System (BESS) compound areas. Prior to conducting the investigation, the Applicant issued an investigation specification to Cllr Sumner setting out borehole locations, sampling depths, analytical methods and chemical suites to be tested.</p> <p>The investigation briefing note included a comprehensive Volatile Organic Compounds (VOC) analytical suite comprising 61 target compounds, including vinyl chloride and carbon tetrachloride. The findings are reported at Appendix J of</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>Environmental Statement: Volume 2, Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096], which concludes:</p> <p>“The concentrations of contaminants recorded within the underlying soils within the BESS footprint, when compared to corresponding generic assessment criteria, have not been identified as being of a significant risk to future site users. Reported concentrations in samples are very low and do not appear to convey what could be expected from a hazardous landfill or chemicals dump. With heavy industry ongoing within the vicinity of the Manchester Ship Canal, alongside associated canal shipping traffic, the low levels of <i>the</i> contaminants recorded in the dredging materials from the MSCDG Cell 5 during this site investigation are to be expected.”</p> <p>Worst-Case Interaction of Buried Chemicals and a Battery Fire</p> <p>This matter was raised by Cllr Sumner during the aforementioned public consultation. The Applicant subsequently wrote to Cllr Sumner explaining that the potential implications of battery fires had been discussed with an independent battery fire safety advisor who routinely advises developers and local authorities.</p> <p>As previously explained, modern battery unit design, combined with construction on concrete plinths and surrounding stone surfaces, results in very limited heat transfer to underlying soils. The Proposed Development will be supported by an Outline Battery Safety Management Plan [APP-139], which sets out the</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>measures to prevent fires and manage potential impacts should an incident occur.</p> <p>Furthermore, the geo-environmental investigations provide no evidence of vinyl chloride or other contaminants being present at concentrations that would present a material risk from a fire at the BESS compound. The BESS compounds are located entirely within Flood Zone 1 and would not be affected by flooding from either the River Weaver or the River Mersey. Accordingly, the suggestion that flood risk could exacerbate such interactions is not supported by the evidence.</p> <p>Previous Wind Farm Discharge of Conditions</p> <p>The points raised in relation to the discharge of planning conditions associated with the Frodsham Wind Farm are matters for Cheshire West and Chester Council. However, the Applicant has utilised the data and findings arising from the wind farm investigations, which included extensive geotechnical and chemical testing, to inform Environmental Statement: Volume 2, Appendix 10-1: Stage 1 Geo-Environmental Assessment [APP-096].</p> <p>Flood Risk and Site Sensitivity</p> <p>A detailed Flood Risk Assessment has been undertaken, including site-specific hydraulic modelling, and is reported in ES Volume 2, Appendix 9-1: Flood Risk Assessment and Drainage Strategy [APP-084 to APP-088]. The Applicant has engaged extensively with the Environment Agency to ensure that flood risks have been robustly assessed and that appropriate mitigation measures are incorporated. These</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>measures are secured through requirements within the draft DCO.</p> <p>Environmental and Ecological Impacts</p> <p>The Applicant has submitted a detailed Ecological Impact Assessment and Habitats Regulations Assessment, together with a comprehensive suite of mitigation measures to protect and enhance biodiversity within the Site and the ecological interest features of the Mersey Estuary SPA, Ramsar site and SSSI.</p> <p>The Site was covered by a robust three-year ornithological survey programme, supported by extensive desk-based data. While not every parcel of land was surveyed in every individual year, the overall survey design ensured that all relevant areas were adequately covered across the programme. Surveys consistently encompassed the core non-breeding period (October to March) in each of the three survey years, thereby exceeding Natural England's minimum guidance requirement of two winters of non-breeding bird survey data and capturing inter-annual variation.</p> <p>Natural England has confirmed that it is satisfied with the survey coverage and evidence base and has raised no objection in respect of the adequacy of the survey data.</p> <p>Community Infrastructure and Public Benefit</p> <p>The outline Landscape and Ecology Management Plan (LEMP), as updated alongside this submission, sets out the proposed landscaping, access and educational enhancements proposed by the Applicant. These measures are secured through</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>Requirement 9 of the draft DCO, which requires submission and approval of a final LEMP in substantial accordance with the outline document. The Applicant can only proceed with the Proposed Development once the final LEMP has been approved by the Council.</p> <p>The community benefit fund proposed by the Applicant is consistent with comparable projects across the UK. It is noted that community benefit funds are voluntary and sit outside the statutory planning and DCO regime and therefore cannot be required or secured through the Development Consent Order. Nevertheless, the Applicant confirms that the level of community benefit currently proposed will be kept under review, including in light of the Government's ongoing consultation on community benefits associated with renewable energy infrastructure.</p> <p>Requirement for Landscape Screening</p> <p>This matter refers to the representation submitted by Frodsham's Active Travel Team [REP1-071]. The Applicant's response is set out at FAT01–FAT03 of this document.</p> <p>Cycleways and Bridleways</p> <p>The Applicant has submitted an Outline Public Rights of Way Management Plan [as updated alongside this submission], which sets out how public rights of way crossing the Site will be managed during construction and operation. The provision and management of permissive paths is addressed within the Outline LEMP.</p>

