



Frodsham Solar

Applicant Response to Local Impact Report

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1.0 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This document provides the Applicant's responses to the Local Impact Report (LIR) submitted by Cheshire West and Chester Council ('CWaCC') (**REP1-046**), 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 LIR in **Table 2-1**.

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).

1.2.3 Please note that many of the responses in this document cross refer to row references in the Applicant's response to Written Representations (e.g. "WR_CWACC4.11"), also submitted at Deadline 3. As such these two documents should be read together.

2.0 APPLICANT RESPONSES TO THE LOCAL IMPACT REPORT

2.1 Overview

2.1.1 The Applicant has responded to both the main body of the Local Impact Report (in **Table 2-1**) and its appendices (**Table 2-2 to 2-10**) that provide more detailed views on the local impact of the Proposed Development.

Table 2-1: Applicant’s Response to Local Impact Report

Ref	Paragraph Number	Comment	Applicant’s Response
2. Site location and surroundings			
Constraints relevant to the site and area			
LIR_CWACC2.1	2.11	CWCC advised that the implications in terms of the proximity of development to nearby major hazard sites and/or major accident hazard pipelines should be confirmed following consultation with the HSE. The Applicant has referenced consultation with the HSE in the Consultation Report (Appendix 10: Section 42 Applicant Response) (APP-032).	<p>The Applicant can confirm that it has consulted with HSE during the pre-application statutory consultation. This is noted in Table 1.6 of Consultation Report Appendix 10: Section 42 Applicant Response [APP-032].</p> <p>Table 1.13 of Consultation Report Appendix 10: Section 42 Applicant Response [APP-032] states the comments that the HSE made regarding development located near Control of Major Accident Hazards (COMAH) industrial sites and pipelines and the Applicant’s response. It is noted that no aspect of the Applicant’s proposals would engage the HSE requirement to advise against an application pursuant to its Land Use Planning Methodology.</p> <p>The Applicant has included measures to account for these issues in the outline Construction Environmental Management Plan [as updated alongside this submission], outline Operational Environmental Management Plan [as updated alongside this submission], and the outline Decommissioning Environmental Management Plan [as updated alongside this submission].</p>
Water Environment – Mersey Estuary, River Weaver - areas of flood risk			
LIR_CWACC2.2	2.14	It is noted that no crossing point is shown for access to the SMA on the indicative watercourse crossings point plan (Appendix K of APP-084) and D41 is not identified as a Main river.	The Applicant acknowledges that the access point into the SMA is not shown as a crossing point on Appendix K of APP-084 or Environmental Statement: Volume 2 Appendix 2-1: Indicative Watercourse Crossing Schedule (inc. figures) [APP-050] . However, the

Ref	Paragraph Number	Comment	Applicant's Response
			Applicant confirms that there are no construction works proposed in the SMA and it is simply a revision to 'Other neutral grassland'. As such the field would continue to be managed using conventional farming practices, with access provided for farm machinery via the existing agricultural access point over the watercourse. No changes to this crossing are proposed.
3. Relevant planning history and likely cumulative effects Frodsham windfarm (FWF)			
LIR_CWACC3.1	3.2	In terms of the previous planning history on the site, the Frodsham windfarm (FWF) is the most notable development of relevance.	The Applicant recognises that FWF is a significant development and of particular relevance to the Site. However, the Applicant considers the development of the Manchester Ship Canal Dredging Deposit Grounds, Protos and the various above and below ground utilities which cross the Site are also of importance when understanding the planning context of the Site.
LIR_CWACC3.2	3.6-3.8	<p>There is an inevitable interrelationship between the Frodsham Solar project and FWF which requires careful examination. This includes taking account of Frodsham Solar's proposals for adding mitigation in the form of the Non Breeding Bird Mitigation Area (NBBMA) to the existing mitigation areas associated with FWF, including Cell 3, Cell 2 and part of Cell 5 (shown on the SEI Fig.13.2 Proposed Mitigation (Appendix 13) There is also a need to assess the implications in terms of FWF being a temporary consent to 2042, and the expectation regarding decommissioning (or possible re-powering).</p> <p>Frodsham Solar will have adverse negative impacts on the existing mitigation provided for FWF during the construction period. FWF is subject to planning</p>	<p>The Applicant directs the ExA to the responses given within Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.30, CWACC16.2 and NE49 and within Applicant's Response to Other Relevant Representations [REP1-032] reference CWT3.</p> <p>The Applicant has been very clear from the outset that Frodsham Solar must deliver additive mitigation sufficient to ensure that the Proposed Development does not have an adverse effect on the integrity of the SPA by undermining current FWF mitigation. In this regard, the Applicant has considered the cumulative/in-combination effects of the two projects.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>conditions regarding maintenance of its mitigation for the duration of the windfarm, and there would be a temporary break in provision during construction of the new NBBMA, and ongoing loss/impact during the operational phase on Cells 2 and 5 as short sward grassland provision for non-breeding birds under FWF's outline habitat creation management plan (RR-37 Appendix I – section 2.3).</p> <p>The decommissioning of the FWF has potential to add adverse cumulative impact e.g. to any replacement activities/campaign during operation of Frodsham Solar.</p>	<p>The impacts of the construction of the Proposed Development on the integrity of the Mersey Estuary SPA and Ramsar Site have been considered within the Information to Inform Habitats Regulations Assessment [as updated alongside this submission]. This has accounted for the Frodsham Wind Farm mitigation by virtue of this now forming part of the environmental baseline at the Site. Measures such as the phasing of the works and ensuring that the NBBMA is functioning prior to commencing construction of the Solar Array Development Area will ensure that the integrity of the Mersey Estuary SPA and Ramsar Site is maintained.</p> <p>In relation to the decommissioning of FWF, and interaction with Frodsham Solar replacement campaigns, the Applicant updated the outline Operational Environmental Management Plan [as updated alongside this submission] at Deadline 1 to account for this scenario – see paragraphs 2.4.8 to 2.4.12.</p>
Frodsham windfarm (FWF)			
LIR_CWACC3.3	3.11-3.12	<p>The issue of cumulative effects, and in particular the relative timing/programmes of Frodsham Solar, the Runcorn Spur CO2 pipeline (and also the Hynet North West Hydrogen Pipeline (PINS Ref: EN060006)) has been raised as at the Issue Specific Hearing 1 (ISH1). CWCC consider that further assessment of the impacts of the relative timing needs to be carried out and presented.</p> <p>Frodsham Solar and the Liverpool Bay CCS Ltd appear to be progressing on the basis that the Runcorn Spur</p>	<p>The Applicant's position on this matter is set out in Technical Note on Pipeline Interactions [REP01-41].</p>

Ref	Paragraph Number	Comment	Applicant's Response
		CO2 pipeline works would be carried prior to works to provide the NBBMA. Frodsham Solar consider that Liverpool Bay CCS Ltd should assess the impacts of their application where the pipeline programme might fall later, with installation post completion of the NBBMA. CWCC consider that Frodsham Solar also need to assess this scenario; it is not just for the pipeline applicant to consider.	
Other pending solar farm applications			
LIR_CWACC3.4	3.2 [sic]	25/03414/FUL - Construction and operation of a photovoltaic solar array and ancillary infrastructure at Gowy Marsh Waste Disposal Site, Ince Lane, Wimbolds Trafford, Chester, CH2 4JP The application covers some 46 hectares. The location is shown on Appendix 14 The application was validated on 21 November 2025 and is pending. This development was included in at EIA screening stage on the short list by the Applicant (Ref: 83 on APP-058).	The Applicant confirms that the position set out in Environmental Statement: Volume 1 Chapter 13: Cumulative and In-Combination Effects [APP-046] and Environmental Statement: Volume 2 Appendix 4-5: Short List of other 'reasonably foreseeable' developments [APP-058] has not altered since its submission as a planning application.

Ref	Paragraph Number	Comment	Applicant's Response
LIR_CWACC3.5	3.3 -3.5 [sic]	<p>Another solar farm application has also been made, on a site closer to Frodsham Solar to the north of Rake Lane.</p> <p>25/01339/FUL - Construction and operation of a solar photovoltaic (PV) farm with associated infrastructure and landscape and ecological enhancements for a temporary operational period of 40 years at land North of Rake Lane, Dunham On The Hill, Chester. The application covers some 77 hectares. The location is shown on Appendix 15. The application was validated on 23 May 2025 and is pending.</p> <p>It is appropriate to update the assessment to include the above. The initial view is that this later application is unlikely to result in a significant addition to the issues already considered.</p>	<p>The proposed solar farm at Rake Lane (25/01339/FUL) is located approximately 5km from the solar array development area.</p> <p>The physical separation of the Proposed Development would mean that any interactions between them would be very limited. There may be some locations from where both developments could be seen but the separation distance of the two projects, and the character of the local landscape which includes large scale development, the M56 motorway and other existing energy infrastructure means that cumulative landscape and visual impacts are unlikely to be significant. This separation and local context also indicates that cumulative effects on heritage setting are unlikely to be significant.</p> <p>The distance, and noting that the two developments lie on opposite sides of the M56 motorway, mean that cumulative effects in relation to ecology, ground, water resources, and archaeology indicate that cumulative effects are unlikely to be significant.</p> <p>It is noted that application 25/01339/FUL is not EIA development. Based on the fact that this project was submitted following the pre-application consultation undertaken on Frodsham Solar and is still being determined, it must be the case that the Council does not consider there are likely to be significant cumulative effects with Frodsham Solar, or it would have been screened as EIA development.</p>

Ref	Paragraph Number	Comment	Applicant's Response
5. Assessment methodology / Rochdale Envelope			
LIR_CWACC5.1	5.6	Chapter 2 above does not explicitly refer to the Design Parameters Statement (APP-132); and for ease of reference/clarity, is it suggested that rather than the documents referred to in 2.3.6; the Rochdale Envelope be couched in terms of the Design Parameters Statement, the Works Plans and the documents to be certified in the DCO.	The Applicant considers that the approach adopted within the Environmental Statement (ES) is sufficient to provide assurance that the assessments within the ES have been undertaken in accordance with the parameters of the documents and plans that are certified within Schedule 10 of the draft DCO. The Design Parameters Statement [as updated alongside this submission] is consistent with the design parameters set out within each section of Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-35] .
6. Planning Policies and local context Frodsham Neighbourhood Plan			
LIR_CWACC6.1	6.12-6.13	<p>Please also refer to RR-037 paragraphs 7.26 and 7.27. See also the ecology comment on FNP policy at Appendix 5 (E.008)</p> <p>There are concerns regarding adverse impacts on ecological value and function of Frodsham Marshes as set out in the RR-037 and elsewhere in the LIR. It is likely that there will be some temporary impacts during construction on existing visitor attractions such as Hover Force and use of the River Weaver, although these adverse impacts are liable to be of relatively short duration. During the operational phase it is liable to be the change to the character of the site that influences the level of attraction of the area for visitors/recreational, and any diminution of the ornithological interest would also impact on visitors for this purpose.</p>	The Applicant has responded to the points raised in these paragraphs in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.22 and CWACC7.23. The Applicant considers that the measures it is proposing to introduce, including provision of additional permissive paths, improvements to existing public rights of way, information boards, seating and viewing points, will encourage greater use of the site for recreational purposes. Furthermore, as noted in paragraphs 5.4.18 and 5.4.19 of the Design Approach Document [APP-130] , the provision of viewpoints into the NBBMA and alongside the Manchester Ship Canal were considered as beneficial from the perspective of bird watching.

Ref	Paragraph Number	Comment	Applicant's Response
LIR_CWACC6.2	6.14	The mitigation in the form of permissive paths and potential/option for a visitor car park on Moorditch Lane is welcomed in terms of public access. Such initiatives, should be seen as mitigation rather than enhancement due to the adverse impact of the Frodsham Solar development on users enjoyment of the existing PROW network (both during construction when there will be physical closures and operational phase when the impact is related more to the experience of using the PROW passing through large scale solar development compared with the current open landscape).	The Applicant believes that although some impacts on access across the Site have been identified through assessments, such as temporary closures and access limitations on some rights of way during construction, the measures proposed to enhance access and recreational opportunities are considered to surpass the level of impact anticipated. In this respect, the Applicant views most of the proposed improvements related to access and recreation as beneficial enhancements.
LIR_CWACC6.3	6.15	In terms of the GSRL policies in FNP, the Applicant makes reference to new areas of accessible natural greenspace through the site, as well as permissive paths. Whilst some limited improvements to recreation and access should be acknowledged, the green spaces are primarily for ecological mitigation, with limited access/opportunity for recreation. Mitigation measures to improve the condition of public rights of way, and the provision of bird viewing areas and educational displays are acknowledged.	The GSRL policies are set out in Section 5 of the FNP. The context for green and open spaces is provided in section 5.1, 5.2 and 5.3. It is clear that the plan is seeking to maintain and enhance assets that provide benefits in a range of ways, including sports, recreation, cultural, leisure and play facilities. Section 5.2 acknowledges that the green and open spaces provide habitats for wildlife and natural parts and corridors. The Applicant disagrees with the position of the Council and considers that the landscaping, access and recreational proposals would contribute to the GSRL policy aims in the FNP, through providing ecological mitigation.
LIR_CWACC6.4	6.16	The wildfowlers currently enjoy expansive areas in pursuit of their recreational activities, and the solar development will displace this activity.	The Frodsham Wildfowlers have voluntarily entered into an agreement to lease their land to the Applicant. It is understood that the club will continue to function and maintain a recreational resource and re-provide its activities elsewhere in the local area.

Ref	Paragraph Number	Comment	Applicant's Response
LIR_CWACC6.5	6.18	It is difficult to quantify, but the spread of solar development alongside the River Weaver and across the marshes may inhibit other potential sustainable leisure development that would be supported under GSRL4. The provision of permissive paths to the southern side of the SADA is aimed at improving accessibility and health and well-being for all and is supported by GSRL5.	The Applicant does not believe there is any evidence to suggest that the Proposed Development would hinder the development of sustainable leisure facilities or activities along the River Weaver. To the contrary, the improved access being proposed could facilitate or enhance such opportunities.
LIR_CWACC6.6	6.19	In May 2018, Frodsham was selected as a 'pilot' town for Active Cheshire (a CWCC wide initiative to embed physical activity into all aspects of everyday life by 2040). The FNP notes that despite the discontinuation of this initiative, the ambition of the idea continues to remain important for the community. The explanation to GSRL5 expands on this: "The effects of the pandemic have reinforced the concern for, and focus on, health and wellbeing across communities. Both the local population and visitors value the green spaces in Frodsham and the easy access to the surrounding countryside. This was one of the five most valued things about Frodsham when the Frodsham Community were asked "what mattered to them?"	The Applicant considers the improved access provision created by the Proposed Development would contribute to the achievement of Policy GSRL5.
Ince Neighbourhood Plan			
LIR_CWACC6.7	6.22-6.23	Policy NAT 1 Wildlife Sites, Indicative Wildlife Corridors and Biodiversity complement Local Plan Policies ENV4 and DM44, noting the addition of reference to 15m buffers from development where appropriate.	Development is not proposed on the section of Marsh Lane falling within the Ince Neighbourhood Plan. Marsh Lane would be used for construction and operational access, as it is at present for Frodsham Wind Farm and Protos.

Ref	Paragraph Number	Comment	Applicant's Response
		Marsh Lane itself is identified as within an indicative wildlife corridor.	
LIR_CWACC6.8	6.24	The criteria in Policy NAT 3 Design and Wildlife should be embedded in the control documents (oCTP, oCEMP, oDEMP) where relevant e.g. particularly the use of hedgehog-friendly fencing during any construction/decommissioning and surface water protection measures. Policy NAT 5 Trees and Hedgerows is relevant in support of LP2 Policy DM44, noting a replacement ratio of 3:1 for hedgerows additional to the 2:1 replacement of trees.	<p>The approach taken to the design of the Proposed Developments incorporates a number of the measures that NAT3 sets out should be implemented 'where possible'. The Outline Landscape and Ecology Management Plan (oLEMP) [as updated alongside this submission] includes the provision of mammal fencing and specifies the installation of hedgehog boxes. 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 replacement ratio in DM44.</p> <p>The oCEMP, oOEMP and oDEMP all include Groundwater and Surface Water Management Plans that will set out the proposed management measures for surface water quality and management of surface water.</p>
LIR_CWACC6.9	6.25-6.26	Policy FBC1 - Footpaths, Bridleways and Cycleways has the objective of improving access to the	The Applicant has retained access along public rights of way throughout the construction period where possible

Ref	Paragraph Number	Comment	Applicant's Response
		<p>countryside through enhancement of footpaths, cycle paths and bridleways which support the health and wellbeing of the community whilst also benefiting flora and fauna by enhancing and protecting green corridors between habitats.</p> <p>“Access to the countryside will be promoted through protection and maintenance of the existing Public Right of Way (PROW) network and cycleways (Figure N), their enhancement where possible, and the safety of users of rural roads and lanes. ...”</p> <p>The proposed development will have adverse impact on accessibility using Marsh Lane (RB40) for a relatively substantial temporary period during construction of Frodsham Solar.</p>	<p>and has minimised disruption to users. Whilst access to pedestrians will be limited along a section of RB40 during daytime construction hours, this public right of way will be accessible outside these periods, including on Saturdays after 13.00 hours, Sundays and bank holidays.</p> <p>The Applicant also notes that Policy FBC1 also sets out that “<i>Any proposals to create new links or routes, whether footpaths, bridleways or cycleways will be supported.</i>”.</p>
8. Need, site selection, alternatives etc.			
LIR_CWACC8.1	8.2	<p>There is an acknowledged national priority for renewable energy, but there is also a particular local need, with much energy intensive industry and business in the area. The scheme has the potential to deliver renewable energy locally where it is needed, but as yet there is no firm commitment that local business will make a direct connection and establish a direct private wire connection, which has already been reduced from two to one from the pre-application proposals.</p>	<p>The Applicant has made provision for a private wire connection to Protos, one of the Council's strategic development allocations</p> <p>It is noted that it is entirely typical for there to be no firm commitments from local businesses to connect to a proposed generating station at this stage of the project. Firstly, prospective customers require certainty that the generating asset will be delivered. Until the Proposed Development has been granted development consent and a construction contract is in place, that certainty cannot be provided.</p> <p>Secondly, the Applicant is not in a position to enter into binding commercial supply agreements prior to the grant of consent. Such agreements can only be progressed once the Applicant has certainty over delivery of the</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>scheme and is legally able to commit to long-term electricity supply arrangements.</p> <p>The absence of firm connection commitments at the Examination stage therefore reflects standard commercial practice and does not undermine either the deliverability of the Proposed Development or the realistic prospect of local businesses utilising the private wire connection once consent is secured.</p> <p>See also the Applicant's response to ExA Q10.0.2 [REP2-002]</p>
LIR_CWACC8.2	8.7	<p>With regard to overplanting, CWCC consider that whilst a generally accepted means of securing an operational efficiency and a means of countering the degradation of panels over time, there concern that by overplanting and seeking maximisation of the extent of solar array there will be disproportionate adverse environmental impact.</p>	<p>The Applicant has proposed a design which it considers maximises the opportunity to generate renewable electricity without causing unacceptable effects. In order to achieve this the Applicant has proposed a range of measures to mitigate adverse impacts from the development.</p> <p>NPS EN-1 sets out at paragraph 4.2.21 that "starting from the position that energy security and decarbonising the power sector to combat climate change requires a significant number of deliverable locations for CNP Infrastructure and for each location to maximise its capacity.</p> <p>Paragraph 3.1.2 recognises that for the government to meet its energy objectives, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts.</p> <p>As set out in S51 Acceptance Cover Letter - Accepted at the discretion of the Examining Authority [AS-001], there are clear demonstrable benefits to the overplanting proposed. The Applicant considers that the</p>

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			<p>ES demonstrates that, through the mitigation measures it has introduced, including applying the good design principles explained in the Design Approach Document [APP-130], the Proposed Development does not result in disproportionate adverse environmental impacts as set out by the Council.</p>
LIR_CWACC8.3	8.8	<p>The application (APP-001) proposes ground mounted solar photovoltaic electricity generation with an export capacity of 147MW of renewable energy. This is understood to be 147MW of alternating current. However, there is no upper limit of export capacity referred to in the draft DCO (Work No.1). The explanatory memorandum (paragraphs 1.4.4 and 1.45 of AS-016) sets out the advantages of not having an upper limit. There is reference the gross electrical output capacity of over 50MW, to be consistent with the threshold for consideration under the DCO process. CWCC consider that it would be of public interest and transparent for the export capacity of each phase and the cumulative total to be confirmed as part of notices to be provided under Requirement 3 (4) of Schedule 2 relating to phasing and date of final commissioning (PD2-026).</p>	<p>The Applicant does not agree to this as there is no planning reason for such a measure to be put in place and there is not understood to be any precedent for it either. It is also noted that data on how much energy an energy generation plant is producing at a given time is available on publicly accessible websites.</p>
LIR_CWACC8.4	8.7 [sic]	<p>The development makes potential provision for direct private wire connection to business to potentially bolster meeting local businesses energy requirements. However, there is uncertainty about whether the local benefit will be further enhanced by commitment to the private wire connection. Commitment to the</p>	<p>Please see the Applicant's responses to the ExA's questions 2.3.1 and 10.0.2 submitted at Deadline 2 which explain the Applicant's position on the private wire connection.</p> <p>The Applicant considers that at this stage, the possibility of a private wire connection should be considered to be</p>

Ref	Paragraph Number	Comment	Applicant's Response
		establishment of at least one private wire connection would be encouraged.	a benefit of the Proposed Development. There is no planning reason for there to be a requirement which requires that the connection is delivered, as it will be dependent on if local businesses call upon the Applicant for its use, which although the Applicant is seeking to encourage, it cannot control. Please also see response to LIR_CWACC8.1 above.
LIR_CWACC8.5	8.8 [sic]	Also, the scheme does not provide equivalent direct benefits to local residents. The Applicant's commitment to establishment of a community benefit fund, whilst welcome, and providing some local benefit does not appear to be directed at delivering direct energy benefits to local residents.	The matters of a community benefit fund, or financial benefit to local energy users, is not planning matter. The Applicant continues to engage with CWaCC on the former, but this is not a matter for the Examination to consider.
9. EIA methodology			
LIR_CWACC9.1	9.3	CWCC's conclusion is that development in Flood Zone 3 is a matter to be considered in the planning balance, not necessarily that other locations should be pursued further.	The Applicant is in agreement with the position set out by the Council, noting that in its response to ExAQ8.2.1 that the Council conclude that "it is unlikely that further work by the Applicant on its sequential approach would result in development being steered to an alternative site with a lower risk of flooding", and thereby meeting the sequential test.
10. Phasing programme / duration of development etc.			
LIR_CWACC10.1	10.6	There is disagreement with the Applicant over the landscape conclusions in relation to the significance of beneficial effects, such as the net gain in tree cover. Reference is also made to the significant beneficial effects associated with the new waterbodies and wetland vegetation. However, in the context of the scale and adverse impact of the proposed development in	The Applicant maintains that the proposals deliver beneficial effects in their own right, even where they also contribute to mitigation. The LVIA's operational residual summary expressly identifies likely significant beneficial effects on "Tree belts and hedgerow trees within the Order Limits (a beneficial effect)" and

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		<p>terms of landscape character, and that these features are largely to mitigate the harm (whether landscape or ecological) it is not considered appropriate to assign some of these more secondary impacts as being significant in terms of their magnitude of impact.</p>	<p>“Waterbodies and wetland vegetation within the Order Limits (a beneficial effect)”. The LVIA also distinguishes <i>enhancement</i> from mitigation, noting that enhancement measures “are not proposed to mitigate against likely significant adverse landscape and visual effects, but rather are measures that would enhance the baseline condition of the landscape”.</p> <p>In addition, the proposed tree/woodland/hedgerow strengthening (including long-term management) and the retention/creation/enhancement of waterbodies and wetland vegetation directly support the management strategy and guidelines cited for LCA4a, including to restore thorn hedgerows, maintain and ecologically enhance the ditch system and riparian habitats, and seek opportunities to re-create habitats such as reed beds (whilst safeguarding the marshes’ open character).</p> <p>It is not unusual for a development to have adverse effects in some respects but to also give rise to beneficial effects in relation to specific components.</p>
LIR_CWACC10.2	10.11	<p>There is also a lack of clarity/certainty over the cumulative effects of other projects, notably the Runcorn CO2 spur pipeline, which leaves concerns in relation to cumulative impacts during construction.</p>	<p>The Applicant’s position on this matter is set out in Technical Note on Pipeline Interactions [REP1-41]. The Applicant considers that adequate controls are secured through the proposed management plans and the draft DCO. In addition, the Applicant considers that the Council would be able to impose appropriate planning conditions on the Runcorn CO₂ spur pipeline</p>

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			consent such that significant cumulative effects would be prevented.
11. Green Belt			
LIR_CWACC11.1	11.8-11.10	<p>The proposed development has substantial adverse impact on the essential characteristics of openness and permanence; and on the purposes of the Green Belt, in particular purpose a) to check the unrestricted sprawl of large built-up areas, purpose b) to prevent neighbouring towns merging into one another, and purpose c) assisting in safeguarding the countryside from encroachment.</p> <p>The impacts occur during construction, operation and decommissioning. Permanence is referred to in the context that 40 years operational life of the development is a substantial period, and such a break in maintaining openness goes against the normal sense of permanence as being continuing in the same state.</p> <p>Appendix 4 provides further details of the Green Belt related impacts. Despite some mitigation of Green Belt harm by virtue of the proposed decommissioning after the 40-year operational life of the development, the residual harm remains substantial.</p>	<p>In relation to the level of harm to the openness of the Green Belt that would arise from the Proposed Development, the Applicant has provided a response at reference CWACC5.1 and CWACC5.9 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p> <p>In relation to whether the Proposed Development strongly contributes to the purposes of the Green 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 Proposed Development is not permanent and is a time limited consented. This is a position reflected for NSIP solar farms, and it is noted in this context that the Secretary of State Decision Letter to the Sunnica Energy Farm DCO [EN010106] concluded at paragraph 4.160 that: <i>"With regards to the question of permanence, the Secretary of State concludes that the consent is temporary and reversible and does not set any precedent for how the land will be used after the consent expires."</i></p> <p>In relation to the level of harm to the Green Belt, the Applicant has responded in Section 1.7 of Appendix A Green Belt Assessment to the Planning Statement [APP-128], concluding that there would be limited harm to the spatial / physical and perceived openness of the</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>Green Belt. Nonetheless, the Applicant gives this limited harm substantial weight in the planning balance in accordance with paragraph 153 of the NPPF.</p> <p>However, this conclusion should be set in the context of the Applicants position, that the area of the Green Belt occupied by the Proposed Development comprises grey belt, and the Proposed Development would not represent inappropriate development when considered against the paragraph 155 tests. As such it causes no Green Belt harm and can be excluded from the policy requirement to give substantial weight to any harm to the Green Belt including to its openness.</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>
13. Landscape and visual effects			
LIR_CWACC13.1	13.3-13.4	<p>With regard to the height of solar panels.</p> <p>The Applicant will need to confirm whether the latest layout has been modelled. CWCC do not consider that the Applicant's description of the solar panel arrays as low-level to be helpful to an appreciation of the impacts resulting from the development. The use of the term low-level is probably comparative in relation to other potential forms of development, such as a housing development, but with (maximum) panel heights of between 3.5m and 4m (depending on location within the SADA) it is clear that the structures would be significantly higher than any observer at close</p>	<p>The LVIA is clear on the actual assessed heights and the basis of the modelling.</p> <ul style="list-style-type: none"> The LVIA has been prepared on a reasonable worst-case basis using the maximum parameters in the Design Parameters Document, namely maximum PV module heights of 3.5m AGL in Areas A01–A06 and 4m AGL in Areas B01–B18 and C01–C06. The LVIA confirms that the ZTVs have been prepared to reflect these maximum heights, and the photomontages present Year 0 and Year 10

Ref	Paragraph Number	Comment	Applicant's Response
		<p>proximity, e.g. as seen from the site's public right of way network.</p>	<p>scenarios (with planting growth assumptions) to support appreciation of effects.</p> <ul style="list-style-type: none"> Where the LVIA refers to solar development as "low in height", this is in the sense that individual structures are relatively low compared with many other forms of built development and are generally capable of benefiting from existing and proposed vegetation screening. The LVIA also records [page 6-43] that a Technical Note was provided to CWCC regarding the increase from 3.5m to 4m for part of the site, and that CWCC confirmed this would have no material effect on the LVIA conclusions. Importantly, the LVIA does not suggest that effects at close proximity are negligible: it identifies likely significant operational effects for on-site PRow users (including Viewpoint 18 / Viewpoint 25 and users of named byways and lengths of footpaths through the Order Limits). This reflects that, at close range, panels at up to 3.5–4m AGL will often be higher than an observer. In other locations, such as VP17, the 'low height' of the panels enables long distance views to be retained, providing clear views of Frodsham and the sandstone ridge, with minimal obstruction of these views caused by the presence of the solar panels. <p>The 'low nature' of solar developments is a recognised characteristic in other decisions for solar developments. For example in the called in decision of appeal reference APP/Y1138/W/22/3293104 the Secretary of</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>State determined that “the solar panels themselves which, even allowing for their wide coverage, have a limited height and relatively slender design.”. As such the characterisation made by the Applicant in the LVIA, in the context of other built development, is not considered unreasonable.</p> <p>Accordingly, the Applicant’s position is that the LVIA already provides the specific height parameters and has assessed effects on a worst-case basis; and it explicitly captures the more acute close-range PRow experience as significant where applicable, notwithstanding the general description of solar structures as relatively low in height.</p>
LIR_CWACC13.2	13.5	<p>In August 2024 CWCC recommended addition to the design Objective 2: Landscape and Views in the Frodsham Solar Farm: Draft Design Objectives (March 2024). The following additional landscape design objectives were suggested (see Table 6-4 in APP-039 page 6-39):</p> <ul style="list-style-type: none"> • Mitigation - Consider, and seek to mitigate where possible, impact on the open character of the marshes and existing views within and across the marshland and wider landscape character (estuary/weaver and hills). The mitigation measures should not in itself result in landscape and visual adverse effects. • Consider potential impacts on the value of the landscape. 	<p>CWCC’s August 2024 suggested additions to Draft Design Objective 2 (Landscape and Views) have been taken on board as follows:</p> <ul style="list-style-type: none"> • Open character / views and “mitigation should not itself cause adverse effects”: The Project Design Principles (previously “Design Objectives”) in the DAD were amended to reflect CWCC’s first suggested change, including the need to respond to the open character of the marshes and existing views. The LVIA also explains that the design and landscape proposals seek to balance amelioration of views of infrastructure with preservation of wider landscape views, noting that in some places screening is intentionally

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		<ul style="list-style-type: none"> Consider potential cumulative landscape and visual impacts. This should include an assessment of the capacity to accept change. 	<p>not comprehensive to avoid harming valued openness and views.</p> <ul style="list-style-type: none"> Value of the landscape: The DAD Project Design Principles were also amended to reflect CWCC's second suggested change (to consider potential impacts on landscape value). Cumulative landscape and visual impacts: The LVIA explains this is an assessment matter rather than a design principle and confirms that cumulative landscape and visual effects are assessed in Section 6.11. Capacity to accept change: The LVIA notes that landscape capacity assessment is addressed within CWCC's Landscape Sensitivity Study and Guidance on Wind and Solar PV Developments (2016) and confirms that this document is discussed in Section 6.6 and informs the baseline context for the LVIA. The assessment also considers susceptibility to change.
LIR_CWACC13.3	13.6	<p>With regard to the above CWCC are of the view that the adverse impact of the development in terms of landscape character is reflective of a landscape that has been subject to substantial change over recent decades, but it has largely retained its essential open character, almost as a contrast to some of the urban influences, but that the proposed development goes beyond the landscape's capacity to accept change without substantial adverse impact on the important qualities of the landscape.</p>	<p>The Applicant agrees that LCA4a is a landscape which has experienced substantial change and contains conspicuous man-made influences, while still retaining important qualities of openness. The LVIA explicitly recognises this "juxtaposition" of natural habitats and large-scale infrastructure (chemical works, wind turbines, pylons and the M56) and also explains that local experience varies between exposed/open sections and areas of relative enclosure created by hedgerows, tree belts and landform associated with past land uses.</p>

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			<p>On capacity to accept change, the LVIA is clear that it has drawn on CWCC's Landscape Sensitivity Study (2016) as part of the baseline context but also notes the Study's own caveat that it "does not define the precise limit" of development that can be accommodated and is not a substitute for scheme-specific LVIA. The Sensitivity Study identifies LCA4a as overall high sensitivity to a "very large solar farm" (>25ha), but it also records that there is some potential for solar PV in the drained marsh due to the simple uniformity of landform/land cover, and that a medium/large/very large solar farm could potentially fit into the largest LCA4a.</p> <p>The Applicant's position is therefore that the proposal has been designed and assessed with that sensitivity and those key qualities in mind. In particular, the LVIA explains that mitigation has been designed to reflect the relatively open receiving landscape, and that additional planting to screen more fully could itself be detrimental to the existing landscape and wider views, conflicting with the Project Design Principles.</p> <p>Finally, it is acknowledged (and the LVIA concludes) that there would be significant adverse effects on LCA4a landscape character during construction (and during operation), but these effects are assessed as reversible following decommissioning.</p>
LIR_CWACC13.4	13.8	The use of anti-reflective material is proposed (as indicated in the Glint and Glare assessment). CWCC consider this aspect should be included in the list of matters for detailed design approval in Schedule 2 Requirement 6 of the DCO (PD2-006)	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

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			<p>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 authority for approval is already secured by Requirement 13 in Schedule 2 to the Draft DCO.</p>
LIR_CWACC13.5	13.10	<p>In terms of the security features (fencing, lighting and CCTV) the measures set out in 6.7.12 of APP-039 are considered appropriate, although there is liable to be a substantial residual impact in relation to the sense of enclosure of the currently open landscape as a result of the security fencing, even though this is expected to be mainly open mesh fencing up to 2m high (Fig.2-5g of APP106) the impact of this will contrast markedly with the current sense of openness to the landscape.</p>	<p>The Applicant has provided a response to the approach to the design of the fencing Q7.0.3 of the Examining Authority's Written Questions 01 [submitted at Deadline 2].</p> <p>The Applicant agrees that site security inevitably introduces an element of enclosure at close range, particularly for users of routes within/adjacent to the Order Limits. However, the LVIA explains that the security measures have been designed to minimise perceptual and visual intrusion and are assessed in that context.</p> <p>The LVIA design parameters allow for a maximum fencing height of 2.4m, with fencing typically comprising ~2.0m high wire-mesh deer fencing. The LVIA further notes that the proposed fencing would comprise timber poles with an open weld-mesh infill and, together with slender CCTV columns, is not expected to be a prominent presence relative to the solar arrays other than at close range. In relation to lighting/CCTV, paragraph 6.7.12 confirms security/maintenance lighting would be controlled through the oOEMP, including infra-red CCTV and on-demand lighting only (maintenance, emergency or security breach).</p> <p>Importantly, the LVIA also confirms as a key design element the “provision of generous development-free</p>

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			<p>buffers along existing landscape features and public rights of way”, with retention of a proportion of open views from public vantage points within the SADA. This means PRow users will often experience the route within a buffer corridor rather than immediately adjacent to operational development, helping to reduce the immediacy of enclosure effects associated with perimeter fencing. This is also ultimately secured via the limits of deviation on the Works Plans and the oLEMP [as updated alongside this submission].</p>
LIR_CWACC13.6	13.11	<p>There is potential for some adverse landscape/visual impacts arising from some of the habitat mitigation measures, notably with reference to the screening measures (2m high timber fencing) for the Skylark Mitigation Area (para. 6.11.1 to 6.11.3 of the oLEMP (PD2-024))</p>	<p>The Applicant can confirm that the Indicative Environmental Masterplan (Appendix A of the oLEMP [as updated alongside this submission], illustrates the location of proposed bird screening measures (as noted in paragraph 6.11.1). The Indicative Environmental Masterplan does not propose bird screening around the Skylark Mitigation Area.</p> <p>More generally in relation to bird screening measures proposed, the Applicant accepts that any solid screening element (such as timber fencing) has the potential to introduce localised adverse landscape/visual effects (e.g. a stronger sense of enclosure or an abrupt, man-made feature in views from nearby routes). However, the oLEMP [as updated alongside this submission] makes clear that the “2m timber fencing” referenced is proposed specifically as bird screening measures, with a dual purpose and with design features intended to reduce visual harm. Section 5.3 of the Design Approach Document [APP-130] discusses the introduction of bird screening measures, which would be</p>

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			<p>the only elements of fencing which would be of a solid wood structure.</p> <p>In particular, Section 6.11 of the oLEMP (“Physical Habitat Creation Structures”) explains that:</p> <ul style="list-style-type: none"> • the bird screening measures would be installed only in broad locations shown on the Illustrative Environmental Masterplan, unless local topography can provide the desired screening; and • they are intended both to prevent disturbance to birds from movement of people on adjacent routes and to provide opportunities for bird watching; and • they are anticipated to comprise timber fencing “e.g. up to c.2m”, but with ‘windows’ to allow views through for birdwatchers (and potentially hides in some locations); and • the final locations, design, installation and maintenance will be specified through the final LEMP (with further discussion also signposted to the DAD). <p>Accordingly, while CWCC is right to flag the potential for localised adverse effects, the Applicant’s position is that the oLEMP already embeds the principle that these structures are to be selectively located, not used where unnecessary, and designed to remain visually permeable (via viewing windows), with detailed siting/design controls to be agreed through the final LEMP to minimise any unintended landscape/visual harm.</p>

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LIR_CWACC13.7	13.12-13.13	<p>Trees and hedges - CWCC's Senior Tree Officer has raised concerns about the arboricultural survey not following British standard guidelines (BS5837:2012).</p> <p>The decision to record some of the trees under an 'Area' designation does not accord with the recommendations in BS5837:2012. This may result in an under-reporting of the number of tree losses, as the actual number of trees is not recorded. The AIA should be revised to show actual numbers of trees being removed to facilitate the Proposed Development; as this assists in assessing the appropriate number of replacement trees to be planted. Recording tree losses by canopy area might assist with assessing the actual loss, and tree canopy area information should be provided as a useful metric.</p>	<p>The Applicant has provided a response to this at reference CWACC6.13 Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p>
LIR_CWACC13.8	13.16	<p>Further clarity on identifying trees (and hedgerows) to remain and the controls to protect them is needed to assess the development's impact on trees and hedges.</p>	<p>Table 5-2 of the outline Construction Management Plan [as updated alongside this submission] states:</p> <p><i>"Existing trees and vegetation will be retained and protected (in accordance with British Standard (BS) 5837:2012, and following an Arboricultural survey undertaken to the same standard prior to construction commencing) via construction exclusion zones and tree protective fencing. If trees must be removed to enable construction, as specified in the Arboricultural Assessment [EN010153/DR/7.15], tree removals should be limited to the minimum necessary to achieve the required design outcome."</i></p> <p>Paragraph 4.4.3 of the outline Landscape and Ecology Management Plan [as updated alongside</p>

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			<p>this submission] states that the following buffer would be applied:</p> <p><i>“A 6m buffer between fencing surrounding solar PV modules and hedgerows / areas of substantial vegetation. “</i></p> <p>Paragraph 6.2.3 of the outline Landscape and Ecology Management Plan [as updated alongside this submission] states:</p> <p><i>“An Arboricultural Method Statement (AMS) will be prepared detailing the requirement for protective fencing, tree pruning, signage, timings, methods of works and any other protection measures prior to any vegetation clearance being undertaken. “</i></p> <p>Requirement 9 of the draft DCO requires the production of a final LEMP that must be in substantial accordance with the oLEMP. Requirement 9(d) specifically requires details of existing trees to be retained.</p>
LIR_CWACC13.9	13.17	One of the adverse impacts is the removal of Category A trees as part of the establishment of the NBBMA (Group G034 – Figure 3 Tree Constraints Plan(s) and Figure 4 – Tree Impacts Plan (3)). Any removal of Category A trees should be soundly justified.	The Applicant has provided a response to this at reference CWACC6.13 Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] .
LIR_CWACC13.10	13.19	The phasing/programme of implementation of the mitigation measures is key to their success. Monitoring, review and adaptation to ensure objectives are being delivered is essential. Landscape and habitat issues are intertwined (e.g. grassland management), and critical to the success of the habitat mitigation	The Applicant has acknowledged the importance of monitoring, review and adaptive management within the outline Non-Breeding Bird Mitigation Strategy [as updated alongside this submission] . Section 4.0 of the document sets out the aims and objectives of the