Ref	Paragraph Number	Comment	Applicant's Response
			Further detail on how community feedback relating to access and movement has informed the design, including measures to accommodate a range of user groups, is provided in the Design Approach Document [APP-130] .

Table 2-12: Response to Cllr Helen Hayes Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
HH-01	-	<p>I would welcome more dialogue and a positive response to providing a substantial Community Benefit Fund for Frodsham. The Marshes Community Benefit Fund is a very good example of what we would expect to see from the Frodsham Solar Farm. The Fund was created in 2016 as an independent entity by the Frodsham Windfarm Limited partners, the Fund is managed by a Panel of independent volunteers and is governed by its Constitution. The Fund receives an annual grant from Frodsham Windfarm Limited of up to £120,000. This annual payment will be provided every year the wind farm operates and is expected to amount to some £3 million.</p> <p>I believe that the Frodsham Solar Farm would have the necessary resources to provide a Community Benefit Fund of a minimum of £3m over 25 years.</p> <p>I would also like to see some additional benefit directly going to local residents in the form of discounted energy charges. Obviously, this is not as easily achieved via the variable number of providers in use by residents but I would expect some discussion on how residents can benefit from this 'green' energy directly.</p>	<p>The Applicant is continuing to discuss the development of a Community Benefit Fund with the local planning authority.</p>

Table 2-13: Response to Rachel Drapeur Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
RD-01	-	<p>I cannot see that the so called "lake effect" of large solar projects has been specifically assessed, given the proximity to wetlands and how this effect (which can cause harm, injury and death to birds) can be avoided or mitigated, particularly in relation to the migratory geese that visit each year.</p>	<p>The Applicant has prepared a comprehensive assessment of the ornithological interest of the Site and the nearby Mersey Estuary SPA and Ramsar site which takes account of the fact that it is located alongside an estuarine SPA. This includes the 'Information to Inform Habitats Regulations Assessment' [as updated alongside this submission]. The Applicant has also proposed a thorough mitigation package, including the creation of a non-breeding bird mitigation area. The outline Non-Breeding Bird Strategy details how this will be created, managed, and monitored to ensure the ongoing protection and integrity of the Mersey Estuary SPA and Ramsar site.</p>

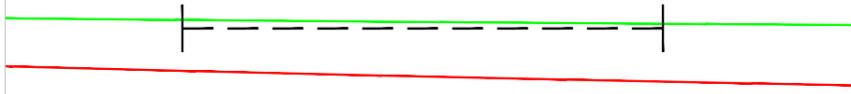
Table 2-14: Response to Cllr Copeman Written Representation