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		(especially the NBBMA) is the establishment of long-term stewardship of the area by a suitably qualified nature conservation body.	<p>oNBBMS and section 5 sets out the monitoring and review processes.</p> <p>The Applicant is engaging proactively with the RSPB to provide the long term stewardship of the area as advocated by the Council and a letter of intent from the RSPB is included as Appendix D to the Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027]. The outline Non-Breeding Bird Mitigation Strategy [as updated alongside this submission] secures that the management of the NBBMA must be undertaken by a conservation body.</p>
LIR_CWACC13.11	13.21	One of the potential adverse impacts in relation to landscape management is at and post the decommissioning stage. As a temporary consent, the associated landscape management is also structured to be temporary. It is important that, as a minimum, robust restoration and aftercare provisions are in place (and appropriately funded) for at least a minimum period after completion of decommissioning.	LVIA/ecological impacts <u>during</u> decommissioning are managed pursuant to the measures set out in the Outline DEMP. The land will be returned to the original landowners (as set out in the oDEMP) in its original condition and in line with a plan that will form part of the detailed DEMP. Responsibility for management of the returned land will revert to the landowners at that stage, which is not a matter for the DCO to control.
LIR_CWACC13.12	13.22-13.23	In conclusion to the landscape and visual impacts, the mitigation proposed through the embedded design of the proposed development including: retaining features and field boundaries/pattern where practical, enhancing landscaping within the Order limits, establishing development free buffers etc is positive (paragraph 6.7.2 of APP-039). However, overall, and the point has been made earlier in relation to Green Belt, the proposed development would have a substantial adverse impact on the essential and highly valued quality of openness of the landscape; and this	<p>CWCC's summary of the embedded mitigation measures is noted and the Applicant agrees these are positive. However, the Applicant does not agree that the impacts are "not practical to mitigate" such that there would be "substantial residual impact" for the full duration across construction, operation and decommissioning.</p> <ul style="list-style-type: none"> The LVIA explains that the Proposed Development has been designed around

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		<p>translates to a substantial adverse impact in terms of landscape character and visual amenity of the area. The impacts are such that it is not practical to mitigate, and there would be substantial residual impact. The impact would be long-lasting and experienced during construction, operational and decommissioning phases.</p>	<p>embedded measures including: retaining/enhancing existing vegetation with additional tree/hedgerow cover; containing development within existing field boundaries; providing generous development-free buffers along landscape features and PRow; and retaining a proportion of open views from public vantage points within the SADA.</p> <ul style="list-style-type: none"> • The LVIA also recognises that mitigation is taken as far as reasonably practicable and is deliberately calibrated to the relatively open receiving landscape, noting that more extensive planting could further reduce visibility but would itself be detrimental to openness and views, and would conflict with the Project Design Principles. • In terms of residual effects, the LVIA does not conclude that significant effects are pervasive across all receptors throughout all phases. It identifies the specific receptors where likely significant effects would occur during construction and operation (including LCA4a and certain PRow/viewpoints), and it also records that at some locations (including Viewpoint 25 and along parts of FP93 and FP81) proposed planting would reduce visibility over time such that long-term visual effects would not be significant. • For decommissioning, the LVIA anticipates effects would be similar in nature to construction phase effects (i.e. temporary and associated

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			<p>with removal activities), rather than a distinct long-lasting residual change.</p> <p>Accordingly, while the Applicant acknowledges the LVIA conclusion that there would be significant adverse effects on LCA4a and on particular close-range PRoW receptors during construction and operation, the LVIA also demonstrates that mitigation has been embedded, that it is not appropriate to over-mitigate in a way that would itself harm openness, and that (for some receptors) effects reduce over time; with decommissioning effects being temporary and akin to construction activities.</p>
14. Ecology overview			
LIR_CWACC14.1	14.3-14.7	<p>Mersey Estuary RAMSAR SPA and SSSI: Currently, it is not demonstrated that the development would not have a significant adverse impact on the 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 various issues in terms of construction impacts on non-breeding birds qualifying species for the Mersey Estuary that have not been fully assessed. 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</p>	<p>The updated HRA [as updated alongside this submission] and its conclusions have been accepted in principle by Natural England [REP1-056]. The Applicant is keen to understand whether CWaCCs responses are in response to the updated HRA or the previous version.</p> <p>The Applicant does not accept the point that construction impacts have not been addressed. The Applicant looks to WR_CWACC4.2 [EN010153/DR/8.28], where CWaCC specifically refer to construction impacts as noise and visual, all of which have been addressed and accepted with regards to buffering of construction zones, noise and vibration, and disturbance and displacement effects during the operational phase (vehicles), which were points specifically raised by Natural England. Natural England</p>

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		<p>to reduction of functionally linked land available for use and obstruction of flight paths; including those originally protected under the Frodsham Windfarm Mitigation proposal.</p> <p>During operation, the area of Functionally linked land would be reduced, decreasing its resilience and ability to sustainably support non-breeding bird populations. In addition, the introduction of an expanded and upgraded public right of way network across the marsh has not been fully assessed in terms of ecological impacts and should be reduced in extent near sensitive areas.</p> <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>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.</p> <p>The principle of providing a higher 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. There are concerns that the survey data is not robust enough on which to base the Non-</p>	<p>have raised no further concerns and (or) objections [REP1-056].</p> <p>With regards to solar panels causing displacement, the Applicant is unaware of any evidence that it would represent a likely impact. Natural England are satisfied with the information provided in relation to the assessment completed on non-breeding bird displacement as set out in NE27 in [REP1-056]. Natural England are also satisfied that the mitigation area proposed will meet the requirements of displaced SPA birds across the Order Limits [Q5.2.2 - responses to the ExA's first written questions [REP2-009], consequently this supports that the population size would not be reduced based on the mitigation proposed.</p> <p>Natural England also state that it is possible to have mitigation on the same parcel of land of existing mitigation, when the quality of such an area is sufficiently increased [Q4.4.3. responses to the ExA's first written questions [REP2-009].</p> <p>The adaptive measures as stated in paragraph 8.3.14 of the HRA [as updated alongside this submission] during the operational phase ensures that recreational impacts are assessed dynamically and appropriate where required.</p> <p>Similarly, the decommissioning will be phased with work in the closest proximity to the NBBMA and the Mersey Estuary SPA and Ramsar site being undertaken outside of the highly sensitive non-breeding bird period and a Decommissioning Noise Management Plan (DNMP) will be prepared as specified in the oDEMP [as updated alongside this submission]. No concerns and (or)</p>

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		Breeding Bird Mitigation Strategy and that the methodology used is flawed.	<p>objections have been raised throughout on-going consultation with Natural England with regards to disturbance and displacement during the decommissioning phase (NE27; REP1-056).</p> <p>The Applicant notes concerns with regards to cumulative construction impacts between the Proposed Development and the promoters of Runcorn Carbon Dioxide Spur. These matters are discussed in the Applicant's Technical Note on Pipeline Interactions [REP1-041].</p> <p>The Applicant has addressed CWaCCs concerns (CWACC7.47; PD2-027) in relation to the reduction of area and disease. Qualifying bird populations associated with the Mersey Estuary SPA and Ramsar site function at the estuary scale, routinely moving between a network of intertidal habitats, reserves, byelands and inland fields. This connectivity is consistent with the findings of Natural England's report Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the Northwest of England (NECR361).</p> <p>These species habitually form dense flocks outside the breeding season, and overcrowding is not considered a realistic impact as is evidenced in the WeBS data presented in the HRA [as updated alongside this submission]. Comparable habitats, particularly those of optimal quality support large numbers of such species.</p> <p>The Applicant also disagrees with the questions referring to the robustness of the data provided. This is a well-understood area for bird species. Not only has the Applicant provided up to three years of survey data,</p>

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			<p>it has also been supplemented and assessed alongside historical data from the BTO WeBS (Wetland Bird Survey data). Further to this, Natural England are satisfied with the information and data provided in the updated HRA [as updated alongside this submission].</p>
LIR_CWACC14.2	14.8	<p>Protected Species:</p> <p>i) Breeding birds - There are concerns that the Skylark Mitigation Area (SMA) has been reduced significantly since the PEIR stage of the development without justification. There are concerns that the SMA is not appropriately located and has not been surveyed to assess current Skylark presence and therefore suitability.</p> <p>ii) Bats - 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>iii) Otters - There are concerns regarding the obstruction of Otters from feeding areas, due to solar farm fencing and fencing of the NBBMA.</p> <p>iv) Badgers - There are concerns that the development has unnecessary direct impact on setts, will obstruct badgers foraging and commuting routes and that the introduction of footpaths will displace badgers from the area. Recommended surveys have not been carried out.</p>	<p>These points raised have been addressed in the Applicant's Responses to Written Representations [as submitted at Deadline 3]. Key response points are summarised as follows:</p> <ul style="list-style-type: none"> i) Breeding Birds, 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 CWAC7.41. 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]. ii) Bats. 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:

Ref	Paragraph Number	Comment	Applicant's Response
		<p>v) Reptiles - Justification on survey extent is required, to ensure robust survey and assessment has been carried out.</p>	<p>Good Practice Guidelines 4th edition', Colins (2023).</p> <p>iii) Otters. 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> <p>iv) Badgers. 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]. Badger gates will be fitted to allow continued access to all parts of the Order Limits, with the exception of the NBBMA. Exclusion of badgers from the NBBMA is for the benefit of breeding birds. Measures to ensure the protection of badgers and active setts are provided in Table 5.3 of the revised Outline Construction Environmental Management Plan - [as updated alongside this submission]. 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> <p>v) Reptiles. 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</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>Section CWACC7.85. 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]. 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, +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. Additional reptile surveys are considered disproportionate to the nature of effects.</p>
LIR_CWACC14.3	14.9	Local Wildlife Sites: The development is liable to lead to rescinding part of the LWS designation, and the remaining area of the LWS will be left vulnerable to degradation.	<p>The Applicant refers to 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. 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
LIR_CWACC14.4	14.10	The Biodiversity Net Gain information submitted demonstrates that habitat loss, including priority habitat loss, has not been properly accounted or compensated for and significant amounts of habitats have been misclassified. There is no supporting document to understand the methodology behind the metric or to provide further assessment.	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 underestimated. The Applicant does not agree that there is any habitat misclassification, and the submitted BNG Report and metric spreadsheet clearly demonstrate proper accounting in metric terms.
LIR_CWACC14.5	14.12	In conclusion to the biodiversity. The impacts and concerns over the assessment of impacts and mitigation methodologies form the CWCC's primary concern with the development. The concerns extend over the construction, operational and decommissioning stages of development (and beyond in terms of the longer-term implications for restoration and aftercare). Large parts of the development impact on areas that are already functioning as mitigation for the FWF. Whilst a time-limited development, the duration of the effects will be experienced over a long period; the impacts are multiple and affecting sensitive receptors of international, national and local importance, as seen by the coverage over a large part of the FLL to the Mersey	The Applicant does not agree that there will be substantial residual harm after mitigation, and considers that the Proposed Development provides a combination of full mitigation and extensive enhancements for the following primary reasons: i) 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. ii) The NBBMA will be dynamically managed by a suitably experienced conservation organisation for forty years. It will therefore be dependably available, and in a substantially enhanced fashion, to SPA birds well beyond the lifetime of FWF mitigation.

Ref	Paragraph Number	Comment	Applicant's Response
		Estuary, and the LWS. Substantial residual harm is likely, after mitigation is taken into account.	<p>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</p> <p>iii) The Proposed Development will deliver a considerable benefit to biodiversity, as demonstrated in biodiversity units (see LIR_CWACC14.4), and which will be provided for forty years, i.e., considerably in excess of statutory BNG (which is 30 years).</p> <p>iv) Measures to ensure all necessary protections are in place for protected and notable species are provided – see Table 5.3 of the revised Outline Construction Environmental Management Plan [as updated alongside this submission].</p>
15. Water Environment - Flood risk, drainage and water quality			
LIR_CWACC15.1	15.2	CWCC's comments on the water environment are made subject to Natural England's comments on hydrology. Natural England provided an update on obtaining specialist advice relating to comments on hydrology (AS-035).	The Written Representation from Natural England [REP1-056] confirms that the matter relating to hydrology, Natural England reference NE42, has been successfully resolved.
LIR_CWACC15.2	15.3-15.11	The Applicant provided a Water Framework Directive (WFD) Assessment (APP-089) as required by the Nationally Significant Infrastructure Projects: Advice on the Water Framework Directive.	The Applicant has provided an update to the Statement of Common Ground with the Environment Agency with the Deadline 3 submission. This confirms that the vast majority of matters have now been resolved with the Environment Agency and that it is satisfied with the Flood Risk Assessment and associated mitigation proposed.

Ref	Paragraph Number	Comment	Applicant's Response
		<p>The site is located within a WFD designated groundwater body, the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers Water Body.</p> <p>The Environment Agency (EA) in their Relevant Representation (RR-024) refers to insufficient water quality management measures in the outline Operational Environment Management Plan (OEMP) and that the development may therefore pose a risk of deterioration in the status of Water Framework Directive (WFD) waterbodies. Deterioration of WFD water quality is a risk to water bodies if leaks and spillages of fuel, chemicals, or hazardous materials occur.</p> <p>The EA also refer to the development adding receptors in the area drained by Frodsham pumping station, and that this may lead to the residual life of the pumping station needing to be extended (RR EA016). All sources of flood risk that could pose a risk to the site, could benefit from Frodsham pumping station mitigating those risks through draining the floodplain.</p> <p>The EA refer to possible underestimation of flood risk in the Applicant's assessment; although it appears that clarification from the Applicant may resolve the assessment issue.</p> <p>The EA highlight that dry islands within the site may form in the event of a flood, preventing safe access and egress in during the event. It is not clear how long water would remain on-site, and operatives could be cut off from egress from the site for long periods of time.</p> <p>The EA also refer to the proposed crossing design potentially reducing conveyance of water during high</p>	<p>Amendments have been made to the outline Operational Environment Management Plan (oOEMP) [as updated alongside this submission] to provide additional commitments in relation to water quality monitoring, as well as confirming the measures to be adopted at the BESS and Substation compound to ensure protection of groundwater and surface water resources. As such the Applicant is confident that there would not be a deterioration in the WFD water quality status as a result of the Proposed Development.</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>flow conditions, preclude access to riverbanks, and damage ecological processes and species.</p> <p>It is understood that further discussions have been ongoing between the Applicant and the EA to resolve issues, and the Applicant has presented an updated Outline Flood Warning and Evacuation Plan (PD2-029), which has incorporated comments from CWCC's Emergency Planning team.</p> <p>The EA is best placed to comment on the FRA height of panels.</p>	
16. Waste disposal and management			
LIR_CWACC16.1	16.7	<p>The description of waste arisings during the operational phase as being very limited (para. 2.8.14) seems to underplay the potential for generation of waste. Reference is made to equipment needing replacement, but the magnitude of carrying out major replacement activities during the operational phase for the solar arrays and BESS in particular is not apparent from the description, although it is anticipated that the quantum of non-recyclable material would be low. It is not suggested that the waste generated during the operational phase would be significant in ES terms, but the point should be noted.</p>	<p>The Applicant notes that in addition to Section 2.8 of Environmental Statement: Volume 1 Chapter 2: The Proposed Development [APP-035] the Applicant provided additional information in relation to waste management as part of the S51 Acceptance Cover Letter - Accepted at the discretion of the Examining Authority [AS-001].</p>
LIR_CWACC16.2	16.8-16.9	<p>The works to form the NBBMA involving the removal of former dredging deposits from Cell 3 to lower the ground levels of the NBBMA have the potential to generate substantial surplus material, whether this is used on site or used/disposed off-site. There will also be soil arisings from cabling and other intrusive works (piling). The intention is to re-use material on site under</p>	<p>The Applicant has also provided an Outline Soil Management Plan [REP1-026] which details how the Applicant would manage soils sustainably, in order to safeguard the soil resource and reduce the need for the disposal of soils. Section 6.0 describes how potentially contaminated soils would be handled and how the Applicant would seek to reuse excavated material in</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>a Materials Management Plan (para. 2.8.9 of APP-035) thereby limiting the generation of waste needing disposal off-site.</p> <p>Appendix B of the oLEMP (PD2-024) is the Outline NBBMS, and this details the options for reengineering Cell 3 to form the NBBMA, with the preferred option being to use excess material to infill the fishing/canal pools (although it is noted new ponds would be created within the SSSI, which presumably will generate other arisings).</p>	<p>accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP)</p>
17. Other environmental matters (Agriculture and soils, ground conditions,)			
LIR_CWACC17.1	17.9	<p>The application is supported by an outline Soil Management Plan (APP-0141) setting out various good practice measures. Experience has shown that stockpiles on sites can be an attraction for Badgers, and the risks of establishing a Badger sett needs to be addressed (especially as reference is made to stockpiling for up to approximately one year.</p>	<p>Table 5-3 of the outline Construction Environmental Management Plan [as updated alongside this submission] includes the following:</p> <p><i>“Soil stockpiles should be located at least 30m from any existing badger setts and outside known badger foraging areas or movement corridors. All soil stockpiles should be inspected for badger setts prior to the removal of the stockpile or the reworking of the soils. Should a suspected badger sett be identified the EcoCoW should be notified.”</i></p>
18. Other environmental matters (noise, vibration, air quality, dust and nuisance), residential amenity and impact on traveller sites)			
LIR_CWACC18.1	18.8	<p>Local knowledge suggests continuous flight auguring is not possible within this area but should nonetheless be considered as a best practice if feasible but only if extensive piling is required across the site. Isolated periods of piling, both temporally and geographically are unlikely to be present an issue for residents. Such matters can be addressed through the CEMP which</p>	<p>The parameters for the detailed design of the Proposed Development are described within the Design Parameters Statement [as updated alongside this submission] with the design parameters of each component of the Proposed Development, including foundations, presented in Table 1 [as updated alongside this submission]. The Design Parameters Statement [as updated alongside this submission]</p>

Ref	Paragraph Number	Comment	Applicant's Response
		should include a section for piling activities and the control of noise.	provides flexibility at detailed design stage and in terms of foundations for the Proposed Development, the foundation types may include piles and/or spread foundations. The depths of foundations are defined in the Design Parameters Statement [as updated alongside this submission] and the maximum depth of foundations is 5m Below Existing Ground Level (BEGL). The Applicant considers that it is very unlikely that continuous flight auger (CFA) piles (which require large CFA piling rigs) will be required, since the required pile depths will be shallow. The Applicant also considers that the types of piles that would be used may be driven, bored, screw or helical, all of which could be constructed to the maximum design depth (5mBEGL) using smaller plant & machinery and piling rigs, and considers that piling will not present an issue for residents. With reference to Paragraph 1.3.3 of the Outline Construction Environmental Management Plan [as updated alongside this submission] , the final Construction Environmental Management Plan for the Proposed Development will include a Construction Noise Mitigation Plan (CNMP) which will include a section on piling activities informed by detailed design and following the selection of construction methods.
20. Glint and Glare - (highways, air traffic, ecology)			
LIR_CWACC20.1	20.3	However, the assessment does not cover impacts on sensitive ecological receptors and this is a major omission.	The Applicant refers to its response in point WR_CWACC4.8 and WR_CWACC4.10 of the Applicant's Responses to Written Representations [EN010153/DR/8.28] .
21. Other matters (including safety and security, BESS & fire risk, hazardous installations)			

Ref	Paragraph Number	Comment	Applicant's Response
LIR_CWACC21.1	21.2	The Applicant/Frodsham Wind Farm Ltd may wish to comment on the risk of ice throw in relation to the windfarm operation and potential impacts on the Solar development and its operatives. It is anticipated that the risk of ice through would be managed in relation to precautionary switching off turbines when there is a risk of ice build-up.	<p>It is noted that the issue of icing and ice throw was explored during the planning stage of the Frodsham Wind Farm.</p> <p>Condition 42 of the Frodsham Wind Farm planning permission states that ' a scheme for mitigating risk of ice throw from the turbines shall be submitted to [and] approved in writing by the LPA and thereafter implemented in accordance with the approved details.' This planning condition has been discharged and the report to do so indicated that there are control systems within the turbine control systems to detect ice buildup and shut down the turbines if unsafe ice is detected.</p> <p>As such, there is negligible risk of ice throw to the Proposed Development.</p>
23. Traffic and transport			
LIR_CWACC23.1	23.9	The TA does not appear to address the sort of major replacement campaigns during the operational life of the development that is referred to elsewhere in the submission	<p>The Transport Assessment [APP-134] assesses the scenario in which the traffic impact of the Proposed Development would be greatest, which is during the Construction Phase. This concluded that with the proposed mitigation measures set out in Section 8.0 of the TA, there would be no residual significant traffic impacts on the local highway network during construction.</p> <p>No specific consideration has been given to potential cumulative traffic impacts during major replacement activities during the operational phase within the TA on the basis that major replacement activities involving the replacements of 50% of the solar panels would only occur once every 10-15 years. As such, it is not possible to accurately determine the baseline conditions against</p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p>which to assess any impact. This is set out within the Technical Note on Major Replacement Works [REP1-034] submitted by the Applicant. Furthermore, paragraph 11.1.2 of that document describes how the level of movements associated with a major replacement campaign would be significantly less than during construction, with a 50% replacement campaign expected to only result in 5-7.5% of the construction related movements. On this basis, as the traffic and transport impact of the Proposed Development was considered to be low during the construction phase, the impact would be significantly less during major replacement activities given this level of traffic movements.</p> <p>Nonetheless, in order to ensure that appropriate traffic management is in place, the outline Operational Management Plan (oOEMP) [as updated alongside this submission] includes a provision that a notification must be provided to CWCC for approval detailing management measures that will be put in place for any replacement activities which involve replacement of more than 50% of the solar panels within the Proposed Development. It is expected that these management measures will include consideration of relevant cumulative traffic impacts at the time of replacements.</p>
LIR_CWACC23.2	23.13	Section 7 of the TA deals with cumulative impacts of the cumulative traffic flows during the peak for each local development occurring at the same time. The Highway Officer notes that the impact from this would be unacceptable however this scenario with all development assessed taking place and overlapping is understood to be an extremely unlikely event. As noted	The Applicant agrees that the worst-case scenario assessed within the TA [APP-134] , in which the peak traffic generation of all cumulative development sites occurred at the same time as the peak construction activities of the Proposed Development, is highly unlikely, as demonstrated by the announcement from HyNet of the delay to the hydrogen pipeline project. The

Ref	Paragraph Number	Comment	Applicant's Response
		above, NH's cumulative assessment work is expected, and should be taken into account.	<p>TA does, however, present a conservative and robust assessment. Furthermore, the analysis presented in Appendix G of the TA identifies that the Proposed Development would comprise a relatively small proportion of the cumulative traffic impact.</p> <p>Nonetheless, the measures set out within the outline Construction Traffic Management Plan [as updated alongside this submission] include provisions to establish collaborative working with the developers of the other identified major cumulative development schemes, in order to ensure that peak periods of construction activity are co-ordinated so as not to overlap. Provision of such measures, which are also likely to be replicated within other consents, as is consistent with planning conditions that are frequently applied to planning permissions by CWACC, would enable adverse effects to be effectively mitigated.</p>
24. Tourism and recreation (including Public Rights of Way)			
LIR_CWACC24.1	24.7-24.8	<p>The closure of RB40 to pedestrians potentially for circa 30-34 months represents a long diversion (in duration and distance) for those using this route, e.g. employees walking from Helsby to some of the large industrial sites around the Protos site. NPS-EN3 (paragraph 2.10.41) advises applicants to keep, as far as practicable and safe, all PRoW open during construction.</p> <p>The closure of other routes such as RB98 and RB103 for long durations impacts on the availability of circular routes, especially for non-pedestrians using Frodsham Marshes.</p>	<p>The Applicant has responded to these points in reference CWACC14.6 and CWACC11.4 of Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p>

Ref	Paragraph Number	Comment	Applicant's Response
LIR_CWACC24.2	24.10-24.12	<p>It is not clear how this assessment has been arrived at there is relatively little evidence to quantify the likely effects on PROW users in the vicinity or on the site.</p> <p>It might be that use of the PROW continues at a similar level post construction, but the change in the character of the area from an open landscape to one with in a solar farm is liable to have some negative impact, which should not be underestimated.</p> <p>Consideration also needs to be given to the adverse impact on the experience of using PROWs as a result of the development (see RR-037 paragraph 11.18). An overall level of effect (during the operational phase) (and including the National Cycle Network as high importance) is considered to represent at least minor to moderate effect (not negligible to minor as referred to in the ES); and therefore, a potentially significant adverse effect in EIA terms</p>	<p>The Applicant has responded to these points in reference CWACC11.6 of Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p>
LIR_CWACC24.3	24.13-24.15	<p>Overall, CWCC considers there is liable to be a residual negative impact on recreational users of the existing PROW due to the change in character of the SADA post development from a largely open agricultural expanse, into a solar farm environment on an industrial scale. Mitigation with additional landscaping to filter views of the solar arrays from the PROW is appropriate, and welcome, but the visual amenity and experience from within the SADA will be subject to significant change and likely residual adverse impact for recreational users of the PROW.</p> <p>Frodsham Marsh is used by a variety of recreational users, from bird watchers to more casual walkers.</p>	<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 actually concludes.</p> <p>The LVIA does acknowledge likely significant operational visual effects for a limited number of PROW receptors (including Viewpoint 25; users of RB102/RB108; and limited lengths of FP93 and FP81), but it also concludes that proposed planting would reduce visibility over time such that long-term visual effects at Viewpoint 25 and along FP93/FP81 would not</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>Walks using the Frodsham Marsh are well documented. One good example of the association between a local business and the benefits of local walks in and around Frodsham is the Netherpool Hall leaflet (Appendix 23) where it can be seen that the walk around Frodsham Marshes is one of only three walks listed. A further example of the importance of the PROW across the site are provided at Appendix 24 (Frodsham Festival of Walks 2025 – walk 20; note the end photo from Frodsham Hill too).</p> <p>The impact of the solar development during the operational phase on the use of the PROW is difficult to quantify at this stage, but the qualitative change in the experience of walking on Frodsham Marsh is liable to be materially adversely affected. The Applicant's proposals for additional permissive paths etc. is positive mitigation for likely impacts, but it appears likely that there would still be a residual adverse impact</p>	<p>be significant, and that significant effects are localised and experienced by a small number of receptors.</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, comprising improvements to the existing PRow network, approximately 5.34km of new permissive paths, new signage and interpretation material, 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, helping to reduce the immediacy of the operational boundary alongside routes.</p> <p>The approach adopted by the Applicant seeks to respond to the requirements of NPS EN1 in relation to good design, as well as to the comments received during the pre-application stage. Of note were comments provided by Natural England and the Council.</p> <p>The Natural England response to the Section 42 consultation stated “Connecting People with nature. <i>Natural England welcomes the proposals to enhance the public rights of way network within the development site to help people to better access the countryside for quiet enjoyment and create opportunities to connect with nature. The multifunctional benefits of enhanced</i></p>

Ref	Paragraph Number	Comment	Applicant's Response
			<p><i>green infrastructure across the site will contribute not only to biodiversity but also health and wellbeing. We welcome the upgrading of existing footpaths and cycle paths and creation of new footpaths (with links to longer routes) that allow a close connection with the surrounding areas that are important for wildlife, representing a strong commitment to health and wellbeing</i> The proposed screening and viewing areas together with interpretation boards will allow people to visit the site without detrimental effects on wildlife and we are supportive of these measures.” Consultation Report Appendix 10: Section 42 Applicant Response [APP-032].</p> <p>The meeting held with CWCC officers, including the Public Rights of Way Officer and the Landscape Officer reported that “<i>some of the existing paths were very difficult to negotiate in winter conditions (from direct experience during a CWCC site visit). This would need to be addressed</i>”, paragraph 5.4.25 of the Design Approach Document [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>

Ref	Paragraph Number	Comment	Applicant's Response
LIR_CWACC24.4	24.17	During the operational phase, there may be a potential loss of access to River Weaver for those seeking new sustainable leisure activities. In policy terms FNP policy EDVE2 Tourism and recreation seeks to promote the River Weaver and riverside, and GSRL4 encourages development of "sustainable leisure facilities/activities along the water courses of the River Weaver, Weaver Navigation, Frodsham Quayside/River Side, and the marshes", and Frodsham Solar may serve to inhibit such further development.	The Applicant does not believe there is any evidence to suggest that the Proposed Development would hinder the development of sustainable leisure facilities or activities along the River Weaver. To the contrary, the improved access being proposed could facilitate or enhance such opportunities.
LIR_CWACC24.5	24.19	Frodsham Wildfowlers would be impacted and no longer able to shoot within or over the site during the lifetime of the development. It is understood that other locations will be used, although details are not provided.	Frodsham Wildfowlers have decided to enter into a voluntary agreement with the Applicant and would not have not done so without being content as to the effects of the Proposed Development on its operations. There is no requirement for the Applicant to provide details of the other locations the Wildfowlers choose to use.
25. Cumulative and In-combination Effects (APP-046)			
LIR_CWACC25.1	25.7-25.9	<p>As noted in CWCC's Written Representations it is considered that further assessment of the impacts against the various potential phasing proposals for these projects is needed, with appropriate controls over phasing being established to avoid/minimise adverse cumulative impacts.</p> <p>CWCC welcome the suggestion of a working group of interested parties to the projects, but have concerns that a working group does not provide effective control over implementation of the individual projects,</p>	<p>The control of detailed construction timing and phasing where both projects are occurring at the same time will ultimately stem from the fact that in both the consent for the Runcorn pipeline and for the Proposed Development, CWaCC will have to approve the detailed CEMP for each project.</p> <p>The Applicant has already committed that its detailed CEMP will include phasing controls within it to reflect what is discussed in a working group – if CWaCC is not happy at that stage, it can decide to not approve the</p>

Ref	Paragraph Number	Comment	Applicant's Response
		<p>especially with the limited time periods in which to coordinate and complete the projects in terms of intra and inter project phasing and sensitive bird seasons, to avoid adverse impacts.</p> <p>CWCC have suggested a possible multi-party agreement between Cubico/Frodsham Solar Ltd, Liverpool Bay CCS Ltd for the Runcorn CO2 spur pipeline and the CWCC (along with any relevant landowners) with a view to restricting the Hynet CO2 spur pipeline from being implemented post completion of the NBBMA, without assessment and appropriate design / mitigation (e.g. installation via directional drilling).</p>	<p>CEMP and construction of the Proposed Development will not be able to proceed.</p> <p>It is in CWaCC's control to ensure that there are equivalent provisions in the consent it issues for the Runcorn CO2 spur pipeline.</p> <p>In respect of a control in relation to if the Runcorn Pipeline is to come forward after the Proposed Development; this is also within CWaCC's control. It can impose a condition on the pipeline's consent to require that if construction of the Proposed Development has already completed, LBCCS must submit assessments to demonstrate that there will be adverse effects on integrity to the SPA/significant effects to the SSSI. This is entirely in CWaCC's control and, the Applicant submits, required, in the absence of LBCCS having undertaken that assessment in its application, for a robust decision to be made by CWaCC as competent authority under the Habitats Regulations.</p> <p>No multi-party agreement is therefore required.</p>

Table 2-2: Applicant's Response to Appendix 2 (Socio-economic impacts)

Ref LIR:	Related Document Reference	Impact during construction C), operation O), decommission D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Socio-economic						
					Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	The Applicant questions the approach taken to numerically 'scoring' the impact of the Proposed Development in the weighting column of the Appendix tables to the Local Impact Report. The Applicant considers that the planning balance exercise should be a qualitative and reasoned exercise of planning judgement, rather than arithmetical. The Applicant also notes that it is widely accepted that 'substantial' should be at the top of any hierarchy when assigning weight to planning judgement (as per the National Policy Statements and National Planning Policy Framework). The glossary to NPS EN-1 defines 'Weight' as follows: "Within this NPS the hierarchy of weight is 1) limited 2) moderate 3) great 4) significant 5) substantial". It is not clear how the scoring applied by CWaCC should be 'read across' to that glossary.
S-E.001	AP-038	O	STRAT 11 Infrastructure ENV7 Alternative energy supplies ECON1 Economic Growth etc. DM52 Renewable Energy	Energy – climate change benefits <i>Support the provision of appropriate new infrastructure, including schemes intended to mitigate and adapt to climate change and any cross-boundary schemes necessary to deliver the priorities of the Local Plan where this will have no significant adverse impact upon recognised environmental assets.</i> Applicant acknowledges impact on LWS during construction (APP-129)	(+ve) 4	The Applicant notes this comment.
S-E.002(a)		O	STRAT4 Ellesmere Port	Private wire connection – potential benefit to local business	(+ve) 2	The Applicant notes this comment.
S-E.002(b)		C,O,D	ECON1	skills, supply chain and local employment	(+ve) 2	The Applicant notes this comment.
S-E.002(c)	APP-045 ES Chapter 12 Tourism and Recreation	C,O,D,	EOCN 3 Visitor Economy DM 38 - Waterways and mooring facilities	Impacts on local business and recreational uses (including Hover Force Ltd. Runcorn Model Flying Assoc, Frodsham Wildfowlers, PROW users, Birdwatchers, Weaver Sailing club, Frodsham Kayaking and Water Sports, Runcorn Rowing, The Danny, Frodsham Town businesses).	(-ve) -1	The Applicant notes this comment.
S-E.002(d)		O	STRAT 10, STRAT 11, CA1	New car park (Moorditch Lane) for recreational users	(+ve) 1	The Applicant notes this comment.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
S-E.002(e)		C,O,D	DM34	Hazard pipelines and HSE. Subject to any representations from the HSE the proximity to hazardous installation does not appear to raise safety concerns (although pipeline operator comments need to be taken into account)	N	The Applicant notes this comment.



Table 2-3: Applicant's Response to Appendix 3 (Landscape and Visual)

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Landscape and Visual Impacts on Landscape Character						
			General to column: ENV2	Please refer to Section 6 Landscape and Visual of CWCC's Relevant Representations (RR-037)	Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
LV.001	APP-129 (Policy Compliance Statement) APP-070 (ES V2 App 6-7 Effects on Landscape Character)	C,O,D	STRAT9 Green Belt and countryside	<p><i>Note: STRAT 9 deals with countryside policy, it is not just Green Belt.</i></p> <p><i>The intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements.</i></p> <p><i>Within the countryside the following types of development will be permitted; • Development that has an operational need for a countryside location such as for agricultural or forestry operations.</i></p> <p>CWCC agrees with the Applicant that the Proposed Development requires / has an operational need for a countryside location (even though solar development can take place in urban areas/rooftop the scale of development proposed is liable to require a countryside location.</p> <p><i>Development must be of an appropriate scale and design to not harm the character of the countryside.</i></p> <p>CWCC acknowledge the acceptance in NSIP policy that: <i>The scale of energy projects means that they will often be visible across a very wide area (EN-01 - 5.10.35).</i></p> <p>However, it should be recognised that it is particularly because of the scale of proposed development that there will be such a significant change and adverse impact on the character of the countryside and landscape.</p> <p>Policy STRAT9 'Green Belt and countryside' of LP2 states "Development must be of an appropriate scale and design to not harm the character of the countryside".</p> <p>The proposed development will inevitably impact on the essentially open character of the site</p>	(-ve) -3	<p>The Applicant recognises that there is some tension with Policy STRAT9 of the local plan, and agrees with CWCC that development of this nature at the NSIP-scale will inevitably impact on the local landscape. The Applicant disagrees with CWCC that the Proposed Development would constitute a substantial negative feature in the landscape.</p> <p>The Applicant's position is that the Site lies within a transitional and heavily modified estuarine landscape of reclaimed marshland in which large-scale engineered, transport, industrial and energy-related influences are already a defining part of landscape character (including deposit grounds, the Frodsham Wind Farm, Protos Energy Park, the M56, pipelines and electricity transmission infrastructure). In that baseline context, the Applicant considers the introduction of solar infrastructure would be read as a further component of an established energy and infrastructure landscape, rather than a fundamentally discordant change.</p> <p>At the local landscape character area scale, the Applicant acknowledges that the LVIA [APP-039] identifies moderate to major adverse effects on the landscape character of LCA 4a (Frodsham, Helsby and Lordship Marshes) during construction and early operation, and that these effects are significant in EIA terms given the openness and extent of activity within the marshland setting. However, the Applicant's case is that the degree to which the change would alter the nature of landscape character is limited overall, with significant effects being localised in extent, and reducing over time as construction ceases and mitigation planting and habitat creation establish.</p> <p>The Applicant's proposed design and mitigation limits the impacts on landscape character and supports the marshes' management objectives. The Applicant relies on retention and reinforcement of existing landscape structure (field patterns, drainage ditches and hedgerows), new native planting and habitat creation, secured through the oLEMP [as updated alongside this submission].</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>The development conflicts with Policy STRAT 9 in relation to harm to the landscape character of the countryside. The development fails to protect the borough's countryside contrary to GBC2 which seeks to protect and, wherever possible, enhance landscape character and distinctiveness.</p> <p>Delivering on the acknowledged urgent need nationally for large-scale energy infrastructure (EN-01) will result in significant residual adverse impacts at a local level which should be taken into account in the balancing exercise.</p> <p>CWCC acknowledge that the sort of reduction in scale of development envisaged in NPS EN-1 (5.10.26).would be insufficient to achieve effective mitigation of landscape harm. The scale of reduction necessary would result in a significant operational constraint and more than marginal reduction in function, which is not envisaged by the NPS.</p> <p>Mitigation in other forms (e.g. retention/planting of hedgerows, new planting to filter views, and effective restoration etc) is appropriate and needs to be delivered through the control documents and DCO requirements. However, the residual impacts of the development following mitigation are expected to be in significant in terms of landscape harm during the operational phases of the development.</p> <p>Additional planting is proposed as mitigation, which is welcome, but this cannot overcome the adverse impact of development on the distinctive open landscape character.</p> <p>The scale and nature of the proposed development impacts adversely on goes beyond that which could be appropriately mitigated or accepted as a change in the landscape without undermining the landscape character. The development would constitute a substantial negative feature in the landscape.</p>		
LV.002	APP-129 (Policy Compliance Statement) APP-070 (ES V2 App 6-7 Effects on Landscape Character)	C,O,D	ENV2 Landscape and GBC2 Protection of Landscape DM52 Solar Energy	<p>Under ENV2 Landscape: <i>The Local Plan will protect and, wherever possible, enhance landscape character and local distinctiveness. This will be achieved by: (inter alia)</i></p> <p><i>Protecting the character of the borough's estuaries and undeveloped coast.</i></p> <p><i>Development should: Take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site.</i></p> <p><i>Recognise, retain and incorporate features of landscape quality into the design.</i></p>	(-ve) -3	<p>The Applicant has prepared a Landscape and Visual Impact Assessment (LVIA) at ES Vol 1 Chapter 6: Landscape and Visual Amenity [APP-039]. The LVIA has been prepared in accordance with best practice guidance set out in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition, and distinguishes between landscape effects and visual effects.</p> <p>The LVIA has been prepared cognisant of the sensitivity of the area including the Helsby and Frodsham Hills Area of Special County Value designation.</p> <p>The approach to the siting and design of the Proposed Development is set out in the Design Approach Document [APP-130].</p> <p>The LVIA concludes that there would be residual significant adverse effects for users of the existing public right of way network through the Site. As set out in the LVIA, mitigation has been identified to reduce these effects as far</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>The LVIA (APP-70 – 6.8.90) concludes that the development would remain prominent and the effects would remain moderate to major adverse and significant for users of the routes within/close to the SADA.</p> <p>There would be residual significant adverse effects for users of the existing public right of way network through the Site (Table 4 of Policy Compliance Document – ENV2/GBC2) (APP-129).</p> <p>CWCC consider there would be other significant adverse impact.</p> <p>The site forms part of the setting to the Mersey Estuary; and the panoramic view from Frodsham Hill War Memorial, a distinctive landmark in its own right, deserve particular consideration.</p> <p>The capacity of the landscape to accept the proposed development without a substantial impact on the landscape character needs assessment.</p> <p>The project will add substantial additional built infrastructure over a wide expanse of the currently open green and naturally regenerated former deposit cells, and other fields that provide openness to the landscape. The Frodsham, Helsby and Lordship marshes area currently retain an open green character, notwithstanding the wind turbines of FWF.</p> <p>The scale of solar development covering such an extensive ground area is markedly different to the form of the FWF where openness is retained between the high structures.</p> <p>The view from Frodsham Hill offers a panoramic vista of the character area representing a landscape affected by change but offering a highly valued vista which is not completely dominated by change. The proposed development represents a change beyond a point where there is capacity to accept change without harm to landscape character.</p> <p>The panoramic views are referred to at 6.6.20 of the LVIA (APP-070)</p> <p>The proposed development represents a consolidation of built form, to comprise a dominating element on a key part of the landscape which currently provides green open view and setting to the Mersey Estuary and gives contrast and relief to the surrounding elevated and more industrial / built up areas.</p> <p>Impacts on landscape during construction will be temporary and the temporary nature of the proposal provides a basis for</p>		<p>as possible. The mitigation measures that have been embedded into the Proposed Development are set out in the LVIA.</p> <p>The Applicant has previously commented with regard views from Frodsham Hill at Ref. CWACC6.7 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027].</p> <p>There is inevitably a degree of tension with Policy ENV 2 which seeks to protect and enhance landscape character, however, ENV 2's test is nuanced: it requires development to take full account of the site's characteristics and views, and incorporate landscape features into the design, which the Applicant has done.</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>reversibility, although with a 40 year operational period there would be a significant duration of adverse impact.</p> <p>Mitigation of the impact on overall landscape character through the design approach and landscaping, is welcome but limited in terms of avoiding adverse impact.</p> <p>The scale of additional built form is considered of such magnitude that it alters / undermines the landscape character of a significant area of LCA 4a Frodsham, Helsby and Lordship Marshes (APP-109) (Fig 6-3b) and fails to safeguard the open character of the landscape character. The qualities of landscape character and the importance of the views from the distinctive landmark at the War Memorial are supported by reference to the National Character Areas (NCA 60 and NCA 62 in particular.</p> <p>Helsby and Frodsham Hills are Areas of Special County Value; designated for their special landscape character and scenic value (GBC2).</p> <p>The key characteristics of the National Character Areas (NCA60; NCA:61 and NCA 62) are set out in Table 1 of APP-068 (ES Ch6 App -6-5).</p>		
LV.003	<p>APP-129 (Policy Compliance Statement)</p> <p>APP-070 (ES V2 App 6-7 Effects on Landscape Character)</p> <p>APP-0146 (7.15 Arboricultural Assessment)</p>	C, D,	ENV3 Green Infrastructure	<p><i>The Local Plan will support the creation, enhancement, protection and management of a network of high quality multi-functional Green Infrastructure. This will be achieved by: Development incorporating new and/or enhanced Green Infrastructure of an appropriate type, standard and size or contributing to alternative provision elsewhere. Increased planting of trees and woodlands, particularly in urban areas and the urban fringe.</i></p> <p>CWCC's Senior Tree Officer has raised some concerns over the arboricultural assessment: (See RR-6.39 to 6.46).leading to concerns over the development's potential adverse impact on trees.</p> <p>Replacement and new planting is proposed as part of the mitigation for the proposed development, which is welcome.</p> <p>CWCC acknowledge the project provides some positive mitigation with enhanced green spaces and habitat areas..</p> <p>There is an apparent shortcoming with the mitigation, as the temporary nature of the development is associated with a lack of control post decommissioning, with regard to establishing a long-term future for the Green Infrastructure planting mitigation, and for it to survive to maturity beyond decommissioning.</p>	(-ve) -1	The Applicant has previously responded with regard the impacts on trees at Refs. CWACC6.12, CWACC6.13 and CWACC6.14 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] .