Ref	Paragraph Number	Comment	Applicant's Response
CC-01	-	Cubico should be asked to explore the delivery of all construction materials to a pier on the Manchester ship canal by Frodsham marsh farm. If this is not possible all deliveries should be made outside the normal working day to enable active travel to continue safely on Lordship Lane and reduce the pressure on both the frequently overloaded M56 and Ince village.	<p>The Applicant has not proposed to use the Manchester Ship Canal (MSC) for construction deliveries because the Proposed Development benefits from suitable highway access from the strategic road network, and the transport evidence submitted with the application indicates that there would be no significant highway effects. The construction access strategy has been designed on the basis that construction plant, equipment and materials would be delivered by road using the established site access route from Pool Lane roundabout, via Grinsome Road and Marsh Lane, and then using the existing Frodsham Wind Farm access tracks to reach the Solar Array Development Area. This access strategy is set out in the outline Construction Traffic Management Plan [REP1-018], which confirms that no local highway capacity concerns are anticipated and that construction traffic would be managed to minimise disruption, including by avoiding peak hours.</p> <p>In the above context, the complexity of establishing a waterborne supply chain for a time-limited construction period is not warranted. Whilst the MSC forms the north-western boundary of the Site, the Site is physically separated from the MSC by earth flood embankments which are not designed for commercial vessel berthing, loading or unloading. Introducing canal deliveries would therefore require substantial additional infrastructure including works to create and operate a waterside reception and transfer facility, together with onward movement from the canal to the on-site construction compounds. These additional works would introduce additional (and entirely avoidable) environmental impacts in a sensitive waterside location (including in proximity to designated sites and the flood defences). In addition, the most feasible destination for shipped</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>materials would be Liverpool Docks rather than the MSC itself. From there, further movement to the Manchester Ship Canal would still involve extra handling, coordination, and transportation. Therefore, using the MSC would not eliminate the need for road-based logistics and would offer only limited overall benefits but with significant additional cost and programme delays.</p> <p>Accordingly, the Applicant has not proposed MSC-based construction deliveries and has progressed a road-based delivery approach secured through the outline Construction Traffic Management Plan [REP1-018].</p>

Appendix A – Simplified Illustrative Drawing of Overhead Cable Crossing of River Weaver, supporting Applicant response to reference EA014

12m (minimum vertical clearance for 132kV line)



12m (minimum vertical clearance for 132kV line)

Minimum Estimated Cable Sag

Maximum Estimated Cable Sag

Downstream bridge soffit height above water - 12.2m

12m

Water Level

16m Offset

16m Offset

15m Pole

Base of Flood Defence

Bottom of Bank

Bottom of Bank

15m Pole



Drawing prepared in support of Applicant response to reference EA014 in the Applicant's Response to Written Representations [EN010153/DR/8.28]



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Document

Project

FRODSHAM SOLAR

Figure Number

Figure Title

Simplified Illustrative Drawing of Overhead Cable Crossing of River Weaver

Scale

1:350@A3

Date

January 2026



Appendix B – BNG Metric Rule 4 Technical Note



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

Interpretation on Application of Statutory Biodiversity Metric Rule 4: Natural England note January 2026

Introduction

Background and Report Purpose

This note has been prepared to provide an interpretation on the application of Rule 4 of the Statutory Biodiversity Metric in relation to the Proposed Frodsham Solar Development ('the Proposed Development').

The Statutory Biodiversity Metric User Guide includes four rules, which if not followed a biodiversity net gain cannot be claimed. The four rules are as follows:

- Rule 1 The trading rules of this biodiversity metric must be followed.
- Rule 2 Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
- Rule 3 To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites.
- Rule 4: In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority

In particular, this note is prepared in relation to written representations made by Cheshire West and Chester (CWaC) regarding trading rules in relation to reedbed habitat (REP1-048, WR_CWACC4.46).

This note draws on the Metric user Guide and also a recent blog post published by Natural England dated 7 January 2026, provided as Annex 1 to this document. The aim is to highlight parallels between the Proposed Development and the example presented in Natural England's blog post.

Application of Rule 4

Page 17 to 18 of the Metric User Guide gives further detail on when Rule 4 can be applied. For brevity this is not repeated in full but is summarised below.

Rule 4 can only be used in exceptional circumstances where:

1. The site has optimal conditions (such as soil condition, hydrology, nutrient status) for restoration of a wildlife-rich or historic natural habitat;
2. The project team has the expertise and resource to deliver the habitat with negligible risk of failure; and,
3. one or more of the following applies:

- a. Highly complex landscape scale habitat changes such as creation of heathland, heathland grassland mosaic or other mosaic habitats;
- b. River re-meandering; or,
- c. Large-scale restoration of natural processes.

If the above requirements are met, Rule 4 can be implemented through deviations to the Metric trading rules

Justification for Rule 4

1. Optimal Conditions

The Site described within Natural England blog post provided as Annex 1 (the 'Case Study Site') is described as being located close to 'small but very valuable area of land... important for its plant life but also supports a wide variety of birds, insects and reptiles' and also as 'part of a chain of chain of closely connected wildlife sites'. It is not known if this area has any statutory or non-statutory designation applied however cannot be of a higher designation than the River Mersey Special Protection Area (SPA), a site of international value for its bird life, located adjacent to the Proposed Development Order Limits and targeted for mitigation and enhancement in the Non-breeding Bird Mitigation Area (NBBMA).