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
LV.004	APP-070 (ES V2 App 6-7 Effects on Landscape Character)	C,O,D	STRAT9 Green Belt and countryside ENV2 Landscape and DM52 Solar Energy GBC2 Protection of Landscape	<p>The effects on Landscape Character Area LCA4a are covered below, and the effects in terms of National Character Areas and NCAs: 60 and 62 are covered in the Appendix A to the WR relating to matters not covered in the oral representations at ISH1.</p> <p>The Applicants submission APP-070 identifies LCA4a as a large-scale open and exposed landscape with a medium to high level of overall sensitivity. The Applicant's assessment of the magnitude of resulting change is medium, with a moderate to major change in the character of the area, and a significant adverse effect, but also noting some beneficial enhancements proposed. CWCC consider that the assessment underplays the significance of the adverse effect.</p> <p>APP-070 also deals with the other Local Character Areas.</p>	(-ve) -3	The Applicant maintains that the assessment of landscape impacts presented in the LVIA [APP-039] is transparent and robust, in accordance with best practice guidance set out in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition. The Applicant disagrees that the assessment underplays the significance of any of the reported effects.
LV.005	APP-069 ES App 6-6 Construction Phase Effects APP-070 (ES V2 App 6-7 Effects on Landscape Character)	C,O,D	STRAT9 Green Belt and countryside ENV2 Landscape and GBC2 Protection of Landscape DM52 Solar Energy	<p>Effects on LCA 4a: Frodsham, Helsby and Lordship Marshes and LCA 5f Helsby to Frodsham.</p> <p>APP-70 refers to the value of LCA 4a: <ul style="list-style-type: none"> •No landscape designations. • National Cycle Route 5. • Network of public rights of way. • A distinctive landscape, and which is familiar to large numbers of people • The LCA is strongly influenced by industrial/infrastructure development </p> <p>Impacts on LCA 4a associated with construction are moderate to major adverse and consider significant in APP-069.</p> <p>In terms of the operational phase</p> <p>CWCC agree with the description of the sensitivity of the LCA 4a: and the conclusion that the value / overall sensitivity is medium to high (page 9 of APP-70).</p> <p>The magnitude and the Level and Significance of Effect are described as moderate to major and the effects would be significant and generally adverse (with some beneficial effect following enhancements).</p> <p>The ES also identifies that there would be adverse effect on LCA 5f Helsby to Frodsham,</p> <p>Whilst the site does not have a national landscape designation. It has local value, which will be adversely impacted.</p> <p>In assessing the local value the ExA is requested to consider: Proximity to Frodsham and the local population</p>	(-ve) -3	<p>The Applicant notes that CWCC is in agreement with the Applicant as to the Applicant's judgements in relation to the value and overall sensitivity of LCA 4a.</p> <p>CWCC does not provide comment here as to whether they disagree with the magnitude and level of effect to LCA 4a, rather the Applicant's judgements are repeated by CWCC. The subsequent points raised are then all matters related to the value and sensitivity of the landscape, to which CWCC has already acknowledged in the preceding paragraphs they agree with the Applicant's judgement.</p> <p>The Applicant maintains that the assessment of landscape impacts presented in the LVIA [APP-039] is transparent and robust, in accordance with best practice guidance set out in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition. The Applicant disagrees that the assessment underplays the significance of any of the reported effects.</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>Association with ecological interests (Frodsham Marshes referred to in the FNP)</p> <p>Frodsham, Helsby and Lordship Marshes provide the setting to Helsby & Frodsham Hills LLD (ASCV) under Policy GBC2</p> <p>However, the physical attributes of the Frodsham Marshes landscape retain an inherent openness and quality that warrants recognition in terms of local value.</p> <p>The features include a backdrop of the Mersey Estuary to the north, contrasting with the impressive Frodsham and Helsby sandstone ridge to the south. The network of public rights of way, including national cycle route, provide accessibility for the local community, and the proximity to Frodsham town provides the local community with an important open space, recognised for its ecological value (see reference to Frodsham Marshes in FNP).</p>		
LV.006	APP-070 (ES V2 App 6-7 Effects on Landscape Character)	C,O,D	STRAT9 Green Belt and countryside ENV2 Landscape and GBC2 Protection of Landscape	The ES identifies that the effects on other LCA's would be negligible, neutral or no effect on the character areas.	neutral	The Applicant notes this comment, and that CWCC do not disagree, thus it can be inferred that CWCC agree the landscape impacts of the Proposed Development are contained to the local area in which the Site is located.
LV.007	AS-013 (DCO Rev 2) APP-147 (Arb Assess)	C,O,D	ENV3 Green Infrastructure DM45 Trees woodland and hedgerows DM52 Solar Energy	<p>Regarding existing landscape features, such as trees, hedges, ditches and ponds, it is understood that these features will be largely retained.</p> <p>However, the draft DCO (AS-013) does include provision for removal of hedgerow (Schedule 9).</p> <p>In terms of the removal of the removal of trees, Policy DM45 includes provision for replacement on a 2 for 1 basis: <i>"...2. include replacement planting at a ratio of at least two new trees for each tree lost. Replacement trees should be of heavy or extra heavy standard, and where prominent trees are to be removed, large specimen trees may be required;..."</i></p> <p>This should be reflected in Requirement 9 (3) of Schedule 2 of the DCO.</p>	(-ve) -1	<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>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 replacement ratio in DM45.</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommissioning (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
LV.008	APP-069 (ES V2 App 6-6 Construction Phase effects)	C	STRAT9 Green Belt and countryside ENV2 Landscape and GBC2 Protection of Landscape	For the construction phase a moderate to major adverse effect on landscape character in LCA4a, with significant effect (albeit of a temporary nature) is identified in the ES. Expected to be maximum of 30 months duration. The period for restoration of those areas outside the footprint of operational development should be confirmed (see 1.1.5 of APP-069). The ES appendix (APP-069) also identified moderate to major adverse effect in terms of viewpoints during construction (especially viewpoints 17,18, 20, 21, 23, 25) where the temporary effects would be significant	(-ve) -1	The Applicant notes this comment.
LV.009	PD2-020 oDEMP PD2-006 Draft DCO	D	ENV7 Alternative energy supplies	In terms of landscape impact during decommissioning there would be similar temporary adverse impacts to those experienced during construction. The oDEMP / draft DCO provides little information on landscape restoration or aftercare as part of the decommissioning. This is a significant shortcoming.	(-ve) -2	Whilst the Applicant does not agree with the approach taken to 'scoring' the impact of the Proposed Development in the weighting column of this table, the Applicant fundamentally disagrees that the adverse score given to decommissioning impacts should be greater than that for the construction impacts in the row above. As acknowledged by CWCC, the landscape impact during the decommissioning works would be similar to those experienced during construction, and not worse. The Applicant considers the impacts at decommissioning would be <u>no greater than</u> those experienced during construction. Post decommissioning the landscape would be largely restored following removal of the Proposed Development. The oDEMP [as updated alongside this submission] sets out at paragraphs 2.4.6 to 2.4.8 how the final end state of the Site will be established and crucially that it must be agreed with CWCC. The Applicant will not be responsible for 'aftercare' upon return of the land to landowners.
LV.010	APP-039 (ES Vol 1 Ch 6 – LVA)	C,O,D	STRAT9 ENV2 ENV3 GBC2 DM52 Solar Energy	The Applicant describes the solar array structures as low level (e.g. 6.8.70 of Chapter 6 to the ES (APP-039). The panel structures are up to 4m high in Flood Zone 3a areas, and up to 3.5m elsewhere ¹ . (Fig 2-5a) ES Volume 3 Chapter 2 Figures (APP-106). The use of the term low-level in this context is considered to be underplay the adverse visual impact of the arrays, particularly at close proximity when experienced using the PROW etc. A similar point was endorsed in relation to 3m high arrays in the October 2025 decision DNS 3279787 (Appendix 25) relating to a Solar Farm near Llanwern, Newport. Paragraph 172:	(-ve) -1	Where the LVIA refers to solar development as "low in height", this is in the sense that individual structures are relatively low compared with many other forms of built development and are generally capable of benefiting from existing and proposed vegetation screening. The LVIA also records [page 6-43] that a Technical Note was provided to CWCC regarding the increase from 3.5m to 4m for part of the site, and that CWCC confirmed this would have no material effect on the LVIA conclusions. 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. In the Llanwern case, the Inspector's visual impact concerns were explicitly framed around the relationship of the scheme to Bishton, including findings

¹ In **APP-132 Design Parameters Statement Table 1** it states: "The maximum height of the highest part of the solar PV modules would be 4m **Above Existing Ground Level (AEGL) (bold added)** within Solar PV Array Areas B01 – B018, and C01 – C06 and 3.5m AEGL within Solar PV Array Areas A01 – A06" Unlike AOD, the term AEGL is not defined in the Glossary (**APP-033**); further clarification is provided in Table 1: "The minimum height of the lowest part of the PV modules would be 0.8m AEGL. Within Solar PV Array Areas B01 – B018, and C01 – C06 the **minimum height of the lowest part of the PV modules would be set at 6.52m Above Ordnance Datum (AOD) (bold added)**"

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>172. Furthermore, the largely undeveloped and open nature of the fields which provide a backdrop to this traditional village would be harmed. Whilst I accept that there would be gaps between the rows of solar panels together with buffers around the boundaries where additional hedgerow and tree planting is proposed partly to enhance the landscaping and screen the development, there is no doubt in my mind that the surface of the affected fields would be densely packed with solar arrays for the most part. I do not consider that the panels could be properly described as low-lying with an assessed maximum height in the order of 3m. In this context, the solar arrays would not be absorbed as seamlessly into the landform as may have been suggested. It therefore follows that the vast and continuous rows of such modern precision-engineered structures, arranged in a regimented form, would result in the loss of open fields (bold highlighting adds) and would represent an uncharacteristic element in the predominantly rural setting to the village for a period of 40 years.</p>		<p>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 access proposals, is set out clearly elsewhere in the Applicant’s submissions.</p>
LV.011	APP-106 Chapter 2 Figures Proposed Development		SOC5 Health and well-being DM52 Solar Energy	<p>Mitigating the impacts of security fencing, lighting, and cameras.</p> <p>It is considered that the sense of enclosure associated with the fencing proposed in and around the SADA will have a negative impact on the current sense of openness of the site, even though the majority of fencing will be open mesh design.</p> <p>There will some adverse impact from the height of the security lighting and CCTV structures, but less significant than the fencing, and use of sensors to limit duration of lighting is a positive mitigating factor.</p> <p>DM52 criterion 6: associated development such as access roads, security fencing, lighting and any buildings must be designed so as to minimise its visual impact, whilst ensuring that the development causes no risk to public safety;</p>	(-ve) -2	<p>The Applicant agrees that site security inevitably introduces an element of enclosure at close range, particularly for users of routes within/adjacent to the Order Limits. However, the LVIA explains that the security measures have been designed to minimise perceptual and visual intrusion and are assessed in that context.</p> <p>The LVIA design parameters allow for a maximum fencing height of 2.4m, with fencing typically comprising ~2.0m high wire-mesh deer fencing. The LVIA further notes that the proposed fencing would comprise timber poles with an open weld-mesh infill and, together with slender CCTV columns, is not expected to be a prominent presence relative to the solar arrays other than at close range. In relation to lighting/CCTV, paragraph 6.7.12 confirms security/maintenance lighting would be controlled through the oOEMP, including infra-red CCTV and on-demand lighting only (maintenance, emergency or security breach).</p> <p>Importantly, the LVIA also confirms as a key design element the “provision of generous development-free buffers along existing landscape features and public rights of way”, with retention of a proportion of open views from public vantage points within the SADA. This means PRow users will often experience the route within a buffer corridor rather than immediately adjacent to operational development, helping to reduce the immediacy of enclosure effects associated with perimeter fencing.</p>
LV.012	APP-071 (ES V2 App 6-9 Effects on viewpoints)		ENV2 GBC2 DM52 Solar Energy	<p>The Applicant’s effects on viewpoints document identifies the following viewpoints out of 30 representative viewpoints where the impact will be adverse (A) and /or moderate (M) or significant (S)</p>	(-ve) -2	<p>The Applicant suggests the ExA refer to ES Vol 2 Appendix 6-8: Effects on Viewpoints [APP-071] for the Applicant’s assessment of visual effects, as there are inaccuracies in the list presented here, which omits a number of significant effects on public rights of way through the Site, such as Viewpoint 25.</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				VP 1 Mersey Way (A) VP3 Ship Street (A) VP5 Langdale Way (A) VP6 St Laurance's Church (A) VP7 Castle Park (A) VP 8 A56 Chester Road (A) VP 9 Frodsham Hill (A) *see below VP10 North of Foxhill House (A) VP11 Plovers Lane (A) VP12 Bates Lane (A) VP13 Helsby Hill (A) VP14 M56 Weaver Lane (A) VP15 M56 Brook Furlong (A) VP16 M56 Straight Length (A) VP17 Footpath within Order Limits (A) VP18 RB leading to Frodsham Marsh Farm (A) and (S) VP20 RB Cross Lane (A) VP21 RB Straight Length (A) VP23 adj to River Weaver (A) VP24 The Willows (A) VP25 footpath adj River Weaver (A) VP26 St Laurence's Church (2nd) (A) VP 28 March Lock (A) VP29 Weaver Navigation Access (A_ VP 30 Weston Road Runcorn (A) It is noted that the magnitude of effect is small or medium in many of the above and reducing over time)		A summary of the significant residual visual effects is provided in Section 6.10 of ES Vol 1 Chapter 6 Landscape and Visual Amenity [APP-039] .
LV.013	APP-113 (Viewpoint 9)		ENV2 GBC2	CWCC consider there would be a moderate to significant adverse impact on the view from Frodsham Hill War Memorial (Viewpoint 9) (APP-113), a highly sensitive viewpoint locally.	(-ve) -3	The Applicant agrees with CWCC that there would be a moderate adverse effect on the view from the Frodsham War Memorial, but disagrees that the effect would be significant in EIA terms. The Applicant has previously commented with regard views from Frodsham Hill at Ref. CWACC6.7 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] .
LV.014	APP-072			In addition to the representative viewpoints referred to above there would be effects on M56 users, although transient.	(-ve) -1	Views from the M56 are inherently transient in nature and would typically be experienced from vehicles moving at high speed. The Proposed Development would be intermittently visible from approximately 8.3km of

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	(ES V2 App 6-9 Effects on M56 users)					<p>motorway between Junction 12 and 14, with consistent visibility predicted to occur for approximately 4.3km of this (between Junction 12 and the Straight Length overbridge). The Proposed Development is unlikely to be a prominent addition to a view where wind turbines, pylons and industrial structures north of the River Weaver at Runcorn are already very prominent (the National Grid Frodsham Substation is also very prominent from the bridge carrying the motorway over the River Weaver and Weaver Navigation) and where the attention of drivers (but not necessarily passengers) will be focused on the road ahead. The motorway corridor itself would remain the most prominent feature in the view. The visual effect would be not significant.</p>

Table 2-4: Applicant's Response to Appendix 4 (Green Belt)

Ref LIR:	Related Document Reference	Impact during construction C), operation O), decommission D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Green Belt						
			General to column: STRAT9 Green Belt and countryside		Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
GB.001	APP-128 Planning Statement	C, O	STRAT9 Green Belt and countryside	The site lies within the North Cheshire Green Belt. The SADA covers some 246ha, over 25% of the Green Belt area to the north of the M56 motorway. (RR-037 – paragraph 5.5). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF – Para 142 and (EN-1 p para. 5.11.2). Development would in particular impact on the key purposes of the Green Belt: a) to check unrestricted sprawl of large built up areas; and b) to prevent neighbouring towns from merging into one another. It would also be transformative in terms of encroachment on the countryside.	(-ve) -3	The applicant has set out in Section 1.3 of Appendix A Green Belt Assessment to the Planning Statement [APP-128] whether the Green Belt in this location is contributing to serving the purposes of the Green Belt (NPPF – Para 143), and consequently whether the existence of the Proposed Development would conflict with the purposes.
GB.002		C, O	STRAT9 Green Belt and countryside	CWCC consider that the site is Green Belt and not grey belt as set out in RR-037. By definition inappropriate development is harmful to the Green Belt from.	(-ve) -3	The applicant notes a typographical error in CWCC's comments: "...is harmful to the Green Belt from..." Consideration of whether the Site is grey belt and whether or not the development is inappropriate in this location is set out in CWACC5.4 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] . 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.
GB.003		C, O	STRAT9 Green Belt and countryside	(RR 5.5) The extent of Green Belt area up to the Manchester Ship Canal is nearly 970ha. The Planning Statement (7.5.20) (APP-128) refers to the Proposed Development transforming some 212ha of farmland into solar array (i.e. 22% of the Green Belt north of the M56 Motorway). The Solar Array Development Area (SADA) is even larger 246ha (paragraph 1.3.8 of Chapter 1 of the ES (APP-034) over 25% of the above Green Belt area.	(-ve) -3	Paragraph 7.5.20 of the Planning Statement [APP-128] is with reference to the quantum of farmland transformed into the built elements of the solar array. The wider SADA includes other land that would not be subject to built development. The area of Green Belt west of the River Weaver, north of the M56 and south of the River Mersey represents a small pocket of the wider Green Belt that runs from Wirral in the west to Leeds / Sheffield in the east.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
GB.004		C, O	STRAT9 Green Belt and countryside	The majority of the Site is currently open agricultural land and the canal deposit ground grounds have blended into the landscape. The proposed development would represent a substantial change in openness across an expansive area.	(-ve) -3	In relation to the level of harm to the Green Belt, the applicant has set out its position in Section 1.7 of Appendix A Green Belt Assessment to the Planning Statement [APP-128] . It concludes that there would be some harm in terms of spatial / physical and perceived openness of the Green Belt and safeguarding the countryside from encroachment
GB.005		C, O	STRAT9 Green Belt and countryside	The site currently functions to provide a break between neighbouring settlements (Runcorn, Ellesmere Port, Frodsham) and the proposed development would substantially reduce the perceived separation.	(-ve) -3	The applicant has set out the relationship of the Site with that of Runcorn and Frodsham in Section 1.3 of Appendix A Green Belt Assessment to the Planning Statement [APP-128] . The area of the Green Belt north of the M56 corridor and south of the River Mersey (i.e. that which includes and surrounds the Site) is dominated by significant existing infrastructure in the form of the Frodsham Wind Farm; the elevated M56 corridor; and large above ground electricity transmission towers. The large built-up area of Runcorn is not restricted by virtue of the Green Belt, rather it is constrained from further growth by the physical restriction of the river corridor and the Weaver Navigation. The urban areas of Frodsham and Helsby are constrained by the presence of the M56 corridor.
GB.006		C, O	STRAT9 Green Belt and countryside	The solar development would significantly adversely impact on the contribution the Site makes to the Green Belt purposes of the Green Belt, particularly of (a) to check the unrestricted sprawl of large built-up areas; (see RR 5.19 to 5.29) and (b) to prevent neighbouring towns merging into one another (see RR 5.31 to 5.39), but also in terms of encroachment of the countryside (see RR 5.50)	(-ve) -3	In relation to the level of harm to the openness of the Green Belt that would arise from the Proposed Development, the applicant has responded at reference CWACC5.1 and CWACC5.9 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] . In relation to whether the Proposed Development strongly contributes to the purposes of the Green 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] .
GB.007		C, O	STRAT9 Green Belt and countryside	CWCC considers that the Proposed Development has substantial impact on the essential characterises of openness, and in terms of permanence, whilst time limited, and theoretically reversible, the Proposed Development would be operational for such a long period that permanence in the sense of being a permanent state is severely compromised. (RR 5.53)	(-ve) -2	In relation to the level of harm to the openness of the Green Belt that would arise from the Proposed Development, the applicant has responded at reference CWACC5.1 and CWACC5.9 of the Applicant's Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] . The development is not permanent. It is temporary and reversable.

Table 2-5 Applicant's Response to Appendix 5 (Biodiversity)

Ref LIR:	Related Document Reference	Impact during construction C), operation O), decommission D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Ecology						
Non-breeding birds and Designated Sites - Functionally Linked Land						
E.001	Habitat Regulations Assessment (Section 8 of the Planning Statement) (APP-128) Information to Inform Habitats Regulations Assessment (APP-125) Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082) Chapter 8: Ornithology (APP-041)	C, O, D	LPP1 ENV4: Sites will be protected from loss or damage taking account of: The hierarchy of designations of international, national and local importance The irreplaceability of habitats, sites and/or features and contribution to the borough's ecological network of sites and features Impact on priority habitats and protected/priority species LPP2 DM 44: Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be	(As per 7.7 of the CWCC RR, the proposal is contrary to Local Plan Policy Part One and Two, in terms of protection of sites from loss or damage, non-compliance with the mitigation hierarchy and lack of sufficient information to inform a Habitats Regulation Assessment). A substantial part of the Order Limits, serves as Functionally Linked Land to the Mersey Estuary SPA and Ramsar site. Functionally linked land' (FLL) is a term often used to describe areas of land or sea occurring outside a designated site which 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. These habitats are frequently used by SPA species and supports the functionality and integrity of the designated sites for these features. The FLL as shown on Page 18 of the "Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England, Identification of Functionally Linked Land supporting SPA waterbirds in the North-West of England – Phase 2 Appendix 5 – Functionally Linked Land Maps for the Dee Estuary, Mersey Estuary and North Wirral Foreshore BOWLAND ECOLOGY. 2022. December 2022", shows that the only areas of High potential functionally linked land in the CWCC Borough are within and adjacent to, the Site. The term "high" means the sites are regularly visited by significant numbers of birds on a regular basis. In this case, significant means 0.5% of the GB population or 1000 individuals, rather than the qualifying population for the SPA itself, to account for movement of species between SPA. The larger area classed as High potential includes all of Cells 1, 2, 3, 4, 5, and 6 of the Frodsham Windfarm cells, of which Cells 1, 2, 3 and 5 comprise the western array and NBBMA of the development site (approx. 200 hectares). The smaller area of High Potential Functionally Linked Land is known as the "Inovyn Cell", which sits adjacent to the Eastern array. Between these two high potential areas, an area of Moderate potential (visited by at least 0.5% of the GB population of SPA qualifying species but less frequently than High potential areas) is located near to "The Lum" adjacent to the Eastern boundary of Cell 1. There is approx. 200 hectares of High potential FLL within the Order Limits (of a total area of 460 hectares of FLL across the whole of the Marsh), of which, Cells 1, the majority of Cell 2	(-ve)	Natural England do not accept the definition used to broadly define FLL in the Bowland study cited, it is also out-dated as the landscapes reviewed have not been reviewed since the study was published and areas highlighted as "high potential" in that study are not correct. Throughout on-going consultation, the broad criteria/definition of FLL is case by case and site specific and has been assessed robustly in the HRA using the 1% threshold as a broad trigger for the requirement for assessment [as updated alongside this submission] and the conclusions have been accepted by Natural England [REP1-056]. The Applicant has used the correct assessment of FLL under Natural England's advice in RR-012 (NE02) The Applicant has demonstrated and assessed the entire Order Limits within the HRA and has treated the Order Limits as FLL for precautionary purposes of the HRA. Natural England have accepted the assessment of FLL and the data provided by the Applicant which concluded no AEoI on the Mersey Estuary SPA and Ramsar, with outstanding matters relating to in-combination and securing mitigation. 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'. With the Applicant's proposals taken into account, the Applicant considers that there will <u>not</u> be a substantial impact on the designated sites, the non-breeding birds associated with them, in terms of likely displacement and reduction in population, or future resilience of the remaining population.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:</p> <p>identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;</p> <p>evaluates the value and extent of the assets;</p> <p>assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;</p> <p>identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and</p> <p>provides sufficient information to</p>	<p>and Cell 5 is proposed for development, rendering approx. 130 hectares of the High potential FLL no longer functional. The area of Moderate FLL has development proposed on approx. 5 hectares of the 7-hectare area.</p> <p>The significant loss of the area of FLL, even with the enhancement of existing mitigation areas, means that there will be a substantial impact on the designated sites and the non-breeding birds associated with them, in terms of likely displacement and reduction in population, as well as future resilience of the remaining population.</p>		

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>inform a Habitats Regulations Assessment (HRA), where development could have an individual or in combination significant effect on a European Site or its supporting habitat.</p> <p>Commensurate with the size and scale of potential impact, proposals must be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;</p>			
Non-breeding birds and Designated Sites - survey data						
E.002	<p>Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082)</p> <p>Information to Inform Habitats Regulations Assessment (APP-125)</p> <p>Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)</p>	C, O, D	See above (particularly LPP2 DM44)	<p>(7.12, 7.13 7.15, 7.16 CWCC RR) There is concern that assessment of bird data collected from surveys has not considered all likely impacts, such as flight path disruption both within the site and to other areas of bird usage. It is noted that the Glint and Glare Assessment did not include impacts on ecological receptors in terms of flight disruption. This means that the full level of mitigation required has not been identified.</p> <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, meaning that the baseline data is not considered to be robust.</p> <p>(7.52-7.56 RR) The applicant has based the methodology on which to assess the area of mitigation land required for the development on the Cleeve Hill Solar Park Mitigation example. However, this example does not account for the fact that the majority of the proposed NBBMA is already acting as a</p>	-ve	<p>As stated in response to LIR_CWACC14.1 and WR_CWACC4.10, the Applicant does not agree.</p> <p>There is no evidence to suggest that glint and glare would affect bird flight behaviour. This issue has been fully assessed within the HRA [as updated alongside this submission], and Natural England is satisfied with the conclusions of the overall assessment.</p> <p>The entire Order Limits were surveyed during Year 3 of the survey programme, as documented in PD2-009. In response to WR_CWACC4.26, the Applicant disagrees with the statement made. The assessment is informed by three years of survey data, with a minimum of two years of survey coverage within each survey cell, supported by comprehensive desk-study information and up-to-date BTO WeBS data. This area is therefore well researched and well understood.</p> <p>Natural England has accepted the baseline data [REP1-056] within the updated HRA [as updated alongside this submission].</p> <p>As stated in the response to WR_CWACC4.27, The Applicant agrees with Natural England that bird-day calculations should not be relied upon in isolation, and this was never the Applicant's intention. As set out throughout</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS)(APP-144),			NBBMA, casting doubt on its application to this development and robustness of the mitigation strategy.		the updated HRA [as updated alongside this submission] , and specifically in Section 2 of the oNBBMS within the oLEMP [as updated alongside this submission] , bird-day calculations are used as a supplementary tool only, to inform the scale of mitigation required rather than to define an absolute requirement. The reference to the Cleeve Hill Solar Park Mitigation example was used solely as a methodological benchmark to inform this supplementary exercise, not as a direct quantifiable approach to be strictly applied to the Proposed Development. The Applicant recognises that the majority of the proposed NBBMA is already functioning as supporting habitat, and this baseline condition has been taken into account within the assessment. Accordingly, the mitigation strategy is not dependent on a single precedent and is considered robust and appropriate to the site-specific context. Natural England agrees that the approach to mitigation will deliver a habitat uplift, and accepts that there will be no AEoI of the Mersey Estuary SPA and Ramsar based on the assessment.
Non-breeding birds - General Construction impacts						
E.003	Appendix 2-2 Construction Phasing (APP-051) Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)	C, D		(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 required by the Frodsham Windfarm Mitigation Plan will not be in place immediately and so the area will not achieve the existing functional mitigation level required prior to works and certainly not that required for mitigation of 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. The Skylark Mitigation Area (SMA) is not included in the Construction Phasing programme. Th SMA should be in place prior to works on areas with breeding Skylarks, otherwise the Skylark population will be negatively impacted.	-ve	Works will commence once the NBBMA is considered "functional", which has been defined and agreed with Natural England through progressive consultation, since submission as stated in the response to WR_CWACC4.6, As stated, this is detailed in Section 3.2 of the information to Inform Habitats Regulations [as updated alongside this submission] . As such, the matters set out in CWaCC's representation will not arise. Natural England are satisfied with these conclusions [REP1-056] , As stated in WR_CWACC4.7, the Applicant notes that the SMA will be in place and functional before the development of the solar areas., as detailed in Table 5.3 of the revised Outline Construction Environmental Management Plan [as updated alongside this submission]
Non-breeding birds - Construction Noise and Visual Impacts						
E.004	Information to Inform Habitats Regulations Assessment (APP-125) Environmental Statement:	C, D	See above	(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 conflicts between the documents and does not seem to have been fully assessed to conclude whether the elevational differences are positive or negative. Therefore, a full assessment has not been made.	-ve	As stated in response WR_CWACC4.5, WR_CWACC4.2, 4.3 and 4.4, it is the Applicant's position, agreed with Natural England, that potential impacts from construction noise and vibration can be adequately avoided and mitigated such that there would be no AEoI of the Mersey Estuary SPA and Ramsar site, while still allowing delivery of the Proposed Development.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Volume 1 Chapter 8: Ornithology (APP-041) Outline Landscape and Ecology Management Plan; Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) (APP-144) Noise Assessment (APP-054)			(7.14 RR) Noise and vibration assessments as detailed in ES Vol 2 Appendix 4-1: Noise Impact Assessment (APP-054) identify that, without mitigation, predicted noise levels (LAeq) from construction works—particularly 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 is not clear why, in line with the "avoid" step of the mitigation hierarchy, the SADA in these areas was not reduced in extent to ensure noise was not at a level of significant impact within range of the NBBMA.		In line with the mitigation hierarchy, avoidance has been achieved through the seasonal restrictions and mitigation measures set out in the outline CEMP [as updated alongside this submission] . Note that the elevations are fully accounted for in the noise assessment included within the HRA [as updated alongside this submission] .
Cumulative Impacts on Non-breeding birds						
E.005	Information to Inform Habitats Regulations Assessment (APP-125)	C, O, D	See above	(7.33 RR) The Runcorn Carbon Dioxide Spur Pipeline project is proposed to run through Cell 1, Cell 2 and Cell 3 (NBBMA) of the site and so introduces further additional impacts to the mitigation Cells included in the NBBMA, as well as cells used by qualifying SPA bird species elsewhere in the Order Limits. 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.		As stated in the response to WR_CWACC4.48, the Applicant 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.
E.006	Appendix B - Outline Non-Breeding Bird Mitigation Strategy (oNBBMS) (APP-144) Figure 4 (Information to inform HRA (PD2-010) Figure 1-4 (Ch1 ES Figures (APP-105)	C, O, D	See above	(7.34, 7.49-7.51) 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). This should be added in as a project for assessment of cumulative/in-combination effects, rather than form the baseline of the project, as the NBBMS is based on cumulative impacts. The oNBBMS proposes development on existing mitigation Cells 2 and 5 and slightly expanding and enhancing Cell 3 to compensate for this. Qualifying bird species have also been recorded on Cell 1 and in some areas of the wider SADA (Eastern array), with a high concentration in an area known as "The Lum" and the new NBBMA is proposed to compensate for loss and disturbance of these areas.		Natural England has confirmed that mitigation can be delivered within land already functioning as mitigation for another project (Q4.4.3; ExA Questions [REP2-009]), and that such an approach can mitigate for qualifying bird species in relation to both developments. Natural England has accepted the conclusions of the HRA in principle on this basis. The Applicant acknowledges that the FWF mitigation areas comprise the cells stated. However, these areas are secured, operational, and functioning habitat at the time of assessment, and therefore represent the existing environmental baseline, rather than a future project giving rise to additional effects. As such, they are appropriately included within the baseline for the purposes of the HRA, rather than assessed as a separate project for cumulative or in-combination effects. The updated HRA explicitly considers the operational status of FWF and Natural England has accepted this approach. As stated in the response to WR_CWACC4.9, NE does not dispute the presence of SPA species (not limited to) across the Order Limits, the results in the HRA [as updated alongside this submission] evidence this. All SPA

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>Paragraph 2.6.5 states that a key focus of the NBBMS is in relation 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 these have not been taken into account.</p> <p>The proposed reduction in mitigation areas means that the bird population is dependent on one smaller area of mitigation land, reducing the ability to use different 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>This will have significant negative impacts on the local/national/international non-breeding bird population and designated site.</p>		<p>species have been considered, including mitigation to each species where appropriate (Table 8-1 and Table 8-2). 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>Natural England has also indicated that they are satisfied with the information provided in relation to the assessment completed on non-breeding bird displacement as set out in REP1-056 NE27.</p> <p>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 [REP2-009]]</p>
Non-breeding birds - Public Rights of Way						
E.007	Outline Landscape and Ecology Management Plan (APP-144) Environmental Statement: Volume 3 Chapter 2 Figures	O	See above	<p>(7.8 and 7.18 RR) There are existing footpaths on Site, most of which are of low quality and in varying condition and status. The development proposes to introduce new footpaths, some of which are in close proximity to the non-breeding bird mitigation area, and upgrade existing footpaths and bridleways, some of which will accommodate new cycle use. These elements have not been fully assessed in terms of operational impacts and are likely to have negative impacts on the non-breeding bird species recorded on Site, in terms of human disturbance (visual and noise), with more intense use and disturbance across a wider area than currently occurs. The elevated position of some of the paths will also increase levels of disturbance. This is not comparable to current farming-related and limited recreational activities, as asserted by the applicant (7.23 RR).</p> <p>(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 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 those areas to avoid disturbance, in line with mitigation hierarchy.</p>	-ve	<p>The Applicant has addressed this comment in relation to footpaths in its response to WR_CWACC4.13, WR_CWACC4.12 and has also addressed it within 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> <p>With regards to screening, this has been responded to WR_CWACC4.15, it is a precautionary and best practice measure, which is widely adopted in nature reserves across the country. 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> <p>The Applicant notes that comment (7.25. RR) has already been addressed within PD2-027, CWACC7.25. The Applicant has included specific monitoring commitments in the oLEMP [as updated 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].</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				(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 Influence (DEFRA Magic mapping) and a Recreational Mitigation Strategy formed by neighbouring local planning authorities (Merseyside Environmental Advisory Service).		
Recreation and Impacts on Frodsham marshes in Frodsham Neighbourhood Plan						
E.008	Policy Compliance Document (APP-129)	O	Frodsham Neighbourhood Plan 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:	(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. This is not considered to be the case at present.	-ve	The Applicant notes that the matter raised has already been addressed within PD2-027, CWACC7.22. The Applicant reiterates that this approach accords with Policy EDVE2 of the Frodsham Neighbourhood Plan, which seeks the avoidance or mitigation of biodiversity impacts rather than the restriction of access. As set out in the supporting text to Policy EDVE2, increased visitor use and the protection of wildlife are not regarded as incompatible where impacts are properly managed.

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			<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>Policy GSRL4: Creating New Green/Open Spaces of the Frodsham Neighbourhood Plan states: To encourage 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 			

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommissioning (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			ecological value and function of Frodsham Marshes.			
Post-development Impacts						
E.009	Proposed Development (Table 2-13 Indicative Operational Lifespan of Proposed Development Components (Chapter 2 Proposed Development (APP-035) Appendix A of the Transport Assessment (APP 134)	D	LPP1 ENV4: Sites will be protected from loss or damage taking account of: The hierarchy of designations of international, national and local importance The irreplaceability of habitats, sites and/or features and contribution to the borough's ecological network of sites and features Impact on priority habitats and protected/priority species	(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 future dependency of qualifying bird species on the NBBMA. (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..	-ve	As per the response to WR_CWACC4.21. 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. 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 are in place. The HRA [revised as alongside this submission] has been updated to account for this.
Breeding birds						
E.010	Environmental Statement: Volume 2 Appendix 8-1: Ornithological Survey Report (APP-082) Chapter 8 of the Environmental	C, O, D	In line with Local Plan (Part One) policy ENV 4, development will be supported where there is no net loss of natural assets and, wherever possible, it	(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 on the local breeding bird populations could be higher than have been mitigated for. (7.60, 7.77-7.80 RR) There is no clear explanation of the Skylark population baseline currently on Site in terms of area,	-ve	As stated in the response to WR_CWACC4.30, 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] . The Applicant has addressed the skylark comment in its response to WR_CWACC4.31. 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] .