Conditions within the NBBMA are optimal for creation of habitats, and also due to proximity to the Mersey Estuary SPA and its current use by SPA waterbird species. As such **this requirement is considered met.**

2. Expertise

The NBBMA will be managed by a suitably experienced nature conservation organisation as a condition of the Development Consent Order. As stated in PD2-027 Appendix D the Royal Society for the Protection of Birds (RSPB) have expressed interest in fulfilling the role of the management organisation and discussions are on-going. The appointed nature conservation organisation will have the necessary experience in the creation and management of wetlands for the benefit of birdlife and wider biodiversity. As such **this requirement is considered met**

3. Landscape changes

While 'Landscape scale' is not defined under Rule 4, the Natural England case study provides important context as to how this has been applied. The mitigation site in the Natural England blog post is described as 'exceptionally large, at 275 hectares'. The Frodsham Solar Order Limits total approximately 337.5ha, with extensive landscaping provided across the Solar Array Development Area (246ha) and NBBMA (66.7ha). As such, the landscaped area for the Proposed Development considerably exceeds that of the Case Study Site and the Frodsham Solar Site must be considered to be of a landscape scale.

Changes proposed, particularly within the NBBMA, are highly complex comprising a mosaic of wet grassland, managed grassland and scrapes as part of a network of wetland features with the ability to control water levels. An indicative overview of the proposed NBBMA is provided as Figure 3 within the Non-breeding bird mitigation strategy within the Outline Landscape Ecological Management Plan (oLEMP) [REP1-028].

As such **this requirement is considered met**

Deviations to Trading Rules

The Natural England case study site resulted in the loss of Open Mosaic Habitat (OMH) which is classed of 'high distinctiveness' in the Statutory Biodiversity Metric and requires 'like-for-like' replacement; however the case study does not include the replacement of OMH, rather it is replaced with what is considered to be more ecologically valuable habitat based on local site characteristics (mainly the presence of reptiles) OMH is a habitat classified as of the same level of distinctiveness as the reedbed habitat, for which trading rules at the Proposed Development are not met. As such, the Case Study Site provides precedent for the disapplication of trading rules to habitats of this distinctiveness and, **deviations to trading rules are considered justified**. It is further added that the Proposed Development will provide an overall increase in area of +0.5ha of reedbed habitat following development.

Summary

The Frodsham Solar development could be considered to meet all criteria required to apply Rule 4 of the Metric, should this be applied. This would be fully justified by the benefits to the Mersey Estuary SPA and the scale of habitat enhancements. It is relevant that the overall area of reeded habitat will be increased by 0.5ha, despite a loss of units.

It should be clarified that the Applicant is not seeking the application of Rule 4, and maintains that this is not applicable given Statutory Biodiversity Net Gain is not applicable to developments of National Significance. This note however demonstrates that deviation from the trading rules is acceptable in certain circumstances, and that the development could be considered to meet the criteria for Rule 4 to be applied.

Prepared by: J. Stevens BSc (Hons), Principal Ecologist

Reviewed by: H. Fearn MSc MCIEEM, Managing Director

Annex 1: Natural England Blog Post (7th January 2026)

A Biodiversity Net Gain Solution for a High Value Brownfield Site

[David Feige](#), 7 January 2026 - [Biodiversity](#), [Biodiversity Net Gain](#), [Biodiversity Net Gain – Hints and Tips](#), [Development](#), [Natural England](#)

By David Feige, Northumberland County Council

In this guest blog, David Feige, County Ecologist for Northumberland, explains the approach taken to approve a major new industrial development on a brownfield site at Cambois. The site contained a significant amount of *open mosaic habitat* (OMH), which is an important and complex type of wildlife habitat.

To make sure the project could go ahead while still protecting biodiversity, an alternative solution was found. This approach allowed the development to proceed while ensuring that nature was not only protected but enhanced at a landscape scale.



Potland Burn Habitat Bank (prior to any habitat creation work commencing). © Advance Northumberland

Introduction

In May 2025, Northumberland County Council gave initial approval for plans to build a campus of ten data centres at Cambois, in southeast Northumberland.

The site covers 102 hectares and was once used as the coal yard for Blyth Power Station, which closed in 2001. Since then, the land has remained unused. Over time, different plant species have grown across the area, creating a mix of habitats typical of land that has previously been developed and then left to nature.

Arcadis, the ecological consultants working with QTS (the developer), did a great deal to protect existing habitats and create new ones on site wherever possible. However, despite this, the project still faced a shortfall of 289 [biodiversity units](#). This included 152 units of an ecologically important brownfield habitat known as *open mosaic habitat* (OMH) - by which we mean areas that are typically characterised by a mosaic of bare ground and other habitat types such as flower rich meadows, short, patchy grassland, scrub and wet areas. The individual compound habitats may not be notable in their own right, however, in combination they can create areas of high value for biodiversity.

This was a serious challenge. At the time, there simply weren't enough OMH units available to buy on the private market. Purchasing [statutory biodiversity credits](#) was not considered a financially attractive option in this case.



Site of the Cambois Data Centre. © Arcades Consulting (UK) Ltd

Creating a Habitat Bank to Support Jobs and Investment

Before QTS showed interest in the Cambois site, Northumberland County Council had already recognised the need for a clear biodiversity net gain (BNG) solution across the county's key employment sites. This was seen as vital for attracting major investors, who often compare different locations. By reducing the risks around meeting BNG requirements, the Council aimed to keep Northumberland competitive.

One site identified as central to this plan was Potland Burn near Ashington. Recently restored after surface mining, the 275-hectare site is mainly covered in temporary grassland and does not contain high-quality agricultural soils. This made it an ideal "blank canvas" for creating a habitat bank – a place where new habitats can be developed to offset biodiversity losses elsewhere.

The land was owned by Advance Northumberland, the Council's arm's length development company who quickly set up a new company, *Advance Green Futures Ltd*, to take the project forward.



Site of the Cambois Data Centre. © Arcades Consulting (UK) Ltd

Tackling the Open Mosaic Habitat Challenge

Although the creation of a habitat bank at Potland Burn helped provide a biodiversity net gain solution for employment sites across Northumberland, it didn't immediately solve the specific challenge at Cambois. The issue centred on OMH, a rare and valuable type of habitat.

One option considered was to create OMH on a large scale at Potland Burn. However, this idea was ruled out for several reasons:

- It would have meant damaging large areas of natural soil, which is an irreplaceable resource.
- It would have required importing huge volumes of waste material, raising serious planning and licensing concerns.
- Even if these hurdles were overcome, there was still a high risk that the habitat creation would fail.

In short, while Potland Burn was a good site for other types of habitat, it wasn't a practical or sustainable solution for OMH.

Next to the new habitat bank is a small but very valuable area of land containing a mix of grassland, scrub, and wetlands, with plants such as dyer's greenweed, pepper saxifrage, and agrimony. This mosaic of habitats is not only important for its plant life but also supports a wide variety of birds, insects and reptiles.

It seemed clear that copying this successful mix of habitats on the wider habitat bank land would be a good idea. Doing so would bring both botanical and wildlife benefits. This thinking led to exploring how Rule 4 of the [Statutory Biodiversity Metric](#) could apply in this situation, helping ensure that the new habitats deliver genuine ecological value.

Applying Rule 4 to Potland Burn

Rule 4 allows flexibility in exceptional ecological circumstances, provided certain conditions are met. One of these conditions is the creation of a highly complex habitat mosaic on a large, landscape scale.

While the guidance does not clearly define these terms, we were confident that Potland Burn could qualify. The site is exceptionally large at 275 hectares. For comparison, the average size of nature conservation sites in lowland Northumberland is 41.2 hectares, with many others being much smaller.

Potland Burn also sits within the Southeast Northumberland Habitat Network, identified in the Local Plan, and forms the southernmost part of a chain of closely connected wildlife sites stretching north through Druridge Bay. Taken together, this gave us confidence that the project met the requirements of Rule 4.

To be certain, Advance Northumberland asked the Natural Capital team at Freeths law firm to review the case. Their expert opinion confirmed our assessment.

Conclusion

Close collaboration between the client, Arcadis, Northumberland County Council, and Advance Northumberland has delivered a practical BNG solution for the Cambois project. By applying Rule 4 in this way, the £10 billion investment in the QTS data centre campus was able to move forward, with enabling works starting in October 2025.

The approach will also create a rich mix of grassland, scrub, and ponds across the Potland Burn Habitat Bank. This will establish valuable habitats on a large scale, supporting wildlife and strengthening Northumberland's natural environment for the future.

Tags: [biodiversity](#), [biodiversity net gain](#), [environment](#), [growth](#), [Growth and Nature](#), [Growth and Nature Blog Series](#), [guest blog](#), [Natural England](#), [nature](#)



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