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Statement Volume 1 Chapter 8: Ornithology (APP-041)		<p>delivers net gains within the borough.</p> <p>Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:</p> <ul style="list-style-type: none"> identifies the assets of biodiversity/geo diversity value on and within the vicinity of the site; evaluates the value and extent of the assets; assesses the likely expected impact of the development on assets of biodiversity/geo diversity value taking into account the mitigation hierarchy; identifies the net losses and gains for biodiversity/geo diversity, using a biodiversity 	<p>quality of habitat and distribution, and how the proposed mitigation (NBBMA and Skylark Mitigation Area (SMA)) is adequate to compensate for the habitat loss proposed. The SMA location is not near to any areas where Skylark were recorded during the surveys. The Proposed Development will significantly restrict their current range, due to lack of open areas and disturbance from new and upgraded footpaths. 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 the proposals could reduce the Skylark population in the local area.</p>		

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>metric calculation;</p> <p>identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and</p> <p>Commensurate with the size and scale of potential impact, proposals must:</p> <p>be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;</p> <p>include a long term habitat and species management plan, if applicable;</p>			
Proposed Layout						
E.011	<p>Outline Landscape and Ecology Management Plan (APP 144).</p> <p>Environmental Statement: Volume 3 Chapter 2 Figures</p>	C, O, D	<p>LPP1 ENV4:</p> <p>Sites will be protected from loss or damage taking account of:</p> <p>The hierarchy of designations of international, national and local importance</p>	<p>Eastern Array: (7.68-7.69 RR) An area adjacent to this referred to as "The Lum", is a piece of land protruding into the River Weaver where a high concentration of relevant birds have been recorded. A large proportion of this looks to be retained, however, there is limited buffer area to protect against disturbance of these birds and so the area should be expanded to ensure no impact.</p> <p>Further east, the "Redwall Reedbed" in the Information to Inform Habitats Regulations Assessment report (EN010153/DR/5.3) (APP-125), is field parcel 11 in Figure 4 "the Proposed Development Areas - With Cells" of the same document and an area of priority habitat reedbed in Natural England's Magic mapping tool. There is habitat loss proposed in this area. Although there were lower numbers of non-</p>	-ve	<p>The Lum is included as part of the overall mitigation and areas of enhancement packaged detailed in the HRA [as updated alongside this submission; paragraph 3.2.21] as per the response to WR_CWACC4.9.</p> <p>The Lum and Redwall Reedbed have also been considered in Response to Local Planning Authority and Statutory Environmental Body Relevant Representations [PD2-027] references CWACC7.68, CWACC7.60, CWACC7.61.</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>The irreplaceability of habitats, sites and/or features and contribution to the borough's ecological network of sites and features</p> <p>Impact on priority habitats and protected/priority species</p> <p>LPP2 DM 44:</p> <p>Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:</p> <p>identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;</p>	breeding birds recorded here and there is a buffer from the River in this field parcel, the expansion of the area of land retained would help to provide mitigation habitat for birds if managed and also assists with issues with reedbed habitat loss in BNG calculations.		

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>evaluates the value and extent of the assets;</p> <p>assesses the likely expected impact of the development on assets of biodiversity/geo diversity value taking into account the mitigation hierarchy;</p> <p>identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and</p> <p>provides sufficient information to inform a Habitats Regulations Assessment (HRA), where development could have an individual or in combination significant effect on a European Site or its supporting habitat.</p> <p>Commensurate with the size</p>			

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				and scale of potential impact, proposals must be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;		
E.012	Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041)	C, O, D	See above	<p>(7.69-7.76) Western Array:</p> <p>The integrity of the remaining functionally linked land is at risk due to the reduced area available to qualifying bird species, increasing isolation and vulnerability;</p> <p>The connectivity across the remaining functionally linked land, both on and adjacent to the Site, is disrupted;</p> <p>Reduction in mitigation areas means that the bird population is dependent on one smaller area of mitigation land, reducing the ability to use different 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>The solar panels are proposed very close to areas of ecological sensitivity.</p> <p>(7.70 RR) Cell 2 and the eastern and northern areas of Cell 1 also support qualifying bird species. There is minimal buffer from the solar panels along the northern and eastern boundaries of Cell 1, raising concern regarding the impacts on non-breeding birds.</p>	-ve	<p>As per the response to E.006. The Applicant also 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 and the response to WR_CWACC4.11 and WR_CWACC4.28.</p> <p>The Applicant defers to the response that relates to CWaCC previous</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> <p>The Applicant has addressed solar panels in the Western Array in its response to WR_CWACC4.10.and range of the bird population in its response to WR_CWACC4.25.</p> <p>The implementation of buffers between solar and the river weaver/cells would not be utilised by non-breeding bird species. The Applicant is therefore unsure what species of birds CWaCC are referring to.</p>
E.013	Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041),	C, O, D	See above	<p>(7.71-7.72 RR) In paragraph 8.8.6 of the Environmental Statement: Volume 1 Chapter 8: Ornithology (APP-041), it states that buffer zones documented in Goodship and Furness (202225) suggest that (depending on the nature of the disturbance) effects out to 100 m and up to 650 m (curlew) may be detectable by some species during the non-breeding season. Therefore, the solar panels should be drawn back by 100m minimum from areas of qualifying non-breeding bird use, i.e. Cells, 1, 2 and 3. There is only 20-50m separation between the river Weaver and panels on Cell 1. This means that the mitigation proposed is inadequate and will negatively impact the non-breeding bird population on site.</p>	-ve	<p>The interpretation presented in this comment does not accurately reflect either the intent or application of the evidence cited in paragraph 8.8.6.</p> <p>Goodship and Furness (2022) do not prescribe mandatory buffer distances for development. Rather, they report that behavioural responses may be detectable at varying distances depending on species, season and the nature of the disturbance. It does not relate to static/slow moving infrastructure.</p> <p>If CWaCC is referring to regular routine checks, operational disturbance would be limited to infrequent routine maintenance visits, comparable in nature and frequency to use of nearby Public Rights of Way. The solar array within Cell 1 is located on higher ground, with a marked drop in levels to the River Weaver corridor. This topography, together with intervening bankside vegetation, results in very limited intervisibility between the panels and birds</p>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
						using the river channel and margins. Birds utilising the River Weaver would therefore need to be located at a considerable distance from the channel in order to visually detect a person within the solar array, which in practice is unlikely.
Bats						
E.014	Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) Frodsham Solar Arboricultural Assessment (APP-146)	C, O, D	In line with Local Plan (Part One) policy ENV 4, development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough. Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and: identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;	(7.83 - 7.84 RR) There is conflicting information between the Paragraph 7.7.16 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040), which states trees will be retained and the Frodsham Solar Arboricultural Assessment (APP-146) which details removal of G034 to enhance the NBBMA, and G067, G069, a section of G099 and A106 to facilitate the development. It should be confirmed that the trees listed for removal in the Arboricultural report were surveyed for bat roosting potential and none were present. If not, Bat roosting surveys should be carried out on these trees by a suitably qualified ecologist to best practice guidelines. 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.	N	The Applicant has responded to this point in its response to LIR_CWACC14.2, point ii).

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>evaluates the value and extent of the assets;</p> <p>assesses the likely expected impact of the development on assets of biodiversity/geo diversity value taking into account the mitigation hierarchy;</p> <p>identifies the net losses and gains for biodiversity/geo diversity, using a biodiversity metric calculation;</p> <p>identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and</p> <p>Commensurate with the size and scale of potential impact, proposals must:</p> <p>be designed in line with the mitigation hierarchy, with compensatory</p>			

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			measures only considered as a last resort; include a long term habitat and species management plan, if applicable;			
E.015	Environmental Statement: Volume 2 Appendix 7-3: Bat Activity Survey Report (APP-079) Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)	C,O, D	See above.	(7.85-7.88 RR) Bat activity surveys were carried out July-November 2023, which missed the Spring survey season and did not include the NBBMA. 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/commuting 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 on foraging and commuting habitats and likely benefits to such habitats from the proposals, there are no significant concerns regarding impacts on the local population of foraging and commuting bats.	N	The Applicant notes this comment.
Otters						
E.016	Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (APP-076)	C, O, D	See above	(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 likely 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 and provide a likely route for Otters from the River Weaver up to Cell 6 and through to the NBBMA. Therefore, presence on site is assumed as in 7.6.28 of Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040). (7.92-7.94 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 important food source, causing displacement and restricting	-ve	The Applicant has responded to this point in its response to LIR_CWACC14.2, point iii).

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
				<p>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 to be present currently. This restriction is likely to have a negative impact on the local Otter population and restrict their range.</p>		
Great crested newts						
E.017	<p>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)</p> <p>Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (APP-076)</p> <p>Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035)</p>	C, O, D	See above	<p>(7.96-7.98 RR) Recent survey data from 2022, historical survey data and desktop records have established GCN are unlikely to be present on or within range of the site.</p> <p>The Proposed Development is likely to increase the diversity of habitats on site for Great crested newts, if present in the future, with the proposed woodland, scrub, hedgerow, grassland, reedbed, ditches and pond creation and enhancement, tied into a long-term management plan (as detailed in Work No. 6a - works to create, enhance and maintain green infrastructure, paragraph 2.4.125 Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035).</p>	N	The Applicant agrees with this point.
Water voles						
E.018	<p>Environmental Statement: Volume 2 Appendix 7-2: Protected</p>	C, O, D	See above	<p>(7.99-7.103 RR) Surveys carried out from September 2023 to March 2025 over most of the site found evidence of Water voles and concluded that there is a Water vole population using the ditch network across the site. Although a population density survey could not be undertaken, the distribution found</p>	N	The Applicant agrees with the point.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	<p>Ecological Species Baseline Report (APP-076) Figure 2: Water Vole Crossing Point Preliminary Habitat Suitability Assessment</p> <p>Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)</p> <p>Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (APP-076)</p> <p>Outline Landscape and Ecology Management Plan (APP 144).</p>			<p>and good ditch suitability across site suggests a substantial population is present. Records from planning applications outside of the site, on the westernmost area of the Marsh, around Ince and Protos, also show significant numbers of water vole, indicating an extensive, contiguous population across the Frodsham, Helsby and Ince Marshes.</p> <p>The Outline Construction Environmental Management Plan contains standard measures during construction. Paragraph 7.7.29 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that a Mitigation Licence will be obtained from Natural England if necessary, i.e. if the ditch crossing works are predicted to disturb a Water vole burrow. When ditch crossings are in place they will not impede water vole movement during operation.</p> <p>Cessation of agricultural practices are likely to enhance water quality and scrub management and ditch-top habitats for Water vole will be enhanced. New wetlands proposed in the NBBMA and Cell 2 will expand the range of habitats currently available. These measures are set out within the Outline Landscape and Ecology Management Plan (APP 144).</p>		
Badgers						
E.019	<p>Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (Confidential Badger Annex) (APP-078)</p> <p>Annex 2 Frodsham Renewable Energy</p>	C, O, D	See above.	<p>(7.105-7.106 RR) The unique topography of the site, with bunded cells above wetter areas, has allowed a significant population of Badgers to establish, [REDACTED]</p> <p>[REDACTED] Due to the lack of footpaths and bad condition of those footpaths, as well as separation of the site by the M56 from the local population, the large area of relatively undisturbed habitat has likely contributed to the success of the Badger population on site. The Badger population on Site has expanded in range and size, from survey data in 2022 to 2025.</p> <p>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) states</p>	-ve	<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]. Badger gates will be fitted to allow continued access to all parts of the Order Limits, with the exception of the NBBMA. Exclusion of badgers from the NBBMA is for the benefit of breeding birds. Measures to ensure the protection of badgers and active setts are provided in Table 5.3 of the revised Outline Construction Environmental Management Plan - P03 [[as updated alongside this submission]. 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>

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Development Preliminary Ecological Appraisal Report (RSK Biocensus, 2023) (Redacted) of Environmental Statement: Volume 2 Appendix 7-1) (APP-075) Outline Landscape and Ecology Management Plan (APP-144)			<p>██████████ The "avoid" step of the mitigation hierarchy has not been followed, ██████████. Small scale, simple amendments in the proposed layout would reduce direct impacts on Badger setts during construction.</p> <p>(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 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> <p>As well as direct impacts from development, due to lack of sufficient buffers from setts, the Badgers range and interaction will be significantly disturbed, due to solar panel fencing restricting large areas of the site, even with mammal gates provided. In addition, the introduction and upgrading of new and existing footpaths, to cycleway and bridleways, will disturb the badger population to a level they are currently not used to. Due to the topography of the site, there will be limited places for Badgers to move location if disturbed, which may cause abandonment of the site and reduction in population size.</p>		
Invertebrates						
E.020	Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035). Environmental Statement: Volume 2 Appendix 7-2: Protected Ecological Species Baseline Report (APP-076)	C, O, D	See above.	(7.111-7.112 RR) The Proposed Development is likely to increase the diversity of habitats on Site for invertebrates, with the proposed woodland, scrub, hedgerow, grassland, reedbed, ditches and pond creation and enhancement, secured in a long-term management plan. (as detailed in Work No. 6a - works to create, enhance and maintain green infrastructure, paragraph 2.4.125 Environmental Statement: Volume 1 Chapter 2: The Proposed Development (APP-035).	+ve	The Applicant agrees with this point.
Reptiles						
E.021	Environmental Statement: Volume 2	C, O, D	See above.	(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 in 2022 did not include the	-ve	The Applicant refers to previous responses regarding reptiles and reptile surveys in its Response to Local Planning Authority and Statutory

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Appendix 7-2: Protected Ecological Species Baseline Report (APP-076)			NBBMA, which comprises ditches and larger open water areas, so there are concerns regarding the baseline data and therefore any mitigation proposals that are required may not be known. Further justification is required as to why omission of this area in the survey does not affect the results and mitigation proposals.		Environmental Body Relevant Representations [PD2-027] , specifically Section CWACC7.85. 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]. 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, +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.
Fish						
E.022	Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-40) Outline Construction Environmental Management Plan (APP-136)	C, O, D	See above	(7.114-7.115 RR) Ditches and watercourses are likely to support a typical assemblage of fish species, and eels are assumed to be present within any permanently wet water bodies, that are hydrologically connected to any main watercourse (paragraph 7.6.52 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-40). Incorporated mitigation includes buffers of at least 10m from all ditches and watercourses, with the exception of 17 new permanent crossings and upgrading of eight existing crossings. Works within the NBBMA would include engineering works within the existing ditch. A fish rescue plan is recommended to be secured, as well as integrated pollution prevention measures within the Outline Construction Environmental Management Plan (APP-136). Paragraph 7.8.64 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-40) specifies working measures for European eel. The new ditch crossings will be open span and so not impeded fish movement during operation of the solar farm.	Neutral	The Applicant agrees with this point.
Local Wildlife Sites						
E.023	Statutory and non-statutory sites or Features of Nature Conservation Plans (APP-012).	C, O	The Local Plan will safeguard and enhance biodiversity and geodiversity through the identification and protection of sites and/or features of international, national and local importance. Sites will be protected from loss or damage	(7.117 RR) In the East Clifton Tip LWS, there is a cable proposed along an existing access track, and within the Frodsham Field Studies Centre LWS there are two pylons and a compound proposed. Therefore, there is minimal habitat loss in these LWS's. (7.117 RR) Frodsham, Helsby and Ince Marshes is the largest Local Wildlife Site in CWCC, at 1154.48 hectares in size. This is almost twice as large as the next largest LWS in the Borough, denoting an extensive area of valuable habitats which support species at county, national and international level. The site is also of botanical significance at county and national levels. The main development area will cover approximately 20% (approx. 247ha of 1154ha) of this LWS (Statutory and non-statutory sites or Features of Nature Conservation Plans (APP-012). As one of the qualifying	N	These points raised have been addressed in the Applicant's response to WR_CWACC4.42 to WR_CWACC4.45 also submitted at Deadline 3. Regarding the definition of FLL, the Applicant refers to its response in E.001 above.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>taking account of:</p> <p>The hierarchy of designations of international, national and local importance</p> <p>The irreplaceability of habitats, sites and/or features and contribution to the borough's ecological network of sites and features</p> <p>Impact on priority habitats and protected/priority species</p> <p>Development should not result in any net loss of natural assets and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features because of exceptional overriding circumstances, mitigation and compensation will be required to ensure there is no net loss of</p>	<p>features of the LWS is non-breeding birds, this will potentially require the removal of the LWS designation in the development area and reduce the connectivity and resilience of the remaining LWS.</p> <p>Functionally linked land' (FLL) is a term used to describe areas of land or sea occurring outside a designated site which 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. These habitats are frequently used by SPA species and support the functionality and integrity of the designated sites for these features.</p> <p>In Natural England's report "<i>Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England – Phase 2 October 2023 Natural England Commissioned Report NECR483</i>" and the associated <i>Appendix 5 – Functionally Linked Land Maps for the Dee Estuary, Mersey Estuary and North Wirral Foreshore</i>", the Marsh contains the only two areas of High Potential Functionally Linked Land in CWCC. One of these areas is within the site and the other is adjacent. No other LWS in CWCC contain areas such as these. The term "high" in this case means the sites are regularly visited by significant numbers of birds on a regular basis. In this case, significant means 0.5% of the GB population or 1000 individuals, rather than the qualifying population for the SPA itself, to account for movement of species between SPA. The larger area classed as High potential, includes all of Cells 1, 2, 3, 4, 5, and 6 of the Frodsham Windfarm cells, of which Cells 1, 2, 3 and 5 comprise the western array and NBBMA of the development site (approx. 200 hectares). The smaller area of High Potential Functionally Linked Land is known as the "Inovyn Cell", which was originally proposed to be within the DCO order limits but was removed and now sits adjacent to the Eastern array. Between these two areas, an area of Moderate potential (visited less frequently than High potential areas) is located near to "The Lum" adjacent to the Eastern boundary of Cell 1.</p> <p>The LWS provides a large, contiguous area of valuable habitat for species associated with the Mersey Estuary SPA/SAC/RAMSAR. The results of the non-breeding bird surveys also support the mapped areas identified for significant use by non-breeding birds.</p>		

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>environmental value.</p> <p>Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance, and:</p> <p>identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;</p> <p>evaluates the value and extent of the assets;</p> <p>assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;</p>	<p>(7.119 RR) Paragraph 7.8.8 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) Table 7.9 does not list birds or mammals as qualifying features of the LWS, so there is doubt that a full assessment of impact on the LWS has taken place.</p> <p>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/corridor habitat to the Mersey Estuary RAMSAR/SPA/SSSI and the reduction in area that can function as such is a significant concern and may lead to the loss of this qualifying feature in this area and therefore reduction in this locally unique LWS designation.</p> <p>7.124. Mammals: There are concerns regarding Otters and Badgers, regarding connectivity through the landscape, loss and restriction of access to food resource and displacement. Please see Otter section in RR 7.91 – 7.97 and Badger sections RR 7.106-7.112.</p>		

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and</p> <p>Commensurate with the size and scale of potential impact, proposals must:</p> <p>be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;</p> <p>include a long term habitat and species management plan, if applicable;</p> <p>include a management plan for invasive species, if applicable; and</p> <p>utilise native species in landscaping schemes, where appropriate.</p>			
Biodiversity Net Gain						

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
E.024	Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) Frodsham Solar Ltd BNG Metric Spreadsheets AS-036 (as provided by applicant as Excel spreadsheets to enable assessment)	C, O	Development should not result in any net loss of natural assets and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features because of exceptional overriding circumstances, mitigation and compensation will be required to ensure there is no net loss of environmental value. In line with Local Plan (Part One) policy ENV 4, development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough. Development likely to have an impact on protected sites (statutory and non-statutory), protected/priority species, priority habitats or geological sites must be accompanied by	(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 satisfactorily compensated for, due to metric trading rules. This means that these Headline results are irrelevant, in accordance with Statutory User Guidelines. This is a significant proportion of the unit provision on Site. Paragraph 7.7.73 of the Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040) states that even though the reedbed should not be classed as such, due to some areas being isolated and dry. However, the area of reedbed is 64ha, which is not insignificant. The reedbed meets UK Habs definitions and so should be classed as such. 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. The applicant's approach would significantly undervalue the habitats on site, on a strategic scale and a net loss would not be achieved. (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 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."	-ve	These points raised have been addressed in the Applicant's response to WR_CWACC4.46.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>an Ecological Assessment that complies with industry best practice and guidance, and:</p> <p>identifies the assets of biodiversity/geodiversity value on and within the vicinity of the site;</p> <p>evaluates the value and extent of the assets;</p> <p>assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;</p> <p>identifies the net losses and gains for biodiversity/geodiversity, using a biodiversity metric calculation;</p> <p>identifies the options to enhance the value of the assets and contribute</p>			

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>towards the borough's ecological network; and</p> <p>Commensurate with the size and scale of potential impact, proposals must:</p> <p>be designed in line with the mitigation hierarchy, with compensatory measures only considered as a last resort;</p> <p>include a long term habitat and species management plan, if applicable;</p> <p>include a management plan for invasive species, if applicable; and</p> <p>utilise native species in landscaping schemes, where appropriate.</p>			
E.025	Frodsham Solar Ltd BNG Metric Spreadsheets AS-036? (as provided by applicant as Excel	C, O	See above	(7.134-7.137 RR) An amended layout should be provided, to avoid the loss of 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.	-ve	These points raised have been addressed in the Applicant's response to WR_CWACC4.46.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	spreadsheets to enable assessment)			<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 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>		
Peat:						
E.026(a)	Environmental Statement: Volume 1 Chapter 7: Terrestrial Ecology (APP-040)	C, O, D	Development should not result in any net loss of natural assets and should seek to provide net gains. Where there is unavoidable loss or damage to habitats, sites or features because of exceptional overriding circumstances, mitigation and compensation will be required to ensure there is no net loss of environmental value.	<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: 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>	-ve	<p>The Applicant confirms that a Technical Note on Peat Resources [REP1-043] was submitted following the discussion on peat at ISH1, demonstrating through the extensive desk study information available that peat is unlikely to be present at depths that would be affected by the Proposed Development.</p> <p>The Applicant has committed within the outline Construction Environmental Management Plan [as updated alongside this submission] to conduct detailed ground investigations during the design phase to confirm peat depths across the Site and to implement mitigation measures, including the use of low-pressure machinery, if shallow peat is encountered. Reference WR_CWACC4.47 of the Applicants' Response to Written Representations [EN010153/DR/8.28] addresses potential impacts on peat related to compaction and hydrology.</p>
Ecological Network						
E.026(b)	n/a	C, O, D	Development that makes a positive contribution towards the borough's ecological network will be	The site is in a Core Area of the Ecological Network, which requires any development to increase the size, quality or quantity of priority habitat. Priority habitats on site likely include wet woodland, reedbeds and lowland mixed deciduous woodland. It would be appropriate to enhance wet woodland and reedbed habitats on site, due to the species present. Currently this is not demonstrated, and in fact there is a loss of priority habitat, as shown in the BNG metric.		Priority habitats are addressed in the Applicant's response to LIR_CWACC14.4.

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
			<p>supported. Within the components of the ecological network, as identified on the policies map, proposals should:</p> <p>increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones;</p> <p>within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species;</p> <p>in restoration areas, improve the structural connectivity, resilience and function of the network;</p>			

Table 2-6: Applicant's Response to Appendix 6 (Ground conditions, contamination)

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommissioning (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Ground conditions, peat and contamination						
			General to column: SOC5 and ENV4 DM32 Land contamination instability		Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
G.001		C & D	SOC5 and ENV4 DM32 Land contamination instability	There is potential for localised contamination associated with piling and ground disturbance. Chapter 10 Ground conditions (APP-043) identifies asbestos fibres near the surface on Cell 5, and following the Applicant's risk assessment this is noted as of low risk. An elevated level of polychlorinated biphenyls (PCBs) was also found in the dredging cells. In terms of leachate some elevated contaminants were identified.	(-ve) -1	The Applicant notes this comment and necessary mitigation measures have been proposed within the outline Construction Environmental Management Plan [as updated alongside this submission] listed out in Table 5-5 of the oCEMP.
G.002		C	SOC5 and ENV4 DM32 Land contamination instability	CWCC's Contaminated Land Officer notes that the design of the proposed buildings on site need to consider potential gas risk.	(-ve) -1	The Applicant notes this comment and necessary mitigation measures have been proposed within the outline Construction Environmental Management Plan [as updated alongside this submission] . This includes provision of an appropriate gas monitoring programme would be undertaken at the detailed design stage prior to the construction of buildings to assess whether gas protection measures are required within the design of the structures.
G.003		C & D	SOC5 and ENV4 DM32 Land contamination instability	There is a risk of encountering unexploded ordnance (UXO). Within the NBBMA, western part of the SADA in particular the risk of encountering UXO is high (including the dredging deposit Cell 1 and most northerly section of Cell 5 is high with the remainder of the assessed areas within Cell 5 as medium to high risk. Some of the other areas are described as medium risk (10.6.31 of Chapter 10 Ground conditions (APP-043))	(-ve) -2	The Applicant notes this comment and necessary mitigation measures have been proposed within the outline Construction Environmental Management Plan [as updated alongside this submission] . This includes the provision of an Unexploded Ordnance (UXO) Management Plan (UXOMP) that will set out control and response measures to mitigate for potential UXO within the Site.
G.004		C	DM43 Water quality, supply and treatment	The Environment Agency (EA) has the remit in terms of water pollution, and the potential impacts referred to in the EA's RR should be considered. Concern over potential lack of control in relation to permitted preliminary works being outside the definition of commence should be addressed.	(-ve)	Permitted preliminary works are strictly regulated by Requirement 8 of Schedule 2 of the draft DCO, which requires such works be carried out strictly in accordance with Environmental Statement Volume 2 Appendix 2-3: Permitted Preliminary Works [as updated alongside this submission]. All PPW that could potentially lead to water quality and ground contamination issues require Approval under DCO Requirement 17 – Ground Conditions

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
						Investigation and Assessment Strategy, and must be carried out following industry standards and good practice, including reference to Control of water pollution from construction sites guidance for consultants and contractors (C532).
G.005		C	ENV4 Biodiversity and geodiversity	Further investigation of peat is recommended as part of the archaeological work, and the wider environmental implications associated with peat need consideration depending on the finding.	(-ve)	See response to E.026(a).

Table 2-7: Applicant's Response to Appendix 7 (Cultural Heritage)

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Cultural Heritage						
			General to column: ENV5 Historic Environment DM52 Solar Energy		Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
H.001	APP-044 Cultural Heritage chapter of ES	O	ENV5 Historic Environment DM 46 Development in Conservation Areas DM49 Registered Park and Gardens DM52 Solar Energy	There would be Minor adverse effects upon the settings of the following heritage assets, which include a scheduled ancient monument, a registered park and garden, and conservation areas and a Grade II listed war memorial: Frodsham Conservation Area (Asset 154); Castle Park (Frodsham) Conservation Area (Asset 155) and the Castle Park Grade II Listed Registered Park and Garden (Asset 153);	(-ve) -1	The Applicant notes this comment is in accordance with the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044] .
H.002	APP-044 Cultural Heritage chapter of ES	O	ENV5 Historic Environment DM 47 Listed buildings DM52 Solar Energy	The ES chapter indicates a Minor adverse effect upon the settings of the Grade II listed war memorial On Frodsham Hill. Given the relationship of this asset to Frodsham town and the importance of the setting a higher local impact is attributed.	(-ve) -2	The Applicant notes this comment. It considers the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044] is robust and takes into account the location of the asset and its relationship to Frodsham.
H.003	APP-044 Cultural Heritage chapter of ES	O	ENV5 Historic Environment DM50 Archaeology DM52 Solar Energy	The ES chapter indicates a Minor adverse effect upon The Promontory Fort On Helsby Hill 250 m North West Of Harmers Lake Farm Scheduled Monument (Asset 1); Given the relationship of this asset to Frodsham town and the importance of the setting a higher local impact is attributed.	(-ve) -2	The Applicant notes this comment. It considers the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044] is robust and takes into account the location of the asset and its relationship to Frodsham.
H.004	APP-044	O	ENV5 Historic Environment	The ES chapter indicates a Minor adverse effect upon Overton St Lawrence's (Frodsham) Conservation Area	(-ve) -2	The Applicant notes this comment. It considers the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Cultural Heritage chapter of ES		DM 46 Development in Conservation Areas DM52 Solar Energy	Given the relationship of this asset to Frodsham town and the importance of the setting a higher local impact is attributed.		Archaeology [APP-044] is robust and takes into account the location of the asset and its relationship to Frodsham.
H.005	APP-044 Cultural Heritage chapter of ES	C	DM48 Non-designated heritage assets DM50 Archaeology	Minor adverse direct effects predicted for the possible non-designated ventilation shafts (Asset 16) as the shafts are assumed to be destroyed by the Proposed Development.	(-ve) -1	It should be noted that the assessment has taken a worst-case approach assuming that all of these ventilation shafts would be lost. However, the assessment notes that the oCEMP [as updated alongside this submission] includes measures to provide for the retention of any ventilation shafts which do not need to be lost or damaged to facilitate the construction and operation of the Proposed Development. Any shafts which are not impacted by the solar array would be retained and fenced during construction to avoid damage.
H.006	APP-044 Cultural Heritage chapter of ES	C	DM48 Non-designated heritage assets DM50 Archaeology	Another direct effect would be negligible adverse effect on ridge and furrow deposits (Asset 257).	(-ve) -1	The Applicant notes this comment is in accordance with the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044] . A programme of archaeological investigation would be undertaken within the land east of Brook Furlong in the form of archaeological trenches in order to ascertain the level of preservation of the ridge and furrow recorded across the area.
H.007	APP-044 Cultural Heritage chapter of ES	C,	DM48 Non-designated heritage assets DM50 Archaeology	Section of probable post medieval flood defence, east of Frodsham Marsh Farm (Asset 258)	N	The Applicant notes this comment is in accordance with the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044] . These assets are not located within Works Area where physical ground disturbance is proposed, as such, any potential impacts upon them have been mitigated by design.
H.008	APP-044 Cultural Heritage chapter of ES	C	DM48 Non-designated heritage assets DM50 Archaeology	Other non-designated assets possible directly effected (table 11-10 of APP-044) – low or no effect predicted.	N	The Applicant notes this comment is in accordance with the assessment presented in Environmental Statement: Volume 1 Chapter 11: Cultural Heritage and Archaeology [APP-044] .

Table 2-8: Applicant's Response to Appendix 8 (Health, residential amenity and safety)

Ref LIR:	Related Document Reference	Impact during construction C), operation O), decommission D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Health and residential amenity						
			General to column: SOC5 Health and well-being	Please refer to Section 12 Health and Amenity of CWCC's Relevant Representations (RR-037)	Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
RA.001	APP-128 Planning Statement APP-054 noise assessment App-055 dust assessment APP-056 - Glint and Glare	C,O,D	SOC5 Health and well-being DM2 Impact on residential amenity DM30 Noise DM31 Air quality DM29 Health impacts of new developments	Impact on residential amenity of nearby dwellings (except Traveller sites – see below)	N	The Proposed Development would not result in any significant adverse effects on residential amenity, as seemingly acknowledged by CWCC assigning this a 'Neutral' score in the weighting column of this table. Residential visual amenity assessment was scoped out of the ES, as set out between paragraphs 6.5.13 and 6.5.26 of ES Vol 1 Chapter 6 Landscape and Visual Amenity [APP-039] . For all residential receptors, whilst there may be views of the Proposed Development from some properties, the visual change would not occur to such a degree that the living conditions of residents would be affected to the degree that any property would become an unattractive and unsatisfactory place to live. The Applicant has previously commented with regard potential glint and glare impacts on residential amenity at Agenda Item 5j of the Written Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 [REP1-033] .
RA.002	APP-128 Planning Statement APP-054 noise assessment App-055 dust assessment APP-056 - Glint and Glare	C.O,D	SOC4 Gypsy and Traveller and Travelling Showpersons accommodation	Whilst the noise, dust, glint and glare assessment raised no significant impacts, it is considered cumulatively, and in such close proximity, there would be some residual adverse impact on the Traveller sites	(-ve) -1	The Traveller sites have been considered throughout the ES and no significant adverse effects have been identified to them for any topic.
RA.004	APP-056 - Glint and Glare		DM11 Safeguarded areas around Aerodromes	Impact on airports (glint and glare and other aspects)	N	The Applicant has however prepared an assessment of glint and glare impacts to demonstrate the impacts of the Proposed Development are acceptable, and this is presented as ES Vol 2 Appendix 4-3: Glint and Glare Assessment [APP-056] . The assessment concludes that the residual glint and glare impacts would be low for all relevant receptors, including for airports.

Table 2-10: Applicant's Response to Appendix 9 (Flood Risk and Drainage)

Ref LIR:	Related Document Reference	Impact during construction C), operation O), decommission D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Flood Risk and Drainage						
			General to column: ENV1 Flood risk and water management		Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
F.001	ES Chapter 9 Flood Risk and Surface Water (APP-042)	C,O, D,	ENV1 Flood risk and water management	Ground compaction from compounds or heavy machinery operations may result in increased surface water runoff.	(-ve) -1	This potential impact is noted. Mitigation is secured through a combination of design measures and construction controls. Paragraph 9.8.12 of Environmental Statement: Volume 1 Chapter 9: Flood Risk and Surface Water [APP-042] confirms that temporary haul roads will be designed to minimise length while still serving their purpose. The gradient will be shallow to prevent increased runoff velocity, and if possible, bunds and / or discrete ditches will be constructed to intercept runoff thereby limiting the extent and duration of any increase in runoff .
F.002	ES Chapter 9 Flood Risk and Surface Water (APP-042) Water Framework Directive Assessment (APP-089)	O	ENV1 Flood risk and water management DM40 Development and flood risk	The Environment Agency refer to the addition of receptors in the area drained by Frodsham pumping station, and that this may lead to the residual life of the pumping station needing to be extended (RR EA016).	(-ve) -1	Reference ExA Q8.0.1 of Applicant Responses to ExA First Written Questions [REP2-003] explains that water levels within the main rivers are controlled by an existing pumping station, and that any assessment of pump failure is considered as part of the 'Do Nothing' scenario within the Flood Risk Assessment. There is no requirement for the Applicant to operate or maintain the pumping station, and this approach has been accepted by the Environment Agency.
F.003	6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (AS-020)	C,O,D	DM41 Sustainable Drainage Systems	The Flood Risk and Drainage Strategy sets out the surface water strategy in Section 11. The FRA considered that the solar arrays will not result in an increase in the surface water runoff rates and volumes and will not alter the existing greenfield drainage regime. The proposed BESS compound and Frodsham Solar Substation compound will be formally drained. Given the impermeability of the underlying strata, it is proposed to discharge surface water from these compounds to an adjacent ordinary watercourse	N	The Applicant notes this comment.
F.004	RR-024	C,O,D	DM 43 Water quality, supply and treatment	Deterioration of water quality is a risk to water bodies in the event of leaks and spillages of fuel, chemicals, or hazardous materials occurring.	(-ve) -2	The Applicant notes this comment. The OCEMP, oOEMP and oDEMP [as updated alongside this submission] all contain a requirement to prepare Construction Groundwater and Surface Water Management Plan

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
	Environment Agency Relevant Rep					(GWSWMP) which will set out measures to protect water quality. Tabel 5-4 also describes the various measures that would be adopted at the Site to safeguard water quality.
F.005	PD2-029 ofFWEP RR-024 Environment Agency Relevant Rep	O	ENV1 Flood risk and water management	The Environment Agency (EA) in their RR (EA009) identify there is a risk that Flood events may cut off workers unaware of rising water or compromise emergency services' access. Therefore, the site may not be operational in the event of a flood event.	(-ve) -1	The Applicant disagrees. The Site would be capable of remaining operational during a flood event, as all critical infrastructure, including the control room and substation, is located within Flood Zone 1. The panels and Power Conversion Units located within Flood Zone 3 have been raised above the design flood level agreed with the Environment Agency and would therefore remain operational during flood conditions. The Site is not permanently staffed and does not rely on staff presence to remain operational during flood events. Nonetheless, the Applicant has prepared an Outline Flood Warning and Evacuation Plan [PD2-028] , which has been discussed with the Council's Emergency Planning Department and Cheshire Fire and Rescue Service, and is considered to provide adequate measures to ensure the safety of operatives and other site users in the event of flooding.
F.006	RR-024 Environment Agency Relevant Rep	C,O	ENV1 Flood risk and water management DM40 Development and flood risk	The Environment Agency (EA) in their RR (EA015) have identified potential risk to flood assets from proposed water storage on a flood asset (the flood defence/bund).	(-ve) -2	The EA have confirmed that they are satisfied that this matter has been resolved as a result of a misunderstanding of the proposals – refer to reference EA15(a) of Comments on Relevant Representations and any additional submissions [REP1-050] .
F.007	ES Chapter 9 Flood Risk and Surface Water (APP-042)	C,O, D,	ENV1 Flood risk and water management	The Applicant's ES Flood risk chapter identifies some minor beneficial impacts associated with reduced farming activities e.g. less chemical pesticides etc	(=ve) +1	The Applicant notes this comment.
F.008	6.2 ES Vol 2 Appendix 9-1 Flood Risk Assessment and Drainage Strategy 1 of 5 (AS-020) 7.8 Outline Battery Safety Management Plan(APP-139)	O	DM 43 Water quality, supply and treatment	The implementation of the BESS introduces the potential risk of contaminated fire water runoff. Fire water management measures are proposed to mitigate the risk.	(-ve) -1	The Applicant has acknowledged this risk and put in place mitigation measures to prevent pollution of surface and groundwater resources.

Table 2-10: Applicant's Response to Appendix 10 (Transport and public rights of way (PROW))

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
Transport						
			General to column STRAT10 Transport		Relative importance signified by no: 1: little 2: moderate 3: Substantial 4: Great	
T.001	Transport Assessment APP-134 oCTMP PD2-014	C,O,D	STRAT10 Transport T5 Parking and access	Overall, Highway Officer raises no major objection to Transport Assessment. However, note awaiting NH input on cumulative assessment work	N	The Applicant notes this comment.
T.002	oCTMP PD2-014 oPRoWMP PD2-022		DM37 Recreational routeways	Temporary closure of PROW	(-ve) -1	Temporary closures of public rights of way would be managed in accordance with the outline Public Rights of Way Management Plan [as updated alongside this submission] .
T.003	oCTMP PD2-014 oPRoWMP PD2-022	O	STRAT10 Transport	Establishment of Permissive paths (to south of deposit grounds)	(+ve) 2	The Applicant notes these comments and has prepared an Outline Construction Traffic Management Plan, an Outline Public Rights of Way Management Plan and Outline LEMP to deal with these matters. The Proposed Development has been designed to deliver enhancements for the local community through the provision of additional permissive paths, improving access for a range of user groups. While there will be some temporary disruption during the construction phase, the Applicant has sought to introduce measures to ensure that the vast majority of existing public rights of way remain open throughout the construction period.
T.004	oCTMP PD2-014 oPRoWMP PD2-022	O	STRAT10 Transport	Establishment of Permissive paths (near habitat features – e.g. Cells 1, 2, 5) (negative attributed due to biodiversity impact concerns)	(-ve) -2	
T.005	oCTMP PD2-014 oPRoWMP PD2-022	C,O,D	STRAT10 Transport	Temporary closure and operational impact on reasonable enjoyment /experience of PROW (including National cycleway network)	(-ve) -2	

Ref LIR:	Related Document Reference	Impact during construction (C), operation (O), decommission (D)	Policy LP1 LP2 FNP INP	Comments	Positive (+ve), Neutral (N), Negative (-ve)	Applicant's Response
T.006		C, D	STRAT10 Transport DM38 Waterways and mooring facilities	Temporary loss of access to River Weaver during construction	N	
T.007	oPRoWMP PD2-022	C, O, D	STRAT10 Transport	There will be a temporary impact during construction in relation to equestrian use of the PROW network where closure is proposed. British Horse Society advise is that "Routes for constructions traffic should avoid passing along or across equestrian routes, including byways and bridleways. Where such use is unavoidable, provision of safe alternatives for the duration of the development, or protection of the equestrian access, should be in place". 2	(-ve) (-1)	

² Advice on Solar farms routes used by equestrians (August 2025) [REDACTED]
(last accessed 12 December 2025)

